

OIG Investigations

(last updated: January 2022)



Charts Overview

Chart Figures and Symbols:



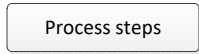
Start of processes

This shape and color denotes the initiation of the discipline process.



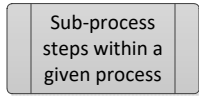
End of processes

This shape and color denotes the culmination of the discipline process along the different paths a complaint register (CR) file may take.



Process steps

This shape denotes steps in the process being detailed.



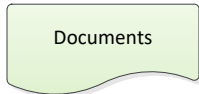
Sub-process steps within a given process

This shape denotes subprocess steps within a given process.



Decisions affecting pathway

This shape denotes points at which a decision is made during the disciplinary process, which determines the process pathway.

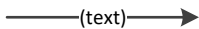


Documents

This shape denotes specific documents used throughout the disciplinary process.



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



(text)

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.

Overview of Disciplinary Process:

Complaint OR Notification

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

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 recommendation

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

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

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 accepted

Findings, discipline challenged

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

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.

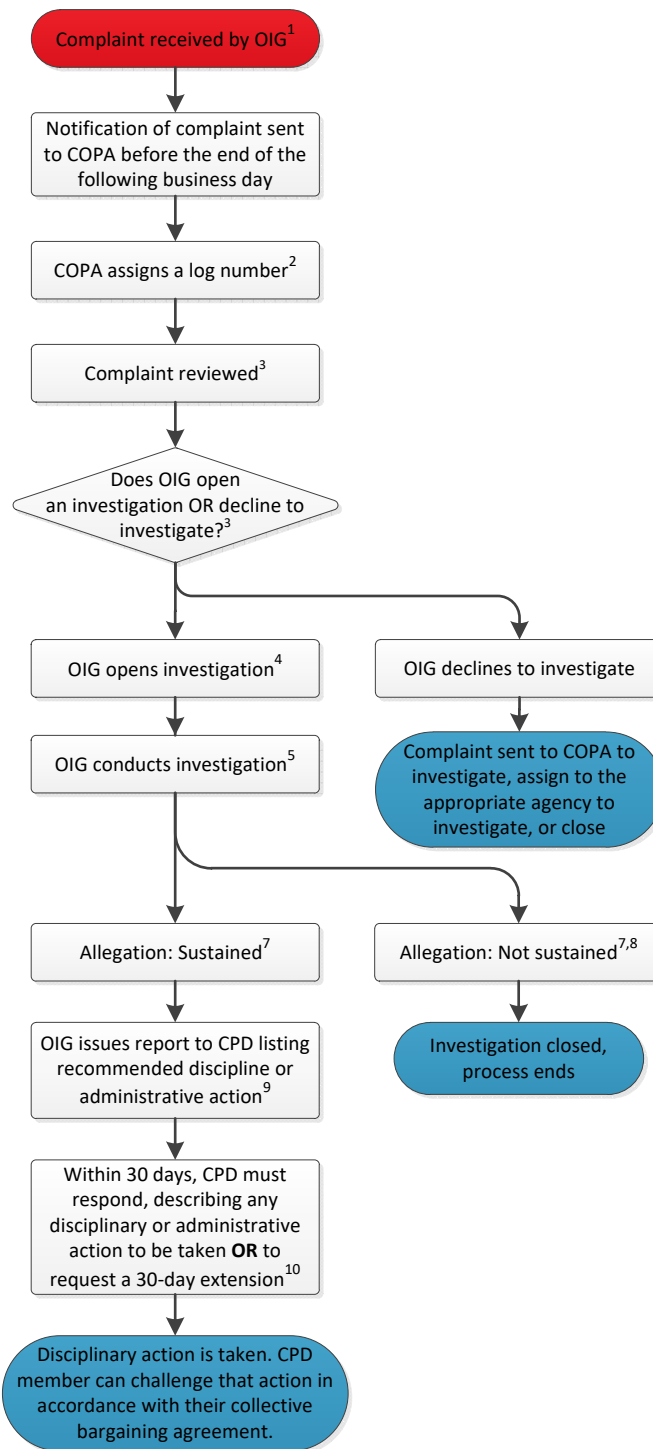
Acronyms & Terms:

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

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.



¹OIG Rules and Regulations (Section 8.2) states complaints may be submitted via the OIG website, tipline, fax, mail, or other means. Per COPA Rules and Regulations (Section 2.2), COPA may refer investigations to OIG, as well as federal, state, and local authorities.

²OIG Rules and Regulations (Section 8.1).

³OIG Rules and Regulations (Section 11.2).

⁴OIG Rules and Regulations (Section 11.3) describes OIG’s process for opening investigations.

⁵OIG Rules and Regulations (Section 11) details OIG’s investigative processes. Additionally, per OIG Rules and Regulations (Section 11.8.C), for those investigations that include potential criminal violations, OIG may refer them to the United States Attorney, the Illinois Attorney General, or CCSAO, as appropriate, to determine whether criminal prosecution will be pursued. If criminal prosecution is pursued, OIG may still recommend administrative discipline in addition to any actions taken by the aforementioned agencies.

⁶OIG Rules and Regulations (Section 11.2.A.2). OIG may “refer the matter to another OIG section, the appropriate sister agency, the appropriate federal, state, or local law enforcement authorities for investigation or other appropriate action, or the appropriate City department (including, for these purposes, City Council) with request for a report on action taken and outcome.”

⁷OIG Rules and Regulations (Section 11.8). Additionally, MCC 2-56-060 requires the Inspector General to issue a summary report containing a description of the complaint, any illegal conduct or inefficiencies witnessed, any recommendations for correction, and any other information deemed relevant.

⁸OIG Rules and Regulations (Section 11.8.B). “Not-sustained findings are not exonerations; they are merely findings that, at the time of disposition, OIG could not establish a violation by a preponderance of the evidence.”

⁹OIG Rules and Regulations (Section 11.8.H). Report will additionally be sent to the Office of the Mayor, the Corporation Counsel, and, in some cases, the Department of Human Resources. In cases in which a criminal violation has occurred, regardless of whether criminal prosecution is sought, OIG may make a recommendation for discipline or administrative action related to that criminal violation, as the violation of any law or ordinance is a violation of the CPD Rules of Conduct (Rules and Regulations of the Chicago Police Department. Section V. Rules of Conduct, Rule 1).

¹⁰MCC 2-56-065. If CPD takes disciplinary or administrative action different from what was recommended (i.e., no action or different action), CPD must describe the action and the reasons for taking different action from the recommendation.

References



References

City of Chicago, Office of Inspector General

City of Chicago, Office of Inspector General, "Rules of the Office of Inspector General." March 2018, accessed April 15, 2021, <https://igchicago.org/wp-content/uploads/2014/03/OIG-Rules-and-Regulations.pdf>.

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

Office of Inspector General, [M.C.C. ch. 2-56](#).