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121 N. LaSalle St.
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OCTOBER 2020

EMERGENCY ORDINANCE OF THE CITY OF CHICAGO PROHIBITING THE CARRYING OF A FIREARM, DISCHARGE POLICY

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■ 3OS'.EPH M. FERGUSON

DEBORAH WITZBURG :S .--r-' ■. '
DEPUTY INSP'E'CTOR'GENERAL FOR PUBLIC SAFETY

OIC FILE #18-0370

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ACRONYMS

CIO	Critical Incident Overview
COPA	Civilian Office of Police Accountability
CPD	Chicago Police Department
EAP	Employee Assistance Program
ETD	Education and Training Division

IACP	International Association of Chiefs of Police
ICIO	Individualized Critical Incident Overview
OFDS	Office of the First Deputy Superintendent
OIC	Office of Inspector General
PTSD	Post-Traumatic Stress Disorder

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TRR	Tactical Response Report
TISM	Traumatic Incident Stress Management

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CITY OF CHICAGO ^ ^ OFFICE OF INSPECTOR GENERAL V .
**EVALUATION OF THE CHICAGO POLICE
^DEPARTMENT^(CPD) POST-FIREARM
DISCHARGE POLICY**

: CPD HAS NOT OPERATED IN FULL COMPLIANCE WITH ITS POLICY FOR RETURNING OFFICERS TO
REGULAR FIELD DUTY AFTER A FIREARM DISCHARGE INCIDENT.
MEMBERS WHO RETURN TO REGULAR FIELD DUTY - BEFORE SATISFYING REQUIREMENTS THAT
ARE DESIGNED TO HELP THEM PROCESS ASSOCIATED TRAUMA-MAY BE PLACED IN
CIRCUMSTANCES THAT PUT THEM AND OTHERS AT RISK.

21% could not be verified as participating in the Traumatic Incident Stress Management program.

17% did not complete the Critical Incident Overview training before returning to field duty.

Key components of CPD's return-to-duty program are not made available in a timely manner to members who need them.

CPD'S INDIVIDUALIZED TRAINING IS NOT TAILORED TO THE UNIQUE-EXPERIENCES OF EACH MEMBER AND THEIR FIREARM DISCHARGE INCIDENT.

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EVALUATION OF CPD'S POST FIREARM DISCHARGE POLICY

I. EXECUTIVE SUMMARY

The City of Chicago Office of Inspector General (OIG) has completed an evaluation of the Chicago Police Department's (CPD or the Department) compliance with its policy regarding post-incident requirements for members who discharge their firearms, on-or off-duty. Under General Order G03-02-03, CPD members are required to complete several steps before returning to regular field duties after a firearm discharge incident, specifically:

- Completing a minimum of 30 days of administrative duty;
- Participating in the Traumatic Incident Stress Management (TISM) program, which includes a trauma debriefing session;
- Attending the Critical Incident Overview (CIO) training; and
- Completing any other training curriculum developed by the Education and Training Division (ETD), including an individualized training curriculum.

OIG found that CPD has not operated in full compliance with this policy. OIG also determined that CPD's internal controls are inadequate, as reflected in the Department's insufficient policies and procedures, its inability to ensure the execution of those policies and procedures, and poor documentation of the return-to-duty process.

As a result, members who discharged their firearms have returned to regular field duty before they have satisfied return-to-duty requirements that were designed to help members process the trauma associated with discharging their firearms. Due to potential negative outcomes associated with trauma, such members may be placed in circumstances that put themselves and others at risk.

In addition, OIG determined that the return-to-duty process is inadequate and inefficient in the following ways:

- The Individualized Critical Incident Overview (ICIO) training that ETD began offering in early 2019 is not tailored to members' experiences; and
- Nearly all members spend more than 30 days on administrative duty assignment, because of lagtimes in administration of key officer evaluation and support components of the return-to-duty process.

To achieve compliance with return-to-duty requirements, OIG recommends that CPD,

- develop and implement internal controls that ensure proper oversight of the requirements, complete notification of relevant CPD members, and proper documentation and tracking, utilizing to the extent feasible a software

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solution automating the provision of relevant notifications and tracking all information necessary to

verify completion of return-to-duty requirements.

To address the areas of inadequacy and inefficiency in its return-to-duty process, OIG recommends that CPD,

- evaluate whether its current individualized training offerings fulfill their intended purpose and the requirements found in the General Order,
- track whether members have been involved in previous firearm discharge incidents to inform the TISM program, CIO and ICIO trainings, and possible extension of administrative duty assignments beyond 30 days, and
- investigate the reasons most members remain on administrative duty for longer than 30 days, and identify measures to improve the timeliness of its processes.

In response to our findings and recommendations, CPD either agreed or agreed in part to OIG's various recommendations. The specific recommendations related to each finding, and CPD's response, are described in the "Findings and Recommendations" section of this report.

The International Association of Chiefs of Police (IACP) counsels that "[a]n officer-involved shooting¹ is perhaps the most traumatic event an officer will encounter during service."² In these high-stress incidents, officers may experience the fear of imminent danger and the psychological impacts of using deadly force.⁵ Research suggests that officers involved in shooting incidents are likely to develop Post-Traumatic Stress Disorder (PTSD) or related symptoms such as intrusive recollections, hyperalertness, and reduced emotional expression.⁴ Additionally, officers who have killed or seriously injured someone in the line of duty are significantly more likely to experience PTSD symptoms.⁵ In turn, PTSD among police officers may contribute to increased alcohol consumption, risk for cardiovascular disease, and suicidal ideation. Furthermore, it can adversely impact their decision-making in critical situations,⁶ specifically, hypervigilance may lead to more aggressive uses of force.⁷ To reduce stress and and manage reactions to the incident, IACP recommends that

⁷ Laurence Miller, "Officer-Involved Shooting Reaction Patterns, Response Protocols, and Psychological Intervention Strategies," *International Journal of Emergency Mental Health* 8, no. 4, (2006) 239-254. <https://doi.org/10.1007/s10441-006-9038-0>

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departments provide post-shooting interventions, including a debriefing with a mental health professional.⁸

CPD requires Department members who discharge their firearms to satisfy several steps before returning to regular field duties.⁹ These requirements are designed to provide members an avenue to process the trauma of a shooting incident and prepare members for their regular field duties. Compliance with these requirements is intended to ensure that members are not returned to field duties before they are ready and able to fulfill their duties.

The risks-of noncompliance are evident in an incident that occurred before CPD implemented its current return-to-duty process, when in 2016, the Department mistakenly returned Officer Robert Rialmo to field duty for four months before realizing their error. At the time of his return, Rialmo was supposed to remain on administrative duty while he was under investigation for the fatal shootings of Quintonio LeGrier and Bettie Jones. Rialmo had also filed a lawsuit against the City of Chicago claiming that he was poorly trained by CPD and that the shooting had caused him "severe distress and permanent emotional trauma,"¹⁰ further calling into question his readiness for duty.¹¹ While CPD's current process adds a layer of approval for members returning to field duty, this example underscores the importance of implementing adequate internal controls to prevent such errors from recurring.

⁸ International Association of Chiefs of Police, *Officer-Involved Shootings- A Guide for Law Enforcement Agencies* (Washington, D C Office of Community Oriented Policing Services, 2016), 28, accessed August 22, 2019, [https://www.theiacp.org/sites/default/files/2018-08/e051602754 Officer. Involved v8.pdf](https://www.theiacp.org/sites/default/files/2018-08/e051602754%20Officer%20Involved%20v8.pdf)

⁹ Police departments in other major U S cities, including Dallas, Las Vegas, Los Angeles, San Diego, and Washington, DC, have similar requirements in place, though specific requirements vary across cities Office of the Inspector General, Los Angeles Police Commission, *Comparative Review of Selected Agency Policies, Investigations, and Training on the Use of Force OIC Final Report*, October 6, 2016, accessed August 22, 2019, <https://docs.wixstatic.com/uqdb2dd23...753a586ac64546a8a2f85555eab0e324.pdf>

¹⁰CPD attributed Rialmo's return to field duty to an administrative error While on field duty, Rialmo participated in arrests but was not the subject of any civilian complaints and was not involved in any reported use of force incidents Dan Hinkel, "Chicago Cop Who Fatally Shot 2 Was Mistakenly Returned to Street Duties," Chicago Tribune, November 18, 2016, accessed August 22, 2019, <https://www.chicagotribune.com/news/breaking/ct.-chicago-officer-mistake-quintonio-legrrier-bettie-jones-shooting-met-20161117-story.html>

¹¹In November 2018, CPD initiated Rialmo's termination based a recommendation from the Civilian Office of Police Accountability In October 2019, the Chicago Police Board voted to terminate Rialmo Sam Charles, "CPD Recommends Rialmo Be Fired for Fatal Jones, LeGrier Shooting," Chicago Sun Times, November 7, 2018, accessed August 22, 2019, <https://chicago.suntimes.com/7018/11/7/18424254/cnd-recommends-rialmo-be-fired-for-fatal-jones-legrrier-shooting> Dan Hinkel, "Chicago Police Board Fires Officer Robert Rialmo Nearly 4 Years after He Fatally Shot Quintonio LeGrier and Bettie Jones," Chicago Tribune, October 18, 2019, accessed October 23, 2019, <https://www.chicagotribune.com/news/breaking/ct.-chicago-officer-mistake-quintonio-legrrier-bettie-jones-shooting-met-20161117-story.html>

EVALUATION OF CPD'S POST-FIREARM DISCHARGE POLICY

A. CPD'S RETURN-TO-DUTY REQUIREMENTS

CPD General Order G03-02-03, Firearm Discharge Incidents Involving Sworn Members (the General Order) specifies the following return-to-duty requirements:¹¹--

1. Administrative Duty Assignment: The General Order, Section XI-B, specifies that the assignment "will begin the day after the firearm-discharge incident." During the assignment, members provide administrative support for their assigned unit or detail at the direction of their unit's commanding officer. Members may also participate in voluntary special work opportunities (e.g., working special events) approved before the incident, provided that they do so in an administrative capacity. Extensions of the 30-day administrative duty assignment need to be approved by the first deputy superintendent.
2. Traumatic Incident Stress Management (TISM) Program: This program includes a trauma debriefing session with a member of CPD's Professional Counseling Division held within 72 hours of incidents CPD considers to be traumatic, such as firearm discharges.¹³ According to CPD's Employee Resource E06-03, the goal of the TISM program is "to provide an opportunity for members to understand and put into perspective a traumatic incident, including any emotional and/or psychological impact."¹⁴The TISM program is oriented toward helping members recover from a traumatic experience and reducing vulnerability to PTSD rather than evaluating a member's actions during the traumatic incident. The debrief also provides an opportunity to assess a member's fitness for duty; if CPD counselors observe symptoms of trauma that could inhibit the member from effectively performing their duties, the Employee Assistance Program (EAP) may require a member to attend additional debriefing sessions until the member is determined to be symptom-free and ready to be released from the TISM program.
3. Critical Incident Overview (CIO) Training: The goal of ETD's eight-hour CIO training, held on a Saturday only on a monthly basis, is to provide support for members who have experienced the trauma of discharging their firearms. The first half of the training includes a discussion of stress, an overview of support services available to members through EAP, sharing experiences with

¹¹ General Order G03-02-03, "Firearms Discharge Incidents Involving Sworn Members," accessed September 4, 2019, <http://directives.chicagopolice.org/directives/data/a7a57be2-12bf3509-a8c12-bf4a-19387ee3b460c202.pdf>

¹³ For the first three days following a firearm discharge incident, members are not on duty (including administrative duty) to allow them to recover from the stress of the incident. Aside from firearm discharges, the TISM program may also be required after incidents involving serious personal injuries to a member or incidents involving great bodily harm or death due to a member's actions while on duty. ¹⁴ Employee Resource E06-03, "Traumatic Incident Stress Management Program," accessed October 24, 2019, <http://directives.chicagopolice.org/directives/data/a7357be2-17abe584-90812-abe5851cc875b7528b11.pdf>

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members of the Chicago Police Survivors Organization, a discussion of spirituality led by the Chaplains Unit, and a review of laws and policies related to the use of force. The second half of the training is a firing range session intended to help members become reaccustomed to firing their weapons. The

firing range portion also allows trainers to identify members who demonstrate signs that they are not yet ready to fire their weapons. ETD personnel may refer such members to EAP for additional counseling before they return to field duties.

4. Individualized Critical Incident Overview (ICIO) Training: The ICIO training curriculum reflects the requirement that ETD will develop an individualized training curriculum for Department members placed in a mandatory administrative duty assignment. This training will be in addition to the eight-hour critical incident overview training course held by the ETD's Firearms Training Unit.

None of the training requirements are dependent upon determinations by investigating agencies of the appropriateness of members' actions during shooting incidents.

B. CPD'S POST-FIREARM DISCHARGE ADMINISTRATIVE DUTY PROCESS

The Office of the First Deputy Superintendent (OFDS) is responsible for ensuring that CPD members satisfy return-to-duty requirements before returning to field duty. OFDS coordinates with other units within CPD to identify members to be placed on mandatory administrative duty and to verify that members have satisfied all requirements.

After receiving an email notification of a firearm discharge incident from the Crime Prevention and Information Center, OFDS emails the involved member's unit commander to inform them that the member must be placed on a 30-day administrative duty assignment, beginning the day after the incident. Members who discharge their firearms are responsible for contacting the Professional Counseling Division within 24 hours of the incident to schedule their trauma debriefing.¹⁵ Following the member's release from the TISM program, the unit commander assigns the CPD member to an administrative support function and documents the assignment within Automated Daily Attendance and Assignment Records (A & A records). ETD, which receives notification of the incident from the Bureau of Internal

¹³ If the member does not schedule a debriefing within 24 hours, their unit's commanding officer is responsible for immediately notifying OFDS

Affairs, prepares a To/From report to notify the member's unit commander that the member is required to attend the CIO and ICIO trainings.¹⁶

OFDS documents the involved member's satisfaction of return-to-duty requirements using the Thirty Day Administrative Duty Assignment for Firearm Discharge Incidents Checklist (Thirty Day Checklist; see Appendix A) and tracks the duty status and release from administrative duty using a Microsoft Excel spreadsheet (OFDS Excel File). OFDS personnel communicate with EAP, which manages the TISM program, and ETD to verify

that members have completed the TISM program and attended required trainings. Once the involved CPD member has been on administrative duty for a minimum of 30 days, has been released from the TISM program by EAP, and has completed the required trainings, the first deputy superintendent clears the member to return to field duty. OFDS personnel email the member's unit commander to notify them of the date the member is eligible to return to field duty.

The length of the administrative duty period varies based on members' availability to participate in the return-to-duty requirements. Members who are not able to attend the first CIO and ICIO trainings after the incident due to medical leave or previously scheduled time off will remain on administrative duty until they complete the training, which may extend their period of administrative duty beyond 30 days, as ETD holds the trainings only once per month. Members who are injured during the firearm discharge incident begin the return-to-duty requirements after they return from injury. The time injured members spend on medical leave counts toward the 30 days of required administrative duty.

'■'To/I rom reports are interdepartmental communication rcpoits
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FIGURE 1: CPD'S RETURN-TO-DUTY REQUIREMENTS

1

Member discharges firearm

Administrative" duty'beginsiwithin-ono day of the -incident

Minimum of 30 ■delays on «; ^administrative?duty „..

. OFDS notifies • member's' commander of the requirements; Commander places member on administrative duty

sMembe^contacts' , EAP to schedule
trauma ■■■ debriefing;EAP -
provides.the

- . ETD notifies 'A member's commander. . about training { dates; ETD I provides'members; CIO training

~ ETD provides -member ICIO training

OEDS confirms ' requirements are completed and notifies the member's . commander-thats they can return to regular duty.

Source' OIG visualization

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III. OBJECTIVE, SCOPE, AND METHODOLOGY

OBJECTIVE

The objective of this evaluation was to determine whether CPD has complied with the requirements of its General Order mandating that members who discharge their firearms satisfy all return-to-duty requirements before being released from administrative duty.

SCOPE

The evaluation included 52 CPD members who discharged their firearms between February 22, 2017 (when CPD introduced its current return-to-duty requirements) and May 31, 2018, and who were released from administrative duty by June 30, 2018.¹⁷The evaluation excluded:

- Members who were stripped of their police powers following their shooting' incidents, as such members do not satisfy their return-to-duty requirements unless their police powers have been restored;¹⁸
- Members who discharged their firearms accidentally or at an animal, as such members are exempt from all return-to-duty requirements; and
- Partners of members who discharged their firearms, as partners are not required to satisfy all return-to-duty requirements.¹⁹

¹⁷ CPD first described the post-firearm discharge requirements within the scope of this evaluation in Department Notice DI7-01: Thirty Day Administrative Duty Assignment for Firearm Discharge Incidents, ■ February 22, 2017 CPD incorporated these requirements into General Order G03-02-03 Firearms Discharge Incidents Involving Sworn Members, effective October 16, 2017 There were 60 CPD members who discharged their firearms between February 22, 2017 and . 'June 19, 2018, with 52 members meeting the criteria for inclusion in this evaluation. In some cases, multiple members discharged their firearms during the same encounter

'■"The Civilian Office of Police Accountability (COPA) is responsible for investigating firearm discharge incidents involving CPD

members During its investigation, COPA may recommend to the superintendent that a member be stripped of their police powers if it concludes that "continued police powers for the accused [member | presents a threat, to the community, the Department, or the officer". (See Civilian Office of Police Accountability, "Rules and Regulations," accessed January 2, 2020, <http://www.chicagocopa.org/vvp-conteit/uploads/?018/04/Final-COPA-Rules-and-Regulations-April-2018.pdf>) During the period evaluated, two members were stripped of their police powers These members participated in the TISM program but had not completed the required trainings or returned to field duty at the time of this evaluation One of them returned to duty on July 30, 2020, after the period of analysis

^{iv}: Partners of members who discharge their firearms should be referred to the TISM program and the CIO and ICIO trainings but are not assigned to administrative duty CPD acknowledged that not all partners have completed the TISM program and trainings as required (see Appendix D)

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C. METHODOLOGY

To assess CPD's compliance with return-to-duty requirements for members who discharge their firearms, OIG reviewed CPD's documentation of members' completion dates for the steps in the return-to-duty process. Figure 2 below summarizes the source of information regarding each step.

FIGURE 2: DATA SOURCES FOR COMPLIANCE WITH RETURN-TO-DUTY REQUIREMENTS

Data . Source	
Date of firearm discharge	Tactical Response Report (TRRs) ²⁰
Date member began administrative duty assignment	Thirty Day Checklist
Date member was released from administrative duty assignment ²¹	OFDS Excel File
Date member was released from the TISM program ,	TISM Program Release List
Date member completed CIO training	CIO Training Attendance List
Date of completion of any other training curriculum developed by ETD	No data available ²²
Source CPD-provided documentation.	

Figure 3 below summarizes how the data in Figure 1 was used to assess compliance with each return-to-duty requirement.

EVALUATION OF CPD'S POST-FIREARM DISCHARGE POLICY

Requirement	Jo Assess Compliance, Compared	Column A	Column B
Begin administrative duty within one day of the firearm discharge incident	Date of firearm discharge	Date member began administrative duty assignment	
Complete a minimum of 30 days of administrative duty assignment	Date member began administrative duty assignment	Date member was released from administrative duty assignment	
Participate in the TISM program	Date member was released from the TISM program	Date member was released from administrative duty assignment	
Complete the CIO training course	Date member completed CIO training	Date member was released from administrative duty assignment	
Complete any other training curriculum developed by ETD	No assessment performed by OIG		

Source. OIG visualization.

OIG also reviewed CPD directives and conducted interviews with personnel from OFDS, ETD, EAP, and the Office of Legal Affairs. OIG interviewed members of the Las Vegas Metropolitan Police Department, known for its extensive return-to-duty process following firearm discharge incidents, to understand its approach to providing individualized training.⁷³

OIG determined that the data used for this evaluation was sufficiently reliable to achieve our testing objectives. **OIG compared firearm discharge incidents identified by CPD with COPA's Data Portal to ensure that CPD had identified all firearm discharge incidents in scope. **OIG received all documentation used to assess compliance from CPD, with the exception of one TRR obtained from COPA's Data Portal.****

D. STANDARDS

OIG conducted this evaluation in accordance with the Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General found in the

Participate in TISM program?

Attend CIO training?

Attend ICIO lummy? I

D lli compliance B Out. of compliance f» Unvenfiable

Source OIG analysis.

The same member who was not placed on administrative duty within one day also could not be verified to have spent at least 30 days on administrative duty. According to the Thirty Day Checklist, this member was placed on administrative duty within two days of the shooting incident. OFDS personnel explained that they had not receive notification from the Crime Prevention and Information Center regarding this member's firearm discharge. As a result, OFDS did not track this member's

Appendix B sumrnai izes compliance with each requenemenr by member

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satisfaction of the return-to-duty requirements. This member did not complete the CIO training before being involved in a second shooting incident less than two months after the first incident.⁷⁻⁵ Following the second incident, the member satisfied all return-to-duty requirements before being released from administrative duty by OFDS.⁻⁶

Several members (9 of 52, or 17.3%) completed the CIO training only after being released from administrative duty, in violation of the General Order. ETD acknowledged that it did not develop individualized training curricula for any of the 52 members, contrary to the General Order.

While partners are outside the scope of this evaluation because they are not obligated to satisfy all return-to-duty requirements, according to EAP and ETD personnel, they are required to complete the TISM program and the CIO and ICIO trainings.²⁷

A. CAUSES OF NONCOMPLIANCE INCLUDE INADEQUATE POLICIES AND PROCEDURES, INSUFFICIENT EXECUTION OF REQUIREMENTS, AND POOR DOCUMENTATION

CPD lacks effective internal controls for ensuring compliance with its return-to-duty requirements for members.²⁰ This inadequacy is reflected in the Department's insufficient policies and procedures, its inability to ensure the execution of those policies and procedures, and poor documentation of the return-to-duty process.

³⁵ OIG did not assess whether the member's noncompletion of requirements played a causal role in the second firearm discharge

²⁶ CPD provided OIC with two Thirty Day Checklists for this member, both of which indicated that the member had completed the CIO training. However, according to the CIO Training Attendance List, the member attended the training only once, four days following the second incident. Thus, the Thirty Day Checklist for this member's first incident, did not accurately reflect that they did not separately complete the CIO training following this incident.

²⁷ ETD is not notified of on-scene partners of members who discharge their firearms if those partners do not participate in the TISM program. ETD sometimes learns from members attending the CIO and ICIO trainings about partners who were involved in a firearm discharge incident (but did not fire their weapons). As a result, partners who have experienced the trauma of a firearm discharge incident may not be participating in the TISM program and CIO training designed to help them cope with trauma, increasing the risk of adverse outcomes for those members.

²⁸ The US Government Accountability Office defines internal control as "a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved." US Government Accountability Office, Standards for Internal Control in the Federal Government (CAO-14-704G), September 2014, OVI 01, accessed June 18, 2019, <https://www.gao.gov/~/media/G70/b557T2.pdf>

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1. INADEQUATE POLICIES AND PROCEDURES

OFDS has not developed or adhered to consistent procedures for fulfilling its responsibility to monitor and verify the satisfaction of all return-to-duty requirements. For instance, there are no clear guidelines for when OFDS personnel sign the Thirty Day Checklist that verifies members' satisfaction of return-to-duty requirements. In the absence of clear policies and procedures, OFDS supervisors have assumed individual processes that may not be consistent across staff members and may change with personnel turnover.²⁹ According to one OFDS supervisor, they follow a practice of signing checklists only after all requirements had been satisfied but did not know if previous OFDS personnel followed the same practice. For example one Thirty Day Checklist was signed by an OFDS staff member on the same day the member who discharged their firearm was placed on administrative duty, i.e. before they could satisfy any of the return-to-duty requirements, which seems illogical.³⁰

The potential use of different processes across OFDS supervisors may have contributed to substantial variation in compliance with CPD's post-firearm discharge requirements before and after February 2018, when there was a change in relevant OFDS personnel (see Figure 5 below). While compliance improved in the first few months after February 2018, the lack of consistent procedures may lead to inconsistent compliance with future personnel changes.³¹

Turnover in OTDS staff occurs upon the appointment of a new first deputy superintendent, who selects their own staff for the office
This incident is not included in the "Degree of Noncompliance" analysis as it was not within the timeframe
■ OIG did not assess whether the compliance rate and improvement depicted in Figure 5 is reflective of a seasonal pattern

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FIGURE 5: COMPLIANCE WITH RETURN-TO-DUTY REQUIREMENTS FOR EACH FIREARM DISCHARGE INCIDENT BY MONTH³²

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BY Cvjr"plid

UC>A of ;,:;ilpi

Q Uir.v friUe

B Oi.I of Co'rip; v-!iCn ;im.i J'lviifiitit-

Source OIG analysis

Furthermore, OFDS does not have procedures to monitor adherence to all aspects of the return-to-duty requirements. For instance, OFDS personnel notify unit commanders that members involved in shooting incidents are required to be placed on administrative duty assignments, but they do not verify that commanders actually assign members to administrative duty within one day of the incident and for 30 days.

2. INSUFFICIENT EXECUTION OF REQUIREMENTS

Even where CPD's policies and procedures are sufficiently defined, CPD has not implemented adequate mechanisms for management review or accountability to ensure correct implementation. When OFDS personnel do not fulfill their responsibilities, noncompliance can go undetected and unaddressed, as occurred with the release of nine members from administrative duty before completing the CIO training. Furthermore, CPD has not executed a review mechanism that could provide oversight for the length of time that members

spend on administrative duty: the General Order's requirement states that "Any extension of the thirty day administrative duty assignment will be approved and provided in writing by the First Deputy Superintendent."⁷¹⁷, None of the 49 members who were on administrative duty

Figure 4 displays compliance for each member who discharged their firearm based on the administrative duty, TISM, and CIO requirements, members coded as "In Compliance" completed all requirements except ICIO training, for which all members were out of compliance The month and year-indicate the date of the discharge incident

-- Prior to October 2017, extensions of the administrative duty period were approved by the super intendent rather than the first deputy superintendent

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longer than 30 days had Thirty Day Checklists that included approvals for extensions.³⁴

Additionally, CPD has not ensured that all units involved in the return-to-duty process understand the requirements of the General Order regarding individualized training. Personnel from ETD, the division responsible for developing and managing the training, stated that they did not believe individualized training was mandatory before OIG's inquiry and had not received guidance on the intended purpose of the training. Similarly, OFDS personnel stated that OFDS did not consider individualized training as a return-to-duty requirement before releasing members from administrative duty during the period under review, contrary to the General Order.

3. POOR DOCUMENTATION

CPD does not sufficiently, consistently, accurately, or comprehensively document the completion of return-to-duty requirements, reducing the Department's ability to effectively monitor compliance with these requirements.³⁵ The Thirty Day Checklist does not include all information needed to verify compliance. The form lacks a checkbox for the individualized training requirement as well as fields for the date of release from the TISM program, the date of the CIO training, or the date of release from administrative duty, without which the form does not establish whether release occurred before or after all requirements were satisfied.³⁶ With the information needed to verify compliance fragmented across different sources and the Thirty Day Checklist being recorded by hand, CPD is unable to easily and effectively monitor compliance using its existing documentation.

Furthermore, OIG identified several instances of inconsistent, inaccurate, or incomplete information in its review of CPD documentation, including the following:

- The date of the shooting incident recorded in the OFDS Excel File did not match the date from the TRR for 9 of 51 members with complete data (17.6%). This discrepancy could result in mistakes in

determining when members have completed 30 days of administrative duty;

OFDS personnel informed OIG that, a member remaining on administrative duty for longer than 30 days to complete requirements like the CIO training would not: require an approval for extension from the first deputy superintendent, but the General Order does not state this

"CPD's ability to monitor compliance with these requirements has implications for CPD's compliance with Paragraph 411 of the Consent Decree entered in Illinois v Chicago, which mandates that, "At least annually, CPD will determine whether members who have experienced a duty-related traumatic incident have attended the mandatory counseling sessions and have completed the Traumatic Incident Stress Management Program"

■ This information is documented in the TISM Program Release List, the CIO Training Attendance List, and the OFDS Excel File, respectively

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- The Thirty Day Checklists and the TISM Program Release List contained conflicting information about whether the member completed the TISM program for 12 of 52 members (23.1%). While EAP personnel speculated that the discrepancy was due to poor documentation of attendance (rather than non-attendance), CPD was not able to provide OIG with further evidence that members excluded from the TISM Program Release List actually completed the TISM program. While EAP personnel referred OIG to OFDS for such evidence, OFDS referred OIG to EAP;
- The TISM Program Release List contains numerous misspellings and variations on member names, making it more difficult to verify that a member participated;
- One Thirty Day Checklist was not signed by any OFDS personnel despite the member being released from administrative duty, resulting in there being no record of who verified the member's satisfaction of return-to-duty requirements, and therefore no ability to hold the appropriate OFDS personnel accountable for any errors;
- The first of two Thirty Day Checklists for the member mentioned above, who was involved in two shooting incidents inaccurately, indicates that the member completed CIO training following the first incident. However, the CIO training attendance list indicates, and CPD personnel confirmed, that the member only attended CIO training following the second incident; and
- Unit commanders do not consistently record members' duty status as "post-firearm administrative assignment" in A & A reports, as specified in the General Order.²⁷

B. CPD MEMBERS MAY BE RETURNED TO DUTY PREMATURELY

With inadequate internal controls to ensure compliance, CPD members who discharged their firearms may be returned to field duty before they have satisfied their 30-day administrative duty assignments, the TISM program, or the CIO and ICIO trainings. Any such members would not receive the benefits CPD intends these requirements to provide, including support in processing trauma and ensuring that members are prepared to return to regular field duties.

Two of the incidents included in this analysis raise serious concerns about CPD's noncompliance with return-to-duty requirements. As mentioned above in Section IV-A, one member did not complete CIO training before being involved in another firearm discharge incident the following month. A second member who was not

A a A reports record members' assignments, details, and hours worked, among other information

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documented as participating in the TISM program (according to the TISM Program Release List) later committed suicide. While these outcomes are the result of a complex set of causes and OIG cannot establish a causal link between noncompliance with return-to-duty requirements and these incidents, they highlight the life or death stakes of ensuring that members who discharge their firearms receive the support they need from the Department.

RECOMMENDATIONS

1. To ensure full compliance, CPD should develop and implement internal controls to ensure that members who discharge their firearms satisfy all requirements before returning to field duty. Such internal controls should include procedures to:
 - a) ensure that OFDS is notified of all relevant firearm discharge incidents,
 - b) verify that members required to complete 30 days of administrative duty have been assigned to administrative duty by their unit commanders within one day of a firearm discharge incident and for a minimum of 30 days,
 - c) ensure that OFDS personnel or unit commanders do not return members to field duty until they have satisfied all post-firearm discharge requirements; these procedures should include supervisory oversight of the OFDS personnel responsible for ensuring satisfaction of the requirements,
 - d) ensure that extensions of administrative duty beyond 30 days are approved by the first deputy superintendent, and
 - e) ensure consistent and complete documentation of the satisfaction of administrative duty, the TISM program, and CIO and ICIO trainings.
2. Additionally, CPD should develop a software solution capable of providing relevant notifications and tracking all information necessary to verify satisfaction of return-to-duty requirements, including but not limited to the information currently tracked in the Thirty Day Checklist and the OFDS Excel File. CPD should provide guidance (e.g. procedures and training) to personnel from OFDS and other relevant units on how to use this software.

MANAGEMENT RESPONSE

7. *"CPD agrees that the Post-Firearm Discharge protocols should be standardized and are working to determine the best way to do this, whether by SOP or electronic database. That said, it is important to note that the recommendations made by the OIC appear to be based on the exception rather than the rule."*

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- a. *The OIC cites one instance where the OFDS was not notified of an officer's firearm discharge. When the office was notified that officer was immediately placed on administrative duty two days after the discharge. CPD will ensure that the Procedures developed include the timely notification of OFDS.*
 - b. *CPD agrees that this [verifying officers are assigned to administrative duty] should be included in the protocols*
 - c. *CPD agrees that this [ensure that OFDS personnel or unit commanders do not return members to field duty until they have satisfied all post-firearm discharge requirements] should be included in the protocols.*
 - d. *CPD agrees that this [first deputy superintendent approval of extensions] should be included in the protocols.*
 - e. *CPD agrees that this [consistent and complete documentation of the satisfaction of the requirements] should be included in the protocols."*
2. *"CPD agrees that a software solution should be sought. There are however significant limitations on the Department's software and storage capabilities that will need to be vetted to determine whether this can be done. Additionally, under the reorganization of all of the public safety departments CPD's databases and electronic footprint will be transferred to the Public Safety Administration. Currently, that agency is in its infancy and CPD will continue to work with it as it grows and absorbs the various CPD databases to determine if this is a viable option for the Department."*

A. ICIO TRAINING IS NOT MEANINGFULLY INDIVIDUALIZED

The ICIO training consists of courses that are not designed specifically for members who have discharged their firearms, and are not tailored to the circumstances under which those discharges occurred. Members may select one training session from a series of pre-developed courses, but there is no opportunity for training content to be tailored to the experience or needs of an individual member. Members receive no feedback on their actions during their firearm discharge incidents, which could otherwise inform them of how to act more effectively or safely in similar situations in the future. Members involved in previous firearm discharge incidents, who may experience more serious trauma-related symptoms than members involved in a single incident,³⁰ do not receive specialized training for their distinct experiences.

CPD has not clearly defined the objectives of individualized training and does not develop training materials tailored to the specific needs of a particular member. After OIC's initial inquiries into the training, the Department directed ETD personnel to offer individualized training; however, it did not provide ETD with an explanation of the intent and purpose. As a result, in January 2019, ETD introduced a training program to fulfill the individualized training requirement, as interpreted by ETD personnel without guidance from the Department.

While the General Order's requirement provides an opportunity for CPD to offer meaningful individualized training, CPD's policies and procedures inhibit ETD from doing so in two ways:

1. ETD lacks the necessary foundation to develop personalized training sessions based on the details of an incident or members' previous experiences. ETD does not receive information about firearm discharge incidents before involved

³⁰ Research suggests that repeated trauma results in more serious psychological symptoms See Sharain Suliman, Siyabulela G Mabile, Dylan S Fincham, Rashici Ahmed, Dan J Stein, and Soraya Seedat, "Cumulative Effect of Multiple Trauma on Symptoms of Posttraumatic Stress Disorder, Anxiety, and Depression in Adolescents," *Comprehensive Psychiatry* 50, no 2 (March-April 2009) 121-127, <https://doi.org/10.1016/j.comppsych.2008.06.006>. Stacey L Williams, David R Williams, Dan J Stein, Soraya Seedat, Pamela B Jackson, and Hashim Moomal. "Multiple Traumatic Events and Psychological Distress The South Africa Stress and Health Study." *Journal of Traumatic Stress* 20, no 5 (October 2007) 845-855, <https://doi.org/10.1007/s10522-007-9100-7>. and Scott Vrana and Dean Lauterbach. "The Prevalence of Posttraumatic Psychological Symptoms in a Nonclinical Sample of College Students," *Journal of*

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members attend training sessions, and members choose whether or not to speak about their incidents during the trainings. Additionally, CPD does not centrally track or document whether members have previously discharged their firearms to inform the return-to-duty process;³⁹ and

2. ETD personnel do not attempt to address members' actions because doing so would, in their interpretation, violate the General Order. The order states that "No presumption as to the appropriateness of the member's actions will attach to a member attending the [post-firearm discharge] training." While ETD personnel understand this to mean that they may not imply member wrongdoing during a firearm discharge incident, OIG notes that the directive does not outright preclude ETD personnel and members from addressing actions taken during an incident and how members might approach similar situations in the future.

B. COMPONENTS OF THE RETURN-TO-DUTY PROGRAM ARE NOT MADE AVAILABLE IN A TIMELY MANNER

While the General Order does not mandate that members satisfy all return-to-duty requirements within 30 days, delays in scheduling members for CIO training results in those members needing to wait longer to complete a training intended to help them cope with trauma.

Most members were not able to satisfy all return-to-duty requirements within the 30-day administrative duty period, with only two (3.8%) of 52 members were released from administrative duty on the 30th day.⁵⁰ While OFDS and ETD personnel state that they try to schedule members for CIO training in a timely manner, a substantial number of members did not complete the eight-hour training within 30 days. Figure 6 displays the proportion of members completing CIO training within varying time periods.

^{5a} OFDS personnel informed OIG that: CPD does not track or require a different return-to-duty process for members involved in multiple firearm discharge incidents. EAP personnel stated that counselors ask members if they have been involved in previous firearm discharge incidents but that EAP does not document this information.

OIG was not able to determine the length of administrative duty for one member, mentioned in Section IV-A above, whose satisfaction of return-to-duty requirements was not monitored by OFDS.

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Source: OIG analysis

Of 47 members included in this calculation, 21 (44.7%) spent more than 30 days on administrative duty before completing CIO training, evidencing critical delays in the delivery of a piece of the return-to-duty program which is specifically intended to provide support for members who have experienced the trauma of discharging their firearms.⁴¹ Offering the training once per month likely contributes to this issue, as members who miss a training must wait until the following month to attend.⁴²

RECOMMENDATIONS

To ensure the effectiveness and efficiency of the return-to-duty process, CPD should take the following steps:

3. Review the purpose of the individualized training requirement in the General Order and evaluate whether its current ICIO training fulfills this purpose. If CPD determines that the purpose is to offer members training tailored to the details of

⁴¹ The calculation excluded members who lacked documentation needed for the calculation or who were injured on duty (and thus inhibited from completing the training in a timely manner)

In addition to there being delays in the delivery of supportive services to members, there is frequently a lag between the completion of members' final return-to-duty requirement and their release from administrative duty. This compounds concerns about the promptness of interventions with issues of manpower and staffing, as otherwise available members are unable to return to their regular duties. On average, 34 members were released from administrative duty 6.6 days after completing their final requirement. Eight (23.5%) of 34 members were released from administrative duty after more than 10 days, with two of those members spending an additional 17 days on administrative duty before their release. This calculation excluded members who lacked documentation needed for the calculation or who were released from administrative duty before satisfying all return-to-duty requirements.

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EVALUATION OF CPD'S POST-FIREARM DISCHARGE POLICY

their firearm discharge incidents, the Department should revise its policies and procedures to ensure that ETD has the information and authority to do so.

- a) CPD should also ensure that, in any effort to gather information about a specific firearm discharge incident to individually tailor training, it does not compromise any ongoing investigation of the shooting incident, and that it adheres to any relevant provisions of collective bargaining agreements. OIG encourages CPD to consult with other jurisdictions that provide members with such individually tailored training;⁴³

4. Track and document whether members have been involved in previous firearm discharge incidents to inform the TISM program and ensure that the potentially unique trauma experiences of such members

are addressed; and

5. Review why most members remain on administrative duty for longer than 30 days and for several days following the completion of return-to-duty requirements. CPD should also identify measures to improve the timeliness of its processes, such as potentially increasing the frequency of the CIO and ICIO trainings to more than once per month.

MANAGEMENT RESPONSE

3. *"The Department agrees that the OIC audit found that this portion of the current order has not been used to its full potential. As the development of the protocols addressed above move forward the Department will request the Education and Training Division to review this portion of the order and evaluate its post-firearm discharge training to determine any changes that are necessary."*
4. *"This could be considered as the Department investigates the possibility of creating a database of this information and electronic tracking of completion of the post firearm discharge requirements."*
5. *"The Department is committed to reviewing the entry of information documenting compliance with the post firearm discharge requirements. During*

One jurisdiction that may offer a model for individualized training is the Las Vegas Metropolitan Police Department, which provides members who discharge their firearms with two four-hour training sessions tailored to the specific details of their incidents. The scenario-based training is informed by an assessment of the member's performance by the unit conducting the administrative investigation into the incident. Based on information such as incident reports and body worn camera footage, trainings are designed to recreate aspects of the incident and to address any tactical issues with members' actions. Each member is assigned an individual trainer who has access to information about the incident, and b. The firing range session is also customized to reflect details of the incident, such as the time of day and shooting distance.

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this review the Department will determine if there are any impediments to releasing individuals from administrative duty in a timely manner."

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APPENDIX A: THIRTY DAY CHECKLIST

THIRTY DAY ADMINISTRATIVE DUTY ASSIGNMENT FOR FIREARM DISCHARGE INCIDENTS CHECKLIST CHICAGO
POLICE DEPARTMENT

Officer's Name-

Star No.:

Employee No.:

R.D. No.-

Log No.:

- Has the involved officer's Commanding Officer been contacted and informed that the involved officer will be assigned administrative duty for 30 days?
- Has the officer been placed in the administrative duty assignment for 30 calendar days commencing the day after the incident?
Start Date: _____ :
- Has the officer been released from the Employee Assistance Program (EAP) and complied with the Department directive E06-03 entitled "Traumatic Incident Stress Management Program?"
- Has the officer completed the 8 hour Critical Incident Overview Training course at the Education and Training Division?

Person preparing the Thirty Day Administrative Duty Assignment For Firearm Discharge Incidents Checklist:

Name: (Printed)

Signature:

Date:

- ☐ Has the First Deputy Superintendent extended the 30 day mandatory administrative duty assignment?

Date of Extension:

Duration of Extension:

Signature: _____ Date: _____

Anthony J. Riccio
First Deputy Superintendent

NOTE: The officer will be returned to regular duty unless the administrative duty assignment has been extended and signed by the First Deputy Superintendent.

CPD-12.124 (Rev. 2/18)

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APPENDIX B: COMPLIANCE BY MEMBER

Compliance with Return-to-Duty Requirements by Member

Member	Placed on Admin Duty	One Day	Admin Duty La	Completed	TIS	Completed	CIC	Completed	ICID	Days on Admin
	Least 30 Days	Before Admin	IT	Training	Before	IT	Training	Before	IT	Duty
	Release		Duty	Release		Duty	Release		Duty	Release

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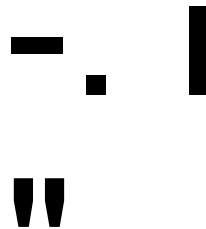
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EVALUATION OF CPD'S POST-FIREARM DISCHARGE POLICY

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I.,ori E. Lightfoot
Mayor

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

David O. Brown
Superintendent of Police

September 4, 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 Evaluation of the Chicago Police Department's Post Firearm Discharge Policy

Dear Deputy Inspector General Witzburg:

The Chjcago Police Department ("CPD") has prepared the following responses to recommendations 1 through 7 and 5 in the Evaluation of CPD's Post Firearm Discharge PoTicy ("OIG Evaluation"):

Recommendation 1: CPD should develop and implement internal controls to ensure that members who discharge: their firearms satisfy all requirements before returning to field duty. Such internal, controls should include procedures to:

- a. *ensure that OFDS is notified of all relevant firearm discharge incidents,*
- b. *verify that members required to complete 30 days of administrative duty have*
- b. *been assigned to administrative duty by their unit commanders within one day of*
- b. *a firearm discharge incident and for a minimum of 30 days,*
- c. *ensure that OFDS personnel or unit commanders do not return members to field*
- c. *duty until they have satisfied all post-firearm discharge requirements; these*
- c. *procedures should include supervisory oversight of the OFDS personnel*
- responsible for ensuring satisfaction of the requirements,*
- d. *ensure that extensions of administrative duty beyond 30 days are approved by -*
- d. *the first deputy superintendent, and*
- e. *ensure consistent and complete documentation of the satisfaction of*
- administrative duty, the TISM program, and CIO and ICIO trainings.*

Response: CPD agrees that the Post-Firearm Discharge protocols should be standardized and are working to determine the best way to do this, whether by SOP or electronic database. That said, it is important to note that the recommendations made by the OIG appear to be based on the exception rather than the rule.

- a. The OIG cites one instance where the OFDS was not notified of an officer's firearm discharge. When the office was notified that officer was immediately placed on administrative duty two days after the discharge. CPD will ensure that the Procedures developed include the timely notification of OFDS

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EVALUATION OF CPD'S POST-FIREARM DISCHARGE POLICY

- b. CPD agrees that this should be included in the protocols.
- c. CPD agrees that this should be included in the protocols.
- d. CPD agrees that this should be included in the protocols.
- e. CPD agrees that this should be included in the protocols.

Recommendation 2: CPD should develop a software solution capable of providing relevant notifications and tracking all information necessary to verify satisfaction of return-to-duty requirements, including but not limited to the information currently tracked in the Thirty Day Checklist and the OFDS Excel File. CPD should provide guidance (e.g. procedures and training) to personnel from OFDS and other relevant units on how to use this software..

Response: CPD agrees that a software solution should be sought. There are however significant limitations on the Department's software and storage capabilities that will need to be vetted to determine whether this can be done. Additionally, under the reorganization of all of the public safety departments CPD's databases and electronic footprint will be transferred to the Public Safety Administration. Currently, that agency is in its infancy and CPD will continue to work with it as it grows and absorbs the various CPD databases to determine if this is a viable option for the Department.

Recommendation 3: CPD should review the purpose of the individualized training requirement in the General Order and evaluate whether its current ICIO training fulfills this purpose. If CPD determines that the purpose is to offer members training tailored to the details of their firearm discharge incidents, the Department should revise its policies and procedures to ensure that ETD has the information and authority to do so.

- a. CPD should also ensure that, in any effort to gather information about a specific firearm discharge incident to individually tailor training, it does not compromise any ongoing investigation of the shooting incident, and that it adheres to any relevant provisions of collective bargaining agreements. OIG encourages CPD to consult with other jurisdictions that provide members with such individually tailored training

Response: The Department agrees that the OIG audit found that this portion of the current order has not been used to its full potential. As the development of the protocols addressed above move forward the Department will request the Education and Training Division to review this portion of the order and evaluate its post-firearm discharge training to determine any changes that are necessary.

Recommendation 4: CPD should track and document whether members have been involved in previous firearm discharge incidents to inform the TISM program and ensure that the potentially unique trauma experiences of such members are addressed.

Response: This could be considered as the Department investigates the possibility of creating a database of this information and electronic tracking of completion of the post firearm discharge requirements.

Recommendation 5: CPD should review why most members remain on administrative duty for longer than 30 days and for several days following the completion of return-to-duty requirements. CPD should also identify measures to improve the timeliness of its processes, such as potentially increasing the frequency of the CIO and ICIO trainings to more than once per month.

Response: The Department is committed to reviewing the entry of information documenting compliance with the post firearm discharge requirements. During this review the Department will determine if there are any impediments to releasing individuals from administrative duty in a timely manner

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EVALUATION Of CPD'S POST-FIREARM DISCHARGE POLICY

"Dana O'Malley General Counsel Office of the Superintendent Chicago Police Department

OCTOBER 27, 2020

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, and 240.

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