A Guide to the Disciplinary Process for Chicago Police Department Members

(last updated: April 2021)
Charts Overview
- Chart figures and symbols
- Acronyms and agencies
- Overview of discipline process
- Allegation findings

Sworn CPD members Investigated by BIA or COPA
Sworn members include the following:
- Non-exempt: union-represented members
  - Police Officers
  - Sergeants
  - Lieutenants
  - Captains
- Exempt Supervisors: CPD Department Directive Glossary states, “A command staff member at or above the level of commander or director.”

Civilian Members Investigated by BIA or COPA
Civilian members include the following:
- Non-exempt members: union-represented, non-sworn members
- Exempt supervisors: CPD Department Directive Glossary states, “A command staff member at or above the level of commander or director.”

OIG Investigations

References
**Overview of Disciplinary Process:**

**Complaint OR Notification:** Allegations of misconduct can be filed by a member of the public or City official or employee, including sworn and civilian members of CPD. Misconduct includes violations of CPD’s Rules and Regulations, directives, orders, laws and ordinances, as well as criminal conduct. Additionally, certain events will prompt automatic notifications to COPA for consideration.

**Investigation:** Investigators gather evidence in order to support an agency determination of whether to sustain allegations of misconduct. Depending on the type of misconduct alleged, either BIA or COPA will conduct the investigation.

**Findings, disciplinary recommendations:** Following the investigation, the investigating agency determines whether the allegation is Unfounded, Exonerated, Not Sustained, or Sustained. If the allegation is Sustained, the investigating agency will make a recommendation of the type of disciplinary action that should be taken.

**Review:** Regardless of the investigating agency, findings and disciplinary recommendations (other than recommendations for Separation) go through Command Channel Review (CCR). CCR is a review by the accused member’s supervisors to ensure they are, in the reviewing members’ opinion, appropriate. Reviewing members may recommend changes to the finding(s) or disciplinary recommendation(s). The process for incorporating changes depends on which agency conducted the investigation, as detailed in the following flow charts.

**Findings, discipline issued:** Depending on the severity of the recommended discipline, CPD members can then accept or challenge the recommended discipline through the grievance procedure or Police Board, depending on the severity of the discipline and the rank of the CPD member.

**Findings, discipline challenged:** CPD members may challenge the recommended discipline through the Binding Summary Opinion, Arbitration, or before the Police Board. Available options for challenging depend on the severity of the recommended discipline and the accused member’s rank.

**Outcome of challenge implemented:** The recommended discipline can either be upheld, decreased, reversed, and, in some cases in front of the Police Board, increased. Once the discipline is decided, it is implemented.

**Allegation Findings:**

Following an investigation by BIA or COPA, an allegation of misconduct may be found to be:

- Unfounded, when the allegation is false or not factual;
- Exonerated, when the incident occurred, but the actions of the accused were lawful and proper;
- Not sustained, when there is insufficient evidence to either prove or disprove the allegation; or
- Sustained, when the allegation is supported by a preponderance of the evidence.

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**Acronyms & Terms:**

AFSCME – American Federation of State, County and Municipal Employees
BIA – Bureau of Internal Affairs
CHIEF ADMIN – Leads COPA
CHIEF OF BIA – Leads BIA
COPA – Civilian Office of Police Accountability
CPD – Chicago Police Department
FOP – Fraternal Order of Police (Police Officer union)
INA – Illinois Nurses Association
MCC – Municipal Code of Chicago
OIG – City of Chicago, Office of Inspector General
PB – Police Board
PBPA [Unit 156] – Policemen’s Benevolent & Protective Association of Illinois (Police Supervisor union)
SUPERINTENDENT – Leads CPD

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**Charts Overview**

- **Start of processes**
- **End of processes**
- **Process steps**
- **Sub-process steps within a given process**
- **Decisions affecting pathway**
- **Documents**

Solid line with arrow indicates the next step in a given process.

Solid line with arrow and text indicates the next step in a given process, with additional information and any restrictions or conditions, where applicable.

Tiles outlined in red highlight points at which the level of discipline may change during the disciplinary process.

Click this tile to proceed to the next step or the previous step in the process.

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- **Complaint OR Notification**
- **Investigation**
- **Findings, disciplinary recommendation**
- **Review**
- **Findings, discipline issued**
- **Findings, discipline challenged**
- **Outcome of challenge implemented**
Sworn CPD Members
Investigated by BIA or COPA
Overview

High Level Process Overview

Complaint OR Department notification ➔ Assignment of Log/CR No. by COPA ➔ Preliminary investigation ➔ Affidavit (if required) ➔ Investigation

- Investigation terminated without a finding
- Mediation
- Mediation Agreement
- Discipline imposed, process ends
- Finding is something other than 'Sustained.' Investigation closed.

Investigation ➔ Allegation(s): Sustained ➔ Discipline recommended
- Review (finding may change to/from Sustained)

- Allegation(s): Not Sustained
- Allegation(s): Unfounded
- Allegation(s): Exonerated

- Finding is Sustained. Discipline recommendation is maintained, reduced, or increased.
- Discipline accepted and implemented, process ends.
- Discipline maintained, increased, reduced, or reversed. If not reversed, discipline implemented. Process ends.
Initiation Through Investigation

1COPA may receive complaints from the members of the public or from CPD members (COPA Rules and Regulations, Section 2.1). Complaints submitted to BIA are forwarded to COPA for tracking and assignment. Additionally, “COPA receives notifications from [CPD] related to incidents that fall within COPA’s investigatory jurisdiction, such as officer-involved incidents, weapon discharge incidents.” (COPA Rules and Regulations, Section 2.1.3, “Department Notifications”).

2A log number is “a tracking number assigned to any incident brought to the attention of the Department, by a reporting party, involving a Department member that may be investigated.” These tracking numbers are unique to each investigation and are attached to the investigation throughout the investigation and disciplinary process. See CPD General Order G08-01 Complaint and Disciplinary Procedures for more information and a full list of number classifications.

3Per COPA Rules and Regulations (Section 2.2), COPA will refer complaints to BIA if the alleged misconduct is outside of COPA’s jurisdiction. Additionally, COPA may also refer investigations to OIG, as well as federal, state, and local authorities. CPD General Order G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct states that COPA will generate a log number, determine which agency has jurisdiction, and notify that agency. Per COPA’s Investigations webpage (http://copadew.wpengine.com/investigations/jurisdiction), jurisdiction for BIA and COPA is as follows:

- BIA is responsible for investigating criminal misconduct, medical roll abuse, operational violations, planting of drugs, residency violations, substance abuse, and theft of money or property.
- COPA is responsible for investigating bias-based verbal abuse, coercion, death or serious bodily injury in custody, domestic violence, excessive force, and improper search and seizure.

4Per the Uniform Peace Officers’ Disciplinary Act, a complaint against a sworn police officer, such as a sworn CPD member, generally requires a sworn affidavit, except in limited circumstances (50 ILCS 725/3.8). Additionally, MCC 2-84-330(D) provides that anonymous complaints made against a CPD member cannot lead to a CR investigation unless the alleged misconduct is of a criminal nature. An affidavit is not required for complaints made by CPD or COPA members, for criminal allegations, residency violations, or medical roll abuse. For complaints made by non-CPD and non-COPA members, under certain circumstances, an affidavit override may be obtained by the investigating agency, allowing the investigation to continue. In cases where COPA is the investigating agency, per COPA’s Rules and Regulations (Section 2.4.1), the Chief Administrator can request an affidavit override from the Chief of BIA if COPA is unable to obtain an affidavit from the reporting party, victim, or witness. If the Chief of BIA agrees an affidavit override is warranted, the investigation will proceed; otherwise, it will be terminated. Similarly, in cases in which BIA is the investigating agency, per CPD Directive S08-01-01 (Section II.F.5.b), the Chief of BIA can request an affidavit override from the Chief Administrator of COPA if an affidavit cannot be obtained from the reporting party, victim, or witness. If the Chief Administrator agrees and an affidavit override is warranted, the investigation will proceed; otherwise, it will be terminated. Per the Police Benevolent and Protective Association Unit 156 Contracts (Section 6.10), an affidavit override can be obtained by the investigating agency for anonymous complaints against a sworn CPD member if is of the rank of Sergeant, Lieutenant, or Captain.

5If the complaint identifies a CPD member and the alleged misconduct is a violation of CPD policy and an affidavit or affidavit override is acquired, a log number is converted to a CR number, which is the type of log number “given to a CPD General Order G01-01 Criminal Conduct Investigation”.

6For complaints under BIA’s jurisdiction, BIA decides whether its investigators will conduct the investigation or if it will be conducted by an Accountability Sergeant in the accused member’s District/Unit. For cases under BIA’s jurisdiction, CPD Special Order S08-01-01 Conduct of Complaint Investigations (Section 2.C) states “If the accused is the rank of lieutenant or above, the investigation will be conducted by BIA?” rather than at the District/Unit level. When investigating potential criminal violations, BIA will determine whether the investigation should be brought to the attention of the Cook County State’s Attorney’s Office (CCSAO). COPA will refer complaints that include potential criminal conduct to the appropriate agency (e.g., CCSAO). Additionally, in cases under their jurisdiction in which a criminal investigation is ongoing, COPA will conduct its administrative investigation concurrently (COPA Rules and Regulations, Section 3.13). Further, MCC 2-84-054 requires CPD to notify CCSAO in all officer-involved death incidents. COPA will refer “all officer-involved firearm discharges that strike an individual to the Cook County State’s Attorney’s Office” following a preliminary investigation (COPA Rules and Regulations, Section 3.12).

7Mediation may be pursued if the allegation is likely to be sustained or if it has already been sustained. This is depicted by the dashed line and arrow connecting “Sustained” to “Mediation.” See Fraternal Order of Police Lodge 7 Contract (Section 6.11), PBPA Contracts (Section 6.11) for more details on the mediation process.

8See CPD Directive S08-01-01, COPA Rules and Regulations (Section 4.1.1), and Consent Decree paragraph 467 for more details.
**Review Process**

**Determine Applicable Required Review**

1. Begin review process

2. What discipline is recommended?
   - Exonerated – No discipline
   - Unfounded – No discipline
   - Not sustained – No discipline
   - Sustained – Violation noted
   - Sustained – Reprimand
   - Sustained – Suspension
   - Sustained – Separation

3. Review by CPD Office of Legal Affairs and Superintendent

4. Did COPA investigate?
   - Yes
     - Command Channel Review (CCR)
   - No
     - Charges filed with Police Board

5. Superintendent/COPA Non-Concurrence Process

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1. Per CPD Directive 508-01-03 Command Channel Review (Section III.A), CCR may be bypassed under certain circumstances, including: the recommended discipline of 'Separation,' a case that has gone through mediation, investigations with a finding other than 'Sustained' that are confidential or sensitive in nature where the identity of the subject(s) would be compromised/scrutinized, and in “Cases of an emergency as determined by the Chief, BIA” (Section III.A.4).
Command Channel Review

Review Process

Command Channel Review

Investigation enters CCR

Was this a COPA case?

No

BIA Bureau Chief reviews investigation and any concerns noted during exempt members’ review.

Yes

Superintendent reviews investigation and any concerns noted during exempt members’ review.

Superintendent reviews investigation and any concerns noted during exempt members’ review.

Does Superintendent concur with findings and recommendations?

No

Does Superintendent concur with findings and recommendations?

Yes

Investigation closed, process ends

Yes

Why does BIA Chief not concur?

No

Adedacy and timeliness of the investigation

Finding or discipline recommendation is not appropriate

Soundness of the investigation, conclusion, and findings

Investigation returned to investigator to address concerns

Case returns to BIA Chief for review

Investigation closed, process ends

Determine applicable case pathway

Superintendent/ COPA Non-Concurrence Process

Yes

Review by Superintendent

Does investigation meet criteria for CCR?

No

Yes

Review by First Deputy Superintendent

Superintendent reviews investigation and any concerns noted during exempt members’ review.

Does the allegation change to, or remain, ‘Sustained’?

No

Yes

Investigation closed, process ends

Yes

Review by Second Deputy Superintendent

Investigation returned to investigator to address concerns

Case returns to BIA Chief for review

Investigation closed, process ends

Determine applicable case pathway

Superintendent/ COPA Non-Concurrence Process

3 Per MCC 2-78-130, the Superintendent may challenge COPA’s disciplinary recommendations or request that COPA conduct additional investigation. CPD may also challenge COPA’s findings.

6 The BIA Chief makes final decisions on findings and recommendations. If the BIA Chief raises concerns, the investigation is sent back to the investigator(s) for additional action and is then sent back to the Chief. It could restart CCR entirely if the undertaking was extensive and included additional CPD members, but this would be unusual.

The Superintendent must approve the discipline regardless of the type of severity. This approval comes before the process to challenge discipline begins so that if the discipline is challenged and upheld, the penalty can be immediately imposed.

1 Unless otherwise stated, tiles are based on CPD Special Order 508-01-03 Command Channel Review.

2 Exempt-level supervisors must complete their review within 15 calendar days, otherwise they are deemed to have concurred with the findings. See CPD Directive S08-01-03 (Section III.B) for additional information. Exempt members review to determine whether further investigation is needed and whether they concur with the findings, and, if applicable, the disciplinary recommendations. If a reviewing member does not concur with the findings/recommendations, they will note the reason before sending the investigation to the next step of the review process. Additionally, if the evidence presented indicates culpability by other CPD supervisory personnel, the reviewing member will obtain a separate log number and an investigation will be conducted. See CPD Directive S08-01-03 (Section IV.C.) for additional information.

3 CPD Directive S08-01-03 (Section III.C) lists the criteria for review by the First Deputy Superintendent. Among the criteria, if the accused member is an exempt member, the case will be reviewed by the First Deputy Superintendent.

4 Per MCC 2-78-130, if COPA issues a disciplinary recommendation, the Superintendent must respond within 60 days of the recommendation indicating whether they [the Superintendent] concur with the recommendation and can request up to 30 additional days for review. The Superintendent may also request that COPA conduct additional investigation.

5 The BIA Chief makes final decisions on findings and recommendations. If the BIA Chief raises concerns, the investigation is sent back to the investigator(s) for additional action and is then sent back to the Chief. It could restart CCR entirely if the undertaking was extensive and included additional CPD members, but this would be unusual.
Review Process

COPA, Superintendent Non-Concurrence

1 Unless otherwise stated, information herein is derived from the Chicago Police Board’s Rules of Procedure (Section VI), COPA’s Rules and Regulations (Section 4.3.4), and MCC 2-78-130(a.i-vi).
2 Per MCC 2-78-130(a.v), the Superintendent is able to “impose additional action to that recommended by the Chief Administrator, including discipline that is more severe than that recommended by the Chief Administrator…”
3 Even if the Superintendent originally disagreed with COPA’s findings and recommended discipline, CPD, represented by the Law Department, moves forward with enforcing the discipline.
4 CPD may maintain a ‘Sustained’ finding but recommend lesser discipline than COPA.
Determine Applicable Case Pathway

1Note: If a member were to change rank during the course of an investigation, the union representing that new rank will represent the member. Additionally, the union representing that new rank will challenge the discipline under the procedures laid out in the collective bargaining agreement for that union. For example, if a member is promoted from Police Officer to Sergeant before the conclusion of an investigation, the member would now be represented by the Sergeant’s Union (i.e. PBPA, Unit 156-Sergeants) and afforded the disciplinary options outlined in that collective bargaining agreement. However, once a challenge is filed, the member’s union at the time of filing will represent the member throughout the process, regardless of any subsequent change of rank. If a non-exempt member moves to an exempt position prior to a discipline recommendation for a given case, the applicable case pathway would be the exempt/non-exempt member pathway. Sworn exempt members are not covered under a collective bargaining agreement and not entitled to any provisions of any previous contracts under which they were covered. The Superintendent has discretion to remove a sworn exempt member from their exempt position. Upon removal, members that previously held the rank of Captain have a contractual right to return to the rank of Captain or an equivalent position which the department head wishes to fill. Those members previously covered by the PBPA Captain’s Contract (Section 3.1.A) and CPD Department Directive Employee Resource ED4-01-05, Section III.C. Those members previously covered by the FOP Contract, PBPA Sergeant’s Contract, or PBPA Lieutenant’s Contract do not have a contractual right to return to those positions upon removal from an exempt position; however, per City of Chicago Personnel Rule XI, they could return to a “similar position of the same grade in the department, if there is a vacant position which the department head wishes to fill.” The Superintendent is an exempt member and can be removed from their position by the Mayor per MCC 2-84-040, the Superintendent “shall serve at the pleasure of the Mayor.” If the Superintendent does not have a rank to revert to upon removal from the position (i.e., if they were not promoted from a position represented by a union), they are an exempt, at-will employee and can be discharged at any time.

1FOP Contract (Section 8.4). Police Officers cannot challenge a ‘Violation noted.’

1FOP Contract (Section 8.8) and PBPA Contracts (Section 9.1) increased the number of days the Superintendent can suspend a Police Officer, Sergeant, Lieutenant, and Captain from the previous limit listed in MCC 2-84-030.3 of 30 days to 365 days. The Police Board considers cases involving recommended Suspensions of greater than 365 days.

1PBPA Contracts Section 8.4, PBPA Sergeant’s Contract (Section 9B), PBPA Lieutenant’s Contract (Section 9.3A), and PBPA Captain’s Contract (Section 9.3A). Supervisors cannot challenge a ‘Violation noted’ or a ‘Reprimand.’

1Exempt members are not covered under a collective bargaining agreement. The Superintendent has the unilateral authority provided in MCC 2-84-030.3 to suspend sworn exempt members for 30 days or less. The Police Board considers Suspensions over 30 days and Separations.
1Unless otherwise stated, information herein is derived from FOP Contract (Section 9.6).

2Discipline is considered accepted if the Officer does not formally accept or challenge discipline “Within ten (10) working days of receiving the...recommendation for discipline” (FOP Contract Section 9.6.A, 9.6.B, and 9.6.C).

3For suspensions of 11-365 days, Police Officers can accept the discipline any time during the process, including after a grievance has been filed (FOP Contract Section 9.6.B and 9.6.C). For reprimands and suspensions up to 10 days, there is no such provision in the FOP Contract.
Grievance Procedure

Police Officer: Binding Summary Opinion (BSO)

Officer BSO¹

Arbitrator selected by mutual agreement of CPD and FOP

Does Officer or FOP submit written statement—no more than 3 pages—outlining position (at least 10 days prior to hearing)?

No

Yes

CPD may submit written rebuttal—no more than 2 pages

Officer may appear before arbitrator to make oral argument (no more than 15 mins)

Department representative may offer oral rebuttal

Arbitrator reviews all documents and oral arguments, if any

Arbitrator issues written decision within 30 days following close of hearing unless parties agree otherwise.²

Discipline imposed (if applicable), process ends.

¹Unless otherwise stated, information herein is derived from FOP Contract (Section 9.6.A.1).
²Parties may appeal the decision in the Circuit Court of Cook County, and can further appeal to the Illinois Appellate Court and to the Supreme Court of Illinois.
Officer Arbitration

Arbitrator selected by mutual agreement of CPD and FOP

After Arbitrator is appointed and prior to date cancellation fee would incur, parties shall conduct a settlement conference to attempt to resolve grievance(s)\(^2\)

Is grievance resolved?

Arbitration hearing\(^3\)

Arbitrator reviews all documents, testimony, and other materials/evidence submitted for consideration

Arbitrator issues written decision within 30 days unless parties agree otherwise.

No

Discipline imposed (if applicable), process ends.

Yes

Grievance resolved. Discipline imposed (if applicable), process ends.

\(^1\)Unless otherwise stated, information herein is derived from FOP Contract (Appendix Q).

\(^2\)FOP Contract (Appendix Q, Section B). Arbitrator will select a hearing date to occur within 60 days of being contacted.

\(^3\)Arbitration hearings are full evidentiary hearings.
Grievance Procedure

Supervisor: Grievance Options

1. Supervisor Grievance Options

- Suspension (1-10 days)
  - Elect BSO OR Expedited Arbitration
    - BSO
    - Grievance submitted for BSO

- Suspension (11-30 days)
  - Elect Arbitration OR Expedited Arbitration
    - Expedited Arbitration
    - Grievance submitted for Expedited Arbitration

- Suspension (31-365 days)
  - Grievance submitted for Arbitration

2. Parties may mutually agree to request application of the expedited process outlined in PBPA Contracts (Appendix C).

1 Unless otherwise stated, information herein is derived from PBPA Contracts: Sergeant’s Contract (Section 9B), Lieutenant’s Contract (Section 9.3A), and Captain’s Contract (Section 9.3A).
Grievance Procedure  Supervisor: Binding Summary Opinion (BSO)

1 Unless otherwise stated, information herein is derived from PBPA Sergeant’s Contract (Section 9B.1), Lieutenant’s Contract (Section 9.3A.1), and Captain’s Contract (Section 9.3A.A).

2 CPD may not file an argument or respond to PBPA argument unless asked to do so by the Arbitrator.

3 Grievances can be granted or denied in whole or in part.
Arbitrator selected by mutual agreement of CPD and PBPA

Suspension (11-30 days)\(^1,2\)

Arbitration hearing\(^3\)

Arbitrator reviews all documents, testimony, and other materials/evidence submitted for consideration

Arbitrator issues an award granting or denying the grievance in whole or in part

Discipline imposed (if applicable), process ends

**Supervisor Arbitration**

Suspension (31-365 days)\(^3\)

After Arbitrator is appointed and prior to date cancellation fee would incur, parties shall conduct a settlement conference to attempt to resolve grievance(s)\(^5\)

Arbitration hearing\(^3\)

Arbitrator reviews all documents, testimony, and other materials/evidence submitted for consideration

Arbitrator issues written decision within 30 days unless parties agree otherwise

Discipline imposed (if applicable), process ends

Grievance resolved. Discipline imposed (if applicable), process ends.

**Expedited Arbitration**

CPD and PBPA will submit case to non-binding Summary Opinion process before a mutually designated Arbitrator

A separate Arbitrator from predetermined panel will hold informal hearings in which parties will represent themselves (may designate non-attorney representative)

Arbitrator issues short written decision no later than 60 days after completion of last day of hearings\(^4\)

Discipline imposed (if applicable), process ends

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\(^1\)PBPA Sergeant’s Contract (Section 9B.2), Lieutenant’s Contract (Section 9.3A.2), and Captain’s Contract (Section 9.3A.B) outline the arbitration process for supervisors for Suspensions of 11-30 days.

\(^2\)Based on an interview with CPD personnel, CPD members are encouraged to settle prior to incurring arbitration cancellation fees. However, PBPA contracts do not directly address settlements for disciplinary cases.

\(^3\)Arbitration hearings are full evidentiary hearings.

\(^4\)Grievances can be granted or denied in whole or in part.

\(^5\)PBPA Sergeant’s Contract (Appendix X), Lieutenant’s Contract (Appendix P), and Captain’s Contract (Appendix P) outline the arbitration process for supervisors for Suspensions of 31-365 days.

\(^6\)PBPA Sergeant’s Contract (Appendix X), Lieutenant’s Contract (Appendix P), and Captain’s Contract (Appendix P). Arbitrator will select a hearing date to occur within 120 days of being contacted.

\(^7\)PBPA Contract (Appendix C) outlines the expedited arbitration process.
Police Board

Determine Applicable Police Board Process

1 See MCC 2-84-030 for more details on the ‘powers and duties’ of the Police Board.
2 FOP Contract (Section 8.8) increased the number of days the Superintendent can suspend a Police Officer from the 30-day limit stated in MCC 2-84-030(3) to 365 days. *FOP Contract* (Section 9.1). For Police Officers, separations are cognizable only before the Police Board.
3 PBPA Contracts (Section 9.1) increased the number of days the Superintendent can suspend a Sergeant, Lieutenant, or Captain from the 30-day limit stated in MCC 2-84-030(3) to 365 days. *PBPA Contracts* (Section 9.1). For Sergeants, Lieutenants, or Captains, separations are cognizable only before the Police Board.
4 Exempt members are not covered under a collective bargaining agreement. The Superintendent has the expressly reserved authority provided in MCC 2-84-030.3 to suspend sworn exempt members for 30 days or less. The Police Board considers Suspensions over 30 days.
Member files request for review (must file within 3 business days to have the proposed suspension reviewed). 

Member, Superintendent, and COPA Chief Admin (if COPA investigated) receive time-stamped copy of request.

Does member choose to submit additional materials?

- Yes: Member may submit (within 5 days) a written memo delineating reason for review and documentary evidence.

- No: Superintendent and/or COPA Chief Admin may file a written response and/or documentary evidence, and a written memo.

Police Board assigns Hearing Officer to review submitted materials.

Hearing Officer must complete review within one calendar week.

Hearing Officer will submit written report to each member of the Police Board.

Police Board considers report in executive session.

Vote by majority to sustain, reduce, or reverse suspension.

Written findings, decision sent to Superintendent and accused member.

Is suspension upheld?

- Yes: Discipline imposed, process ends.

- No: Is suspension reduced?

- Yes: Discipline imposed, process ends.

- No: Suspension reversed.

Process ends.

1Unless otherwise stated, information herein is derived from the Chicago Police Board’s Rules of Procedure (Section IV).

2Police Board Rules of Procedure (Section IV.B.3). If, and only if, the Member submits materials, the Superintendent and/or the COPA Chief Admin can file a written response and/or documentary evidence and a written memo.

3Per the Chicago Police Board’s Rules of Procedure (Section IV.B.6), “the Police Board may in its discretion order a hearing before the Hearing Officer prior to making a determination to sustain, reduce the length of, or reverse the suspension ordered by the Superintendent.”

4Police Board’s Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process (Section ‘Appeals of Police Board Decisions’). Parties may appeal the Board’s decision in the Circuit Court of Cook County, which can be appealed to the Illinois Appellate Court and the Supreme Court of Illinois. As specified in Illinois law, 65 ILCS 5/10-1-45, appeals of Police Board decisions are governed by the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq. Accordingly, parties may appeal a Police Board decision with a petition for administrative review to the Circuit Court. The Circuit Court’s decision may be appealed to the appellate court and Illinois Supreme Court.

5Per MCC 2-84-030, “The findings and decision of the police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent.”
Police Board Suspension (More Than 30 days) and Separation Review

1. **Begin Review process**
   - Superintendent, represented by Law Department, files charges against the CPD member.
   - **Is CPD seeking separation?**
     - **Yes**: CPD member is suspended without pay.
     - **No**: Case assigned to a Hearing Officer.

2. **Case assigned to a Hearing Officer**
   - Hearing Officer holds initial status hearing.
   - CPD member and/or their attorney and Law Department engage in discovery and pre-trial matters.
   - Hearing Officer holds evidentiary hearing.

3. **Full Police Board reviews transcripts, exhibits, video recordings of the hearing, Hearing Officer documentation, and discusses case at monthly non-public meeting.**
   - Full Police Board determines finding, including discipline (if applicable).
   - **Found guilty of the charges filed?**
     - **Yes**: Superintendent imposes discipline.
     - **No**: Member is restored to duty and awarded back-pay (if applicable). process ends.

4. **Found guilty of the charges filed?**
   - **Yes**: Appeal to Circuit Court.
   - **No**: Discipline imposed, process ends.

5. **Appeal to Circuit Court?**
   - **Yes**: See Police Board’s Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process (Section ‘Appeals of Police Board Decisions’).
   - **No**: Process ends.

6. **Parties may appeal the Board’s decision in the Circuit Court of Cook County, and can further appeal to the Illinois Appellate Court and the Supreme Court of Illinois.

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1. Unless otherwise stated, information herein is derived from the Police Board’s Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process.
2. Police Board’s Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process (Section ‘Suspension Cases’). When an Officer elects to have the PB review their suspension of greater than 30 days, the Officer makes the request and the Superintendent then files charges against the officer with the PB. For supervisors (Sergeant or above), the Superintendent must file charges with the PB to recommend they be suspended for >30 days.
3. See “Hearing Procedures.”
4. Documentation includes a written report that sets forth the evidence presented at the hearing and information related to witness credibility. The Police Board may additionally request the Hearing Officer prepare a written report and recommendation that “set forth findings of fact and conclusions of law…” (Police Board Rules of Procedure, Section III.G). All parties may review the Hearing Officer’s report and recommendation, and file a written response.
5. Per MCC 2-84-030, “The findings and decision of the police board, including an explanation of those findings and decision, when approved by said board, shall be certified to the superintendent and shall forthwith be enforced by said superintendent.”
6. See Police Board’s Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process (Section ‘Appeals of Police Board Decisions’).
**Police Board Hearing Procedures**

1. **Begin Hearing process**
   - Case assigned to Hearing officer
   - Initial status hearing (Open to the public)
   - Law Department and Respondent given access to Respondent's disciplinary file, may move for entry into the record of proceedings relevant aspects

2. **Respondent (accused member) may request evidence prior to hearing**
   - Parties file any other motions
   - Hearing officer may hold pre-hearing conference

3. **Law Department presents evidence in support of charges**
   - Respondent offers evidence in defense/mitigation
   - Does Law Department choose to offer rebuttal?

4. **Evidentiary hearing. Hearing is transcribed and video-recorded (open to the public).**
   - Law Department presents additional information

5. **Hearing Officer prepares written report of the evidence presented and information related to witness credibility**
   - PB may direct Hearing Officer to prepare a report and recommendation setting forth findings of fact/conclusions of law
   - Superintendent and Respondent have 14 days to review and file a written response.

6. **PB takes case under advisement. Reviews record of proceedings, Hearing Officer reports, and Superintendent/Respondent responses.**
   - PB renders findings and decision
   - Need additional proceedings? (PB decides)

7. **Set matter for additional proceedings**
   - Issue written findings
   - Forward findings to Superintendent for enforcement

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1. Unless otherwise stated, information herein is derived from the Police Board's Rules of Procedure (Sections I-III).

2. Police Board Rules of Procedure (Section I.D). "The Superintendent shall be represented at all proceedings before the Board by the Corporation Counsel of the City of Chicago."
Civilian Members Investigated by BIA or COPA
COPA may receive complaints from the members of the public or from CPD members (COPA Rules and Regulations, Section 2.1). Complaints submitted to BIA are forwarded to COPA for tracking and assignment. Additionally, “COPA receives notifications from [CPD] related to incidents that fall within COPA’s investigatory jurisdiction, such as officer-involved weapon discharge incidents.” (COPA Rules and Regulations, Section 2.1.3 ‘Department Notifications’).

A log number is “a tracking number assigned to any incident brought to the attention of the Department, by a reporting party, involving a Department member that may be investigated.” These tracking numbers are unique to each investigation and are attached to the investigation throughout the investigation and disciplinary process. See CPD General Order G08-01 Complaint and Disciplinary Procedures for more information and a full list of log number classifications.

Employees represented under the Public Safety Employees Union Contract must be notified in writing within 10 working days of being identified as the subject of a registered complaint (Public Safety Employees Union Contract, Section 5.2).

Per COPA Rules and Regulations (Section 2.2), COPA will refer complaints to BIA if the alleged misconduct is outside of COPA’s jurisdiction. Additionally, COPA may also refer investigations to the City of Chicago Office of Inspector General (OIG), as well as federal, state, and local authorities. CPD General Order G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct states that COPA will generate a log number, determine which agency has jurisdiction, and notify that agency. Per COPA’s investigations webpage (http://copadev.wpengine.com/investigations/jurisdiction/), jurisdiction for BIA and COPA is as follows:

BIA is responsible for investigating criminal misconduct, medical roll abuse, operational violations, planting of drugs, residency violations, substance abuse, and theft of money or property.

COPA is responsible for investigating bias-based verbal abuse, coercion, death or serious bodily injury in custody, domestic violence, excessive force, and improper search and seizure.

Per the Uniform Peace Officers’ Disciplinary Act, a complaint against a sworn peace officer, such as a sworn CPD member, generally requires a sworn affidavit, except in limited circumstances (50 ILCS 725/3.8). Additionally, MCC 2-84-330(D) provides that anonymous complaints made against a CPD member cannot lead to a CR investigation unless the alleged misconduct is of a criminal nature. An affidavit is not required for complaints made by CPD or COPA members, for criminal allegations, residency violations, or medical roll abuse. For complaints made by non-CPD and non-COPA members, under certain circumstances, an affidavit override may be obtained by the investigating agency, allowing the investigation to continue. In cases where COPA is the investigating agency, per COPA’s Rules and Regulations (Section 2.4.1), the Chief Administrator can request an affidavit override from the Chief of BIA if COPA is unable to obtain an affidavit from the reporting party, victim, or witness. If the Chief of BIA agrees an affidavit override is warranted, the investigation will proceed; otherwise, it will be terminated. Similarly, in cases in which BIA is the investigating agency, per CPD Directive S08-01-01 (Section II.F.5.b), the Chief of BIA can request an affidavit override from the Chief Administrator of COPA if an affidavit cannot be obtained from the reporting party, victim, or witness. If the Chief Administrator agrees and an affidavit override is warranted, the investigation will proceed; otherwise, it will be terminated. Per the Police Benevolent and Protective Association Unit 156 Contracts (Section 6.10), an affidavit override can be obtained by the investigating agency for anonymous complaints against a sworn CPD member that is of the rank of Sergeant, Lieutenant, or Captain.

If the complaint identifies a CPD member and the alleged misconduct is a violation of CPD policy, a log number is converted to a CR number, which is the type of log number “given to a full disciplinary investigation.” A sworn affidavit or an affidavit override must be obtained to include a sworn CPD member as a subject of the investigation.

For complaints under BIA’s jurisdiction, BIA decides whether its investigators will conduct the investigation or if it will be conducted by an Accountability Sergeant in the accused member’s District/Unit. For cases under BIA’s jurisdiction, CPD Special Order S08-01-01 Conduct of Complaint Investigations (Section 2.C) states “If the accused is the rank of lieutenant or above, the investigation will be conducted by BIA” rather than at the District/Unit level. When investigating potential criminal violations, BIA will determine whether the investigation should be brought to the attention of the Cook County State’s Attorney’s Office (CCSAO). COPA will refer complaints that include potential criminal conduct to the appropriate agency (e.g., CCSAO). Additionally, in cases under their jurisdiction in which a criminal investigation is ongoing, COPA will conduct its administrative investigation concurrently (COPA Rules and Regulations, Section 3.13). Further, MCC 2-84-054 requires CPD to notify CCSAO in all officer-involved death incidents. COPA will refer “all officer-involved firearm discharges that strike an individual to the Cook County State’s Attorney’s Office” following a preliminary investigation (COPA Rules and Regulations, Section 3.12).

See CPD Directive S08-01-01, COPA Rules and Regulations (Section 4.1.1), and Consent Decree paragraph 467 for more detail.
Begin review process

What discipline is recommended?

- Exonerated – No discipline
- Unfounded – No discipline
- Not sustained – No discipline
- Sustained – Oral Warning
- Sustained – Written reprimand
- Sustained – Suspension

Sustained – Separation

Review by CPD Office of Legal Affairs and Superintendent

Did COPA investigate?

Yes

Command Channel Review (CCR)\(^1\)

No

Superintendent /COPA Non-Concurrence Process

Determine applicable case pathway

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\(^1\)Per CPD Directive S08-01-03 Command Channel Review (Section III.A), CCR may be bypassed under certain circumstances, including when the recommended discipline is ‘Separation,’ a case that has gone through mediation, investigations with a finding other than ‘Sustained’ that are confidential or sensitive in nature where the identity of the subject(s) would be compromised/scrutinized, and in “Cases of an emergency as determined by the Chief, BIA” (Section III.A.4).
Civilian Members

Command Channel Review

1Unless otherwise stated, tiles are based on CPD Special Order 08-01-03 Command Channel Review.

2Exempt-level supervisors must complete their review within 15 calendar days, otherwise they are deemed to have concurred with the findings. See CPD Directive 08-01-03 (Section III.B) for additional information. Exempt members review to determine whether further investigation is needed and whether they concur with the findings, and, if applicable, the disciplinary recommendations. If a reviewing member does not concur with the findings/recommendations, they will note the reason before sending the investigation to the next step of the review process. Additionally, if the evidence presented indicates culpability by other CPD supervisory personnel, the reviewing member will obtain a separate log number and an investigation will be conducted. See CPD Directive 08-01-03 (Section IV.C) for additional information.

3CPD Directive 08-01-03 (Section III.C) lists the criteria for review by the First Deputy Superintendent. Among the criteria, if the accused member is an exempt member, the case will be reviewed by the First Deputy Superintendent.

4Per MCC 2-78-130, if COPA issues a disciplinary recommendation, the Superintendent must respond within 60 days of the recommendation indicating whether they [the Superintendent] concur with the recommendation and can request up to 30 additional days for review. The Superintendent may also request that COPA conduct additional investigation.

5Per MCC 2-78-130, the Superintendent may challenge COPA’s disciplinary recommendations or request that COPA conduct additional investigation. CPD may also challenge COPA’s findings.

6The BIA Chief makes final decisions on findings and recommendations. If the BIA Chief raises concerns, the investigation is sent back to the investigator(s) for additional action and is then sent back to the Chief. It could restart CCR entirely if the undertaking was extensive and included additional CPD members, but this would be unusual.

7The Superintendent must approve the discipline regardless of the type of severity. This approval comes before the process to challenge discipline begins so that if the discipline is challenged and upheld, the penalty can be immediately imposed.
Civilian Members COPA, Superintendent Non-Concurrence

1. **Superintendent/COPA Non-Concurrence Process**
   - Does Superintendent Choose to impose more severe discipline OR Not concur with findings and/or discipline recommendation?
     - **Superintendent, in written response to COPA, indicates they do not concur with findings and/or discipline recommendation.**

2. **Within 10 business days of response**
   - Superintendent meets with COPA Chief Admin to discuss findings and recommended discipline
     - Do Superintendent and Chief Admin reach a concurrence on findings and recommended discipline?
       - Yes
         - Superintendent chooses to impose more severe discipline.
         - **Superintendent’s recommendation for discipline moves forward.**
       - **No**
         - COPA Chief Admin sends request for review to Police Board

3. **Police Board randomly assigns a Reviewing Member**
   - **Within 10 business days**
     - Reviewing Member reviews COPA’s findings and recommended discipline, Superintendent’s response, and COPA’s objections to the response

4. **Does Superintendent meet the burden to overcome COPA’s findings and recommended discipline?**
   - **No**
     - COPA findings and recommended discipline move forward
   - **Yes**
     - Superintendent’s recommendation for investigation findings and discipline moves forward

5. **Does the finding change to ‘Unfounded,’ ‘Exonerated,’ or ‘Not Sustained’ or does the Superintendent recommend no discipline?**
   - **Yes**
     - Investigation closed, process ends
   - **No**
     - Does the allegation finding change to, or remain, ‘Sustained’?
       - **Yes**
         - Investigation closed, process ends
       - **No**
         - **Superintendent’s recommendation for investigation findings and discipline moves forward**

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1. Unless otherwise stated, information herein is derived from the Chicago Police Board’s Rules of Procedure (Section VI), COPA’s Rules and Regulations (Section 4.3.4), and MCC 2-78-130(a.i-vi).
2. Per MCC 2-78-130(a.v), the Superintendent is able to “impose additional action to that recommended by the Chief Administrator, including discipline that is more severe than that recommended by the Chief Administrator…”
3. Even if the Superintendent originally disagreed with COPA’s findings and recommended discipline, CPD, represented by the Law Department, moves forward with enforcing the discipline.
4. CPD may maintain a ‘Sustained’ finding but recommend lesser discipline than COPA.
If a member were to change position during the course of an investigation, any recommended discipline will follow the appropriate process for that new position. For those members that can grieve a recommended discipline, once it is filed, the member’s union at the time of filing will represent the member throughout the grievance, regardless of any subsequent change of position. If a non-exempt member moves to an exempt position prior to a discipline recommendation for a given case, the applicable case pathway would be the exempt/non-union member pathway. Civilian exempt members are at-will employees not covered under a collective bargaining agreement. Under City of Chicago Personnel Rule XI, for civilian exempt members who previously held a non-exempt position, the Superintendent has the discretion to revert them to their last contract covered (i.e., non-exempt) position. If the Superintendent chooses to do so, the recommended discipline will follow the applicable contract provisions.

1 See American Federation of State, County and Municipal Employees (AFSCME) Contract (Article 20, Section (b)), Public Safety Employees Union Contract (Article 7, Section 7.1.b), and Illinois Nurses Association (INA) Contract (Article 7.1(b)) for more detail.

2 AFSCME Contract (Article 20(b)) states the employee’s immediate supervisor, or senior supervisor in their chain of command. Public Safety Employees Union (Unit II) Contract (Section 7.1.c) states the member’s supervisor or their designee. INA Contract (Section 7.1(b)) states the employee’s supervisor.

3 Civilian exempt members are at-will employees not covered under a collective bargaining agreement. Thus, per the City of Chicago Personnel Rules (Rule XIA), “They may be disciplined or discharged at any time for any or no reason,” and there is no administrative appeal process.
Civilian Members

Predisciplinary Process

1 Unless otherwise stated, information herein is derived from AFSCME Contract (Article 20), Public Safety Employees Union Contract (Section 7.1), and INA Contract (7.1(b)).

2 AFSCME Contract (Article 20(b)) states that the employee’s immediate supervisor, senior supervisor in their chain of command, or any investigator that participated in the investigation (or their supervisor). Side Letter 9 of the contract states: “In the event of discipline pursuant to a complaint register investigation, the pre-disciplinary procedures provided for in Article 20 (b) may be performed by the employees immediate supervisor, a senior supervisor, the investigator who participated in the investigation, or the investigator’s supervisor.” (p. 155).

Public Safety Employees Union Contract (Section 7.1.c) specifies the employee’s supervisor or their designee. INA Contract (7.1(b)) specifies the employee’s immediate supervisor.

3 For AFSCME and INA employees, the employer must notify the Union of the date and time of the pre-disciplinary hearing. (AFSCME Contract (Article 20(b)), INA Contract (Section 7.1(b)).
Civilian Members

Grievance Procedure (Reprimands, Suspensions up to 30 days)

1. **AFSCME Contract** (Section 21.1-a, Step I.A-B), **Public Safety Union Employees Contract** (Section 7.2.(a).2, Step I.A-B), and **INA Contract** (Section 7.2, Step I.A-B). AFSCME and Public Safety Union members will file the grievance within 15 calendar days of having knowledge of the incident leading to the grievance; INA members will file the grievance within 10 working days. For members under the AFSCME Contract, immediate supervisors will render decisions within five calendar days. For members under the Public Safety Union Employees Contract and INA Contract, immediate supervisors will render decisions within 10 calendar days. For members under the INA contract, designee will notify the member of the decision within 10 calendar days.

2. **AFSCME Contract** (Section 21.1-a, Step II.A-B), **Public Safety Union Employees Contract** (Section 7.2.(a).2, Step II.A-B), and **INA Contract** (Section 7.2, Step II.A-B). Members will file the grievance within 10 calendar days of the date of the decision. Under AFSCME and Public Safety Union Employees contracts, designee will render decision within seven calendar days. Under INA contract, designee will notify the member of the decision within 10 calendar days.

3. **AFSCME Contract** (Section 21.1-a, Step III.A-C), **Public Safety Union Employees Contract** (Section 7.2.(a).2, Step III.A-C), **INA Contract** (Section 7.2, Step III.A-B). Members will file the grievance within 10 calendar days of the date of the decision. Under AFSCME and Public Safety Union Employees contracts, designee will render decision within seven calendar days. Under INA contract, designee will notify the member of the decision within 10 calendar days.

4. Under AFSCME and Public Safety Union contracts, the Department Head or designee will meet with a Union representative once per 30 days (AFSCME) or per month (Public Safety Employees Union). Department Head or their Designee and Union representative attempt to resolve any pending grievances at this standing meeting.
Civilian Members

Arbitration Process (Reprimands, Suspensions up to 30 days)

Arbitration

Public Safety Employees Union

Within 30 calendar days of previous decision, the Union or the Employer submit the dispute to arbitration

Arbitrator will conduct arbitration hearing within 90 calendar days

Arbitrators will submit decision within 30 days following the hearing

Discipline imposed (if applicable), process ends

INA

Within 30 calendar days of previous decision, the Union or the Employer submit the dispute to arbitration

Arbitrator will conduct arbitration hearing within 60 calendar days

Arbitrators will submit decision within 30 days following the hearing

Discipline imposed (if applicable), process ends

AFSCME

Do parties agree to expedited arbitration?

Yes

Within 30 calendar days of previous decision, the Union or the Employer submit the dispute to arbitration

Arbitrator will conduct arbitration hearing within 90 calendar days

Arbitrators will submit decision within 30 days following the hearing

Discipline imposed (if applicable), process ends

No

Within 30 calendar days of previous decision, the Union or the Employer submit the dispute to arbitration

Arbitrator will conduct arbitration hearing within 30 calendar days of designating an arbitrator

Hearing will be conducted within 30 calendar days of designating an arbitrator

Hearing will be informal. No briefs will be filed, no transcripts made, no formal rules of evidence, and normally completed in one day.

Arbitrator renders decision within seven calendar days of conclusion of the hearing. This decision is final and binding.

Discipline imposed (if applicable), process ends

1 The following tiles in this sequence are based on Public Safety Employees Union Contract (Section 7.2(a), Step IV).
2 The following tiles in this sequence are based on INA Contract (section 7.2, Step IV).
3 AFSCME Contract (Section 21.3) enables parties to mediate instead of arbitrate a grievance; however, the mediator cannot compel a resolution to the grievance and the Union may pursue arbitration if a resolution is not reached.
4 The following tiles in this sequence are based on AFSCME Contract (Section 21.1-a, Step IV).
5 Arbitration hearings are full evidentiary hearings.
Union requests arbitration within 15 calendar days of the effective date of the discipline.

Within five working days, representatives from the Union and Law Department confer and select an Arbitrator.

Arbitrator will conduct arbitration hearing within 60 calendar days.

Arbitrator will submit decision within 30 days following the hearing.

Discipline imposed (if applicable), process ends.

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1. *AFSCME Contract* (Section 21.1-b.(1)), *Public Safety Employees Union Contract* (Section 7.2(b).1). A written request is submitted to the affected Department (CPD) and the Law Department.

2. *AFSCME Contract* (Section 21.1-b.(2)), *Public Safety Employees Union* (Section 7.2(b).2).

3. The following tiles in this sequence are based on *Public Safety Employees Union Contract* (Section 7.2(b).3) and *INA Contract* (Section 7.2(b)).

4. *AFSCME contract* (Section 21.3) enables parties to mediate instead of arbitrate a grievance; however, the mediator cannot compel a resolution to the grievance and the Union may pursue arbitration if a resolution is not reached.

5. The following tiles in this sequence are based on *AFSCME Contract* (Section 21.1-b.(3)).

6. Arbitration hearings are full evidentiary hearings.
OIG Investigations
References
City of Chicago Collective Bargaining Agreements


City of Chicago, Department of Human Resources


City of Chicago, Office of Inspector General


Chicago Police Department Directives System


City of Chicago, Chicago Police Department, “Special Order S08-01-01: Conduct of Complaint Investigations.” November 2017, accessed April 15, 2021, [http://directives.chicagopolice.org/directives/data/a7a57be2-12ce5918-9f612-ce5e-33a7953b833b1c1e.html?ownapi=1](http://directives.chicagopolice.org/directives/data/a7a57be2-12ce5918-9f612-ce5e-33a7953b833b1c1e.html?ownapi=1).


Chicago Police Board


Civilian Office of Police Accountability (C.O.P.A.)


Municipal Code of Chicago (M.C.C.)


Illinois Compiled Statutes
