



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. sets forth investigative procedures, presents the process for the assignment of Log Number investigations, and clarifies supervisory review of Log Number investigations. The Department will regularly review and appropriately revise investigative procedures to reflect modifications in; law enforcement standards, applicable laws and collect bargaining agreements.
- D. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in the Department directive titled ["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 titled ["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 discover and preserve relevant objective verifiable evidence (OVE) identified during the preliminary investigation and 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:
 - 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)**
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 BIA.
 - b. types of time-sensitive evidence which includes, but is not limited to; **(CD ¶460)**
 - (1) voice transmissions, GPS data, and PDT information requested through OEMC utilizing OEMC-109 (OEMC Media/Data Requests);
 - (2) body worn camera (BWC) recordings should be flagged through evidence.com and tagged as “evidence”;
 - (3) in-car video systems recordings requested through Digitally Recorded Data Viewing/Hild/Duplication/Shared Request [\(CPD-64.224\)](#);
 - (4) police observation device (POD) camera recordings requested through the CLEAR system;
 - (5) station specific/lockup specific video should be recovered directly from the facility or podsecured.com; and
 - (6) any other time sensitive evidence that is identified should be properly recovered and attached to the investigation through CMS.
 - 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 ¶464g)** relevant entries in the Performance Recognition System (PRS), **(CD ¶494g)** relevant evidence identified from parallel criminal investigations or criminal or civil litigation, **(CD ¶464h)** investigative notes, and all other reports or documents important to the investigation. **(CD ¶460)**

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 titled "[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.

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 in-person or, if required, virtual audio recorded 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.
- 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.

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.
- d. The investigator and the reporting party will both sign the last page, and the investigator will upload the document into the CMS.

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. Promptly notifying a BIA supervising lieutenant if they identify allegations of misconduct that are within Civilian Office of Police Accountability's (COPA) jurisdiction. Notifications to COPA will be made as soon as possible but no later than 48 hours after the BIA investigator or accountability sergeant identified allegations within COPA's jurisdiction. (CD ¶440g)

8. reporting all evidence of criminal misconduct to the BIA supervising lieutenant consistent with BIA directives. (CD ¶484)

9. terminating the investigation when it is determined at any time that the incident is unfounded or if the member is clearly exonerated.

NOTE: During regular communications with BIA investigators and accountability sergeants under a BIA supervising lieutenant's supervision it is discovered that an administrative investigations has been terminated, the BIA supervising lieutenant will determine if the investigation was terminated appropriately. For instances where the termination was determined to be premature, the investigation will be reopened for full investigation.

- C. During the course of the investigation, 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 or because the reporting party wishes to remain anonymous. If the reporting party/subject is unable or unwilling to provide information beyond the initial complaint or wishes to remain anonymous, 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)**
- D. 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. BIA INVESTIGATOR AND ACCOUNTABILITY SERGEANT ADMINISTERING FORMAL STATEMENT PROCEDURES

A. *BIA investigators and accountability sergeants will* request formal statements from Department members. **(Addresses the IMT Feedback Comment #3 from the 08 Sep 22 response letter)**

1. 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)**
 - a. 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:
 - (1) received a copy of the specific allegation(s);
 - (2) been advised of his or her statutory rights and must make a decision regarding representation.
 - (3) 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)**

2. Administrative interviews of accused or witness Department members conducted by BIA investigators or accountability sergeants will include but is not limited to:

- a. 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.
 - b. 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)**
 - c. 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)**
 - d. 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)**
 - e. 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)**
 - f. ensuring that the Department member's counsel or representative does nothing to disrupt or interfere with the interview; **(CD ¶465d)**
 - g. documenting, and making part of the investigative file, all requests made on behalf of a Department member to reschedule an interview; and **(CD ¶465e)**
 - h. an audio recording of all sworn Department member interviews. **(CD ¶465f)**
- B. Accountability sergeant roles and their responsibilities in conducting formal statements.
1. Consistent with the Department directive titled "[Complaint and Disciplinary Investigators and Investigations.](#)" allegation(s) *that* are assigned and investigated by an accountability sergeant require an audio-recorded in-person interview of the accused Department member by the accountability sergeant. These allegations include but are not limited to: **(Addresses the IMT Feedback Comment #4 from the 08 Sep 22 response letter)**
 - a. arrest/lockup incidents,
 - b. prisoner's property (money, failed to inventory; money, failed to issue receipt; property, failed to inventory, failed to issue receipt),
 - c. slow/no response,
 - d. neglect of duty,
 - e. conduct unbecoming violations,
 - f. abuse of authority, and
 - g. any other allegations that rise to the level of an audio recorded in-person interview.
 2. The entire audio recorded in-person interview conducted by an accountability sergeant of an accused Department member will:
 - a. be captured with the use of a Department issued audio recording device;
 - b. be conducted in an unoccupied room free of interruptions at the accountability sergeant's district or unit of assignment; and
 - c. be uploaded into the CMS.

C. Accountability sergeant roles and responsibilities in conducting written response investigations.

1. Consistent with the Department directive titled "[Complaint and Disciplinary Investigators and Investigations.](#)" accountability sergeants will require a written response to the below listed allegation(s) from the accused Department member. The following types of allegations include:
 - a. traffic violations (non-bribery/ excessive force),
 - b. misconduct during the issuance of a citation,
 - c. improper processing/reporting/procedures,
 - d. operation/personnel violation(on-duty),
 - e. reports (inadequate/failure to provide service; inventory procedures (non-arrestee; failure to identify),
 - f. seatbelts,
 - g. misuse of Department equipment/supplies, or
 - h. equipment irregularity.

2. Accountability sergeants may request to conduct written response investigations for allegations listed in Item IV-B-1, in place of audio-recorded in-person interviews. **(Addresses the IMT Feedback Comment #5 from the 08 Sep 22 response letter)**

NOTE: Written response investigations will not be considered the default response for accountability investigations, and each investigation must be thoroughly evaluated by the BIA lieutenant for the potential merits of and drawbacks of allowing written responses.

- a. Accountability sergeants submit a To-From-Subject Report (T/F/S) addressed to their BIA supervising lieutenant requesting approval to conduct a written response investigation, including the below information:
 - (1) a summary of the allegations, and
 - (2) an explanation of reasons why a written response investigation is preferred.
 - b. The BIA supervising lieutenant will review the T/F/S and either approve or deny the request to conduct the written response investigation based on the seriousness of the allegations, the extent of the existing evidence, and the strength of the evidence supporting a disciplinary finding.
 - c. The reporting sergeant will upload the approved or denied T/F/S to the CMS.
 - d. If the BIA supervision lieutenant grants approval, the accountability sergeant will gather written responses from the accused and any identified witnesses. If approval is not granted, accountability sergeants will continue with the audio-recorded in-person interview investigation.
 - e. For Department members identified as a witness, the accountability sergeant will follow the procedures outlined in item IV-A-2-c and IV-A-2-d.
 - f. Upon approval of a written response investigation, the BIA supervising lieutenant will make notification to the Commander, BIA.
3. For those investigations where an accountability sergeant requests, or has been approved, to take a written statement from an accused Department member, who has been notified of the allegation(s) against them, or a Department member identified as witness, the accountability sergeant will follow the procedures listed below.

- a. 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.

- b. 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.
- c. 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.
- d. If identified as a witness, the Department member will receive an email to acknowledge receipt of the request for a To-From-Subject Report.
- e. The request for a formal written statement will include:
 - (1) 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;
 - (2) 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;
 - (3) 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: and
 - (4) 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.
 - (5) 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.

V. BIA INVESTIGATOR AND ACCOUNTABILITY SERGEANT INVESTIGATIVE TIMELINES

- A. Investigations conducted by BIA investigators will 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: **(Addresses the IMT Feedback Comment #6 from the 08 Sep 22 response letter)**

- 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 titled "[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 V-A-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file.
- B. Investigations conducted by accountability sergeants will be completed within 90 days of the date initiated. If an investigation cannot be completed within that time frame, the accountability sergeant will: **(Addresses the IMT Feedback Comment #7 from the 08 Sep 22 response letter)**
1. request an extension of time via the CMS making certain to explicitly note the factors that have impacted their ability to complete an investigation (e.g., deployment and other duties with their unit). The accountability sergeants' supervising BIA lieutenant will take these factors into account while conducting case review sessions as described in Department directive titled "[Investigation Timelines and Benchmarks.](#)" **(Addresses the IMT Feedback Comment #8 from the 08 Sep 22 response letter)**

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 titled "[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 V-B-2 every 90 days until the investigation is complete and include all notices and extension approvals in the investigative file.
- C. 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.

VI. BIA INVESTIGATOR AND ACCOUNTABILITY SERGEANT RESPONSIBILITIES DURING PARALLEL OR BIFURCATED LOG NUMBER INVESTIGATIONS

- A. For allegations where there is no potential criminal conduct discovered at BIA intake, BIA intake will assign a BIA investigator or accountability sergeant to conduct the administrative investigation and determine an administrative finding from the investigation. **(Addresses OAG Comment #1 from the 21 Sep 22 response letter)**
- B. All allegations will be evaluated continually for criminal or administrative action and will be considered at every point between BIA intake and final resolution of the Log Number investigation. **(Addresses the IMT Feedback Comment #9 from the 08 Sep 22 response letter)**
1. When a BIA investigator discovers that potential criminal conduct exists at any point during the Log Number investigation, the BIA investigator will: **(Addresses OAG Comment #1 from the 21 Sep 22 response letter)**
 - a. notify their BIA commanding officer and ensure the notification is uploaded into the CMS;
 - b. ensure a law enforcement case report exists, or ensure a case report is completed;

- c. obtain a new criminal log number for the identified potential criminal conduct discovered during the investigation; **(Addresses OAG Comment #1 from the 21 Sep 22 response letter)**
- (1) The BIA investigator continues with the administrative investigation of this now bifurcated investigation.
 - (2) A criminal Log Number investigation will be conducted by a BIA investigator, assigned as a BIA detective or BIA sergeant, who will follow the procedures in Item VII-B of this directive.
 - (3) The BIA investigator, conducting the administrative investigation, will consult with known outside entities (e.g., COPA, City of Chicago Office of Inspector General, the Department's Legal Affairs Division, outside law enforcement agencies, etc.) that have known relevant additional evidence or may provide context to their Department investigation.
 - (4) During the course of the administrative investigation stemming from an associated criminal case, BIA investigators must review and consider at least the following, if available: **(Addresses OAG Comment #3 from the 21 Sep 22 response letter)**
 - (a) statements provided by the involved Department member or community member;
 - (b) pleas entered by the involved Department member;
 - (c) court documents pertaining to allegations of misconduct (e.g., motions to suppress evidence and rulings on those motions); and
 - (d) photographs, audio, or video relating to the administrative investigation that are in the control of the criminal investigator or prosecutor.
 - (5) During the course of the administrative investigation stemming from an associated civil case, BIA investigators must review and consider at least the following, if available: **(Addresses OAG Comment #3 from the 21 Sep 22 response letter)**
 - (a) complaint or other pleading containing allegations against the member;
 - (b) relevant portions of sworn testimony (e.g., deposition transcripts or trial testimony) of any involved Department members or community members; and
 - (c) documents showing the ultimate disposition of the case (e.g., a final judgment or a settlement).
- d. ensure investigative documents and evidence are uploaded into the CMS and will forward to the investigating BIA investigator, assigned as a BIA detective or BIA sergeant;
- (1) Investigative documents and evidence obtained during the administrative investigation by the BIA investigator will be forwarded to the BIA investigator, assigned as a BIA detective or BIA sergeant, for inclusion in the criminal investigation prior to compelling a statement from an accused member during the criminal disciplinary investigation.

- (2) For circumstances where the criminal investigation commenced prior to the administrative investigation, the BIA investigator may review and consider all evidence gathered including any statement provided by the accused Department member (i.e. during a proffer or statements made after Miranda).

NOTE: Statements made by the accused Department member can be used during the formal statement of the accused officer after being provided Miranda. **(Addresses the IMT Feedback Comment #12 from the 08 Sep 22 response letter)**

- e. upon conclusion of the administrative investigation, enter the administrative findings in the CMS.
2. When an accountability sergeant discovers that potential criminal conduct exists at any point during the Log Number investigation, the accountability sergeant will: **(Addresses OAG Comment #1 from the 21 Sep 22 response letter)**
 - a. notify their BIA supervising lieutenant;
 - b. complete a To-From-Subject Report and forward to the BIA supervising lieutenant requesting a reassignment of the administrative investigation to a BIA investigator and ensure the document is uploaded into the CMS;
 - c. ensure approval from the BIA supervising lieutenant was obtained.
 - (1) Upon verified approval of the reassignment, BIA intake will initiate a criminal log number and assign the investigation to a BIA investigator, assigned as a BIA detective or BIA sergeant, who will follow the procedures in Item VII-B of this directive.
 - (2) The administrative portion of this bifurcated investigation will be assigned to a BIA investigator who will follow the procedures in Item VI-B-1 of this directive.
 3. To the extent parallel criminal and administrative investigations commence, the administrative investigations will continue absent specific circumstances that would jeopardize the criminal investigation. For bifurcated but parallel investigations: **(CD ¶453)**

NOTE: If the administrative 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 Case Management System (CMS) and the assigned BIA investigator or accountability sergeant will immediately notify the appropriate supervisor within his or her chain of command as described in VI-B-2 of this directive. **(CD ¶453)**

- a. there will be a criminal disciplinary investigation and administrative investigation;
- b. two log numbers, one assigned to the criminal disciplinary investigation and one assigned to the administrative investigation, are generated and are linked as "Related Items" in the CMS;
- c. assigned investigators will gather all evidence obtained during the course of the criminal investigations and upload it to the attachments section of the CMS;
- d. assigned investigators will review and consider relevant evidence gathered in related investigations, including parallel criminal investigations or criminal or civil litigation, via the Case Management System (CMS) absent potential interference with the integrity of each independent investigation and when permissible consistent with applicable BIA directives; and **(CD ¶464h)**

NOTE: Investigators may access all evidence via the CMS upon the final determination of the criminal investigation in circumstances when an administrative investigation is postponed as described in the NOTE, immediately above, in section VI-B-3 of this directive. (CD ¶453)

e. assigned investigators will complete their investigation.

VII. BIA INVESTIGATOR CONDUCTING CRIMINAL INVESTIGATIONS

A. For allegations where there is no potential criminal conduct discovered at BIA intake, BIA intake will assign a BIA investigator or accountability sergeant to conduct the administrative investigation and determine an administrative finding from the investigation. (Addresses OAG Comment #1 from the 21 Sep 22 response letter)

B. For criminal allegations received at BIA intake or are discovered during the course of an administrative investigation by a BIA investigator or accountability sergeant that involves a known or unidentified Department member, the criminal investigation will be investigated by a BIA investigator, assigned as a BIA detective or BIA sergeant. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

1. The BIA investigator, assigned as a BIA detective or BIA sergeant, during the course of the Department's criminal investigation will upload all investigative documents and evidence into the CMS. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

2. The BIA investigator, assigned as a BIA detective or BIA sergeant, conducting the criminal investigation will review and consider all evidence gathered when permitted, but will not review or learn the contents of a compelled statement. (Addresses the IMT Feedback Comment #10 from the 08 Sep 22 response letter and addresses OAG Comment #2 from the 21 Sep 22 response letter)

NOTE: The BIA investigator, assigned as a BIA detective or BIA sergeant, will be mindful that reviewing or learning the contents of a compelled statement will create a difficult or insurmountable impediment in a criminal prosecution. (Addresses the IMT Feedback Comment #11 from the 08 Sep 22 response letter addresses OAG Comment #2 from the 21 Sep 22 response letter)

3. The BIA investigator, assigned as a BIA detective or BIA sergeant, will consult with known outside entities (e.g. COPA, City of Chicago Office of Inspector General, the Department's Legal Affairs Division, outside law enforcement agencies, etc.) that have known relevant additional evidence or may provide context to their Department investigation. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

4. The BIA investigator, assigned as a BIA detective or BIA sergeant, will make a determination and enter the finding and close the criminal disciplinary investigation in the CMS. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

5. If administrative misconduct investigation has not already commenced, BIA will generate a new log number to address the administrative misconduct and assign the investigation to a BIA investigator. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

6. At the conclusion of the administrative investigation, the BIA investigator will enter the administrative findings in the CMS. (Addresses OAG Comment #2 from the 21 Sep 22 response letter)

VIII. 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 will 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"](#) when an investigator determines that the member willfully made a false statement about a fact material to the 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 ¶464g)**
 - 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, laws and penalties have been applied without discrimination or bias.

- D. When sustaining an allegation the BIA investigator or accountability sergeant will document in writing and include in the investigative file within the CMS, if any relevant or applicable mitigating or aggravating factors were considered and applied in the determination of the recommended discipline. **(Re-addresses the OAG Feedback Comment #4 from the 30 June 22 letter)**

IX. PENALTY RECOMMENDATIONS

- A. When an allegation of misconduct contains multiple separate potential policy violations, all applicable violations will be identified and investigated. Exoneration for the most serious allegations of misconduct 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)**
- 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 finding for a period of up to five years after the date of the incident or the date on which the violation was discovered, whichever is later except as outlined in Item IX-C-1 below. **(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. Sustained- Reprimand.
 3. Sustained- 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)**

X. 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 accountably sergeants within 90 days of the initiation of an investigation will be the responsibility of the BIA lieutenant to approve in the CMS.

2. review administrative investigative files and the submitted investigative findings and recommendations for accuracy and completeness; **(CD ¶495a-ii)**
 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)**
 4. ensure documentation in writing, via CMS, whenever a higher ranking officer orders additional investigation; **(CD ¶495a-iii)**
 5. forward notifications from investigators of allegations of misconduct that are within COPA's jurisdiction to the Chief, BIA within 48 hours; and **(CD ¶440g)**
 6. promptly report to the Chief of BIA any evidence of criminal misconduct. **(CD ¶484)**
- B. The Chief of 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)**
 - 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)**
 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. refer an investigation to the appropriate prosecuting agency at any time during the intake or investigation of a complaint when there is evidence indicating criminal conduct of a Department member. **(CD ¶484)**
 6. ensure that the recommended level of discipline for sustained findings is consistently applied: **(CD ¶513)**
 - a. The BIA advocate and BIA Advocate Section review the entire investigative file in a fair, thorough and timely fashion, based on the nature of the misconduct. BIA advocate and BIA Advocate Section will; **(CD ¶513)**
 - (1) use previous knowledge and materials from past arbitration decisions, binding summary opinions, mediations, and settlement agreements that are germane to the specific investigation,
 - (2) ensure that the accused member's complimentary and disciplinary history information is included and was considered in the recommendation,
 - (3) agree with the finding or make a recommendation for a revision, and

(4) forward to the Chief of BIA for final review and approval.

- 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)**

NOTE: At no time does the BIA advocate and BIA Advocate Section reviewers inquire as to the race of the accused member or the race of the reporting party/subject. **(CD ¶514)**

- 7. ensure that mitigating and aggravating factors are identified, consistently applied, and documented. BIA advocate and BIA Advocate Section; **(CD ¶513)**
 - a. review the entire investigative file along with the recommended disciplinary actions,
 - b. use previous knowledge and materials from past arbitration decisions, binding summary opinions, mediations, and settlement agreements that are germane to the specific investigation, and
 - c. ensure that the accused member's complimentary and disciplinary history information is included and was considered in the recommendation.
- 8. ensure notifications from BIA supervising lieutenants regarding allegations of misconduct that are within COPA's jurisdiction are made to COPA. **(CD ¶440g)**

Authenticated by MWK

David O. Brown
Superintendent of Police

22-016 JJR/GJD