OIG FILE #17-0697

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ACRONYMS

CLEAR	Citizen and Law Enforcement Analysis and Reporting
CMS	Case Management System
COPA	Civilian Office of Police Accountability
CPD	Chicago Police Department
CPIC	Crime Prevention and Information Center
DCA	Deputy Chief Administrator
DWH	Data Warehouse
CBH	Great Bodily Harm
OEMC	Office of Emergency Management and Communications
OIG	Office of Inspector General
SQL	Structured Query Language

CITY OF; CHICAGO OFFICE OF INSPECTOR GENERAL

REVIEW OF COMPLIANCE WITH THE CITY OF CHICAGO'S VIDEO RELEASE POLICY FOR USE-OF-FORCE INCIDENTS

The City ofChicago was among the first in the country to adopt a policy requiring release of materials associated with police use-of-force incidents.

The Civilian Office of Police Ac count ability(COPA) do es ;, not always release materials within the

timeframe required by the Policy. -

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The Chicago Police (Z - = pepartment's; guidelines for
'C^ notifying CO PA of use-of
.;A:t.^-^<m:<y% force incidents are unclear.

COPA exercises inadequately g u i d e d - d i s ere t j o n -j n r e l e a s i n g materials other than.those man d a t e fob y t he? P o l i c y':

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

I. EXECUTIVE SUMMARY

The Public Safety Section ofthe City of Chicago Office of Inspector General (OIG) has concluded a compliance evaluation ofthe City of Chicago's release of materials pursuant to its Video Release Policy (Policy). The Policy requires that the City publicly release, within 60 days of incident, "videotape and audiotape and certain specified police reports" related to specified types of use-of-force incidents-certain types of firearms discharges, taser discharges resulting in death or great bodily harm, and use-of-force against individuals in police custody resulting in death or great bodily harm involving Chicago Police Department (CPD or the Department) members.

The Civilian Office of Police Accountability (COPA) is responsible for identifying all use-of-force incidents governed by the Policy and publicly releasing the related materials. CPD's Crime Prevention and Information Center (CPIC) is responsible for notifying COPA of all such use-of-force incidents. COPA relies on other agencies, notably CPD and the Office of Emergency Management and Communications (OEMC), to provide it with video and audio files subject to disclosure under the Policy.

OIG's evaluation found that COPA is not in full compliance with the requirements of the Policy in that COPA does not publicly release all relevant materials for all use-of-force incidents mandated by the Policy within 60 days ofthe incident.

OIG's evaluation found the following:

1. Inconsistent with the Policy, COPA does not always post video, audio, and police documents within 60 days ofthe incident date;
2. CPIC personnel's lack of understanding of notification guidelines render it uncertain as to whether CPIC has notified COPA of all relevant use-of-force incidents; and
3. COPA exercises inadequately guided discretion in releasing materials other than those mandated for release by the Policy.

Collectively, the issues identified by OIG have impaired full compliance with the Policy.

To ensure that COPA is notified of and releases all Policy-mandated incidents and materials in the 60-day timeframe required by the Policy, OIG recommends several modifications to the City's Video Release program. COPA should improve certain internal processes and collaborate with OEMC and the Mayor's Office to develop interagency processes that support the timely delivery of material COPA requests from OEMC. COPA and CPIC should co-develop notification guidelines that are clear and binding, and train CPIC staff to execute them. Additionally, CPD should adopt

these guidelines into a binding directive. Lastly, OIG recommends that the Mayor's Office, the Department of Law (DOL), and COPA review the Policy's criteria for release, discern whether additional criteria should be included in effort to appropriately guide the discretionary release of non-mandated material, and that DOL update the Policy accordingly.

COPA agreed with OIG's recommendations and stated that, in the past year, the agency has collaborated with OEMC on processes to ensure timely OEMC responses to COPA requests. CPD agreed with OIG's recommendations, additionally providing that CPD will work with COPA to develop clear guidelines for notifying COPA and that CPD will develop a directive outlining CPIC's responsibilities with respect to notifying COPA of all appropriate incidents. OEMC agreed with OIG's recommendations, stating it will work with COPA and the Mayor's Office to address changes to the process, technology, and personnel needed to implement them. The Mayor's Office agreed with OIG's recommendations and stated that it will work with each agency to address the identified issues and recommendations.

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II. BACKGROUND

On February 16, 2016, then-mayor Rahm Emanuel committed to adopting the Mayor's Police Accountability Task Force's (PATF) recommendation to implement a Video Release Policy (see Appendix A). The Policy was later adopted in June 2016. According to the Emanuel Administration, Chicago is the first U.S. city to have "specific, written policy that guarantees the public's timely access to video and audio recordings relating to sensitive police-involved incidents."[1]

PATF found that, historically, the City generally withheld video recordings from public release until investigations had concluded. PATF determined that this practice contributed to "inconsistencies, confusion, and public mistrust" of law enforcement agencies.[2] As such, the Policy provides that,

> "...the people ofthe City have an undeniable, and in some cases paramount, interest in being informed, in a timely fashion and based on the most accurate information possible, about how their police force conducts its business, especially where the use-of-force by the police results in the death of, or great bodily harm to, a civilian."[3]

PATF further concluded that the City's timely provision of video, audio, and police documents would promote transparency which, in turn, would be essential for fostering trust between police and the

community.

DOL has since finalized a new version ofthe Policy, which has not been made effective as of the transmission ofthis report/'

[1] City of Chicago, Mayor's Press Office, "Statement from Mayor Emanuel on the City's Policy Regarding the Release of Evidence Related to Police-Involved Incidents," February 2016, accessed February 13, 2020, h tl ps//www chicaqo aov/citv7en/'depts/mavoi7press_ioom/press_releases/20'l6/februarv/statement-ftom-mavor-emanuel-on-thc citys policy-regardinq-the-r html.

[2] City of Chicago, Police Accountability Task Force, "Recommendations for Reform Restoring Trust between the Chicago Police and the Communities they Serve," April 2016, accessed February 13, 2020, hti ps//c:hic.aciopatf orqAvp-content/uploads/2016/0ᶻi/PATF..Final Reports __13J6-1 pdf

■'• City of Chicago, "Video Release Policy for the City of Chicago," June 2016, accessed February 13, 2020, htl.ps//www chicaqo ciov/citv/en/depts/cpd/supp_info/video_release_policv html

' DOI had not yet shared the new policy with COPA as ofthe transmission of this report On July II 2018, DOL revised and finalized a new version of the Policy and provided it to OIG on May 14, 2019, the revised Policy contains several changes including, but not limned to, providing additional criteria for release and explaining how certain video and audio recordings "relate to" an incident Originally. DOL personnel believer! that the revised Policy had been sent to and adopted by COPA sometime between these dates but, after learning from OIG that COPA claimed it had not yet. received the final version of the Policy, DOL. acknowledged not having sent it In July 2020. the Mayor's Office reported to OIG that it. is fi.irt.her <http://fi.irt.her>reviewing the levised policy to ensure that, it "aligns with Mayor Lighifooi's pnoulies around accountability and transparency as well as consent decree requirements"

A. VIDEO RELEASE POLICY REQUIREMENTS

The Policy requires that the City publicly release materials within 60 days ofthe following types of use-of-force incidents:[5]

- Firearm discharge: An officer discharges their firearm in a manner that strikes, or that potentially could strike, another individual, even if no allegation of misconduct is made; ■<
- Taser discharge: A CPD officer discharges their Taser or stun gun in a manner that strikes another individual and results in death or great bodily harm; and
- Great bodily harm or death in custody: The use offeree by an officer fatally wounds or causes great bodily harm to, a person in police custody.

The City must publicly release all available video, audio, and related police documents including tapes of 911 calls, OEMC dispatch recordings, CPD radio calls, video and audio from CPD dash cameras or body cameras, CPD or OEMC Police Observation Device (POD) cameras, third party video and audio, Arrest Reports, Original Case Incident Reports, Tactical Response Reports, and Officers' Battery Reports.

Certain government agencies may submit a request to the City's Corporation Counsel to delay the release of materials for one period of up to 30 days.[6] Additionally, if an agency receives a court order prohibiting the release of materials, the City must comply with that order, possibly further delaying release.

[!] General Order G03-02. Use of Force defines force as "any physical contact by a Department member, either directly or through the use of equipment, to compel a subject's compliance" Accessed May 28, 2020, hup //directives chicaqopolice orq/directives/data/a'7a57be2-128ff3f0-ae912-8fff-44306f3da7b23al9 htmPownapi=l

'■: Government agencies that can make a request for delay include United States Attorney for the Northern District of Illinois, the Cook County State's Attorney, the Attorney General of Illinois, COPA, and any other federal, state, county or local law enforcement agency Any entity requesting such a delay must identify which specific items it seeks to be temporarily withheld from release, the length of the requested delay (not to exceed an additional 30 calendar days), and "shall set. forth as reasons supporting the requested delay one or more of the factors listed at5 ILCS 140/7(d)(i) through (vii) " City of Chicago, "Video Release Policy for the City of Chicago," June 2016, accessed February 13, 7070, https //www chicaqo aov/city/en/depts/cod/supp_info/video_release ..policy html Pursuant to 5 ILCS 140/7, certain records are exempt from disclosure under the Freedom of Information Act (FOIA) Specifically, subsections (d)(i) through (vn) exempt from disclosure "|r|ecoicls in tho possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement, oi correctional agency for law enforcement purposes" to the extent that disclosure would interfere with law enforcement or administrative enforcement proceedings conducted by the agency receiving tho request., create a substantial likelihood that: a person will be deprived of a fair trial or heating, expose certain confidential information, disclose unique or specialized investigative techniques cndangei a person's life or safety, or obstruct, an ongoing criminal investigation by the agency receiving ihe question

B. PROCESSES

The Policy references City "officials and agencies" as responsible for releasing information to the public but fails to designate any one official or agency as having primary responsibility. In the absence of such specification, COPA has been carrying out this task since 2016. Under the Consent Decree entered in Illinois v. Chicago, which took effect on March 1, 2019, the responsibility to release relevant materials to the public is placed on COPA.[7] The process for releasing materials has three stages: 1) notification to COPA, 2) COPA's identification of incidents eligible for public release, and 3) COPA's release of materials to the public. Figure 1 provides a high-level depiction-of the process.

FIGURE 1: COPA'S MATERIAL RELEASE PROCESS

Transparency Determination

.^■■■CPIC is net ■ ed

(Incidents , occurs */ >

COPA is 'notified"
COPA conducts ;.: investigation to gather relevant materials

:v Transparency-..;' .
paralegal uploads-relevant materials to
public Case Portal

ifGP'D supervisor complaint

D'CA determines which incidents are transparency-.: ":mandate'd

Source OIG analysis of notification process

1. NOTIFYING COPA

The primary source of use-of-force incident notifications to COPA comes from CPD through CPIC, though civilians and CPD supervisors may also notify COPA of these incidents.

CPIC relies on individuals and agencies for notification of various incidents; the type of incident determines which agency is responsible for notifying CPIC.[8] Once notified of an incident, CPIC notifies COPA using phone, email, or both.

[7] lihnois v Chicago, No 17-cv-6260, Consent Decree para 554, ECF Mo 703 I (N D III Jan 31, 2019), http//chicaqop<) liceconsentdecreeoi9/wD-coniont/uplo3ds/20l9/02/FINAl -COMSFNT-DFCRFr-SIGNIID-BY-JUDGF-DOW pdf

[8] I or example, OEMC will notify CPIC of (1) use of deadly force, (2) discharge of a firearm, impact munitions, Taser, OC spray |i o pepper spray] or other chemical weapons. !■->) use of canines as a force option, and (4) use of a Long Range Acoustic Device acoustic transmission to cause discomfort as a compliance technique See Genera! Ocei G03-02- 02 Incidents Requiring i he Completion of a Taa :cal Response Repoit. accessed May 28 2020, hup //cl 11 e c 11 vo s c h i c a g o o o 11 c e o i c; /'d 11 c r 11 ve s A: i a i. a /a 7 a 571.:> o / 1291 (. I a G6.88512 91e2-ccid7Gfci Bde7fed»3d html

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CPIC's duty to notify COPA about the incidents stipulated in the Policy is specified in three places:

(a) CPD Directives:
  (1) General Order G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation mandates that CPIC notify COPA about all firearm discharge incidents and officer-involved deaths;[9]
  (2) General Order G03-02-03: Firearm Discharge Incidents Involving Sworn Members mandates that CPIC notify COPA about firearm discharge incidents;[10]
  (3) Special Order S03-04-04: Crime Prevention and Information Center provides that CPIC notifies COPA if any person in the custody of CPD is seriously injured or dies as a result of actions taken by a CPD member;[11] and

(b) Notification "Matrix": CPIC also notifies COPA about other use-of-force incidents specified in a notification "matrix" or guidelines developed by COPA and adopted by CPIC , including, but not limited to, officer-involved motor vehicle incidents, Taser discharges, Oleoresin Capsicum spray discharges (i.e. pepper spray), and allegations of injury.

2. IDENTIFYING INCIDENTS MANDATED FOR PUBLIC RELEASE

Several staff members at COPA are involved in identifying and determining which incidents are mandated for public release. When COPA is notified of an incident that may be subject to investigation (not only those that could be mandated for public release), COPA intake investigators assign a log number to that incident.[1]'-' A log number is a tracking number assigned to any incident involving a CPD member that may be investigated.[1]-

Based on audio and video files and initial police reports, intake personnel assign a preliminary category code

to each log-numbered incident (e.g., excessive force resulting in injury for incidents that occur on-duty is given a category code of 05a).

[9] Accessed May 28, 2020, http//duecl:iveschicaciopolice orq/directives/

[10] Accessed April 22, 2020, hUD/'/duecUvesclncaqopolice orci/direcl.ives/data/a7a57he?-12bf3S09-a8cT7-bfA a -19387ee3b4 60c202 odP h I --true

" Accessed April 22. 2020, ht.tp//diiectiyesc.hicaqopolice orq/'directives/clata/a7aS7bf0 13ed7 KiO 08513 eci71 - 4 ceccl9c378c05d ec pd P h I -t r u e

CI '■' IC must also notify COPA if a person commits suicide or attempted to commit suicide

'* Outside of COPA's core business hours. CPIC assigns log numbers for officer-involved firearm discharges, Taser discharges extraordinary occurrences, and any civilian complaints made at distr ict offices

Geneial Older G08-01 Complaint and Disciplinary Procedures." May 2018 accessed February 13. ?0?0. hi i o ■[4]/Ciiroci.i-,'CS chicaaoDo-ico o; :j/VIi[1] i ivos/u,;ta/a7a57bo? i?cc274e Sa5P cc77 4l9iVicc-V.//8F'/'::-a i.xii

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The preliminary.category code assigned determines whether COPA screens an incident as mandated for public release.

The next step-flagging incidents for public release-was done differently before COPA implemented its new Case Management System (CMS) in February 2019. Before the new system was instituted, COPA's information analysts would run a Structured Query Language (SQL) inquiry each day to pull log numbers from a data warehouse (DWH), located within the CPD-administered Citizen and Law Enforcement Analysis and Reporting (CLEAR) system, related to incidents that were logged in the system during the previous day.[1/*] Since CPD updated the DWH every three hours, information analysts also ran the inquiry on a weekly and quarterly basis as a quality assurance measure to ensure that nothing was missed.

Currently, by automatically flagging cases potentially mandated for public release, the CMS removes COPA's prior reliance on information analysts to conduct an inquiry to pull relevant information from the DWH. Figure 2 highlights the difference between the former and current systems. Despite technical-changes, "[e]ffectively, it's the same sort of process," according to COPA. Lastly, the DCAthen manually reviews the code-flagged cases and decides whether they are actually mandated for public release under the Policy.

FIGURE 2: PROCESS FOR IDENTIFYING INCIDENTS MANDATED FOR PUBLIC RELEASE

	TRACKING INCIDENTS	IDENTIFYING INCIDENTS POTENTIALLY MANDATED FOR PUGLIC RELEASE	MANDATE DETERMINATION
PREVIOUS SYSTEM	Intake personnel assign a log number .	Intake personnel SQL. determination category code j	Information inquiry DCA makes a final assign a prelimi ^.J,,,^,.....
CURRENT SYSTEM	No change	j CMS automatically j „, 1 change based on category codes	flags incidents I No change ,

Source OIG analysis of identification process

In both fhe current and previous process, the initial available evidence about an incident may not provide enough information to determine whether an injury occurred or whether police action was the cause of injury.

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In these instances, the cases aro "flagged" as needing additional information. COPA typically does not begin to count time against the 60-day deadline in such a "flagged" case until the additional information is gathered and the DCA has determined that, the case is subject to

I he data waichouse :s a central •■epositoiy of data derived from rm ;;: iple ope "'at ionai systems or tables lor ■ he purpose's of data consolidation and analysis

mandatory public release, rather than counting the time from the date of the incident as required by the Policy.

3. RELEASING MATERIALS TO THE PUBLIC

For any case deemed mandated for public release, COPA requires its investigators to gather all relevant video, audio, and police documents required by the Policy.

Generally, COPA investigators can access some relevant police reports directly, but must submit requests to OEMC for certain audio and video files, such as POD camera footage and dispatch recordings. COPA investigators may also request that CPD provide any relevant evidence in its possession which COPA cannot access directly.

Prior to releasing incident information to the public through posting to the Case Portal, COPA schedules time for the individuals who are the "subject of police action" (or legal representative or next of kin when that person is deceased or otherwise not available)[15] to view available footage before posting the materials to COPA's Case Portal.[16] The Case Portal contains all the information COPA has released for police use-of-force incidents identified as mandated by the Policy.

[3] Cily of Chicago. "Video Release Pohcy for the City of Chicago," June 20iS accessed Februaiy 13, 2020, hr.t.ps/Avwyy Chicago ciov/city/en/cietM.s/coci/suoo. infoA/ideo_release_.noiicy hini!_
'■ The COPA Case Porta: can he viewed at hit os //wav/ chicaqccopa org/ciai a cases/case i: ,v la!/

III. OBJECTIVES, SCOPE, AND METHODOLOGY

A. OBJECTIVES

The objectives ofthis evaluation were to determine if COPA complies with the City's Video Release Policy. This included determining whether,

- COPA publicly releases specified available video, audio, and police documents within 60 days (or 90 days in the case of an extension) ofthe incident date for the specific categories of use-of-force incidents as mandated by the Policy;
- OEMC timely produces to COPA all relevant video and audio as needed for COPA to comply with the public release mandates ofthe Video Release Policy; and
- Whether CPIC notifies COPA about all relevant use-of-force incidents that could be eligible for public release, as enumerated in the Policy.

B. SCOPE

OIG evaluated COPA's compliance with the Policy from June 2016 to February 2019. In doing so, OIG evaluated the timeliness of OEMC's production of videos and audios as well as COPA's full access to all relevant materials and receipt of notifications of all appropriate use-of-force incidents. Additionally, OIG evaluated whether CPIC was able to effectively ensure that it was notifying COPA of all appropriate police use-of-force incidents.

OIG did not audit individual case files to determine whether COPA correctly identified all incidents encompassed by the Policy and produced all required materials from the files of all such matters.

C. METHODOLOGY

To achieve the objectives enumerated above, OIG reviewed,

- incidents that were posted on COPA's Case Portal,
- materials released including audio, video, and police documents for eligible police use-of-force incidents on COPA's Case Portal,
- CPD policies related to CPIC notification duties,
- guidelines related to CPIC notification duties, and
- OEMC data related to incidents for which COPA submitted a request for evidence to OEMC.

Additionally, OIG interviewed,

- CPD personnel (particularly members of CPIC),
- OEMC personnel, and
- COPA intake investigators, information analysts, transparency paralegals, and the DCA overseeing public release of materials.

STANDARDS

OIG conducted this review in accordance with the Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General found in the Association of Inspectors General's Principles and Standards for Offices of Inspector General (i.e., "The Green Book").

AUTHORITY AND ROLE

The authority to perform this inquiry is established in the City of Chicago Municipal Code § § 2-56-030 and -230, which confer on OIG the power and duty to review the programs of City government in order to identify any inefficiencies, waste, and potential for misconduct, to promote economy, efficiency, effectiveness, and integrity in the administration of City programs and operations, and, specifically, to review and the operations of CPD and Chicago's police accountability agencies. The role of OIG is to review City operations and make recommendations for improvement. City management is responsible for establishing and maintaining processes to ensure that City programs operate economically, efficiently, effectively, and with integrity.

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IV. FINDINGS AND RECOMMENDATIONS

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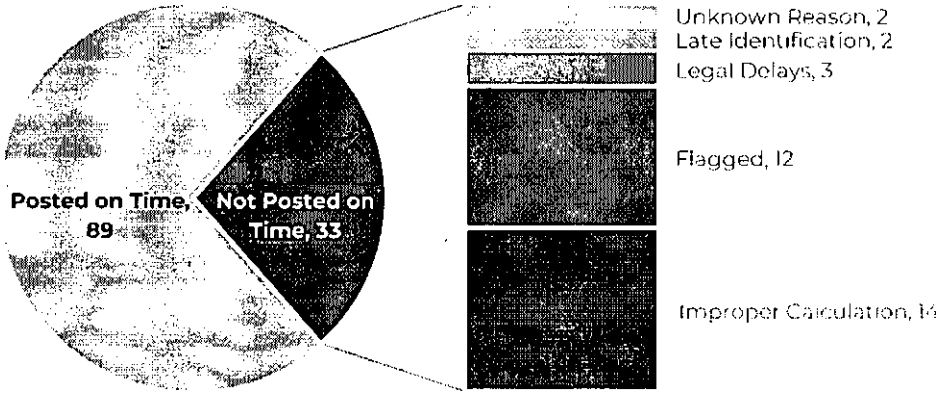
ICO PA DO ES N OT ALWAYS POST VID EO>AU DIO; ¦ AND POLICE.DOCIj;MENTS.W.ITHIN 60 DAYS OF

Due to a combination of factors, both internal to COPA as well as arising from the interplay of COPA and external agencies-specifically CPD and OEMC-COPA is unable to post Policy-mandated incidents and all related materials within the 60-day timeframe required by the Policy.

1. FACTORS INHIBITING TIMELY PUBLIC RELEASE

To assess COPA's compliance with the Policy, OIG analyzed Case Portal data related to 122 use-of-force incidents. Thirty-three incidents, or 27%, did not have any information posted to the Case Portal within 60 days ofthe incident, as required by the Policy (see Figure 3).[17]

FIGURE 3: REASONS FOR NOT POSTING MATERIALS IN A TIM ELY MANNER



Source OIG analysis

Out. of i he remaining 89 incidents reviewed foi this time period, 87 were posted within 60 days of the incident and 2. were posted within 90 days wall an approved 30-day extension

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According to COPA personnel, the reasons for the late postings were as follows:

- For 14 incidents, COPA staff mistakenly based the release deadline on the notification date rather than the incident date. COPA characterized this error as an "oversight;"
- For 12 incidents "flagged" as potentially mandated for release, COPA began the timeline for release of materials once the DCA determined the flagged incidents were mandated for public release, rather than from the date ofthe incident. While these incidents may have required additional time to reach a determination as to whether they were eligible for public release, the Policy does not account for this lag;
- For three incidents, legal delays including civil suits, court orders, or improper granting of extensions prevented COPA from releasing materials within 60 days ofthe incident date;[18]

- For two incidents, COPA was late to identify the incident as release-mandated pursuant to the Policy, either because staff initially miscategorized an incident in the CLEAR data system or for an unknown reason; and
- For two incidents, it is unclear why COPA failed to create the posting by the release deadline.

2. INTERAGENCY FACTORS INHIBITING TIMELY PUBLIC RELEASE

In addition to searching data systems for certain police documents (e.g., tactical response reports, investigative reports, traffic reports, etc.), COPA investigators request video and audio files pertaining to police use-of-force incidents from OEMC. COPA needs timely production of these materials in order to (1) make a fully informed, timely assessment of whether the.incident and related materials are mandated for release by the Policy and (2) ensure timely release of all materials.

To assess OEMC's responsiveness to COPA's requests for evidence, OIG analyzed OEMC data related to 352 incidents that, based on assigned incident type, could have been eligible for public release for which COPA submitted a request for evidence to OEMC between January 2017 and October 2019.[19] The analysis considered incidents

[18] OIG identified one instance in which the previous Corporation Counsel granted a second extension, despite the Policy only permitting one extension When asked to explain, DOL stated that it no longer employs ihe individual responsible for providing the second extension, however, DOL likely gi anted the extension since the requesting agency (in this case, Cook County State's Attorney Office) needed additional time to reach an agreement with defense counsel about a protective order '[9] OIG's original dalaset contained 915 requests for video and audio files that COPA submitted to OFMC from January 2017 through Ociober 2019 Of the 915 requests noted rn the data, only 786 requests indicated the type of incident and therefore were susceptible to tins analysis Of these requests, only S68 are related to incidents that could be mandated for public release (as determined by OIG) As of Octobei 4. 2019. OFMC had not completed 13 of these requests even though more than 60 days had elapsed OIG analyzed the 357 lemaining requests

that could have been eligible, rather than incidents that COPA actually identified as eligible. For 68% of use-of-force incident requests, COPA submitted a request within fifteen days or less ofthe incident date. OIG found that OEMC failed to complete 201, or 57%, of the 352 use-of-force incident requests within 60 days of COPA's request with an average completion time of 67.3 days (see Figure 4).

FIGURE 4: TIME BETWEEN COPA'S REQUEST AND OEMCS RESPONSE

I 250

57%

200

150

i
; ioo -- - ■ -
13%
9%

1 18% i 50 .F^\;'>;;:^: •■
3%

i £_ i-V«-'•
46-60 days Over 60 days
16-30 days
31-45 days
j q b- -_^....:„_£
j 15 days or less

Source. OIG analysis

The Policy does not set a timeline for OEMC's-or any City agency's-delivery of requested materials to COPA. For its analysis, OIG set the threshold at 60 days from COPA's request date, because OEMC production at more than 60 days would render COPA's timely public posting to the Case Portal impossible. The 57% of incidents which ran over the 60-day threshold therefore represents a conservative estimate of use-of-force incidents for which OEMC's slow response could have prevented timely release of information to the public. It is additionally likely that some percentage of OEMC productions in the 31-60 day range could have frustrated timely public release because upon receipt, COPA requires additional time to properly review the materials and contact affected parties prior to posting to the public Case Portal.

COPA stated that OEMC does not always provide video and audio files within the 60-day public release deadline and has a "backlog" of requests from COPA and other City agencies. COPA reported that as a result ofthis backlog, many ofthe incidents on the Case Portal are missing all relevant video and audio files.

OEMC personnel explained that over time, they became responsible for providing video and other materials to an increasing number of agencies. Also, the records retention schedule for some records has increased from 30 clays to 90 days, which

resulted in records being retained longer, thereby resulting in more records to consider when responding to each request. According to OEMC personnel, this increase in work occurred without an increase in staff. OEMC personnel stated that they are assessing the feasibility of training for requesting agencies' staff (including COPA staff) to retrieve these video and audio files on their own, thus using the requesting agencies' resource (i.e. staff time) rather than OEMC's.

RECOMMENDATIONS

1. COPA should only rely on the incident date, as required by the Policy, rather than the notification date, when calculating the deadline for release of materials to ensure compliance with the Policy.
2. COPA should implement a quality control process to ensure that personnel tasked with releasing available materials do so in a timely manner.

3. COPA should seek expedited responses from OEMC for requests related to incidents that may be eligible for public release and OEMC should promptly respond to such requests; this may be facilitated by OEMC's providing COPA personnel with information on its internal processes for fulfilling requests for video and audio files.
4. The Mayor's Office, COPA, and OEMC should collaborate on developing binding directives prescribing a timeline for OEMC production of requested material to COPA from the date ofthe request.
5. The City should conduct a needs assessment to determine the appropriate technology and staffing levels required to ensure OEMC can efficiently fulfill the video and audio requests it receives from COPA and other agencies.
6. To the extent OEMC is unable to appropriately prioritize and expedite COPA's requests because of technology and/or staffing constraints, COPA personnel should be given direct access to OEMC data needed to assess whether an incident is mandated to be publicly released according to the Policy.

COPA MANAGEMENT RESPONSE

1. *The report indicates that 33 of 122 releases reviewed were untimely. COPA observes that 2 releases noted by the PSIG were restricted by civil or criminal orders, and 1 was improperly extended by Corporation Counsel. All 3 of these matters are outside the control of COPA. COPA further notes that 14 noted untimely releases were delayed due to error in calculating the start of the 60-day release period. A COPA staff member incorrectly calculated the release date based upon the date COPA received notification (in the identified cases, generally, the date after the incident date rather than the incident: date itself). COPA has re-trained all involved staff to ensure that such errors no longer occur. Additionally, 12 ofthe noted incidents were found to be mandated for release after complaints were received and investigated to evaluate the police*

action involved and/or seriousness of injury sustained, a process not accounted for in the language ofthe current Policy. Finally, the remaining 4 incidents noted appear to be late notifications to COPA or otherwise clerical errors.

2. *In the past year, COPA and OEMC have collaborated on processes to expedite OEMC responses to COPA requests for material subject to the VRP.*
3. *In the past, COPA and OEMC have collaborated to expedite OEMC responses ' to requests for material that is subject to the VRP. COPA will continue to work with OEMC to ensure that COPA personnel are able to obtain information on OEMC internal processes in order to obtain timely and comprehensive responses to COPA requests for video and audio files.*
4. *COPA looks forward to continuing to collaborate with the Mayor's Office and OEMC on developing binding directives prescribing a timeline for OEMC production of requested material to COPA from the date ofthe request.*

OEMC MANAGEMENT RESPONSE

3. *Due to the increasing volume of total investigatory requests overall to OEMC, including those linked to active criminal and civil cases that can result in judicial penalties, as well as through Freedom of Information Act requests that have timelines prescribed and codified in law, the OEMC must triage all requests in accordance with deadlines. OEMC has requested that COPA include deadline information at the time the request is submitted to OEMC, so OEMC can appropriately triage and respond in a timely matter.*

   The OEMC is working with COPA on improvements to process, technology and personnel that we believe will result in more timely responses to requests for audio and video.

   Process: The OEMC believes the best means to improve response times is for COPA to improve the specificity of requests. The OEMC has engaged COPA on ways to speed up their process of identifying specific cameras and time windows, and defining specific deadlines; the narrower the request, the less data that needs to be pulled, improving OEMC response time.

   Technology: The OEMC and COPA are currently working to expand COPA's capabilities within OEMC's video system, to include mapping capabilities, which will allow COPA to quickly and easily identify specific cameras for video requests to improve the precision of requests.

   Personnel' The OEMC is working with COPA on a plan to detail a COPA

   employee to OEMC to review audio and video recordings, under OEMC supervision, in order to expedite requests.
4. *OEMC will work with COPA and the Mayor's Office to develop such directives keeping in mind the significant volume of total investigatory requests that OEMC receives for other legal/court-mandated purposes. We believe ifthe aforementioned process, technology, and personnel improvements are made, COPA will receive a timelier response to requests for audio and video. OEMC has requested that COPA include deadline information at the time the request is submitted to OEMC, so OEMC can appropriately triage and respond in a timely matter.*
5. *As mentioned above, the OEMC is working with COPA on a plan to detail a COPA employee to OEMC to review audio and video recordings, under OEMC supervision, in order to expedite requests.*
6. *As mentioned above, the OEMC is working with COPA on a plan to detail a COPA employee to OEMC to review audio and video recordings, under OEMC supervision, in order to expedite requests. COPA personnel already have access to view camera video. As stipulated above, we are working with COPA to provide them viewing ability with mapping software, to further expedite -their reviews and narrow their requests. The OEMC wants to make clear that further access would require providing COPA with*

the ability to download camera recordings themselves, which would be in conflict with access control recommendations the OIG made to the OEMC in their December 2016 audit of the OEMC's public safety camera system.

MAYOR'S OFFICE MANAGEMENT RESPONSE

3. *COPA and OEMC will work to refine their processes for expediting requests and ensuring that both departments have the information that they need to meet each other's needs.*
4. *The Mayor's Office will work with COPA and OEMC to develop such directives.*
5. *The Mayor's Office will support OEMC in determining the staffing need and in requesting the appropriate staff through the annual budget process.*
6. *COPA will identify a staff to work onsite with OEMC to access the relevant data.*

3. OIG FILE #17-0697

CITY OF CHICAGO VIDLO RELEASE POLICY REVIEW

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Pursuant to CPD directives, CPIC must immediately notify COPA if any individual in CPD custody is seriously injured or dies as a result of police action.[20] COPA developed a notification matrix, which was adopted for use by CPD, but never codified as an official directive, to guide the notification process. Both CPIC and COPA personnel identified several factors which may undermine consistent and timely reporting of Policy-mandated use-of-force incidents.

In some cases, CPIC personnel expressed confusion about which incidents should result in a notification to COPA.[2'] They stated that, if they are uncertain about whether an individual in police custody sustained an injury as the result of police action, CPIC members may choose not to notify COPA ofthe incident. Additionally, CPIC personnel suggested that COPA's expectations about when and how it wants to be notified "constantly change." COPA personnel conceded that the recent notification guidelines it provided to CPIC can "be construed as ambiguous," and may not provide clear direction.

Certain incident types were reported as particularly problematic; COPA stated that CPIC has struggled with notifying COPA of motor vehicle incidents in a timely manner, though the notification matrix indicates that motor vehicle incidents involving death or injury require notification. Similarly, CPIC personnel stated they may not know whether to notify COPA of police-involved vehicle incidents.

Finally, CPD directives and the notification matrix present inconsistencies. For example, according to the notification guidelines, CPIC must inform COPA about Taser discharge incidents. However, CPD directives note that the supervisors in the district where a Taser incident occurred, rather than CPIC, must notify COPA

(General Order G03-02-04: Taser Use Incidents)[2]'

[20] Special Order 03-04-04
CPIC members slated that confusion about which incidents should lesult in notification happens in only 10% of cases and that CPIC staff "know they should call" COPA in 90% of cases '"Accessed April 16. 2020. htto//directives chicaoopohco orc.i/diro? cuves/data/a'/a57b9b-15f7592c 33615 f?5c 390604i"55cibdc-i fn fitmj_

RECOMMENDATIONS

7. CPD should replace the notification matrix describing CPIC's notification responsibilities with binding CPD directives outlining incidents of which CPIC should notify COPA, and how CPIC should do so.
8. When CPIC is uncertain of whether the injury or death of a person in CPD custody resulted from police action, CPIC should notify COPA ofthe incident so that such a determination may be made by an appropriate investigation.
9. CPD should provide training to members assigned to CPIC on their notification duties to COPA.
10. CPIC and COPA should work together to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents.

COPA MANAGEMENT RESPONSE

10. *COPA looks forward to working with CPIC to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents.*

CPD MANAGEMENT RESPONSE

7. *CPD has and will continue to work with COPA to develop clear guidelines for when CPIC needs to notify COPA of an incident. Based on these ongoing conversations CPD will develop a directive - either a general order or a special order - that will clearly delineate CPIC's responsibilities concerning when CPIC should notify COPA of an incident, and how CPIC should make that notification.*
8. *It is important to note that CPIC's purported uncertainty as set forth in the report does not appear to be born out in fact. The Department refers specifically to page 18, footnote 21. That said, the procedure outlined in this recommendation will be included in the directive developed in response to recommendation #7.*
9. *CPD agrees that members assigned to CPIC should continue to be trained with regard to their notification duties, including the responsibilities set out in the new directive. Upon completion ofthe new Directive CPIC will work out a training plan for this information.*
10. *CPIC and COPA already engage in frequent quality assurance dialogue, and CPD agrees that CPIC*

and COPA should continue to monitor whether the new directive is working effectively However, ifthe data shows compliance with the Video Release Policy, there is no reason that CPIC and COPA should be required to undertake additional work to show compliance

FINDING 3: COPA EXERCISES INADEQUATELY GUIDED DISCRETION IN RELEASING MATERIALS OTHER THAN THOSE MANDATED FOR RELEASE BY THE POLICY.

The Policy sets forth criteria under which the City must publicly release information related to police use-of-force incidents. The Policy articulates which materials, if available, must be released to the public for certain use-of-force incidents. It does not, however, explicitly speak to whether COPA may, on a discretionary basis, release materials for use-of-force incidents not articulated in the Policy. Despite this lack of guidance, COPA does release materials for use-of-force incidents not articulated in the Policy, on a discretionary basis. On the one hand, this broader practice beyond the Policy fosters transparency, which is a public good. However, the lack of guidelines raises concerns about subjectivity and inconsistency in these extra-policy matters that may raise public questions or concerns about the rigor of COPA's implementation ofthe Policy.

In August 2016, COPA released materials related to an incident indexed under log number 1081058 because it was of "public interest."[23] Though the incident did not involve firearm discharge nor great bodily harm, COPA released these materials because news outlets had already begun reporting about the incident, additional video had been shared on Facebook, and there was "significant" police use-of-force. The Policy does not provide for "public interest" nor media coverage as criteria for release.

The Policy provides a floor for incidents mandated for public release, but no ceiling or guidelines for those which may be eligible, but not mandated. Decisions to release non-mandated materials should take into account, among other facts, that many of the videos on COPA's Case Portal are graphic in nature, depicting fatal blows and life-threatening injuries, and that the interests of investigative agencies may weigh against the release of materials outside ofthe mandated field. Formal policy which accounts for the sensitivities and priorities of the people and entities involved, rather than ungrounded discretion, should guide COPA's release of any materials beyond what the Policy mandates for release.

■"' OIG only became avvaie of this instance when asking COPA about an unrelated matter and therefore did not. determine wheiher there were 01 her similar incidents

OIG riLE #17-0697
CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

RECOMMENDATIONS

11. The Mayor's Office and DOL should update the Policy to reflect whether COPA may release materials beyond those mandated for release on a discretionary basis and, if it may, should provide guidance to ensure that such discretion is exercised with appropriate consideration to all relevant interests.

MAYOR'S OFFICE MANAGEMENT RESPONSE

7?. The Mayor's Office will work with DOL to update the Policy to address these issues.

V. ACTIONS UNDERTAKEN DURING THE EVALUATION PERIOD TO IMPROVE ADHERENCE TO THE VIDEO RELEASE POLICY

Over the course of OIG's evaluation project, COPA has taken steps to improve adherence to the Policy including:

1. Collaboration on Notification Guidelines: Since the launch ofthis evaluation, both CPIC and COPA have started meeting to identify and address issues that impact timely and consistent video releases. These meetings have resulted in reference guides to provide CPIC with a clearer sense of COPA's notification expectations. However, CPIC personnel claim that some incidents still present ambiguities, e.g., whether the incident was the result of police action. OIG encourages both agencies to continue working together to address notification challenges and to accept OIG's recommendation to replace informal notification guidelines with formal directives.
2. New Case Management System (CMS): COPA has implemented a new CMS that replaces COPA's former process of using a SQL inquiry to pull incidents from CPD's CLEAR data warehouse. This new system automates part ofthe incident identification process and thereby decreases the risk of human error. Additionally, COPA personnel believe that the new CMS will provide COPA with a level of independence it previously did not have when it relied on CPD's CLEAR data system.
3. Codification of Video Release Roles and Responsibilities at COPA: In response to public criticism ofthe late release of video from the July 2018 officer-involved shooting of Harith Augustus, COPA created an official policy to document the video release process.'* This codification, effective December 16, 2019, is meant to promote clarity among COPA staff regarding video release roles and responsibilities as well as general compliance with the 60-day release timeframe. COPA's DCA highlighted the deadlines for tasks and added structure to the back and forth process between the investigative team and the DCA.

-'■ Foi more infoi'mauon on the I lai ith Augustus fatal shooting, please ;.ee Chicago Sun- i irnes September 19, 2019 hi i ps //chicaqo sun tiirK:sconVi)ews/2019A9/19/20874705/hai;th-auaustus-fatal shootinci-bai bei -clue; * y o j jo h co-south-shore

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OIG FILE #17-0697
CITY OF CHICAGO VIDLO RELEASE POLICY REVILW

APPENDIX A: VIDEO RELEASE POLICY Video Release Policy for the City of Chicago

I. PURPOSE.

This policy will provide direction to officials and agencies of the City of Chicago ("City") with respect to the public release by the City of videotape and audiotape recordings and certain specified police reports that relate to certain types of incidents involving Chicago Police Department ("CPD") officers, and shall prescribe procedures under which requests can be made to delay temporarily the release of those items to the public.

II. POLICY CONSIDERATIONS.

This policy is intended to strike a balance between competing and sometimes conflicting interests of (a) the public in obtaining timely access to video and audio recordings particularly those related initial police reports pertaining to certain incidents involving the use of force by police officers; (b) individuals who are the subject of the police action; and (c) units of local, state and federal government (including agencies of the City) involved in investigating or otherwise addressing the consequences of those incidents. Government institutions and officials with appropriate jurisdiction may have an interest in temporarily delaying the release of such information to the public in circumstances where it might compromise their efforts to address these incidents, including (but not limited to) criminal, disciplinary or other types of investigations. Those interests may include a desire to avoid instances where early release of information could cause fact witnesses, whether civilian or otherwise, intentionally or inadvertently to conform their recollections of events to fit what they see in a video, hear in an audio recording, or read in a report. In addition, certain individuals, such as persons injured in these incidents or their families, may also have interests concerning the release of these items. Despite those interests, however, the people of the City have an undeniable, and in some cases paramount, interest in being informed, in a timely fashion and based on the most accurate information possible, about how their police force conducts its business, especially where the use of force by the police results in the death of, or great bodily harm to, a civilian. This policy attempts to balance those competing interests by permitting specifically interested entities to request a temporary delay in the public release of recordings or reports in order to protect the integrity and effectiveness of their investigations, while assuring that these materials will become available to the public within a limited and certain period of time. The goal of this policy is to increase transparency with respect to the operations of CPD, and in doing so to foster increased trust and communication between the police officers and the community whom they serve.

III. SCOPE.

A. Incidents. Consistent with (though not identical to) Municipal Ordinance Code Section 2-57-040(c) and (d), this policy encompasses the following types of incidents: (1.) those in which a CPD officer discharges his or her firearm in a manner that strikes, or that potentially could

strike, another individual, even if no allegation of misconduct is made; (2) those in which a CPD officer discharges his or her l aser or stun gun in a manner that strikes another individual and results in death or great bodily harm; and (3) those in which, as a result of the use of force by a police officer, the death of, or great bodily harm to, a person occurs while that person is in police custody. (Referred to hereinafter as the "Incident.") "Great bodily harm" means any injury that is serious enough to require treatment in a hospital or similar facility located in a correctional institution.

B. Recordings and Reports. This policy applies to the following items that relate to any Incident: all video and audio recordings relating to the Incident, including tapes of 911 calls, OEMC dispatch recordings, CPD radio calls, video and audio from CPD dash or body cameras, videos from CPD or OEMC POD cameras, as well as any video or audio recordings made using cameras or equipment not owned or controlled by the City that come into the possession or control of CPD or IPRA; and any arrest reports, original case incident reports, tactical response reports (TRR's), and officers' battery reports (OBRs) (Referred to hereinafter as "Information.")

IV. RELEASE OF INFORMATION

A. Timing of Release of Information. Any Information covered by this policy shall be released to the public no more than 60 calendar days from the date of the Incident unless a request is made to delay the release of any or all of the Information pursuant to this policy. Where any video or audio recording of an Incident covered by this policy made using cameras or equipment not owned or controlled by the City comes into the possession of the City after the date of that Incident, it shall be released to the public no more than 60 days after it comes into the possession of the City. The City shall make every effort to provide for the release of such recordings simultaneously with the release of other Information related to the Incident.

B. Requests to Delay Release. Upon written request from a government entity specified herein, the City will delay release of Information for a period not to exceed 30 calendar days. Any such request shall be made in writing and shall be directed to the City Corporation Counsel. Such a request may be made by the United States Attorney for the Northern District of Illinois, the Cook County State's Attorney, the Attorney General of Illinois, IPRA, or any other federal, state, county or local law enforcement agency. Any request must set forth with specificity the length of the delay requested (not to exceed an additional 30 calendar days) and shall set forth as reasons supporting the requested delay one or more of the factors listed at 5 ILCS 140/7(d)(i) through (vii). In addition, any such request must identify the specific item(s) sought to be temporarily withheld from release. The written request to delay release will itself be released to the public immediately upon receipt using a portal or website used for the distribution of Information subject to this policy. T he City will not honor any further requests to delay release beyond the initial request, and will not honor a request for a delay of release that exceeds 30 calendar days.

C. Early Release of Information. Where doing so will not compromise an ongoing investigation, any Information covered by this policy may be released before the expiration of 60 calendar days, and may occur as soon as possible after the Incident.

D. Manner of Release of Information. The City shall create and maintain a publicly accessible website, dropbox or similar portal dedicated to the posting of Information covered by this policy.

V. NOTICE TO AFFECTED PARTIES.

Prior to the release of Information, IPRA will attempt to notify any person who was the subject of the police action and is depicted in any video recording, or if that person is deceased or otherwise unavailable, that person's legal representative and/or next of kin, that the video recording and any related Information will be released and the date of release. IPRA will also offer to promptly show such individuals (and/or, if applicable, their legal representative and/or next of kin) the video recording(s) in which that person was depicted, and to play any related audio, in advance of its public release, and to answer questions and provide other information concerning the Incident and the status of any investigation of the Incident, to the extent that information can be provided without compromising any investigation.

VI. ONGOING REVIEW.

The provisions of this policy should be reviewed by the City after it has been in effect for one year (or sooner if appropriate) in order to determine whether experience with its implementation and application supports revision of the policy with respect to any issue, including (but not limited to) whether the 60-day period and the 30-day extension it provides for may be shortened or whether its scope may be expanded to cover additional types of incidents.

VII. LEGAL PROCESS.

This policy is intended solely to govern the conduct of the City and its agencies and officials with respect to the matters it covers. It is not intended to displace or supersede any legal right or remedy available to any person or entity. It is also not intended to prevent or hinder compliance by the City with respect to any legal obligations, including (but not limited to): (a) any order of court; (b) any obligation to redact identifying or other information from any item covered by this policy before its release to the public; or (c) any obligations imposed by the Freedom of Information Act, 5 ILCS 140/1 et seq.

APPENDIX B: COPA RESPONSE

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OFFICE OF INSPECTOR GENERAL City of Chicago

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Management Response Form

Project Title: Video Release Policy

Proiecl Number 17-0697

IX'partrncnl Name Civilian Otticc of Police Accountability

i^atc' June 11. 2020

Department 1 lend. Sydney Roberts

1. COPA should only rely on the incident dale, as required by the Policy, rallicr than the notification date, when calculating the deadline tor release of materials to ensure compliance with the Policy.	Agree	The report indicates that _v> of 122 releases reviewed were untimely COPA observes that 2 releases noted by Uie P.SIG were leslrielcd by civ if or criminal otders. and 1 whs improper!v extended b\ Corporation Counsel. All 3 of these matters are outside the control of COPA. COPA further notes that 14 noted untimely releases were delayed due to error in calculating the start ofthe 60-da> release period. A COPA stnfV member incorrectly calculated the release dale b.iscd upon the date COPA received notification (in Ihe identified cases, generally, the dale after the incident dale nil her than the incident date itself)- COPA has rc-lrained all involved staff to ensure thai such errors no lonecr occur. Additionally.	Implemented 2020	COPA

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OIG FILE #17-0697

CI IY OF CHICAGO VIDEO RELEASE POLICY REVIEW

OIG Recommendation	Disagree	Department's Proposed Action	Implementation Target Date	Party Responsible
		\2 of the noted incidents were found to be mandated for release after complaints were received and investigated to evaluate the police acl ion involved and'or seriousness of injury sustained, a process not accounted for in the language ofthe current Policy. Finally, the remaining 4 incidents noted appear to be late notifications lo COPA or otherwise clerical errors.		
2. COPA should implement:» quality control process to ensure that personnel tasked wilh releasing available materials do *o in a timely manner.	Agree	In the past yeai, COPA and OEMC have collaborated on processes to expedite OEMC responses lo COPA requests for material subject tothe VRP.	Implemented 2020	COPA
3. COPA should seek expedited responses from OHMC for requests related to incidents that may be eligible for public release and OEMC should promptly respond to such requests; (his may be facilitated by OEMC's providing COPA personnel with information on its internal piocesscs for fulfilling requests for video and audio tiles.	Agree	In Ihe past. COPA and OEMC have collaborated to expedite OEMC resjxjiises lo requests for material that is subject to the VRP. COPA will continue lo work with OEMC to ensure that COPA personnel are able to obtain infonnation on OEMC internal processes in order to obtain timely and comprehensive responses to COPA requests for video and audio files	COPA will continue its engagement with OhMC as necessary to ensure timely and comprehensive OEMC response to COPA requests	COPA$_f$ OHMC
4. The Mayor's Office. COPA, and OHMC should collaborate on developing binding directives prescribing a timeline for OVA IC production of	Agree	COPA looks forward to continuing to collaborate with the Mayor's Office and OEMC on developing binding directives prescribing a timeline for OliAIC production of requested material to COPA from the date of the request	COPA will seek to implement such directives as soon as possible.	Mayor's OHIce, COPA, OEMC

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

. > ,\OKi Kecmnnicudation	Agree/. Disagree	.	, Department's Proposed Action	" Implementation ■ Target	;.Parrv:Responsible ., Date.:\y.
requested material lu COPA ironi the date of the request.					
10 CPIC and COPA should work together to develop quality assurance measures, including data-driven performance improvement processes, lo ensure that COPA is notified of all appropriate incidents	Agree	COPA looki Ibrwinxl to working with CPIC lo develop quality assurance measures, including data-driven performance improvement processes, to ensure that COP-\ is notified of alt appropriate incidents.		COPA will sock to develop and implement such measures and processes as soon as possible.[1]	COPA. CPIC

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APPENDIX C: CPD RESPONSE

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Joseph M. Ferguson Inspector Gcr.erct

OFFICE OF INSPECTOR GENERAL City of Chicago

CbSogcMSinols 60654 Telepbo-c: (773) 473-7799 Fox (773)478-3949

Management Response Form

Project Title?, Video Release Policy

Protect Number: 17-0697

Department Name: Chicago Police Department

Date: June 11. 2020

Department Head: David Brown

OIG Recommendation !.■	'Agra*/ ^Dh Agree	Oopaitment's Prbpc4^ ^ion	implementation Target Data	R«pohsiblo
7. CPD should replace the notification matrix describing CPIC's notification responsibilities with binding CPD directives outlining incidents of which CPIC should notify COPA, and how CPIC should do so.	Agree	CPD has and will continue to work with COPA to develop clear guidelines for when CPIC needs to notify COPA of an incident. Based on these ongoing conversations CPD will develop a directive - either a general order or a special order - that will clearly delineate CPIC's responsibilities concerning when CPIC should notify COPA of an incident, and how CPIC should make that notification.	October 1, 2020	CPD
8. When CPIC is uncertain of whether the injury or death of a person in CPD custody resulted from police action, CPIC should notify COPA of the incident so that	Agree	It is important to note that CPIC's purported uncertainty as set forth in the report does not appear to be born out in fact. The Department refers specifically to page 18, footnote 21. That said, the procedure outlined in this recommendation will be included in the directive developed in response to recommendation #7.	October 1, 2020	CPD

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIFW

OIG Recommendation	Agroe/ Dbagreo	Dop»rtmtnt'» Proposed Action	Implementation Target Dato	Party . Responsible
such a determination may be made by an appropriate investigation				
9. CPD should provide training to members assigned to CPIC on their notification duties to COPA.	Agree	CPD agrees that members assigned to CPIC should continue to be trained with regard to their notification duties, including the responsibilities set out in the new directive. Upon completion ofthe new Directive CPIC will work out a training plan for this information.	November 1, 2020	CPD
10. CPIC and COPA should work together to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents.	Agree	CPIC and COPA already engage in frequent quality assurance dialogue, and CPD agrees that CPIC and COPA should continue to monitor whether the new •directive is working effectively. However, if the data shows compliance with the Video Release Policy, there is no reason that CPIC and COPA should be. required to undertake additional work to show compliance	November 1, 2020	CPD

CPD respectfully requests that the language on page 18 of the draft teport stating that CPIC personnel expressed confusion about which incidents should result in a notification to COPA be revised or removed. Footnote tt21 qualifies this confusion as applying to only 10% of cases, and that in 90% of cases CPIC staff knew to call COPA. However, as drafted, the report's language creates a strong implication that the confusion at CPIC over whether to notify COPA is widespread, rather than limited to only 10% of cases. This is an unfair characterization of the investigators' findings, and the body of the report should be revised, or the language concerning confusion removed altogether.

OIG FILE #17-0697
CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

Lori H. Lightfoot Mayor

Department of Police • City of Chicago

3510 S. Michigan Avenue- • Chicaao, Illinois 60653

David O. Brown

Superintendent of Polico

July 31, 2020

VIA ELECTRONIC MAIL

Ms. Deborah Witzburg Deputy Inspector
General Public Safety Section
City of Chicago Office of Inspector General 740 N. Sedgwick!
Suite 200 Chicago, Illinois 60654 dwitzburg@igchicago.org
<mailto:dwitzburg@igchicago.org>

Re: CPD's Response to OIG's Review of Compliance with the City of Chicago's Video Release Policy for Use of Force Incidents

Dear Deputy Inspector General Witzburg:

The Chicago Police Department ("CPD") has prepared the following responses to recommendations 7 through 10 in the Review of Compliance with the City of Chicago's Video Release Police for Use of Force Incidents ("OIG Review").

Recommendation 7: CPD should replace the notification matrix describing CPIC's notification responsibilities with binding CPD directives outlining incidents of which CPIC should notify COPA, and how CPIC should do so.

Response: CPD will work with COPA to develop clear guidelines for when CPIC needs,to notify COPA of ah incident. CPD will then develop a directive - either a general order or a special order - that will clearly delineate CPIC's responsibilities concerning when CPIC should notify COPA of an incident,, and how CPIC should make that notification.

Recommendation 8: When CPIC is uncertain of whether the injury or death of a person in CPD custody resulted from police action, CPIC should notify COPA of the incident so that such a determination may be made by an appropriate investigation.

Response: The procedure outlined^in this recommendation will be included in the directive developed in response to Recommendation #7.

Recommendation 9- CPD should provide training to members assigned to CPIC on their notification duties to COPA.

Response: CPD agrees that members assigned to CPIC should be trained wilh regard to their notification duties, including the responsibilities set out in the new directive.

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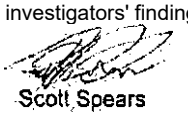
CI I Y OF CHICAGO VIDEO RELEASE POLICY REVIEW

Recommendation 10: CPIC and COPA should work together to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents

Response: CPD agrees that CPIC and COPA should continue to monitor whether the new directive is working effectively. However, if the data shows compliance with the Video Release Policy, there is no reason that CPIC and COPA should be required to undertake additional work to show compliance

Finally, CPD respectfully requests that the language on page 18 ofthe draft report stating that CPIC personnel expressed confusion about which incidents should result in a notification to COPA be revised or removed Footnote #21 qualifies this confusion as applying, to only 10% of cases, and;that in 90% of cases CPIC staff knew to call COPA. However, as drafted.the report's language creates a strong implication that the confusion at CPIC over whether to notify COPA is widespread, rather than limited to only 10% of cases. This is an unfair characterization of the investigators' findings, and the body of the report should be revised', or the language concerning confusion removed altogether.



Scott Spears

Assistant General Counsel Office of the Superintendent ■Chicago Police Department

Sincerely,

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CITY OF CHICAGO VIDEO RELEASE POLICY REVILW

APPENDIX D: OEMC RESPONSE

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Jc&epn M. Ferguson ifKvtxtor General

OFFICE OF INSPECTOR GENERAL City of Chicago

740 \ Sedswfck Street, Suit* 200 CKcago, I.Ii;ias iCCSi Telcpho-X!. (773) 473-7799 Fi»-{773)478-3949

Management Response Form

Project Title: Video Release Policy

Project Number: 17-0697

Department Name: OEMC

Date: July 31,2020

Department Head: RichGuidice

■ .OIG Recommendation:;	Agree/ y.Disagree	Department's Proposed Action ■	implement*: tion Torget Date	: rpart¥^ : Responsible
COPA should seek expedited responses from OEMC for requests related to incidents that may be eligible for public release and OEMC should promptly respond to such requests; this may be facilitated by OEMC's pioviding COPA pci sonnel with information on its internal processes for fulfilling requests for video and audio dies.	Agree -alternate course of action recommended as follows	Due to the increasing volume of total investigatory requests overall to OEMC, including those linked to active criminal and civil cases that can result in judicial penalties, as well as through Freedom of Information Act requests that have timelines prescribed and codified in law, the OEMC must triage all requests in accordance with deadlines. OEMC has requested that COPA include deadline information at the time the request is submitted to OEMC, so OEMC can appropriately triage and respond in a timely matter The OEMC is working with COPA on improvements to process, technology, and personnel that we	Q4 2020	OEMC, COPA

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

OIG Recommendation	Agree/ Disagree	Department's Proposed Action	Implement* tiorr -Target Date	Party Responsible.
[redacted]		believe will result in mote timely responses to requests for audio and video. Process. The OEMC believes lhe best means to improve response times is for COPA to improve the specificity of requests. The OEMC has engaged COPA on ways to speed up their process of identifying specific cameras and time windows, and defining specific deadlines, the narrower the request, the less data that needs to be pulled, improving OEMC response time. Technology. The OEMC and COPA are currently working tc expand COPA's capabilities within OEMC's video system, to include mapping capabilities, which will allow COPA to quickly and easily identify specific cameras for video requests to improve the precision of requests. Personnel: The OEMC is working with COPA on a plan to detail a COPA employee to OEMC to review audio and video recordings, under OEMC supervision, in order to expedite requests.		
The Mayor's Office, COPA, and OEMC should collaborate on developing binding directives prescribing a timeline for OEMC production of requested material to COPA from the date of the request.	Agree -alternate course of action recommended as follows	OEMC will work with COPA and the Mayor's Office to develop such directives keeping in mind the significant volume of total investigatory requests that OEMC receives for other legal/court-mandated purposes We believe if the aforementioned process, technology, and personnel improvements are made; COPA will receive a timelier response to requests for	Q4 2020	OEMC, COPA, Mayor's Office

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OIG FILE #17-0697
CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW SEPTEMBER 15, 2020

OIG Recommendation	Agree/ Disagree	Department's Proposed Action	Implomenta tion " Targot Dato	Party ^ : Responsible
		audio and video. OEMC has requested that COPA include deadline information at the time the request is submitted to OEMC, so OEMC can appropriately triage and respond in a timely matter.		
The City should conduct a needs assessment to determine the appropriate technology and staffing levels requned to ensure OEMC can efficiently fulfill the video and audio requests it receives from COPA and other agencies.	Agree	As mentioned above, the OEMC is working with COPA on a plan to detail a COPA employee to OEMC to review audio and video recordings, under OEMC supervision, in order to expedite requests.	Q4 2020	OEMC COPA

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To the extent OEMC is unable to appropriately prioritize and expedite COPA's requests because of technology and/or staffing constraints, COPA personnel should be given direct access to OEMC data needed to assess whether an incident is mandated to be publicly released according to the Policy.	Agree -alternate course of action recommended as follows	As mentioned above, the OEMC is working with COPA on a plan to detail a COPA employee to OEMG to review audio and video recordings, under OEMC supervision, in order to expedite requests. COPA personnel already have access to view camera video. As stipulated above, we are working with COPA to provide them viewing ability with mapping software, to further expedite their reviews and narrow their requests. The OEMC wants to make clear that further access would require providing COPA with the ability to download camera recordings themselves, which would be in conflict with access control recommendations the OIG made to the OEMC in their December 2016 audit of the OEMC's public safety camera system.	Q4 2020	OEMC COPA

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

APPENDIX E: MAYOR'S OFFICE RESPONSE

Joseph M Ferguson Inspector General

***OFFICE OF INSPECTOR GENERAL** City of Chicago*

740 hi. Sedgwick Street. Sum 200

Change;, ilitno::i*'C:*4 Telephone. (773) 47S-?/X>

Management Response Form

Project Title: Video Release Policy

Project Number: 17-0697

Department Name: Mayor's Office

Date: July 23, 2020

Department Head. Lori Lightfoot

OIG Recommendation	; Agree/: ".Disagree	:.Department's Proposed Action ■^ikj:^;	: Implementation ^Target Date.:;..	Party RospomEbto
3, COPA should seek expedited responses from OEMC for requests related to incidents that may be eligible for public release and OEMC should promptly respond to such requests; this may be facilitated by OEMC providing COPA personnel with information on its internal processes for fulfilling requests for video and audio files.	Agree	COPA and OEMC will work to refine their processes for expediting requests and ensuring that both departments have the information that they need to meet each other's needs.	9/30/2020	All

OIG FILE #17-0697
CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

OIG Recommendation	Agree/ Disagree	Department's Proposed Action	Implementation Target Dato	Party Responsible
4. Ihe Mayor's Office, COPA, and OEMC should collaborate on developing binding directives prescribing a timeline for OEMC production of requested material to COPA from the date of the request.	Agree	Mayor's Office will work with COPA and OEMC to develop such directives.	9/30/2020	All
5. The City should conduct a needs assessment to determine the appropriate technology and staffing levels required to ensure OEMC can efficiently fulfill the video and audio requests it receives from COPA and other agencies.	Agree	The Mayor's Office will support OEMC in determining the staffing need and in requesting the appropriate staff through the annual budget process.	8/30/2020	All
6. To the extent OEMC is unable to appropriately prioritize and expedite COPA's requests because of technology and/or staffing constraints, COPA personnel should be given direct access to OEMC data needed to assess whether an incident is mandated to be publicly released according to the Policy.	Agree	COPA will identify a staff to work onsite with OEMC to access the relevant data.	10/1/2020	All
11. The Mayor's Office and DOL should update the Policy to reflect whether COPA may release materials beyond those mandated for release on a discretionary basis and, if it may, should provide	Agree	The Mayor's Office will work with DOL to update the Policy to address these issues.	9/30/2020	All

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CITY OF CHICAGO VIDEO RELEASE POI ICY REVIEW

OIG Recommendation;'■ •	Agree/ . Disagree ..■	- . . Department's Proposed Action '■' *:■■ "■'-. :::S^AS^/^i\f/-"' ■'.* *V:±&ffi$-. "",- p- "*	Implement aft ion: .,■ Target Dato.^^	Party : Responsible ■
guidance tnensure that such discretion is exercised with appropriate consideration to all relevant interests.				

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CITY OF CHICAGO VIDEO RELEASE POLICY REVIEW

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
- activities and issues of equity, inclusion and diversity by its Diversity, Equity, Inclusion, and Compliance Section.

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, and 240.

Cover image courtesy of COPA Case Portal