CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

RECOMMENDATIONS TO INFORM AND IMPROVE DISCIPLINARY INVESTIGATIONS CONDUCTED BY COPA AND CPD’S BUREAU OF INTERNAL AFFAIRS: DATA SEARCHES

JOSEPH M. FERGUSON, INSPECTOR GENERAL FOR THE CITY OF CHICAGO
DEBORAH WITZBURG, DEPUTY INSPECTOR GENERAL FOR PUBLIC SAFETY
JUNE 30, 2020

Pursuant to the Municipal Code of Chicago § 2-56-230(c), the Public Safety section of the City of Chicago Office of Inspector General (OIG) conducts, on an ongoing basis, reviews of individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and the Chicago Police Department’s (CPD) Bureau of Internal Affairs (BIA). OIG is charged with the duty to make recommendations based on those reviews to inform and improve future disciplinary investigations, and to ensure that they are complete, thorough, objective, and fair.

COPA and BIA are charged with investigating, documenting, and reviewing allegations of misconduct by CPD members. COPA investigates allegations including, but not limited to, bias-based verbal abuse, domestic violence, excessive force, improper search and seizure, and firearm discharge. BIA investigates allegations including, but not limited to, criminal misconduct, operational violations, planning of drugs, residency violations, and medical roll abuse.1

In the course of its regular review of closed disciplinary investigations, OIG identified recurring errors and inaccuracies in data warehouse queries and records searches, including but not limited to misspelled names; incorrect addresses, dates, times, and date ranges; unduly narrow time, date, and address ranges; omission of key search terms, and incomplete records searches. These errors were observed in multiple investigations conducted by both BIA and COPA.

To foster trust and confidence in Chicago’s police accountability system, it is imperative that COPA and BIA’s investigations are thorough and well-documented in order to ensure transparency and consistency. To that end, OIG has recommended that COPA and BIA undertake the following:

1. Incorporate guidance on conducting data warehouse queries and records searches into onboarding and in-service trainings for investigators, instruction manuals, and investigative procedure policies. The training and policies should include concepts such as using wildcard search terms whenever possible and

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1 See [http://copadev.wpengine.com/investigations/jurisdiction/](http://copadev.wpengine.com/investigations/jurisdiction/) for additional information about the types of cases that fall under COPA’s and BIA’s respective jurisdictions.
expanding search parameters, such as date or address ranges, if an initial search returns negative results.

2. Require investigators to list search terms and parameters used in data warehouse queries and records searches in their closing document when a negative search result is a critical factor in reaching an investigatory disposition. Investigators preparing their closing documents, and supervisors approving those documents, should confirm that the information entered for queries and searches matches the correct spelling of names and addresses, that date and address ranges are correct and sufficiently broad, and that all available information was used in the query or search.

CPD agreed that improved training and protocols will help minimize the errors identified by OIG, and confirmed that BIA is in the process of revising its training and will incorporate OIG’s training recommendations. CPD stated it would consider OIG’s recommendation that investigators record the specific details of their searches.

COPA maintained that the use of expansive search terms is already COPA policy, but assured OIG that it would refresh its training on this issue. COPA also indicated it would explore options for a technology-based application to allow the creation and reproduction of search lists for the purpose of supervisory review.

The Public Safety section’s letter to COPA and CPD containing its recommendations is attached in Appendix A. COPA and CPD’s response letters are attached in Appendices B and C, respectively.

The data search errors identified by OIG may result in significant adverse consequences, by preventing disciplinary investigations to reach appropriate and fair outcomes. OIG encourages CPD and COPA to implement these responsive measures in the interest of assuring a professional standard of care, and thanks COPA and CPD management and staff for their ongoing cooperation in OIG’s review of closed disciplinary cases.
APPENDIX A: OIG MEMO TO CPD AND COPA

VIA ELECTRONIC MAIL

APRIL 30, 2020

DAVID BROWN
SUPERINTENDENT
CHICAGO POLICE DEPARTMENT
3510 SOUTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60653

SYDNEY ROBERTS
CHIEF ADMINISTRATOR
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
1615 WEST CHICAGO AVENUE, 4TH FLOOR
CHICAGO, ILLINOIS 60622

Dear Superintendent Brown and Chief Administrator Roberts:

Pursuant to the Chicago Municipal Code § 2-56-230, the Public Safety section of the City of Chicago Office of Inspector General (OIG) writes to recommend a number of measures to inform and improve future disciplinary investigations conducted by the Chicago Police Department (CPD), Bureau of Internal Affairs (BIA) and the Civilian Office of Police Accountability (COPA), and to ensure that those investigations are complete, thorough, objective, and fair.

In the course of its regular review of closed disciplinary investigations conducted by BIA, CPD District and Unit accountability sergeants, and COPA investigators, OIG has identified as recurring issues the following errors and inaccuracies in data warehouse queries and records searches performed during investigations:

1. Misspelled names
2. Incorrect times, dates, and date ranges
3. Incorrect addresses
4. Unduly narrow time, date, and address ranges
5. Omission of key search terms
6. Incomplete records searches
Each of these errors were observed in multiple investigations conducted by various investigating units at CPD and COPA, and in multiple searches conducted by CPD Records Division and Bureau of Technical Services personnel.

For example, in an investigation initiated in 2017, a complainant alleged that they had been wrongly identified as a gang member in CPD’s “gang database.” The complainant stated that the only encounter they had with CPD that could have resulted in this identification occurred in 2014, but the complainant was not aware of their designation as a gang member until they applied for a concealed carry license in 2017. When the investigator searched CPD records to locate the complainant’s encounter with CPD, the investigator searched for records created in 2017, rather than in 2014 as the complainant had indicated. The negative search result led the investigator to incorrectly conclude that the accused member could not be identified, and the investigation was closed.

In another example, a complainant who called 911 to report an assault alleged that the CPD members who responded to the call were unprofessional and refused to complete a report. When the investigator searched calls for service related to the incident, they used an address range which was too narrow to capture the incident address and the search produced negative results. The investigator incorrectly reported to the complainant that no calls for service were made from the location provided, and it was only after the complainant again insisted that they had called 911 that the investigator searched again with an expanded address range and located the complainant’s calls for service.

These query and records search errors can result in significant adverse consequences. As in the examples described above, investigators may cite the lack of available records in terminating an investigation or determining a complainant’s allegations to be unfounded or not sustained, and a false negative search result may be used to discredit an allegation when the records in question may, in fact, exist. Conversely, allegations regarding a failure to provide service, a failure to complete an investigatory stop report or a tactical response report, or a failure to activate a body-worn camera during a law enforcement operation may be erroneously sustained as the result of an improperly conducted query or records search.

Absent a regular practice of investigators recording in their closing documents the specific details of the terms and parameters of their searches and results generally, but particularly when they are critical factors to a case disposition, there is no meaningful quality control check that would catch errors and prompt corrections during their final review. Furthermore, this absence deprives supervisors, in approving closing dispositions, the opportunity to confirm that search terms and parameters used at critical junctures were accurate and sufficiently broad.
RECOMMENDATIONS TO INFORM AND IMPROVE BIA AND COPA INVESTIGATIONS: DATA SEARCHES

APRIL 30, 2020

When these errors occur, it is crucial that the deficiency be identified and corrected before investigative findings are reached and the investigation is finalized. OIG's Public Safety Inspections Unit has identified multiple finalized investigations containing data warehouse query errors and records search errors, which indicates that investigators are not consistently adhering to a professional standard of care in conducting searches or reviewing the results of searches conducted by an external department or agency.

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

1. Incorporate guidance on conducting data warehouse queries and records searches into onboarding and in-service trainings for investigators, instructional manuals, and investigative procedure policies. The training and policies should include concepts such as using wildcard search terms whenever possible and expanding search parameters, such as date or address ranges, if an initial search returns negative results.

2. Require investigators to list search terms and parameters used in data warehouse queries and records searches in their closing document when a negative search result is a critical factor in reaching an investigatory disposition. Investigators preparing their closing documents, and supervisors approving those documents, should confirm that the information entered for queries and searches matches the correct spelling of names and addresses, that date and address ranges are correct and sufficiently broad, and that all available information was used in the query or search.

If there are any questions, please contact Chief Investigator Megan Carlson at mcarlson@igchicago.org or (773) 478-8454. Please send your response to these recommendations by May 29, 2020. Thank you in advance for your time and attention to this request. We look forward to CPD's and COPA's responses, which OIG will publish in accordance with Chicago Municipal Code § 2-56-250.

Respectfully,

Joseph Lipari
Deputy Inspector General, Public Safety
Office of Inspector General

cc: Karen Konow, Chief, BIA, CPD
    Dana O'Malley, General Counsel, CPD
Chad Williams, Assistant Director, Office of Operational Compliance, CPD
Kevin Connor, General Counsel, COPA
Adam Burns, Attorney, COPA
May 29, 2020

Ms. Deborah Witzburg
Acting Deputy Inspector General
Office of Inspector General
740 North Sederwick Street, Suite 200
Chicago, Illinois 60654

Via Electronic Mail

Re: Recommendations on Data Searches

Dear Acting Deputy Inspector General Witzburg:

I am in receipt of your April 30, 2020 letter recommending, pursuant to MCC 2.56-230, that the Civilian Office of Police Accountability (COPA), provide additional guidance to investigators on the use of expansive search terms to reduce the number of false-negative search results and, require investigators to create a list of all search terms used during the course of an investigation to facilitate subsequent supervisory review.

COPA appreciates the OIG bringing this to our attention. As described below, we concur that the use of expansive search terms is already a matter of COPA policy and will urge its investigators to recall and utilize their extensive training regarding the use of expansive search terms. COPA will also seek a solution that allows compilation of lists of all search terms.

I. The use of expansive search terms is a matter of current COPA policy.

COPA provides all staff with significant training in investigative process and record maintenance during the six-week COPA Academy as well as frequent mandatory in-service trainings. All COPA Investigators are trained to use expansive search terms. During COPA Academy Investigators receive training in WebMIS, and some have received additional training from the Office of Emergency Management and Communication. In addition to the use of wildcards, phonetic spelling, and CLEAR’s Soundex search feature, investigators are trained to test alternative spellings and use progressively wider search parameters to account for human error, rather than accepting the finality of a first negative result. For these reasons, we believe adequate guidance is provided. COPA will however ensure this training is refreshed to enhance Investigator awareness.

II. COPA will seek to explore options related to a technology-based application to allow the creation and reproduction of accurate and comprehensive search lists.

COPA acknowledges that creating a log of search terms may ease supervisory investigative review and PSIG review of COPA files. Investigators are however required to include or note all search results, including negative results, in the investigation file. While the current system may not be as straightforward for file audit/review purpose as a list might, it does allow supervisors and others to efficiently review search terms and parameters for errors.
In conclusion, COPA acknowledges the importance of providing guidance on the use of expansive search terms and the merits of maintaining a list of all search terms utilized during a given investigation. As such, COPA will continue to ensure training in this area remains a part of COPA Academy and in-service training. COPA will also explore options for leveraging the CMS system to create a technological solution that will allow COPA to create and reproduce such lists.

As always, we appreciate your recommendations and dedication to thoroughness, objectivity, and fairness.

Respectfully,

Sydney R. Roberts
Chief Administrator
Civilian Office of Police Accountability

cc: Joseph Ferguson - OIG
    Kevin Connor - COPA
    Andrea Kersten - COPA
June 18, 2020

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

Re: Data Searches in Disciplinary Investigations

Dear Ms. Witzburg:

The Department has had the opportunity to review your recommendations related to data and training issues related to disciplinary investigations. The Department is aware of several of the data and search issues identified in your recommendations and appreciate the thoughts and suggestions set forth in your letter.

Much of the recommendations offered center around errors made by investigators and personnel when conducting searches for information to inform the investigation. As you correctly point out, training and protocols are the best way to minimize these errors. To this end the Bureau of Internal Affairs in currently in the process of revising their training for all investigators. This process is being completed with the assistance and input of the Independent Monitoring Team and the Office of the Attorney General and will include the necessary use of expansive search terms and parameters to ensure full inclusion of any possible evidence.

As this training is developed, BIA will take under consideration the recommendation that investigators record in their documentation the specific details of the terms and parameters of their searches and results generally. This recommendation will have to be considered within the constraints of the CMS system currently used by both BIA and COPA.

We appreciate your efforts to help the Department improve as we continue to incorporate reforms and move forward implementing the Consent Decree.

Sincerely,

David O. Brown
Superintendent
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.