



July 28, 2016

Joseph Ferguson
Inspector General
Office of Inspector General, City of Chicago
740 N. Sedgwick Street, Suite 200
Chicago, IL 60654

Re: Advisory Concerning the Independent Police Review Authority’s Reporting of Use of Force Incidents

Dear Inspector General Ferguson:

During 2013, OIG launched an audit of the accuracy and completeness of IPRA’s public reporting on the Chicago Police Department’s (CPD) weapons discharge incidents prior to 2015. At the conclusion of the audit, OIG issued an Advisory to IPRA and the City of Chicago in lieu of a full audit report. This letter is written in response to the above-referenced advisory (the “Advisory”) that was submitted by your office to the Independent Police Review Authority (IPRA) and the Mayor’s Office on July 1, 2016. Pursuant to an extension granted by your office to IPRA on July 7, 2016, we now provide the following in response to the Advisory.

It is our understanding that the City of Chicago will provide a separate response as well.

OIG Finding #1:

IPRA’s public reporting of weapons-discharge data was inaccurate and incomplete.

IPRA’s Response:

IPRA has researched the discrepancies identified by OIG and outlines explanations for most of them in Appendices I through V attached hereto. It should be noted that IPRA provided your office with much of this information during the course of the audit, prior to receiving the Advisory Letter.

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Hit Shootings¹

First and foremost, regarding the most serious incidents about which IPRA provides reporting, Hit Shootings, OIG found that, between Sept 2007 and September 2014, IPRA reported that there were 344 such incidents, while OIG found that only 340 such incidents occurred. In other words, OIG found that IPRA reported 4 incidents that were not actual Hit Shootings. A review of the underlying facts of each of these incidents shows that, for 3 of the 4 incidents, IPRA had received inaccurate notifications from CPD regarding the incident. More specifically, for each of these three incidents, although CPD's notification indicated the firearms discharge resulted in a hit, further investigation revealed that no one was hit, or the person injured was a department member. Regarding the fourth incident, further investigation revealed that the incident was an officer suicide, therefore, no non-department member had been injured. In IPRA's view, the fact that IPRA reported on the notifications as they were received by CPD was not necessarily problematic. The issue is that IPRA should have clearly stated that the information being reported on was based on the notification received, not necessarily the actual facts of the case ascertained by further investigation.

Perhaps what is most important here, is that OIG did not find that IPRA under-reported on actual Hit Shootings, in other words, the data does NOT suggest that IPRA failed to report the true number of incidents resulting in injury to a member of the public. See [Appendix I](#) for a quarter-by-quarter analysis of the identified discrepancies.

Non-Hit Shootings²

OIG found that IPRA underreported the number of Non-Hit Shooting notifications received. More specifically, records show that IPRA received a total of 340 Non-hit Shooting notifications, while IPRA reports only documented a total of 291 of those incidents, reflecting a shortfall of 49 incidents. Of the 49 unreported Non-hit Shooting incidents that were identified in the Advisory, most were reflected in the quarterly reports as complaints, some were also reported as animal destructions. In approximately 4 cases, the incidents were reported in a different quarter, often because the incident occurred in one quarter, but the notification was received in the next quarter. In addition, for 6 of the under-reported incidents, IPRA lacked documentation that it had been notified by CPD about the incident.³ See [Appendix II](#) for a quarter-by-quarter analysis of the identified discrepancies.

Shooting/Animal⁴

During 2013- 2014, there were a total of 64 Shooting/Animal incidents. OIG found that during one quarter, IPRA under-reported by 2 incidents and in another quarter IPRA over-reported by 1 incident. These discrepancies were largely due to IPRA's historical lack of consistent

¹ The term "Hit Shooting" refers to incidents during which a department member intentionally discharged a firearm resulting in injury to a non-department member.

² The term "Non-hit Shooting" refers to incidents during which a department member intentionally discharged a firearm without any injury to any person.

³ As noted in an email between CPD and your office sent on July 19, 2016, CPD's current General Orders do not explicitly require its members to notify IPRA of non-hit shootings. [See Appendix VI](#) for a copy of the email correspondence.

⁴ The term "Shooting/Animal" refers to incidents during which a department member intentionally discharged a firearm at an animal.

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categorization of firearm discharges that did not actually strike the animal. The two instances that were not reported as Shooting/Animal incidents were actually reported as Non-hit Shooting incidents. See [Appendix III](#) for a quarter-by-quarter analysis of the identified discrepancies.

Taser Discharges

During 2013-2014, there were a total of 411 Taser Discharge incidents. OIG found that IPRA under-reported the number of incidents by 32. Upon further review, this under-reporting resulted from misclassification of some incidents and a lack of notification regarding some incidents. Of the 32 unreported Taser Discharge incidents that were identified in the Advisory, 18 were the result of IPRA's inconsistent historical classification practices (these incidents were included in IPRA's quarterly reports under a different classification). There were 14 Taser Discharge incidents for which IPRA has no record of CPD notification, despite their obligation to do so under General Order G03-02-07. See [Appendix IV](#) for a quarter-by-quarter analysis of the identified discrepancies.

OC Discharges

OIG found that IPRA reported only 7 of 126 OC Spray incidents that occurred during 2013-2014, indicating that IPRA failed to report on 119 incidents. Our review of the underlying documentation revealed that IPRA lacked documentation that it had been notified by CPD about 111 of these incidents. We have been unable to ascertain why the remaining 8 incidents were not reported. See [Appendix V](#) for a quarter-by-quarter analysis of the identified discrepancies.

In addition to highlighting these data discrepancies, OIG noted the following issues to which IPRA now responds:

- OIG Concern: IPRA lacked clear and consistent policies and procedures for classifying weapons-discharge incidents in its quarterly reports.
- IPRA Response:
 - IPRA understands that transparency is essential to effective policing oversight and that accuracy of reporting is essential to transparency. As such, we have worked diligently to refine the policies and procedures by which the data provided in our quarterly reports is gathered, analyzed and reported.
 - Also, it is important to note that IPRA's current information systems do not allow us to classify any single incident by more than one incident type. For this reason, IPRA's past practice has been to classify an incident based on the most serious use of force involved. For example, if there was a Non-hit Shooting incident during which an officer also discharged a taser, based on our current information system capabilities, that incident can only be classified as a Non-hit Shooting.
 - As you may have noticed, our current practice is to provide information based on the classifications as outlined in the chart below, which was excerpted from our 2nd Quarter Report:

Notifications and Complaints of Weapon Discharges				
Notification Type	Q2 2016	Q1 2016	Q4 2015	Q3 2015
Firearm Discharge Striking an Individual	5	4	4	15
No Hit Shootings	5	7	9	7
Animal Destruction	12	9	9	20
Taser Discharges	125	78	95	116
OC Spray	7	3	3	6
Total	154	101	120	164
Complaint Type	Q2 2016	Q1 2016	Q4 2015	Q3 2015
Accidental Firearm Discharge	2	2	3	1
Accidental Taser Discharge	4	8	5	7
Total	6	10	8	8

- OIG Concern: IPRA lacked database-level access to its own data.
- IPRA Response:
 - Even before we received the OIG Advisory Letter, our management team recognized that IPRA’s information technology infrastructure and, in particular, our case management system, are an impediment to effective and accurate data management and reporting. Moreover, due to attrition, we presently have no personnel dedicated to data management and analysis and are unable to hire such personnel given the unprecedented “sunsetting” status of the agency. As such, we have already partnered with the City’s Department of Information Technology (DoIT) to initiate the process of planning for and designing new systems for the new civilian oversight agency.
- OIG Concern: IPRA relied on CPD notification processes and made no attempt to verify that the Department provided all of the required weapons-discharge notifications.
- IPRA Response:
 - We agree with OIG, that the agency’s historical failure to take reasonable steps to validate the accuracy of the data was problematic. As noted above, we are working with DoIT to ensure that we have the appropriate personnel and technological resources to address our data management and reporting needs going forward.

OIG Finding #2:

IPRA did not follow best practices for use of force reporting.

IPRA Response:

We agree that accurate and comprehensive reporting on a police department's use-of-force is critical to transparency and public trust.

Given that OIG has always had jurisdiction to audit and review the efficiency and effectiveness of CPD's use of force reporting, we are unsure why you are holding IPRA accountable for this lack of transparency. In fact, on March 30, 2016, we sent a letter to you specifically requesting that OIG conduct an audit of CPD's use-of-force reports due to inconsistencies we have observed in some of the reports reviewed in the context of our investigations.⁵ Our concern for the accuracy of CPD's use-of-force reporting was reflected in our request for the audit as we explicitly expressed the view that a potential audit of CPD's use-of-force reporting was a higher priority than the other audit topics that were scheduled on OIG's 2016 audit plan.

The fact that OIG is holding IPRA responsible for a perceived failure to report on CPD's use-of-force is even more surprising given that the Police Accountability Task Force recommended that the new Public Safety Inspector General be required to perform regularly scheduled audits of CPD's use-of-force information.⁶

The following outlines OIG's more specific concerns along with IPRA's response:

- OIG Concern: IPRA's public reporting omitted important use-of-force categories and did not document or track any use of force beyond the five categories identified.
- IPRA Response:
 - IPRA notes that accountability for CPD's use-of-force reporting is not included in IPRA's present reporting mandate, as outlined in the Municipal Code.
 - Pursuant to Municipal Code Section 2-57-110, IPRA quarterly reports are required to cover the following:
 - (1) the number of investigations initiated since the date of the last report;
 - (2) the number of investigations concluded since the last report;
 - (3) the number of investigations pending as of the reporting date;
 - (4) the number of complaints not sustained since the last report;
 - (5) the number of complaints sustained since the last report;
 - (6) the number of complaints filed in each district since the last report;
 - (7) without identifying any individual, the number of complaints filed against each police officer in each district since the last report; and
 - (8) the number of complaints referred to other agencies and the identity of such other agencies.

⁵ See Appendix VII

⁶ Police Accountability Task Force Recommendations for Reform, April 2016, Page 165.

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There is nothing in this list of enumerated topics for reporting that implies IPRA has been charged with reporting on CPD use-of-force data.

- As an investigative agency, IPRA is not now and has never been afforded the resources necessary to provide the scope of data maintenance, auditing, analysis and reporting for all use-of-force incidents that are documented by CPD. Therefore, IPRA has historically reported on only those use-of-force incidents that fall within its jurisdiction by way of a complaint having been filed, or by a notification from CPD.
 - Moreover, OIG's Advisory Letter specifically states that, according to subject matter experts, "*a police department's public use-of-force reporting should align comprehensively with a police department's use-of-force policies in order to fully reflect the range of force options*" (emphasis added). In our view, because CPD collects and maintains this data, to which IPRA has never had unfettered access, responsibility for publication of all use-of-force data has rested with CPD.
 - Given the appropriate resources, the future civilian oversight agency could provide this function going forward. But, for the period of this audit, in our view, the responsibility for broad-scale use-of-force reporting resided with CPD, while the potential to audit such reporting was within the jurisdiction of OIG.
- OIG Concern: IPRA's public reporting placed into single categories readily distinguishable types of incidents. For example, the Authority's Hit and Non-hit Shooting categories included accidental discharges.
 - IPRA Response:
 - First, it is important to point out that, in our view, historically, the purpose of IPRA's reporting on weapons-discharge incidents was to document and track over time, the number of incidents within IPRA's investigatory jurisdiction that occurred during a given timeframe. As you can see from our quarterly reports, we publish the number of complaints we receive and the number we retain for investigation. Correspondingly, we publish the number of weapons discharge incidents and extraordinary occurrences in lockup as well. It is the combination of these three types of incidents that drive IPRA's caseload. That being said, we believe that it is appropriate to base this reporting on the notifications we receive, because it is these notifications that initiate our investigative work. However, it is important to note that, because, by their nature, the notifications contain minimal information and often information that is very preliminary in nature, they may not always be accurate as to the details of a given incident.
 - Nonetheless, to the extent that the notifications provide such distinctions, IPRA agrees that our reporting should categorize weapons-discharge incidents in a manner which clearly distinguishes: 1) whether the shooting resulted in injury; 2) whether the discharge was intentional or accidental; and 3) whether the incident

involved persons or an animal. We have developed a protocol for categorizing these incidents to the extent possible.

- Ultimately, there are other department reports, such as case reports, TRR's and Battery Reports, that are likely to have more comprehensive and accurate information as to the facts of each of the reported incidents. As such, it is also important that CPD, who is responsible for collecting and maintaining these reports, consider reporting the data it collects about these incidents as well.
- **OIG Concern: "IPRA's public reporting provided insufficient contextual detail."**
- **IPRA Response:**
 - With the caveats identified above, we agree with this finding and have a number of initiatives underway to provide greater transparency about the use-of-force incidents that IPRA investigates.
 - First, in late March, IPRA engaged McGuireWoods LLP to conduct an independent review of closed officer-involved shooting ("OIS") investigations to assess the quality of the investigative process, the accuracy of IPRA's legal analysis, and the impact of the department's use-of-force policy on investigation outcomes. During the initial phase of this project, McGuireWoods assisted IPRA in creating a database of information related to the 300+ shooting incidents. This newly created database provides much of the "contextual detail" that OIG finds lacking in IPRA's prior reporting. Because we believe this information will provide valuable insights as to CPD policies and a wealth of information of public interest, once the data has been sufficiently validated, our goal is to make this database publicly available. We will continue to build on the database as these events occur. This OIS database will be one of the important tactics we use to enhance transparency on use-of-force incidents that we investigate.
 - In addition, starting with the 3rd quarter of 2016, IPRA plans to make more of its summary reports of investigation available to the public. Currently, IPRA only publishes full, but redacted, summary reports on investigations related to Hit Shootings. We are presently exploring the feasibility of making summary reports for other use-of-force incidents publicly available as well and hope to have plans in place to do so by the end of this quarter. Such reports will also provide more "contextual data" as to the use-of-force incidents we investigate.

OIG's SUGGESTIONS FOR IMPROVING IPRA'S USE OF FORCE REPORTING

OIG provided the following recommendations on how to improve IPRA's use-of-force reporting:

OIG Suggestion #1: Develop clear policies and procedures for classifying use-of-force incidents.

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- We agree and are developing a new protocol for data development and validation for our quarterly reports which, if given the appropriate resources, we will implement with the production of our 3rd quarter report. We also believe that such policies and procedures will be further refined in anticipation of the transition to the new civilian oversight agency.

OIG Suggestion #2: Develop a system to ensure the reporting agency has independent and ready access to all use-of-force data.

- Early on in our administration, IPRA's current leadership identified data management and reporting as a weakness that, when effectively addressed, represents an area of opportunity for IPRA to bring much more valuable insight to the public about the data collected and maintained by CPD. However, IPRA's lack of a separate and well-functioning information management system has been an impediment to independence that must be addressed by the transition to the new oversight agency. To that end, as outlined above, we have partnered with DoIT to procure the expertise and resources necessary to design and build the information technology infrastructure and data analysis plan for the new civilian oversight agency.
- In the interim, IPRA is working with the City Administration to ensure that we have the personnel in place to effectively manage our current data processing and analysis needs in a quality manner.

OIG Suggestion #3: Improve its current IT practices and conduct a cost-benefit analysis of its current case management system to determine whether it meets operational needs.

- As outlined above, IPRA is currently working with DoIT to develop a best-in-class information technology infrastructure for the new civilian oversight agency that will include the development of a new case management system that is customized to the needs of the new agency based on its reporting mandate.

OIG Suggestion #4: Maintain detailed records of all incidents summarized in its quarterly reporting.

- Under new administration, IPRA has developed a detailed system for recording and maintaining records related to the data published in its quarterly reports.

We greatly appreciate the work done by your office over the past two years during its audit of IPRA's past practices regarding its use of force reporting. We agree that there remains opportunity for IPRA to bring increased transparency to the work of our office and the performance of CPD. If you have any questions regarding the substance of our response to the Advisory, please feel free to contact me. We look forward to a continued dialogue with the Office of the Inspector General on these and other topics.

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Best regards,

A handwritten signature in blue ink, consisting of several large, overlapping loops and a long horizontal stroke extending to the left.

Sharon Fairley
Chief Administrator
Independent Police Review Authority

Appendix I: Hit Shootings

Applicable Quarter	Total Unique Hit Shooting Incidents	IPRA Quarterly Reporting of Hit Shooting Notifications	Reporting Discrepancy	Explanation ¹
Sept. 2007	4	4	0	
Q4-2007	7	7	0	
Q1-2008	7	8	+1	IPRA received notification that an officer fired at an animal and that a shotgun pellet potentially struck an individual. IPRA's investigation revealed that the firearm discharge did not strike the individual, and thus, this was not a Hit Shooting. However, since IPRA did receive this as a Hit Shooting notification from CPD, it was included in the Q1 2008 quarterly report as a Hit Shooting.
Q2-2008	15	15	0	
Q3-2008	14	14	0	
Q4-2008	14	14	0	
Q1-2009	9	9	0	
Q2-2009	14	14	0	
Q3-2009	17	18	+1	IPRA received notification of an officer-involved shooting. IPRA's investigation revealed that the firearm discharge did not strike the individual, and thus, this was not a Hit Shooting. However, since IPRA received this as a Hit Shooting notification, it was included in the Q3 2009 quarterly report as a Hit Shooting.
Q4-2009	15	16	+1	IPRA received notification that an officer fired at an animal, but the bullet ricocheted and struck an officer in the leg. Thus, this incident was classified as a Hit Shooting notification in the Q3 2009 quarterly report and not a Non-Hit Shooting or a Shooting/Animal notification.
Q1-2010	12	12	0	
Q2-2010	10	10	0	
Q3-2010	11	11	0	

¹ Analysis in this column is based on our review of the data queried from our case management system at OIG's request for the purpose of conducting their audit. Due to IPRA's past practice of not maintaining a record of the data which supports their quarterly reports, we are unable to substantiate with certainty all reported numbers.

Applicable Quarter	Total Unique Hit Shooting Incidents	IPRA Quarterly Reporting of Hit Shooting Notifications	Reporting Discrepancy	Explanation¹
Q4-2010	9	10	+1	The additional incident reported was an officer suicide.
Q1-2011	15	15	0	
Q2-2011	20	20	0	
Q3-2011	16	16	0	
Q4-2011	7	7	0	
Q1-2012	12	12	0	
Q2-2012	5	5	0	
Q3-2012	19	19	0	
Q4-2012	14	14	0	
Q1-2013	11	11	0	
Q2-2013	13	13	0	
Q3-2013	13	13	0	
Q4-2013	5	5	0	
Q1-2014	10	10	0	
Q2-2014	9	9	0	
Q3-2014	13	13	0	
Total	340	344	+4	

Appendix II: Non-Hit Firearm Discharges

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
Sept. 2007	4	3	-1	<p>IPRA's records reflect that two non-hit shooting incidents were registered for September 2007.</p> <p>We were unable to identify an additional incident that served as the basis for IPRA's public reporting of three non-hit shootings during September 2007.</p>	2	Neither CPD nor IPRA could verify whether CPD sent notifications for two non-hit shooting incidents that occurred in September 2007.
Q4-2007	5	1	-4	<p>IPRA records reflect that three non- hit shooting incidents were registered in Q4 2007.</p> <p>IPRA reported three non-hit shooting incidents as complaints.</p> <p>In their Q4 2007 total, OIG counts one incident as occurring during Q4 2007. IPRA informed OIG that CPD put the incorrect date on CPD's documentation and that the incident in fact occurred in 2008 and should have been reported in Q1 2008, which is the quarter in which IPRA classified the incident.</p>	1	Neither CPD nor IPRA could verify whether CPD sent a notification for one non-hit shooting incident that occurred in Q4 2007.
Q1-2008	12	12	0		0	
Q2-2008	9	8	-1	<p>IPRA records reflect that 10 non-hit shooting incidents were registered in Q2 2008.</p> <p>IPRA reported three non-hit shooting incidents as complaints.</p>	0	

² Analysis in this column is based on our review of the data queried from our case management system at OIG's request for the purpose of conducting their audit. Due to IPRA's past practice of not maintaining a record of the data which supports their quarterly reports, we are unable to substantiate with certainty all reported numbers.

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
				IPRA initially classified an incident as an excessive force allegation, but the incident also included allegations of a non-hit firearm discharge.		
Q3-2008	10	10	0		0	
Q4-2008	12	7	-5	IPRA records reflect that 12 non-hit shooting incidents were registered in Q4 2008. IPRA reported five non-hit shooting incidents as complaints.	0	
Q1-2009	12	9	-3	IPRA records reflect that 13 non-hit shooting incidents were registered in Q1 2009. IPRA reported four non-hit shooting incidents as complaints and one non-hit shooting incident was reported twice.	0	
Q2-2009	16	13	-3	IPRA records reflect that 17 non-hit shooting incidents were registered in Q2 2009. IPRA reported four non-hit shooting incidents as complaints. One incident should have been classified and reported as an animal destruction. Another non-hit shooting incident actually occurred during Q2 2009, but the complaint was received in Q1 2011. IPRA reported this incident in the quarter of notification (Q1 2011), not the quarter of occurrence.	0	
Q3-2009	22	16	-6	IPRA records reflect that 22 non-hit shooting incidents were registered in Q3 2009.	1	Neither CPD nor IPRA could verify whether

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
				<p>IPRA reported five non-hit shooting incidents as complaints.</p> <p>One reported incident was not an actual police shooting which was revealed after a preliminary investigation was conducted.</p>		<p>CPD sent a notification for one non-hit shooting incident that occurred in Q3 2009.</p>
Q4-2009	20	19	-1	<p>IPRA records reflect that 21 non-hit shooting incidents were registered in Q4 2009.</p> <p>IPRA reported two non-hit shooting incidents as complaints.</p> <p>Two incidents should have been classified and reported as an animal destruction.</p> <p>IPRA was notified of one incident in Q1 2010, but it occurred during Q4 2009. IPRA reported this incident in the quarter in which it was notified.</p>	0	
Q1-2010	12	14	+2	<p>IPRA records reflect that 14 non-hit shooting incidents were registered in Q1 2010.</p> <p>One incident should have been classified as an animal destruction.</p> <p>IPRA was notified of one incident in Q1 2010, but it occurred during Q4 2009. IPRA reported this incident in the quarter in which it was notified.</p>	0	
Q2-2010	12	10	-2	<p>IPRA records reflect that 12 non-hit shooting incidents were registered in Q2 2010.</p> <p>IPRA reported two non-hit incidents as complaints.</p>	0	

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
Q3-2010	11	10	-1	<p>IPRA records reflect that 12 non-hit shooting incidents were registered in Q3 2010.</p> <p>IPRA reported two non-hit shooting incidents as complaints.</p> <p>One reported non-hit shooting incident was not an actual police shooting, which was revealed after a preliminary investigation was conducted.</p>	0	
Q4-2010	10	10	0		0	
Q1-2011	15	12	-3	<p>IPRA records reflect that 17 non-hit shooting incidents were registered in Q1 2011.</p> <p>IPRA reported five non-hit shooting incidents as complaints.</p> <p>One reported non-hit shooting incident was not an actual police shooting, which was revealed after a preliminary investigation was conducted.</p> <p>Another non-hit shooting incident actually occurred during Q2 2009, but the complaint was received in Q1 2011. IPRA reported this incident in the quarter of notification (Q1 2011), not the quarter of occurrence.</p>	0	
Q2-2011	11	10	-1	<p>IPRA records reflect that 11 non-hit shooting incidents were registered in Q2 2011.</p> <p>IPRA reported one non-hit shooting incident as a complaint.</p>	0	
Q3-2011	19	17	-2	<p>IPRA records reflect that 19 non-hit shooting incidents were registered in Q3 2011.</p>	0	

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
				IPRA reported two non-hit shooting incidents as complaints.		
Q4-2011	16	14	-2	<p>IPRA records reflect that 16 non-hit shooting incidents were registered in Q4 2011.</p> <p>IPRA reported two non-hit shooting incidents as complaints.</p> <p>One non-hit shooting incident should have been classified as an animal destruction.</p> <p>One non-hit shooting incident actually occurred during Q3 2011, but a complaint was received in Q4 2011. IPRA reported this incident in the quarter of notification (Q4 2011), not the quarter of occurrence. Moreover, the complaint was duplicative of a notification of the incident.</p>	2	Neither CPD nor IPRA could verify whether CPD sent notifications for two non-hit shooting incidents that occurred in Q4 2011.
Q1-2012	13	10	-3	<p>IPRA records reflect that 14 non-hit shooting incidents were registered in Q1 2012.</p> <p>IPRA reported six non-hit shooting incidents as complaints.</p> <p>One non-hit shooting incident was reported twice.</p>	0	
Q2-2012	12	12	0		0	
Q3-2012	15	14	-1	<p>IPRA records reflect that 16 non-hit shooting incidents were registered in Q3 2012.</p> <p>One non-hit shooting incident should have been reported as an animal destruction.</p>	0	

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
				IPRA reported three non-hit shooting incidents as complaints.		
Q4-2012	14	13	-1	<p>IPRA records reflect that 17 non-hit shooting incidents were registered in Q4 2012.</p> <p>IPRA reported five non-hit shooting incidents as complaints.</p> <p>One non-hit shooting incident should have been reported as an animal destruction.</p> <p>IPRA received duplicate notifications for two non-hit incidents. In the first incident, both notifications were appropriately reported as a non-hit shooting notification. In the second incident, one log was reported as a notification and the other log was reported as a complaint.</p>	0	
Q1-2013	12	9	-3	<p>IPRA records reflect that 13 non-hit shooting incidents were registered in Q1 2013.</p> <p>IPRA reported four non-hit shooting incidents as complaints.</p> <p>IPRA received duplicate notifications for one non-hit shooting incident.</p>	0	
Q2-2013	8	7	-1	<p>IPRA records reflect that 9 non-hit shooting incidents were registered in Q2 2013.</p> <p>One non-hit shooting incident should have been reported as an animal destruction.</p>	0	

Applicable Quarter	Total Unique Non-Hit Shooting Incidents	IPRA Quarterly Reporting of Non-Hit Shooting Notifications	Reporting Discrepancy	Explanation ²	Incidents with no notification record	Discussion
				IPRA reported two non-hit shooting incidents as complaints.		
Q3-2013	6	5	-1	IPRA records reflect that 6 non-hit shooting incidents were registered in Q3 2013. IPRA reported one non-hit shooting incident as a complaint.	0	
Q4-2013	5	4	-1	IPRA records reflect that 5 non-hit shooting incidents were registered in Q4 2013. IPRA reported one non-hit shooting incident as a complaint.	0	
Q1-2014	7	4	-3	IPRA records reflect that 8 non-hit shooting incidents were registered in Q1 2014. IPRA received duplicate notifications for one incident. IPRA reported three non-hit shootings incidents as complaints.	0	
Q2-2014	9	9	0		0	
Q3-2014	11	9	-2	IPRA records reflect 11 non-hit shooting incidents were registered in Q3 2014. IPRA reported two non-hit shooting incidents as complaints.	0	
Total	340	291	-49		6	

Appendix III: Animal Destruction

Applicable Quarter	Total Unique Shooting/Animal Incidents	IPRA Quarterly Reporting of Animal Destruction Notifications	Reporting Discrepancy	Explanation ³
Q4-2013	9	9	0	
Q1-2014	14	14	0	
Q2-2014	25	23	-2	IPRA records reflect that 23 incidents of animal destruction were registered in Q2 2014. IPRA reported two incidents where an animal was the target of a firearm discharge, but not hit, as Non-Hit Shootings.
Q3-2014	16	17	+1	IPRA records reflect that 17 incidents of animal destructions were registered in Q2 2014. IPRA received duplicate notifications of animal destruction from CPD during Q3 2014.
Total	64	63	-1	

³ Analysis in this column is based on our review of the data queried from our case management system at OIG's request for the purpose of conducting their audit. Due to IPRA's past practice of not maintaining a record of the data which supports their quarterly reports, we are unable to substantiate with certainty all reported numbers.

Appendix IV: Taser Discharges

Applicable Quarter	Total Unique Taser Discharge Incidents	IPRA Quarterly Reporting of Taser Discharge Notifications	Reporting Discrepancy	Explanation ⁴	Incidents with no notification record	Discussion
Q4-2013	85	77	-8	IPRA records reflect that 82 taser incidents were registered in Q4 2013. Of these, 78 are taser notifications, three were classified as complaints, and one was classified as an info.	3	IPRA could not verify that it received notifications from CPD for three taser discharge incidents in Q4 2013.
Q1-2014	87	76	-11	IPRA records reflect that 83 taser incidents were registered in Q1 2014. Of these, 79 are taser notifications, and four were classified as complaints.	4	IPRA could not verify that it received notifications from CPD for four taser discharge incidents during Q1 2014.
Q2-2014	121	111	-10	IPRA records reflect that 119 taser incidents were registered in Q2 2014. Of these, 113 are taser notifications, and 6 were classified as complaints. IPRA received duplicate notifications for one incident. One incident occurred during Q2 2013, and CPD notified IPRA during Q2 2014. Thus, it was reported in IPRA's Q2 2014 numbers.	4	IPRA could not verify that it received notifications from CPD for four taser discharge incidents during Q2 2014.
Q3-2014	118	115	-3	IPRA records reflect that 119 taser incidents	3	IPRA could not verify that

⁴ Analysis in this column is based on our review of the data queried from our case management system at OIG's request for the purpose of conducting their audit. Due to IPRA's past practice of not maintaining a record of the data which supports their quarterly reports, we are unable to substantiate with certainty all reported numbers.

Applicable Quarter	Total Unique Taser Discharge Incidents	IPRA Quarterly Reporting of Taser Discharge Notifications	Reporting Discrepancy	Explanation ⁴	Incidents with no notification record	Discussion
				<p>were registered in Q3 2014.</p> <p>Of these, 116 are taser notifications, and two were classified as complaints.</p> <p>One incident was generated at CPD's request and reported as a taser discharge notification, though the officer did not discharge a taser. (The officer used the taser laser, but did not employ the taser.)</p> <p>One incident occurred during Q2 2014, and CPD notified IPRA during Q3 2014. Thus, it was reported in IPRA's Q3 2014 numbers.</p> <p>IPRA received duplicate notifications for two incidents.</p>		<p>it received notifications from CPD for three taser discharge incidents in Q3 2014.</p>
Total	411	379	-32		14	

Appendix V: OC Spray Discharges

Applicable Quarter	Total Unique OC Discharge Incidents	IPRA Quarterly Reporting of OC Discharge Notifications	Reporting Discrepancy	Explanation ⁵	Incidents with no notification record	Discussion
Q4-2013	22	2	-20	IPRA records reflect that 3 OC spray incidents were registered in Q4 2013. One OC spray incident was reported as a non-hit shooting notification. ⁶	18	IPRA could not verify that it received notifications from CPD for 18 OC discharge incidents during Q4 2013.
Q1-2014	25	2	-23	IPRA records reflect that 4 OC spray incidents were registered in Q1 2014.	21	IPRA could not verify that it received notifications from CPD for 21 OC discharge incidents during Q1 2014.
Q2-2014	42	1	-41	IPRA records reflect that 4 OC spray incidents were registered in Q2 2014.	37	IPRA could not verify

⁵ Analysis in this column is based on our review of the data queried from our case management system at OIG’s request for the purpose of conducting their audit. Due to IPRA’s past practice of not maintaining a record of the data which supports their quarterly reports, we are unable to substantiate with certainty all reported numbers.

⁶ IPRA’s case management system does not have the capability to classify incidents with all applicable categories.

				One OC spray incident was included in a Hit Shooting Notification.		that it received notifications from CPD for 37 OC discharge incidents during Q2 2014.
Q3-2014	37	2	-35		35	IPRA could not verify that it received notifications from CPD for 35 OC discharge incidents during Q3 2014.
Total	126	7	-119		111	

Letter to OIG
Response to Weapons Discharge Advisory
July 28, 2016

Appendix VI: OIG Email Correspondence

Moore, Annette

From: Darwyn Jones [DJones@chicagoinspectorgeneral.org]

Sent: Tuesday, July 19, 2016 12:33 PM

To: Shear, Marvin J.

Cc: Moore, Annette

Subject: Proposed Clarification of General Orders

Deputy Chief Shear,

OIG has been conducting a review of the processes related to IPRA's quarterly reporting. As part of that review, we've become familiar with CPD's notification policies regarding weapon discharge incidents. I'm writing today to bring up a potential need for clarification within CPD's General Orders regarding Non-Hit, Unintentional, and Animal Shootings.

We are aware that these notifications take place in practice and that IPRA includes these incidents in their quarterly reports. However, we noticed that CPD's General Orders for Non-Hit, Unintentional, and Animal Shootings are unclear regarding notification(s) to IPRA. While CPD's General Orders *explicitly* require CPD to inform IPRA following Taser, Chemical Weapon, and Hit Shooting incidents; they *do not explicitly* require CPD to inform IPRA following Unintentional, Animal, and Non-Hit Shooting incidents. It is our understanding that it is CPD's intention and practice to notify IPRA when these types of incidents occur. CPD may wish to re-examine or clarify these Orders to ensure their practices and policies are in alignment. (For your convenience, we've included references to specific CPD Orders below the signature line of this e-mail.)

Thank you,

Darwyn Jones
Chief Performance Analyst
Audit and Program Review
Chicago Office of Inspector General
Phone: (773) 478-4680

I. Current CPD General Orders

We are aware of two CPD General Orders currently in effect that govern weapons discharge notification protocols:

1. G03-02-06: Firearm Discharge Incidents Other Than Unintentional and Destruction of an Animal
2. G03-02-07: Other Weapons Discharge Incidents

II. Taser, Chemical Weapon, and Hit Shooting Notifications

CPD General Orders explicitly require CPD to inform IPRA following Taser, Chemical Weapon, and Hit Shooting incidents:

1. When a Taser has been deployed, G03-02-07 requires supervisors to notify IPRA and obtain a log number.
 - a. "Responding supervisors will notify IPRA and obtain a log number. During the hours IPRA is not available, CPIC will be notified to obtain a log number." (Section IV.D.5)

- b. "The assigned investigating supervisor the rank of lieutenant or above from the district of occurrence will ensure that IPRA is notified and a log number is obtained." (Section IV.E.2)
2. When a member discharges an OC device, G03-02-07 requires supervisors to notify IPRA.
 - a. "When notified that a member under their command discharged a chemical agent, the assigned field supervisor will notify the Independent Police Review Authority when an OC device has been discharged." (Section III.C.3)
3. When a CPD member has injured or killed a person, or suffered a self-inflicted gunshot wound, G03-02-06 requires supervisors to obtain a U number from IPRA.
 - a. "The station supervisor will ... obtain a Universal (U) Number from the Independent Police Review Authority in all cases in which: a) a Department member has injured or killed a person by use of a firearm, and b) a Department member has suffered a self-inflicted gunshot wound." (Section V.I.2)

III. Unintentional, Animal, and Non-Hit Shootings

CPD General Orders do not explicitly require CPD to inform IPRA following Unintentional, Animal, and Non-Hit Shooting incidents:

1. Despite its title, G03-02-06 (Firearm Discharge Incidents Other Than Unintentional and Destruction of an Animal) requires CPIC and BIA to be notified following *any* firearms discharge incident—including unintentional and animal shootings.
 - a. "In addition to other notification outlined in this directive, for ANY firearms discharge incidents, including unintentional discharges and those involving the destruction of an animal: (a) the station supervisor in the district of occurrence will ensure the Crime Prevention and Information Center (CPIC) is notified, and (b) CPIC will notify the Bureau of Internal Affairs (BIA) call-out supervisor of an firearms discharge incident notification." (G03-02-06, Section III)
2. Despite its title, G03-02-06 (Firearm Discharge Incidents Other Than Unintentional and Destruction of an Animal) contains a section entitled "Unintentional Firearm Discharge Incidents and the Discharge of a Firearm to Destroy an Animal."
 - a. When an unintentional firearm discharge occurs, G03-02-06 requires command personnel to "obtain a log number." However, the order does not explicitly state which party—IPRA or CPIC—should receive notification (both entities issue log numbers).
 - i. "The command personnel responsible for the investigation will ... for an unintentional discharge incident, obtain a log number and ensure that an initiation report is completed." (Section X.F.5.b)
 - b. For animal incidents, G03-02-06 explicitly requires that CPD members and field supervisors notify OEMC and CPIC. However, it does not explicitly mention IPRA.
 - i. See G03-02-06, Section X.
3. G03-02-06 does not explicitly address procedures for Non-Hit, intentional shootings. However, several sections suggest that IPRA should be included in these notifications. Following firearm discharge notification to OEMC and CPIC (see item 1 above), the order states:
 - a. OEMC must immediately notify "any other units or agencies as appropriate or required." (Section V.F.4c), and
 - b. CPIC should notify "any additional communications as consistent with CPIC

procedures" (Section V.H.4).

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Response to Weapons Discharge Advisory
July 28, 2016

Appendix VII: IPRA Audit Request Letter



Joseph Ferguson
Inspector General, City of Chicago
740 N. Sedgwick St, Suite 200
Chicago, Illinois 60654

March 30, 2016

Re: 2016 OIG Audit Plan

Dear Inspector General Ferguson: *Joc*

Pursuant to the OIG APR 2016 Annual Plan, OIG has identified three potential program audit topics for the Chicago Police Department in 2016:

- 1) CPD's Compliance with the Freedom of Information Act
- 2) CPD's management and maintenance of dashboard cameras and footage
- 3) CPD's early intervention system

I am writing to request that you consider adding an audit of CPD's Use of Force Reporting and that you prioritize this potential program audit above the others on your 2016 plan.

As you are aware, in the course of IPRA investigations into allegations of excessive force and incidents involving the use of force by CPD department members (e.g. officer-involved shootings), we review the Tactical Response Reports, commonly referred to as "TRR's" that are completed by the involved officers. Pursuant to CPD Special Order S03-02-04, involved members are required to complete the report and review the report for completeness and accuracy. Moreover, Field Supervisors are required to ensure that the involved members complete the reports. Field Supervisors are permitted to complete a TRR on behalf of an involved officer if the officer is "incapacitated." In the context of our investigations, we at IPRA have observed several instances in which the information in the TRR is either incomplete or inaccurate. In addition, we have observed several TRR's that were completed by a Field Supervisor rather than the involved member, where there was no indication that the involved member was incapacitated.

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The accuracy and integrity of Use of Force reporting is essential to understanding how and under what circumstances officers are using force, which is an important policy issue facing the department and an area of great concern to the community. As you know, earlier this year, the department issued new guidance around dash cam use and maintenance, so an audit of this topic would not necessarily yield accurate information as the new policy is just getting underway. Regarding the early intervention system, it is my understanding that the Police Accountability Task Force and the DOJ are likely to be making recommendations about this. Therefore, the department's approach to early intervention is likely to undergo substantial change in the very near future.

For these reasons, we believe an audit of CPD's Use of Force Reporting is more pressing than the other topics currently on the 2016 Audit plan.

We hope you will consider initiating an audit of CPD's Use of Force reporting as soon as is practicable this year.

Regards,

A handwritten signature in blue ink, appearing to read "S. Fairley", is written over the typed name and title.

Sharon R. Fairley
Chief Administrator