



# CONDUCTING LOG NUMBER INVESTIGATIONS



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## I. PURPOSE

This directive:

- A. sets forth certain procedures regarding the Log Number investigations conducted by the Bureau of Internal Affairs (BIA) and accountability sergeants.
- B. prohibits accused Department members from reviewing documents and evidence once they are aware that they are the subject of a Log Number investigation.
- C. introduces investigative procedures, outlines the process for the assignment of Log Number investigations, and clarifies supervisory review of Log Number investigations.
- D. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in the Department directive "Complaint and Disciplinary Definitions."

## II. THE PROHIBITION OF ACCUSED DEPARTMENT MEMBERS REVIEWING DOCUMENTS AND EVIDENCE

Once an accused Department member has been notified or otherwise becomes aware that he or she is accused of misconduct and the subject of a Log Number investigation, he or she will not review the following documents and evidence related to the incident until notified by the Bureau of Internal Affairs (BIA) that he or she is permitted to do so, or as may be required to testify as a witness in criminal or civil proceedings: **CD ¶450c**

- A. any investigative files;
- B. any reports (except for reports about the incident authored by the accused Department member); or
- C. any other evidence, from any source, including body worn camera and in-car video system footage (except as permitted for purposes of completing incident reports or other documentation).

## III. LOG NUMBER INVESTIGATIONS

- A. BIA investigators or accountability sergeants who obtain a signed sworn affidavit, a sworn affidavit override, or if a sworn affidavit is not required, he or she will convert the Log Number's classification type from "Information Complaint" to "Complaint Register" in the Case Management System (CMS), if applicable. Investigators will follow the procedures established in the Department directive titled "Sworn Affidavit Requirements."

**NOTE:** CMS maintains accurate data regarding the number, classification, and status of all Log Number investigations, from the intake process through the final disciplinary decision, if any, and through any grievance process, arbitration, police board proceeding, or appeal relating to the final disciplinary decision. Additional information can be located in the Department directive "Log Number Case Management System." **CD ¶438**

- B. Assigned BIA investigators and accountability sergeants will conduct thorough and complete Log Number investigations including:

1. identifying and investigating all applicable violations when a complaint contains multiple separate potential policy violations; **CD ¶503**
2. taking all reasonable steps to promptly identify, collect, and consider all relevant circumstantial, direct, and physical evidence, including officer-recorded audio or video taken with body-worn cameras or other recording devices. Categories of evidence accountability sergeants and BIA investigators may discover are; **CD ¶464a**

- a. various forms of physical evidence. Some examples of physical evidence discovered during log number investigations may include, but are not limited to; recovered physical evidence from the incident, audio and/ or video recordings, Office of Emergency Management and Communication (OEMC) recordings, evidence technician photographs and properly labeled photographs. **CD ¶460 (Addresses OAG Comment 2.E.i.)**

**NOTE:** Due to the inherent dangers of police work, no photos of police officers will ever be copied, scanned into any database, sent by any electronic means, or be distributed to anyone outside of the Bureau of Internal Affairs without the express written consent of the Chief of the Bureau of Internal Affairs.

- b. types of time-sensitive evidence which includes, but is not limited to; global positioning system (GPS) data, voice transmissions, portable data terminal information, in-car video system, hard drive data, *police* computer aided dispatch (PCAD) messages and records, police observation devices (POD) recordings, body worn cameras (BWC) recordings, OEMC camera recordings, and recordings from lockup and district facilities. **CD ¶460 (Addresses OAG Comment 2.E.i.)**
- c. documents or other types of evidence. Investigators will gather and secure all documents assembled as a result of the investigation. The following are examples of relevant documentation; case and arrest report copies, attendance and assignment sheets (A&As), supervisor's management log copies, compensatory time due/overtime records, inventory reports, laboratory reports, alcohol influence reports, surveillance reports, documents provided by reporting Party/victim/witness, criminal history of reporting party/victim/witness, and any driver's license information. Department directives in effect at the time of the alleged incident, appropriate training records obtained from the Training and Support Group, **CD ¶464(g)** relevant entries in the Performance Recognition System (PRS), **¶494(g)** relevant evidence identified from parallel criminal investigations or criminal or civil litigation, **¶464(h)** investigative notes, and all other reports or documents important to the investigation. **CD ¶460 (Addresses OAG Comment 2.E.i.)**

3. taking all reasonable steps to locate and interview all witnesses as soon as feasible, including non-CPD member witnesses, and attempt to interview any complainant or witness in-person at a time and place that is convenient and accessible for the complainant or witness, when feasible and consistent with the Department directive "People With Disabilities;" **CD ¶464b**

**NOTE:** BIA investigators and accountability sergeants will remain aware that some community members may be nervous or hesitant to enter a police facility, and may prefer a neutral or other setting that they consider safe. **(Addresses OAG Comment 2.E.ii.)**

4. audio recording non-CPD member interviews subject to the interviewee's consent, or promptly preparing written summaries of interviews when the interview is not recorded; These interviews will be conducted as follows: **CD ¶464d**
  - a. Question and answer (Q&A) formal statements for non-Department members will be prepared by investigators for instances where the reporting party will not consent to an audio recording of their statement. **(Addresses OAG Comment 2.E.i.v.)**

- b. Investigators will conduct the interview, asking follow-up and clarifying questions as needed, and type or handwrite any new questions as well as the reporting party's responses during the interview. **(Addresses OAG Comment 2.E.i.v.)**

**NOTE:** Interviews will be conducted consistent with the Department directive titled "Limited English Proficiency."

- c. Investigators will print the question-and-answer statement, present it to the reporting party, make any requested amendments, and have the interviewee initial each page upon approval. **(Addresses OAG Comment 2.E.i.v.)**
  - d. The investigator and the reporting party will both sign the last page, and the investigator will upload the document into the CMS. **(Addresses OAG Comment 2.E.i.v.)**
5. taking all reasonable steps to identify the accused and witness Department member(s) if the reporting party/subject was unable to do so; **CD ¶464e**
  6. determining if there may have been additional misconduct beyond that initially alleged and ensuring that such identified misconduct is fully and fairly documented, classified, and investigated; **CD ¶464f**
  7. identifying and taking into account known relevant evidence gathered in a parallel criminal investigation or criminal or civil litigation, if available, consistent with applicable BIA directives. **CD ¶464h**
    - a. Absent specific circumstances that would jeopardize the criminal investigation, the Log Number investigation will continue. **CD ¶453**
    - b. If the Log Number investigation is postponed so as to not interfere with the criminal investigation, the rationale for doing so will be documented in writing and uploaded to CMS and the assigned BIA investigator or accountability sergeant will immediately notify the appropriate supervisor within his or her chain of command. **CD ¶453**
  8. requesting formal statements from Department members.
    - a. Prior to a formal statement, the accused Department member will receive notice that they are under administrative investigation (**CPD-44.105**) or have been identified as a witness to an incident that is the subject of a Log Number investigation. Such notice will comport with due process and the law, and will describe the nature of the complaint made against the accused member, and the accused member's rights, including the right to engage counsel, but will not contain any information that is part of a confidential investigation. **CD ¶450a and CD ¶450b**
      - (1) The assigned BIA investigator or accountability sergeant will instruct the accused Department member to electronically acknowledge via a CMS generated Department email to confirm that the accused Department member has:
        - (a) received a copy of the specific allegation(s);
        - (b) been advised of his or her statutory rights and must make a decision regarding representation.
        - (c) If an electronic acknowledgment is not available, a paper acknowledgment and written signature can be substituted.

**NOTE:** Department members under investigation will not receive such notice for confidential investigations, but will receive notice prior to being formally interviewed by COPA, BIA investigators, or accountability sergeants. **CD ¶450a**

- b. Administrative interviews of accused or witness Department members conducted by BIA investigators or accountability sergeants will include but is not limited to: **(Below Addresses IMT Comment #10)**
- (1) compliance with the Department directive titled "Department Member Bill of Rights" and the applicable provisions of any collective bargaining agreement for the Department member including time, place and manner restrictions and the right to the presence of legal union representation.
  - (2) asking the identity of other persons with whom he or she has communicated regarding the incident in question, and the date, time, place, and content of such communication, subject to any evidentiary privilege recognized under Illinois or federal law; **CD ¶465a**
  - (3) asking whether he or she has reviewed any audio or video footage of the incident in question, and, if so, the date, time, and place the video or audio was reviewed; **CD ¶465b**
  - (4) asking whether he or she is aware of any media or social media coverage of the incident in question, and, if so, the content and source of such known media coverage; **CD ¶465c**
  - (5) noting on the record of the interview anytime the Department member seeks or obtains information from his or her legal or union representative, as well as the length of any "off the record" discussion between the Department member and his or her legal or union representative; **CD ¶465d**
  - (6) ensure that the Department member's counsel or representative does nothing to disrupt or interfere with the interview; **CD ¶465d**
  - (7) documenting, and making part of the investigative file, all requests made on behalf of a Department member to reschedule an interview; and **CD ¶465e**
  - (8) an audio recording of all sworn Department member in-person interviews. **CD ¶465f**
- c. Accountability sergeants may determine that only a written response to the allegations from the accused is necessary and an interview is not required for the investigation. This determination will be based on the seriousness of the allegations, the extent of the existing evidence, and the strength of the evidence supporting a disciplinary finding.
- d. Accountability sergeants may request written statements from accused Department members, who have been notified of the allegations against them, or Department members identified as witnesses.
- (1) Accused or witness Department members may be directed to respond via To-From-Subject Report.

**NOTE:** Department members may consult with union representation or legal counsel before submitting a To-From-Subject Report in response to a request from a BIA investigator or accountability sergeant.

- (2) The request for the written statement will directly and narrowly relate to the alleged misconduct or the performance of the accused member's official duties.
  - (3) The member will have seventy-two hours to prepare and electronically attach the report after the allegations are viewed in CMS or received in paper form.
  - (4) If identified as a witness, the Department member will receive an email to acknowledge receipt of the request for a To-From-Subject Report.
  - (5) The request for a formal written statement will include:
    - (a) asking the identity of other persons with whom he or she has communicated regarding the incident in question, and the date, time, place, and content of such communication, subject to any evidentiary privilege recognized under Illinois or federal law;
    - (b) asking whether he or she has reviewed any audio or video footage of the incident in question, and, if so, the date, time, and place the video or audio was reviewed; and
    - (c) asking whether he or she is aware of any media or social media coverage of the incident in question and, if so, the content and source of such known media coverage.
    - (d) Department members will receive a receipt of a formal statement (**CPD-44.261**) after providing the administrative interview or submitting a To-From-Subject Report in response to the assigned BIA investigator or accountability sergeant.
    - (e) BIA investigators and accountability sergeants will ensure that Department members receive a copy of any submitted To-From-Subject Report and a digital recording of any administrative interview within seventy-two hours of the interview.
9. promptly notifying a BIA supervising lieutenant if they identify allegations of misconduct that are within COPA's jurisdiction. **CD ¶440g**
  10. reporting all evidence of criminal misconduct to the BIA supervising lieutenant consistent with BIA directives. **CD ¶484 (Addresses OAG Comment #7)**
  11. terminating the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.
- C. Investigations conducted by accountability sergeants are to be completed within 90 days of the date initiated. If an investigation cannot be completed within that time frame, the accountability sergeant will:
1. request an extension of time via the CMS;
 

**NOTE:** The Chief of BIA, or their designee, must approve of deny extension requests for BIA investigators within the CMS. Additional information can be located in the Department directive "Log Number Case Management System."
  2. within 5 days of the deadline, provide written notice of the reasons for the inability to complete the investigation within the designated time frame to:
    - a. the reporting party/subject or the reporting party/subject's representative;
    - b. the accused CPD member(s) or his or her counsel (unless such notification would compromise the integrity of the investigation); and

- c. the district commander or unit commanding officer requesting an extension of time via Department email.
  3. update the written notice required by Item III-C-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file.
- D. Investigations conducted by BIA investigators are to be completed within 180 days of the date the investigation was initiated. If an investigation cannot be completed within that time frame, the BIA investigator will:
1. request an extension via the CMS;  
**NOTE:** The Chief of BIA, or designee, must approve or deny extension requests for BIA investigators within the CMS. Additional information can be located in the Department directive "Log Number Case Management System."
  2. within 5 days of the deadline, provide written notice of the reasons for the inability to complete the investigation within the designated time frame to:
    - a. the reporting party/subject or the reporting party/subject's representative; and
    - b. the accused CPD member(s) or his or her counsel (unless such notification would compromise the integrity of the investigation).
  3. update the written notice required by Item III-D-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file.
- E. If the assigned BIA investigator or accountability sergeant does not arrive at an investigative finding within 180 days, they will periodically, but at least once every 60 days, attempt to contact the reporting party/subject or the reporting party/subject's representative to provide status updates until the investigative findings and recommendations are issued. Such contact and attempts to contact will be documented in the Log Number investigative file.
- F. Assigned BIA investigators and accountability sergeants will **NOT**: **CD ¶468**
1. ask leading questions that suggest legal justification for the Department member's conduct during the interview of witnesses, complainants, or the involved Department members. **CD ¶468a**
  2. make statements that could discourage any witness or complainant from providing a full account of the specific allegations; **CD ¶468b**
  3. consider findings in a related criminal investigation to solely determine whether an accused Department member engaged in misconduct; **CD ¶468d**
  4. disregard a witness's statement solely because the witness has some connection to either the reporting party/subject or the accused Department member or because the witness or reporting party/subject has a criminal history; **CD ¶468e**
  5. close or unduly extend a Log Number investigation solely because the reporting party/subject seeks to withdraw the complaint or is unavailable, unwilling, or unable to cooperate with the Log Number investigation. If the reporting party/subject is unable or unwilling to provide information beyond the initial complaint, the Log Number investigation will continue based on available evidence in accordance with applicable Department directives, law, and collective bargaining agreements; or **CD ¶468f**
  6. close or unduly extend a Log Number investigation solely because of findings in a related criminal proceeding. **CD ¶468c**
- G. If any allegation under investigation by an accountability sergeant is likely to result in a recommendation for separation, the assigned accountability sergeant will request that a BIA supervising lieutenant reassign the Log Number investigation.

#### IV. INVESTIGATIVE FINDINGS

A. BIA investigators and accountability sergeants will:

1. make credibility determinations of statements made by the complainant, accused Department members, and witnesses based on independent, unbiased, and credible evidence, taking into account any known record or final determination of deception or untruthfulness in legal proceedings, administrative investigations, or other investigations. **CD ¶466a**
2. critically evaluate all statements, like any other evidence, giving no automatic preference to, or discounting, any statement solely due to its source, including statements made by Department members. **CD ¶466b**
3. consider all original statements and any subsequent statements, including amended or modified statements, for purposes of determining whether a Department member willfully made a false statement about a fact material to the incident under investigation. **CD ¶487**

**NOTE:** The Department shall not charge a member with a Rule 14 violation, "Making a false report written or oral," as defined in the resource manual titled "Rules and Regulations of the Chicago Police Department," unless it has determined that the member willfully made a false statement and that the false statement was made about a fact that was material to the incident under investigation.

4. as applicable, consider a Department member's behavior based on the available training records and disciplinary history. This includes complaints in which the allegations were not sustained, as permitted by law and any applicable collective bargaining agreements, for the limited purpose of identifying patterns of past conduct. The identified select not sustained findings that may be considered are: **CD ¶464(g)**
  - a. excessive force;
  - b. criminal conduct; and
  - c. verbal abuse as defined in Section 2-78-100 in the Municipal Code of the City of Chicago.

**NOTE:** The select not sustained findings may be utilized for credibility and notice for a period of **seven** years after the date of the incident or the date upon which the violation is discovered, whichever is longer.

B. After reviewing all available evidence collected during the Log Number investigation, BIA investigators and accountability sergeants will make an investigative finding for each allegation consistent with the Department directive titled "Complaint and Disciplinary System."

C. Before sustaining an allegation, the BIA investigator or accountability sergeant will consider the following criteria in making this determination:

1. The accused Department member must have received forewarning or have foreknowledge of possible or probable consequences of his or her conduct. (This is satisfied by a published rule, regulation, directive, order, or law made known to Department members.)
2. A full and fair investigation established that the accused Department member did in fact violate a Department rule, regulation, directive, order, or law.
3. The accused Department member was afforded an opportunity to respond to the allegation(s).
4. The investigation uncovered a preponderance of evidence to prove the allegation(s).
5. The rules, regulations, directives, orders, and penalties have been applied without discrimination or bias.

## V. PENALTY RECOMMENDATIONS

- A. After investigating multiple separate potential policy violations, exoneration for the most serious misconduct allegations will not preclude the recommendation of discipline, training, or other corrective measures for less serious misconduct stemming from the same set of allegations **CD ¶503 (Addresses IMT Comment #9)**
- B. Each sustained finding contained within the Department member's disciplinary history will be considered for the purposes of recommending discipline for a subsequent sustained findings. **CD ¶516**
- C. If sustained, the investigative file will include all relevant information and establish the basis for recommending one of the following actions: **CD ¶517**
1. Sustained—violation noted, no disciplinary action. This recommendation:
    - a. may not be used in any investigation in which the conduct resulted in injury to any person. **CD ¶517a**
    - b. will only be used for investigations that warrant a sustained finding but resulted from unintentional violations of policy or law. **CD ¶517b**
    - c. can only be used to determine discipline for a period of time not to exceed one year.
  2. Reprimand.
  3. Suspension for a specific number of days, not to exceed **three hundred sixty-five days**.

**NOTE:** Members exempt from coverage under the **Fair Labor Standards Act (FLSA)** overtime provisions may only be suspended in increments of the designated workweek (seven calendar days). For example, suspensions can only be for seven, fourteen, twenty-one, or twenty-eight calendar days. A disciplinary suspension may never be less than seven days for exempt members.
  4. Separation.
- D. The failure to complete a Log Number investigation within the timeframes outlined in the Department directive titled "Complaint and Disciplinary Investigators and Investigations" will not invalidate, impair, or otherwise negatively impact Department's ability to issue discipline for sustained findings. **CD ¶519**
- E. Assigned BIA investigators and accountability sergeants will submit completed Log Number investigations in CMS for BIA supervising lieutenant review consistent with all applicable BIA directives **CD ¶495a**

## VI. SUPERVISORY REVIEW OF LOG NUMBER INVESTIGATIONS

- A. BIA supervising lieutenants will:
1. regularly communicate with the BIA investigators and accountability sergeants under their supervision to evaluate the progress of administrative investigations and offer guidance;

**NOTE:** Requests for time extensions when investigative findings and recommendations are not reached by accountability sergeants within 90 days of the initiation of an investigation will be the responsibility of the BIA lieutenant to approve in the CMS. **CD ¶479**
  2. review administrative investigative files and the submitted investigative findings and recommendations for accuracy and completeness; **CD ¶495a-ii (Addresses IMT Comment #13)**



3. order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings; **CD ¶495a-ii (Addresses IMT Comment #13)**
4. ensure documentation in writing, via CMS, whenever a higher ranking officer orders additional investigation; **CD ¶495a-iii (Addresses IMT Comment #13)**
5. promptly notify COPA for allegations of misconduct that are within COPA's jurisdiction; and **CD ¶440g (Addresses IMT Comment #11)**
6. promptly report to the Chief, Bureau of Internal Affairs, all evidence of criminal misconduct that requires referral to the appropriate prosecuting agency. **CD ¶484 (Addresses IMT Comment #11 and OAG comment #7)**

B. The Chief, BIA will:

1. when the preliminary investigation reveals objective verifiable evidence suggesting it is necessary, appropriate, and in the interest of justice for the investigation to continue to: **CD ¶463c (Below Addresses IMT Comment #16)**
  - a. approve affidavit overrides sought by COPA. **CD ¶463c**
  - b. request written approval for affidavit override from the Chief Administrator, COPA, for Log Number investigations conducted by BIA investigators and accountability sergeants. **CD ¶463c**
2. ensure that investigative files are complete, meet the requirements of law and Department policy, and that findings are supported by the appropriate standard of proof. **CD ¶495a-i and CD ¶495b-i (Addresses IMT Comment #13)**
3. order additional investigation when there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings and document the request. **CD ¶495b-ii**
4. ensure orders for additional investigation, including the request and the resulting investigation, are documented in writing via CMS. **CD ¶495a-iii and CD ¶495b-iii**
5. at any time during the intake or investigation of a complaint there is evidence indicating criminal conduct of a Department member, referral of the investigation will be made to the appropriate prosecuting agency. **CD ¶484 (Addresses IMT Comment #11 and 15)**
6. ensure that the recommended level of discipline for sustained findings is consistently applied: **CD ¶513**
  - a. in a fair, thorough, and timely fashion, based on the nature of the misconduct. **CD ¶513**
  - b. across all districts and units and without regard for the race, or any other protected class, of the reporting party/subject or the race, or any other protected class, of the accused Department member. **CD ¶514**
7. ensure that mitigating and aggravating factors are identified, consistently applied, and documented. **CD ¶513**

Authenticated by KC

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