



**COMPLAINT AND DISCIPLINARY INVESTIGATORS AND INVESTIGATIONS**



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**I. PURPOSE**

This directive:

- A. defines terms related to complaint and disciplinary investigators and investigations, including Bureau of Internal Affairs (BIA) investigators and accountability sergeants.
- B. outlines the selection criteria and the selection process for BIA investigators and accountability sergeants.
- C. outlines the confidentiality of Log Number investigations.
- D. defines the responsibilities of district commanders, unit commanding officers, BIA supervising lieutenants, BIA case management supervisors, BIA investigators, and accountability sergeants for Log Number investigations.
- E. describes the training BIA investigators and accountability sergeants receive.
- F. provides the investigation notifications and timelines required for Log Number investigations conducted by the Department.
- G. provides for the consistent application of the investigative process as defined by this directive and subsequent addenda.

**II. POLICY**

- A. The goal of the Department's accountability system is to thoroughly, fairly, timely, and efficiently investigate all complaints of misconduct, whether from internal or external sources.
- B. Resolution of complaints through a fair and prompt investigative process supports the Department's legitimacy and effectiveness by fostering community trust.
- C. The foundation of the Department's accountability system is qualified and dedicated investigators. District commanders and designated unit commanding officers select candidate accountability sergeants whom the Chief, BIA, approves. BIA provides training for selected accountability sergeants.
- D. Accountability sergeants remain assigned to their respective units and generally are supervised by their unit's chain of command. BIA directs and instructs accountability sergeants to receive, process, and investigate Log Numbers that are referred to districts or units by BIA. The Department and Chief, BIA, will hold BIA investigators and accountability sergeants to the same investigative standards.
- E. Upon receiving a complaint against a Department member, a supervisory Department member will obtain a Log Number consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment." COPA will either retain the Log Number investigation or assign the Log Number investigation to BIA, consistent with its jurisdiction as defined in the Municipal Code of Chicago, Title 2, Chapter 2-78.

- F. When BIA receives a Log Number, BIA and assigned accountability sergeants will investigate all complaints fairly and impartially under its authority, the procedures outlined in this, associated directives, and any applicable internal BIA procedures. Objective, comprehensive, and timely Log Number investigations will establish the facts of the incident to support or disprove allegations following a fair, well-defined, and consistent investigative process. All investigative findings will be supported by the appropriate standard of proof and documented in the Case Management System (CMS). Adherence to this policy helps ensure that Department members who commit misconduct are held accountable under a disciplinary system that is fair, timely, consistent, and provides due process.
- G. BIA investigators and accountability sergeants will comply with all applicable BIA unit-level and Department directives associated with Log Number investigations, in addition to the policies, directives, rules, and regulations that govern all Department members.
- H. All districts will designate at least two accountability sergeants consistent with this directive. Additionally, the Chief, BIA, will designate which other Department units are required to have accountability sergeants.

### III. SELECTION OF INVESTIGATORS

- A. **Selection Minimum Qualification Criteria.** Candidates for BIA investigator and accountability sergeant must meet the highest possible standards to achieve the goals of the Department and BIA. Therefore, applicants may meet the minimum time-in-grade requirements and minimum qualification criteria for consideration, as delineated in this directive, but be deemed unsuitable for such assignment by the Chief, BIA. The minimum criteria are:
  - 1. no outstanding debt to the City of Chicago;
  - 2. a minimum of one year in grade as a sergeant or a police officer (assigned as a detective). Police officer candidates for BIA investigator will have a minimum of five years in grade;
  - 3. acceptable medical usage and attendance guidelines. If the candidate's medical roll usage reflects nine or more medical incidents or forty-five days or more on the medical roll within the preceding three-year period, absent exceptional circumstances or demonstrates a pattern of medical roll abuse or misuse, the candidate will be disqualified; and
  - 4. no sustained complaint register (CR) investigations for misconduct resulting in suspensions of more than seven days during the preceding twelve-month period; or a record of three or more sustained CR Investigations resulting in suspensions of any length of time within the past five years.
- B. Identification and Nomination of Accountability Sergeants
  - 1. All district commanders and designated unit commanding officers will submit a To- From-Subject Report to the Chief, BIA, providing the names of a minimum of two accountability sergeant candidates for review and approval.
  - 2. If a district commander or unit commanding officer elects to replace an accountability sergeant, he or she will submit a To-From-Subject Report with a new accountability sergeant candidate to the Chief, BIA, for review and approval.
  - 3. The Chief, BIA, will:
    - a. assess the suitability of accountability sergeant candidates upon reviewing the type, severity, and the number of complaints in the candidate's disciplinary history in addition to utilizing the minimum qualification criteria in Item III-A of this directive;
    - b. approve or disapprove of accountability sergeant candidates; and
    - c. notify the district commander or unit commanding officer upon the approval or disapproval of an accountability sergeant.

4. The Chief, BIA, has the final authority to approve a candidate for assignment as an accountability sergeant. District commanders or unit commanding officers will not remove or replace an accountability sergeant without the approval of the Chief, BIA.

C. Selection of BIA Investigators

1. The Chief, BIA, will assess the suitability of BIA investigator candidates upon reviewing the type, severity, and the number of complaints in the candidate's disciplinary history, in addition to utilizing the criteria in Item III-A of this directive.
2. The Chief, BIA, has the final authority to recommend and approve a candidate for assignment as a BIA investigator.

- D. The Chief, BIA, may remove a BIA investigator or accountability sergeant from his or her assignment at any time.

#### **IV. CONFIDENTIALITY IN INVESTIGATIONS**

- A. All Department members, especially assigned BIA investigators and accountability sergeants, have a professional and ethical obligation to maintain confidentiality. Department members who improperly disclose any information from a Log Number investigation will be subject to disciplinary action.

- B. BIA investigators and accountability sergeants assigned to investigate a Log Number will:

1. ensure the confidentiality of any information related to a Log Number investigation to which they are assigned or to which they become aware;
2. limit the dissemination of information concerning Log Number investigations to only those who are necessary for the investigation, consistent with applicable Department directives, collective bargaining agreements, and BIA directives.
3. limit the dissemination of information concerning Log Number investigations to only those who are necessary for the investigation, consistent with applicable Department directives, collective bargaining agreements, and BIA directives.
4. secure any documents related to the investigation, including but not limited to notes, reports, or other documentation;
5. not discuss Log Number investigations in non-secure areas or areas where persons other than those involved in the Log Number investigation may have access;
6. not make public, via any social media outlet or a public forum, any information or comments related to any Log Number investigation; and
7. maintain a professional rapport with any person involved in a Log Number investigation and refrain from expressing personal comments, opinions, or "off-the-record" discussions while interacting with parties involved in the investigation.

#### **V. INVESTIGATION ASSIGNMENT**

- A. When COPA refers a Log Number to the Department, the Chief, BIA, or designee has authority to assign the Log Number investigator to any BIA investigator or accountability sergeant assigned to the accused member's district or unit for investigation.

- B. The Chief, BIA, or designee will determine the assignment of Log Number investigations to BIA investigators or accountability sergeants based on the seriousness of the allegations and the investigation's complexity.

- C. BIA Intake and Analytical Section will determine the assignment to either a BIA investigator or accountability sergeant by evaluating the following factors:

1. The seriousness of the allegation(s),
2. The number of involved units,

3. The number of accused members,
4. The rank(s) of an accused member(s), and
5. the accused member(s) complaint and disciplinary history.

D. Examples of allegations that may be assigned to and investigated by accountability sergeants include, but are not limited to:

1. Arrest/lockup incidents,
2. Prisoner's property (money, failed to inventory; money, failed to issue receipt; property, failed to inventory, failed to issue receipt),
3. Traffic violations (not bribery/excessive force),
4. Misconduct during the issuance of a citation,
5. Improper processing/reporting/procedures,
6. Operation/Personnel violations (On-Duty),
7. Reports (inadequate/failure to provide service; inventory procedures (non- arrestee); failure to identify),
8. Seat belts,
9. Slow/no response,
10. Neglect of duty,
11. Misuse of Department equipment/supplies,
12. Conduct unbecoming violations,
13. Equipment irregularity, or
14. Abuse of authority.

**EXAMPLE:**

A community member was the victim of a fraud and called the police for a report. The responding officer told her that it was not a police matter and refused to make a report. The community member then made a complaint, which became a Log Number investigation. The officer who refused to make the report has no previous sustained complaints for failure to provide service. BIA's Intake and Analytical Section assigns the investigation to an accountability sergeant in the accused officer's district.

E. BIA investigators investigate the following types of allegations, and BIA's Intake and Analytical Section will not assign them to an accountability sergeant.

1. Criminal conduct,
2. False reports, written or oral (Rule 14),
3. Drug or alcohol abuse,
4. Allegations involving the serious injury or death of any person,
5. Allegations made by any Department members of workplace discrimination or harassment,
6. Allegations against a supervisor the rank of sergeant or above,
7. Allegations against members not assigned to the accountability sergeant's district or unit, or
8. Allegations that, if sustained, would result in a recommendation for separation.

**NOTE:** Accountability sergeants will not serve allegations on accused members for any allegation listed above in Item V-E. A BIA investigator will serve the allegations.

- F. If an accountability sergeant identifies any evidence of an allegation listed in Item V-E above, the accountability sergeant will promptly notify the BIA supervising lieutenant and request re-evaluation of the assignment of the Log Number investigation.
- G. Consistent with the Department directive titled "Conflict of Interest," Department members with a conflict of interest with a Log Number will not investigate that Log Number.
- H. Accountability sergeants will not investigate allegations specifically assigned to the Civilian Office of Police Accountability (COPA), BIA, or the Office of the Inspector General (OIG).

## **VI. DISTRICT OR UNIT LEVEL LOG NUMBER INVESTIGATIONS**

- A. District commanders and unit commanding officers with designated accountability sergeants will:
  - 1. ensure that accountability sergeants receive, process, and investigate complaints against members assigned to the district or unit.
  - 2. ensure accountability sergeants are making investigative findings and recommendations within 90 days of the initiation of an investigation.
  - 3. ensure all accountability sergeants have access to the appropriate officer support and performance metrics applications, including but not limited to the Performance Recognition System (PRS).
  - 4. notify the Chief, BIA, when an accountability sergeant has been reassigned or will be unavailable to conduct investigations.
  - 5. review case-related and overall performance feedback submitted by the BIA supervising lieutenant concerning the accountability sergeant's investigations.
  - 6. review approved investigations submitted by accountability sergeants subject to command channel review consistent with the Department directive titled "Command Channel Review."
  - 7. approve requests for extensions of time from accountability sergeants if investigative findings and recommendations are not reached within 90 days of the initiation of an investigation via Department email.
- B. The BIA supervising lieutenants responsible for the management of the accountability sergeant investigations will:
  - 1. provide their contact information, including Department email address, office telephone number, and work cell phone number to all accountability sergeants whose investigations are assigned for their supervision and review;
  - 2. provide the name and contact information for the BIA case management supervisors assisting in the review of investigations conducted by accountability sergeants;
  - 3. communicate with accountability sergeants to evaluate progress of investigations;
  - 4. ensure accountability sergeants have access to BIA policies, directives, protocols, and training materials;
  - 5. ensure accountability sergeants receive the initial on-boarding and annual in-service training as outlined in Item IX of this directive;
  - 6. review and approve the accountability sergeant's proposed investigative findings and recommendations for accuracy and completeness;
  - 7. ensure all investigations completed by accountability sergeants are held to the same investigative standards as those completed by BIA;

8. ensure all investigations conducted by accountability sergeants meet the requirements of law, Department policy, and the City of Chicago Consent Decree, 17-CV-6260;
9. ensure that investigation findings are supported by the appropriate standard of proof established by Department policy;
10. order an additional investigation when it appears there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings;
11. document in writing any orders for additional investigation;
12. approve requests for extensions of time in Case Management System (CMS) when investigative findings and recommendations are not reached within 90 days of the initiation of an investigation; and
13. provide case-related and overall performance feedback to each assigned accountability sergeant and his or her district commander or unit commanding officer.

C. The duties and responsibilities of a BIA case management supervisor, as they relate to investigations conducted by accountability sergeants, include but are not limited to:

1. assisting in the management of the accountability sergeants as directed by the BIA supervising lieutenant;
2. reviewing investigations submitted by accountability sergeants to ensure thoroughness before submission to the BIA supervising lieutenant;
3. ensuring that accountability sergeants have access to the case management system and are trained in its use;
4. facilitating the submission of Affidavit Override requests by the accountability sergeants;
5. serving as a liaison between the BIA supervising lieutenant and the accountability sergeants;
6. requesting the reassignment of open investigations when an accountability sergeant leaves his or her unit of detail/assignment or is absent for more than 30 days, pending the BIA supervising lieutenant's approval; and
7. being available to consult on or trouble-shoot investigative steps with an accountability sergeant.

D. The duties and responsibilities of accountability sergeants include but are not limited to:

1. completing the required initial on-boarding and annual in-service training as directed;
2. conducting all investigations in accordance with the requirements of law, Department directives, and BIA policies;
3. conducting objective, comprehensive, and timely investigations of complaints;
4. remaining consistent, fair, and impartial when conducting investigations;
5. ensuring compliance with the applicable collective bargaining agreement(s) throughout the completion of the investigation;
6. taking all reasonable steps to promptly identify, collect, and consider relevant circumstantial, direct, and physical evidence, including officer-recorded audio or video taken with body-worn cameras or other recording devices;
7. determining if there may have been additional misconduct beyond that initially alleged and take all reasonable steps to ensure that such identified misconduct is fully and fairly documented, classified, and investigated;
8. determining whether there are any other open Log Number investigations involving the

same accused member and monitor or combine the investigation(s), as appropriate;

9. taking all reasonable steps to locate and interview all witnesses as soon as feasible, including non-CPD-member witnesses, and attempt to interview any reporting party/subject or witness in person at a time and place that is convenient and accessible for the reporting party/subject or witness, when feasible;
10. taking all reasonable steps to identify the involved and witness CPD member(s) if the reporting party/subject was unable do so;
11. communicating with reporting party/subjects and accused Department members in a professional and respectful manner;
12. initiating and making reasonable attempts to secure a sworn affidavit, including in-person visits, phone calls, and other methods within 30 days of receiving a Log Number investigation;
13. making reasonable arrangements to accommodate the disability status, language proficiency, and incarceration status of a reporting party/subject, victim, or witness;
14. making personal contact with a reporting party/subject, victim, or witness at the earliest possible date upon receiving the Log Number investigation;
15. ensuring that the identity of a reporting party/subject is not revealed to the accused member until the accused member is formally served with allegations and ordered to submit a written response to questions presented;
16. assessing whether the evidence collected in the preliminary investigation is sufficient to continue the investigation when unable to obtain a sworn affidavit despite having made reasonable attempts to do so;
17. submitting a written request to the BIA supervising lieutenant seeking approval for a sworn affidavit override if a sworn affidavit has not been obtained and the preliminary investigation reveals objective verifiable evidence suggesting it is necessary and appropriate for the investigation to continue;
18. canvassing the area of the alleged incident when such an action will assist the accountability sergeant in coming to a complete and accurate finding;
19. attempting contact periodically, but not less than once every 60 days, with the reporting party/subject (or representative) to provide status updates if investigative findings and recommendations have not been reached within 180 days and documenting such contacts or unsuccessful attempts the attempts in the investigative file;
20. taking into consideration the nature of the allegation, as well as the accused member's complimentary and disciplinary history in cases with sustained findings;
21. ensuring that completed investigations are submitted with all available evidence and documentation supporting the findings to the BIA supervising lieutenant or BIA case management supervisor for review; and
22. any other duty as directed by the accountability sergeant's supervisor or the Chief, BIA.

## **VII. BUREAU OF INTERNAL AFFAIRS INVESTIGATIONS**

BIA investigators will conduct Log Number investigations consistent with the guidelines outlined in Item VI-D of this directive, and the appropriate BIA and Department directives, under the direction of the Chief, BIA.

## **VIII. INVESTIGATION NOTIFICATIONS AND TIMELINES**

- A. Within 72 hours of being assigned a Log Number investigation, the BIA investigator or accountability sergeant will provide the accused member's immediate supervisor with a Quick View Report from the CMS consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment."

- B. Within 72 hours of being assigned a Log Number investigation, the BIA investigator or accountability sergeant will make reasonable attempts to secure a sworn affidavit from the reporting party/subject, including in-person visits, phone calls, and email.
- 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 via the 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 Department member(s) or his or her counsel (unless such notification would compromise the integrity of the investigation); and
    - c. to the district commander or unit commanding officer requesting an extension via Department email.
  3. update the written notice required by Item VIII-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 Case Management System;  
**NOTE:** The Chief, BIA, or his or her designee must approve extension requests for BIA investigators within the 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 VIII-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.

## IX. TRAINING

- A. BIA investigators and accountability sergeants will receive initial on-boarding and annual in-service training, provided and facilitated by the BIA Instructional Group, that will include BIA policies, directives, protocols, and training materials. Outside experts and guest speakers may be included in this training.
- B. BIA investigators and accountability sergeant initial on-boarding and annual in-service training will include, but not be limited to, the following subject matters:
1. Complaint intake and the consequences for failing to take complaints;
  2. Best practices in procedural justice, including techniques for communicating with reporting parties, victims, and witnesses
  3. Collection of objective verifiable evidence;



4. Process for seeking an affidavit override in the absence of a signed sworn affidavit;
5. Techniques for conducting impartial investigations involving sexual misconduct;
6. Investigative skills, including proper interview techniques, gathering and objectively analyzing evidence, and data and case management;
7. Challenges of law enforcement administrative investigations, including identifying alleged misconduct that is not clearly stated in the complaint or that become apparent during the investigation;
8. The credibility of all involved parties (e.g., victims, witnesses, accused members, and reporting parties);
9. Using objective verifiable evidence to identify and resolve inconsistent statements;
10. Implicit bias;
11. Ethics and conducting impartial investigations;
12. Proper application of the relevant standards of proof;
13. BIA directives and procedures for proper applications of findings, rule violations, and recommended penalties;
14. BIA Standard Operating Procedure, as appropriate;
15. Relevant COPA and Department rules, directives, and materials;
16. City of Chicago Consent Decree, 17-CV-6260;
17. Relevant State and Federal Statutes that impact investigations;
18. Arbitration findings;
19. Rules and Regulations of the Chicago Police Department;
20. Utilizing the Case Management System;
21. Applicable collective bargaining agreements and their impact upon investigations; and
22. Utilization of the appropriate officer support and performance metrics applications, including but not limited to the PRS.

#### **X. CONDUCT OF LOG NUMBER INVESTIGATIONS**

- A. BIA investigators and accountability sergeants will conduct objective, comprehensive, and timely Log Number investigations in a fair and impartial manner pursuant to their authority and the procedures established by the Department.
- B. The following Department directives set forth rights, responsibilities, and procedures for conducting Log Number investigations relative to the complaint and disciplinary system:
  1. "Conduct of Log Number Investigations";
  2. "Special Situations Involving Allegations of Misconduct";
  3. "Command Channel Review;" and
  4. "Documenting Log Number Investigations and Post-Investigation Procedures."

#### **XI. CONFLICT RESOLUTION**

If this directive conflicts with a provision in any other Department directive relative to duties and responsibilities of accountability sergeants, members will seek guidance from the Chief, BIA.

20-XXX MWK/JJR

GLOSSARY TERMS:

**Accountability sergeant:** a sergeant assigned to a district or unit responsible for receiving, processing, and investigating misconduct complaints made against Department members assigned to his or her district or unit, which are referred for investigation by BIA.

**BIA case management supervisor**—a sergeant assigned to BIA who assists the BIA Supervising Lieutenant with the review and approval of investigations conducted by accountability sergeants.

**BIA investigator**—a sworn Department member, assigned or detailed to BIA responsible for receiving, processing, and investigating misconduct complaints made against Department members assigned to BIA for investigation. Sergeants, police officers (assigned as detectives), and, in certain limited circumstances, police officers may serve as BIA investigators to conduct Log Number investigations.

**BIA supervising lieutenant**—a lieutenant assigned to the BIA who supervises and reviews investigations conducted by accountability sergeants or BIA investigators.

**Case Management System (CMS):** the application for processing Log Number investigations initiated on or after 11 February 2019. The CMS maintains investigation data regarding the number, classification, and status of all Log Number investigations initiated on or after 11 February 2019, from the intake process through the final disposition.

**Civilian Office of Police Accountability (COPA):** an agency within the City of Chicago responsible for administrative investigations of certain complaints against Department members as well other as incidents in where no complaint is made. Chapter 2-78 of the Municipal of Code of Chicago establishes COPA.

**Conflict of Interest:** when a Department member assigned to investigate, review, or participate in making any disciplinary decisions or recommendations with respect to a Log Number investigation:

- a) is a reporting party;
- b) is an accused or witness;
- c) authorized, engaged in conduct that led to, or otherwise allegedly participated in the incident giving rise to the complaint;
- d) would experience a positive or negative impact to his or her financial interests upon resolution of the matter under investigation;
- e) has a household or immediate family member (e.g. spouse, domestic partner, parent, sibling, child) who would experience a positive or negative impact to his or her financial interests upon resolution of the matter under investigation;
- f) has a professional, external business, financial, or close personal relationship with a reporting party, a witness, or the accused;
- g) has a household or immediate family member (e.g. spouse, domestic partner, parent, sibling, child) with a professional, external business, financial, or close personal relationship with a reporting party, a witness, or the accused
- h) directly reports to a reporting party, a witness, or the accused in his or her chain of command; or

- i) has any other conflict of interest identified by the Department member.

**Command channel review:** a process in which exempt-level supervisors review completed Log Number investigations for allegations against members under their command.

**Complaint:** one or more allegations of misconduct reported to the Department, COPA, or the Office of the Inspector General (OI)

**District commander:** an exempt commanding officer accountable for the performance of all district personnel and the actions taken to address police service and crime suppression activities within a district.

**Exempt supervisor:** a command staff member at or above the level of commander or director.

**Final disciplinary decision:** the final decision of the Superintendent or his or her designee regarding whether to issue or recommend discipline after review and consideration of the investigative findings and recommendations, including after any additional investigation conducted as a result of such review. For COPA investigations, the final disciplinary decision occurs after the conclusion of the process described in Chicago Municipal Code Section 2-78-130(a).

**Final disposition:** the status of a Log Number investigation after the final disciplinary decision and any grievance process, arbitration, Police Board proceeding, or appeal relating to the final disciplinary decision.

**Log Number:** a unique tracking number assigned to any incident brought to the attention of the Department or COPA by a reporting party involving a Department member that may be investigated and that will be linked with all phases of the investigation and disciplinary process through the final disposition. A Log Number is classified by type to identify the incident notification or investigation's administrative process. The Log Number classification type may change based on the progress of the administrative notification and investigation of the incident; however, the Log Number itself will always remain the same, including during the grievance process, arbitration, any Police Board proceeding, or appeals therefrom thereby permitting reporting parties/subjects (or their representatives) the opportunity to track their complaints. The Department will ensure that information related to any grievance process, arbitration, Police Board proceeding, or appeals therefrom (e.g., grievance numbers and docket numbers) are entered into CMS. The Log Number classification types are:

1. INFORMATION/COMPLAINT—the classification given to a Log Number when it is initiated to document an allegation of misconduct.
2. COMPLAINT REGISTER (CR)—the classification given to a Log Number by a BIA investigator or accountability sergeant after he or she completes the preliminary investigation and obtains a sworn affidavit or sworn affidavit override, or determines that a sworn affidavit is not required to conduct a full investigation.
3. NOTIFICATION—the classification given to a Log Number that is initiated for administrative tracking purposes because the incident requires an immediate notification to COPA, but there is no allegation of misconduct. This notification to COPA is required for the following incidents, even when there is no allegation of misconduct:
  - a) when a sworn Department member discharges a firearm (on or off duty) and another person is injured or killed by one or more bullets fired by that member, or when a sworn Department member has suffered a self-inflicted gunshot wound.
  - b) when a sworn Department member discharges a firearm (on or off duty) at a person and the person is not injured or killed.
  - c) unintentional firearm discharge incidents and firearm discharge incidents solely for the destruction or deterrence of an animal.
  - d) Taser discharges.
  - e) Oleoresin Capsicum (OC) and other chemical agent discharges.
  - f) the use of chemical/smoke dispensing or distraction devices.

- g) an incident involving a motor vehicle accident with fatalities including any death resulting from a motor vehicle accident involving a Department member engaging in law enforcement activity off duty.
- h) any other miscellaneous and extraordinary incidents including death in custody, suicide in custody, or an attempted suicide in custody.

**Log Number investigation:** The process during which evidence is collected, assessed, and analyzed about an incident subsequent to the assignment of a Log Number.

**Misconduct:** Any violation of law or any Department rule, regulation, directive, or order.

**Objective verifiable evidence:** information based on facts that can be proven to be true by means of search such as analysis, measurement, and observation. Examples of objective verifiable evidence include, but are not limited to, Department calendars and schedules, swiping reports, body-worn camera video, in-car camera video systems, Police Computer Aided Dispatch (PCAD) messages, and Global Positioning System (GPS) data.

**Preliminary Investigation:** the initial investigatory steps conducted by the BIA Intake and Analytical Section and continued by the assigned BIA investigator or accountability sergeant after a complaint is received. Preliminary investigations will take all reasonable steps to discover any and all objective verifiable evidence relevant to the complaint or administrative notification through the identification, retention, review, and analysis of all available evidence, including, but not limited to, all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, and witness interviews. All reasonable steps will be taken to preserve relevant evidence identified during the preliminary investigation.

**Reporting party/subject:** the complainant that brings an incident involving a Department member that may be investigated to the attention of the Department or COPA. The reporting party/subject can be a member of the public or a sworn or civilian Department member.

**Reporting party/third party:** a Department supervisor initiating a Log Number after receiving a complaint presented by a reporting party/subject.

**Sworn affidavit:** a sworn written statement against a sworn Department member by a non-Department member certifying that the statement is true and correct under penalties provided by law. A copy of a sworn affidavit may be provided to a reporting party upon request.

**Sworn affidavit override:** an action taken by the Chief Administrator, Civilian Office of Police Accountability (COPA), or the Chief, BIA, when the standards defined by the appropriate collective bargaining agreement have been met to continue the investigation without the sworn affidavit requirement when objective, verifiable evidence exists and attempts to contact a reporting party are unsuccessful or the reporting party refuses to sign a sworn affidavit.

**To-From-Subject Report:** A written report used for intra-Departmental correspondence submitted for situations where there is not already a prepared form when a situation requires a written response, for use as an informational report, or when documentation is required. The To-From-Subject Report format is used to maintain consistent, efficient, and professional intra-Department communications.

**Quick View Report:** A display page in CMS that provides a summary of the of information pertaining to the Log Number including an incident description, incident narrative, involved Department members, involved non-Department individuals, and the location of occurrence.

**Unit commanding officer**—a Department supervisor accountable for the performance of Department members assigned to a unit.