



City of Chicago



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Committee(s) Assignment:

FEBRUARY 2019

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

RECOMMENDATIONS TO INFORM AND IMPROVE
CPD'S INTERNAL AFFAIRS INVESTIGATIONS



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JOSEPH M. FERGUSON
INSPECTOR GENERAL

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TO THE MAYOR, CHAIR OF THE COMMITTEE ON PUBLIC SAFETY, CITY COUNCIL, CITY CLERK, CITY TREASURER, AND RESIDENTS OF THE CITY OF CHICAGO:

The Public Safety Section (PS) of the City of Chicago Office of Inspector General (OIG) conducts, on an ongoing basis, reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department's (CPD) Bureau of Internal Affairs (BIA). In the process of reviewing BIA investigations, OIG identified five recommendations to inform and improve future investigations.

BACKGROUND

BIA is charged with investigating, documenting, and reviewing allegations of misconduct by CPD members. It investigates allegations including, but not limited to, criminal misconduct, operational violations, theft of money or property, planting of drugs, substance abuse, residency violations, and medical role abuse.¹

Among the rules and standards governing the conduct of BIA's investigations are those found in CPD's General and Special Orders, and CPD members' collective bargaining agreements. At present, BIA uses the Citizen and Law Enforcement Analysis and Reporting (CLEAR) system to manage its investigations and accompanying records. CPD is currently in the process of building a new case management system (CMS).

OIG's recommendations, as shared with CPD on November 27, 2018,² are as follows:

1. CPD members assigned to investigate complaints should ensure that, whenever appropriate, case files include an Initiation Report. If there is no Initiation Report, investigators should consider explaining the origin of a complaint in their summary report or summary report digest. The consistent

¹ See <https://home.chicagopolice.org/inside-the-cpd/reports/>. The BIA section of "Inside the CPD" also lists illegal search among the categories of allegations which BIA investigates. Since its formation, those allegations have in fact been investigated by COPA.

² See Appendix A for OIG's initial letter to CPD.

inclusion of information about the origin of a complaint would provide improved context for judging misconduct and determining outcomes.

2. Where a disciplinary investigation is related in some way to a criminal proceeding, the assigned investigator should periodically document the status of those proceedings in a To From report, rather than simply documenting the fact that the criminal proceedings remain pending. Doing so might serve to better explain any delays in the administrative investigation caused by the pendency of related criminal matters.
3. In order to protect and promote timeliness in its investigations, BIA should take steps to avoid assigning an investigation to an investigator who is on a lengthy leave of absence or furlough, and should consider reassigning an investigator's cases, as appropriate, at the beginning of a lengthy leave of absence or furlough.
4. If a BIA supervisor reviews an investigation for approval and decides to return it to the assigned investigator, the supervisor's reason for doing so should be documented. This would create a more complete case record and might prevent the same issue in an investigation from being raised at multiple review points.
5. Special Order S08-01-01 sets out, in part, steps BIA investigators must take in attempting to contact complainants. To ensure that complaints of police misconduct are appropriately received and investigated, BIA investigators should, at a minimum, follow each requirement of Section II.F of that order. Before approving the closure of an investigation for lack of complainant contact or lack of a sworn affidavit, BIA supervisors should verify full compliance with the provisions of that section.

CPD RESPONSE

On January 8, 2019, CPD responded in writing to OIG's recommendations.³ In its response, CPD affirmed its commitment to "ensuring that all disciplinary investigations conducted by BIA investigators and district supervisors are both thorough and fair."

OIG's first recommendation encouraged CPD to ensure that the origin of each complaint assigned to BIA for investigation is clearly documented. In response, CPD outlined the process by which complaints come from various sources to BIA for investigation, and affirmed that it is BIA's practice to document the source of a civilian complaint if it is received without an Initiation Report.⁴ CPD did not address

³ See Appendix B for CPD's complete response.

⁴ According to CPD's General Order G08-01-02, when a supervisor or commanding officer receives allegations of misconduct which are "subject to the Log Number process," they are to "record all

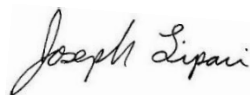
investigations which originate from a source other than a civilian complaint, for which there may be no information in the file regarding the source or origin. In keeping with its recommendation, OIG encourages CPD to ensure that the origins of all complaints, not just those initiated by civilians, are clearly documented, either by way of a report or by explanation in the investigator's final summary.

With respect to OIG's remaining four recommendations, CPD noted that its new CMS would provide additional opportunities for assuring compliance and quality. In concurrent criminal and administrative investigations, BIA plans to use the CMS to "pair" investigators conducting each investigation to allow prompt updates, while avoiding any interference between the two investigations. In response to OIG's recommendation that BIA take steps to prevent an investigator's lengthy leave of absence or furlough from compromising the timeliness of an investigation, BIA noted that the CMS will allow supervisors to review a log of investigative tasks, and to reassign individual tasks as necessary. CPD reported that the CMS will require a note to explain all status changes for an investigation, including the reasons for which a supervisor returns a case for further investigation. With respect to complying with the provisions of S08-01-01, CPD reported that "BIA supervisors are aware that attempts to contact complainants must comply with Department Orders."

OIG encourages CPD to ensure that the improvements it projects for the new CMS are realized. OIG looks forward to the system's implementation, and to reviewing its impact on the conduct and quality of BIA's investigations.

In closing, OIG thanks CPD management and staff, especially BIA, for their ongoing cooperation in OIG's review of closed disciplinary cases.

Respectfully,



Joseph Lipari
Deputy Inspector General, Public Safety
City of Chicago

cc: Joseph Ferguson, Inspector General, Office of Inspector General
Edward Siskel, Corporation Counsel

information available at the time the allegation was received in a written report." This report is referred to as an Initiation Report.

Charise Valente, General Counsel, Chicago Police Department
Dana O'Malley, Assistant General Counsel, Chicago Police Department
Keith Calloway, Chief, Bureau of Internal Affairs
Robert Boik, Chief of Staff, Chicago Police Department
Walter Katz, Deputy Chief of Staff for Public Safety, Office of the Mayor

APPENDIX A: PS LETTER TO CPD



JOSEPH M. FERGUSON
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VIA ELECTRONIC MAIL

NOVEMBER 27, 2018

EDDIE T. JOHNSON
SUPERINTENDENT
CHICAGO POLICE DEPARTMENT
3510 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60653

Dear Superintendent Johnson:

Pursuant to the Chicago Municipal Code § 2-56-230, the Public Safety Section of the City of Chicago Office of Inspector General (OIG) writes to recommend a number of measures to inform and improve future disciplinary investigations, and to ensure that those investigations are thorough and fair.

These recommendations result from OIG's holistic review of the electronic case files for individual closed disciplinary investigations by the Bureau of Internal Affairs (BIA) into various types of alleged misconduct. The investigations reviewed by OIG were conducted by BIA investigators and district-level supervisors.

In order to inform and improve future investigations, OIG recommends the following.

1. Chicago Police Department (CPD) members assigned to investigate complaints should ensure that, whenever appropriate, case files include an Initiation Report. If there is no Initiation Report, investigators should consider explaining the origin of a complaint in their summary report or summary report digest. The consistent inclusion of information about the origin of a complaint would provide improved context for judging misconduct and determining outcomes.
2. Where a disciplinary investigation is related in some way to a criminal proceeding, the assigned investigator should periodically document the status of those proceedings in a To From report, rather than simply documenting the fact that the criminal proceedings remain pending. Doing so might serve to

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better explain any delays in the administrative investigation caused by the pendency of related criminal matters.

3. In order to protect and promote timeliness in its investigations, BIA should take steps to avoid assigning an investigation to an investigator who is on a lengthy leave of absence or furlough, and should consider reassigning an investigator's cases, as appropriate, at the beginning of a lengthy leave of absence or furlough.
4. If a BIA supervisor reviews an investigation for approval and decides to return it to the assigned investigator, the supervisor's reason for doing so should be documented. This would create a more complete case record and might prevent the same issue in an investigation from being raised at multiple review points.
5. Special Order S08-01-01 sets out, in part, steps BIA investigators must take in attempting to contact complainants. To ensure that complaints of police misconduct are appropriately received and investigated, BIA investigators should, at a minimum, follow each requirement of Section II.F of that order. Before approving the closure of an investigation for lack of complainant contact or lack of a sworn affidavit, BIA supervisors should verify full compliance with the provisions of that section.

If there are any questions, please contact Chief Investigator Deborah Witzburg at dwitzburg@igchicago.org or (773) 478-3214. Please send your response to these recommendations by December 18, 2018. Thank you in advance for your time and attention to this request; we look forward to CPD's response.

Respectfully,



Joseph Lipari
Deputy Inspector General, Public Safety
City of Chicago

cc: Charise Valente, General Counsel, Chicago Police Department
Chief Keith Calloway, Chicago Police Department
Edward Siskel, Corporation Counsel
Walter Katz, Deputy Chief of Staff for Public Safety, Office of the Mayor

APPENDIX B: CPD RESPONSE LETTER



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

08 January 2019

Joseph Lipari
Deputy Inspector General, Public Safety
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

Re: Response to OIG Recommendations

Dear Deputy Inspector General:

The Superintendent has directed the Bureau of Internal Affairs (BIA) to review the recommendations from the Office of Inspector General (OIG) sent on 27 November 2018. The Department is committed to ensuring that all disciplinary investigations conducted by BIA investigators and district supervisors are both thorough and fair.

The Department has been developing a new Case Management System (CMS) with outside vendors to increase investigative efficiency and provide supervisors with additional tools to ensure that all investigations follow consistent standards. The Department is preparing to launch the CMS this year.

The recommendations provided by the OIG have been addressed individually:

1. The Department registers all complaints under Complaint Log (CL) Numbers. Civilians can file complaints with the Department or with the Civilian Office of Police Accountability (COPA). Department members are required to report misconduct to Department supervisors. When civilians or Department members register complaints with the Department, the Department supervisor is required to generate an Initiation Report. The Department supervisor is then required to contact COPA, obtain a CL Number, and send the initiation report to COPA. All complaints are initially referred to COPA for a jurisdictional determination defined under city ordinance. In the event that civilian complaints made to COPA are referred to the Department for investigation without an Initiation Report, investigators are aware that the source of the complaint should be referenced in their reports.
2. The Department will make continued improvements with the CMS to conduct concurrent criminal and administrative investigations. The CMS will allow the pairing of Log Investigations between separate investigators, so the investigations will maintain compliance

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Rahm Emanuel
Mayor

Department of Police · City of Chicago
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Eddie T. Johnson
Superintendent of Police

- with *Garrity*, while also allowing prompt updates for both the criminal and administrative investigation.
3. The CMS will let BIA supervisors review a log of investigative tasks for each investigation. The CMS will also allow supervisors the capability to re-assign individual tasks, which will allow investigations to progress while the assigned investigator is unavailable.
 4. The CMS will allow investigations to proceed through the review process digitally, rather than on signed paper documents. All status changes in CMS require a note to detail the reason for the approval or the reason for returning the case to the investigator.
 5. All investigations require approval from a BIA supervisor before the investigation can be administratively closed for lack of a sworn affidavit. BIA supervisors are aware that attempts to contact complainants must comply with Department Orders. In addition, all investigations sent to the Department from COPA are reviewed in BIA Intake, where reports, body camera video, and in-car camera video are reviewed and saved for retention. The CMS will streamline the process for digitally obtaining an Affidavit Override in the event that BIA obtains objective verifiable evidence, which will more efficiently allow appropriate investigations to continue in cases where complainants do not cooperate.

The Department is continuously working to improve the efficiency and quality of disciplinary investigations. If there are any additional recommendations, questions, or concerns, please feel free to contact the Bureau of Internal Affairs at 312-745-6125.

Sincerely,

Keith A. Calloway
Chief
Bureau of Internal Affairs
Chicago Police Department

MISSION

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and employment activities by its Hiring Oversight Unit.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

AUTHORITY

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, -240, and -250.

PUBLIC INQUIRIES:

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