

A Guide to the Disciplinary Process for Chicago Police Department Members

(last updated: September 2022)

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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:

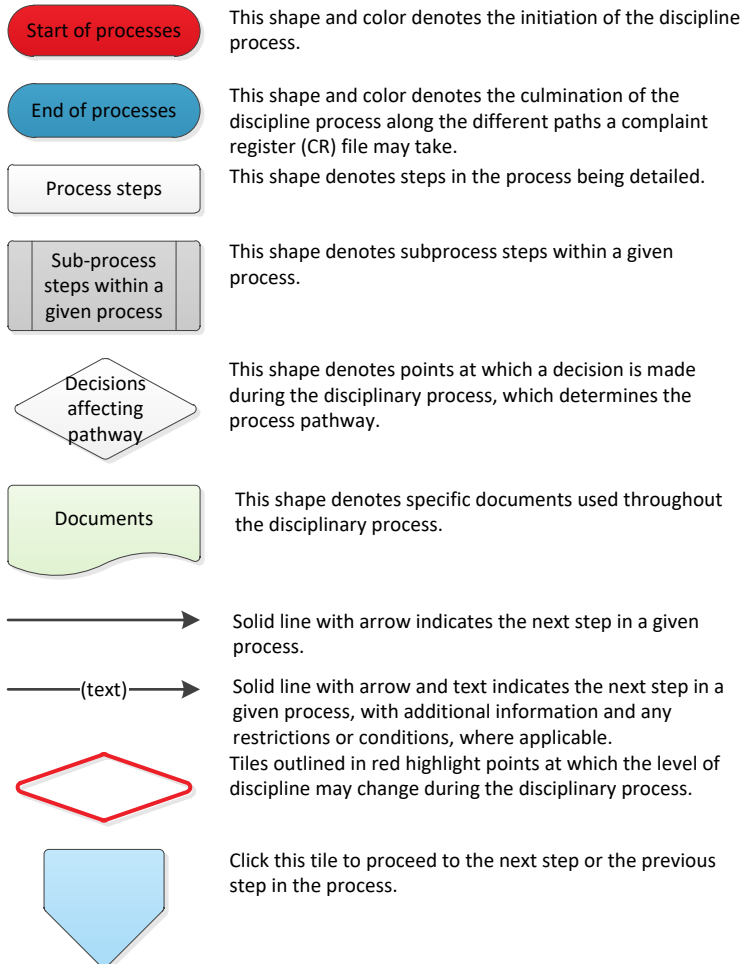
- Non-exempt members: union-represented, non-sworn members
- Exempt supervisors: *CPD Department Directive Glossary* states, “A command staff member at or above the level of commander or director.”

OIG Investigations

References

Charts Overview

Chart Figures and Symbols:



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

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.

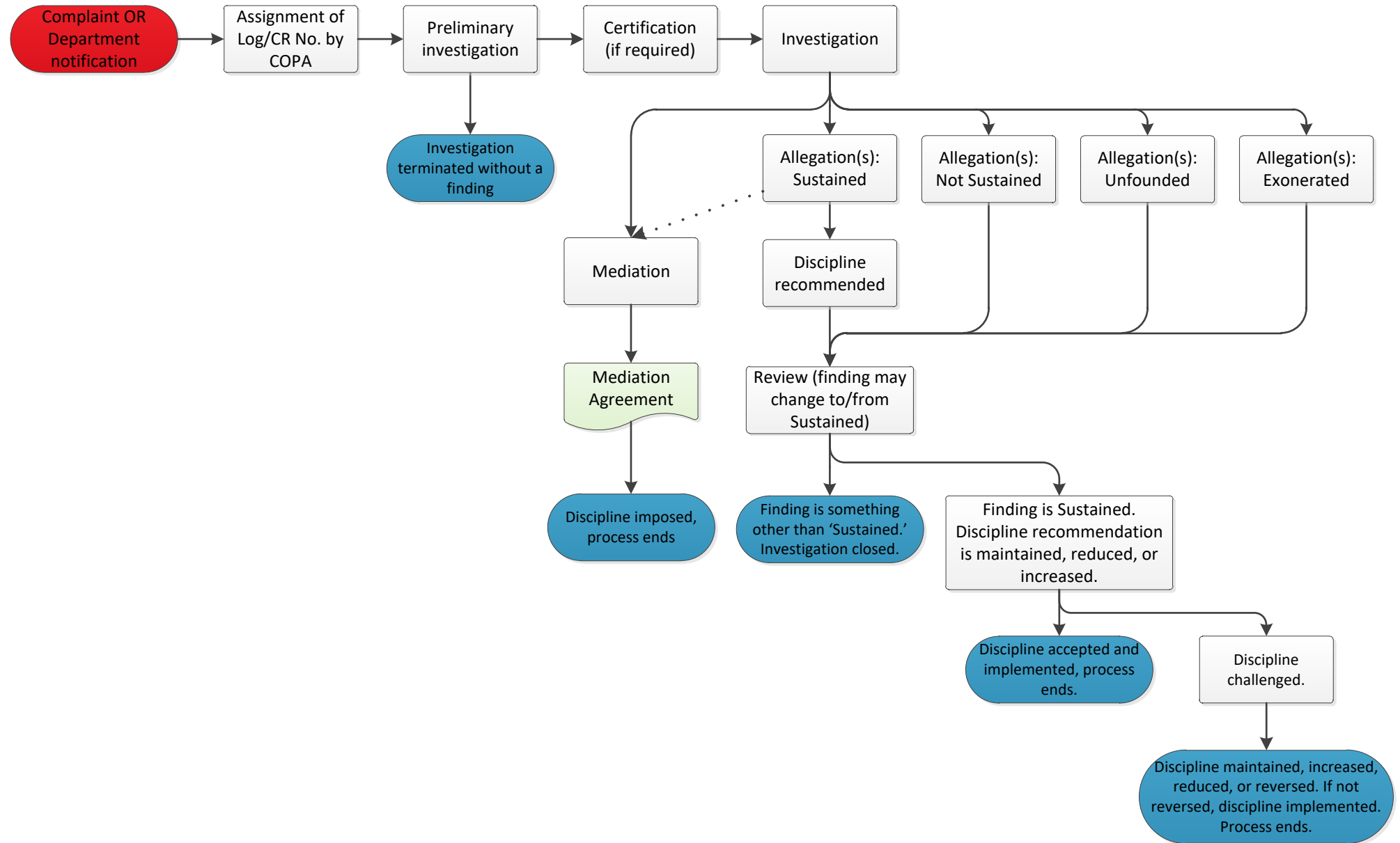
Allegation Findings:

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.

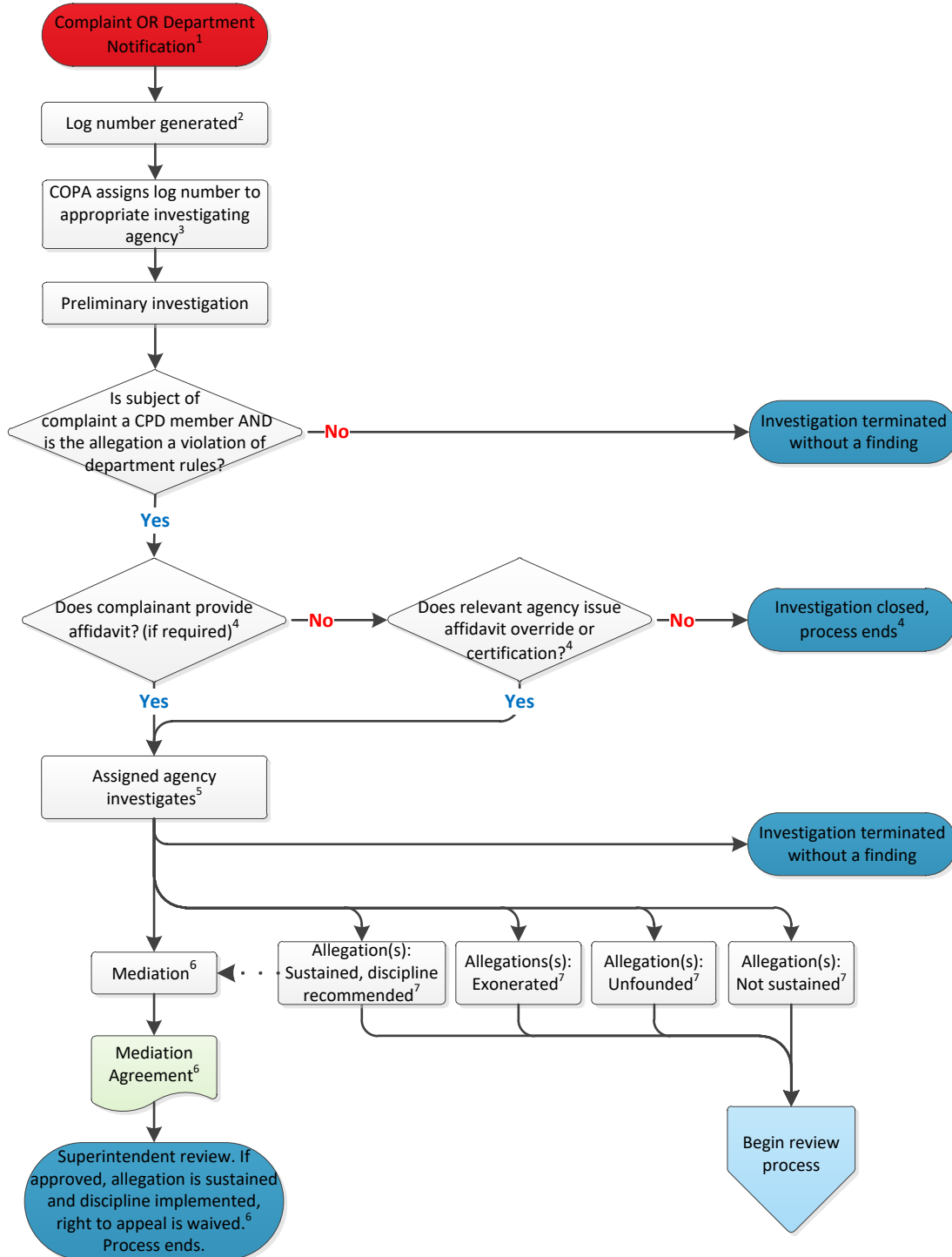


Sworn CPD Members Investigated by BIA or COPA



Initiation

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 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 System* for more information and a full list of log 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 Complaint Initiation and Log Number Investigation Assignment* states that COPA will generate a log number, determine which agency has jurisdiction, and notify that agency. Per COPA's *Jurisdiction* webpage (<https://www.chicagocopa.org/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.

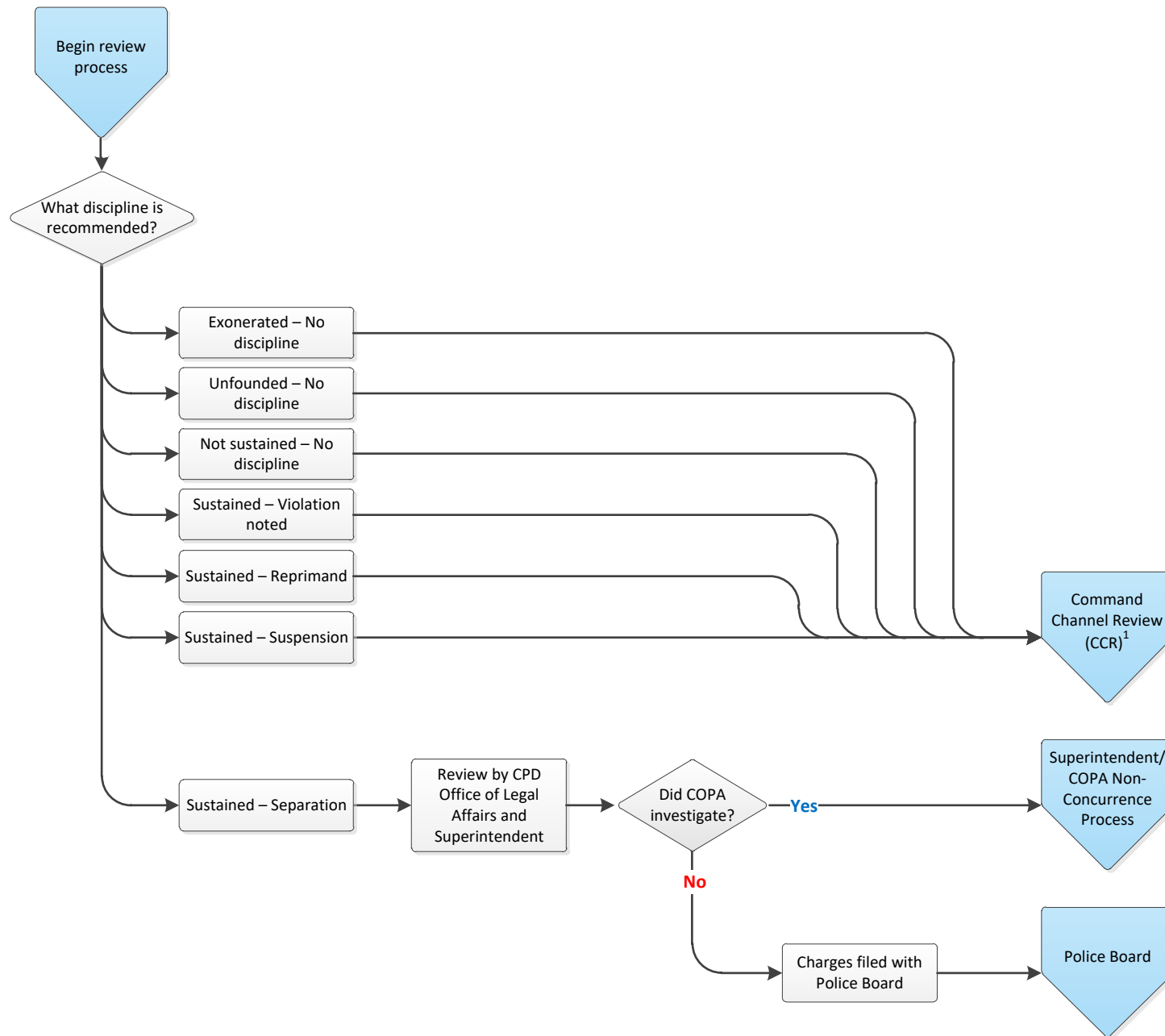
⁴PBPA member contracts negotiated in 2020 have a requirement for an affidavit from a complainant. FOP contracts previously included a requirement for an affidavit from a complainant, but complainants are no longer required to sign an affidavit or a certification. Certifications are required when investigating complaints against FOP members when the complainant is anonymous or does not wish to disclose their identity. Anonymous complaints of criminal conduct and verified anonymous complaints of medical roll abuse and/or residency violations, however, do not require certifications. Certifications are also not required in cases where one Department member makes an allegation against another Department member.

In cases where certification is required, the head of the relevant agency may sign a certification stating that they have reviewed and relied upon objective verifiable evidence, and that it is necessary and appropriate for an investigation to continue. In such cases where a certification is required, the relevant agency executing the certification will not be the agency investigating the complaint, i.e., if OIG is investigating the complaint, then BIA executes the certification. If BIA is investigating the complaint, then COPA executes the certification, and vice versa.

⁵For 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).

⁶Mediation 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.

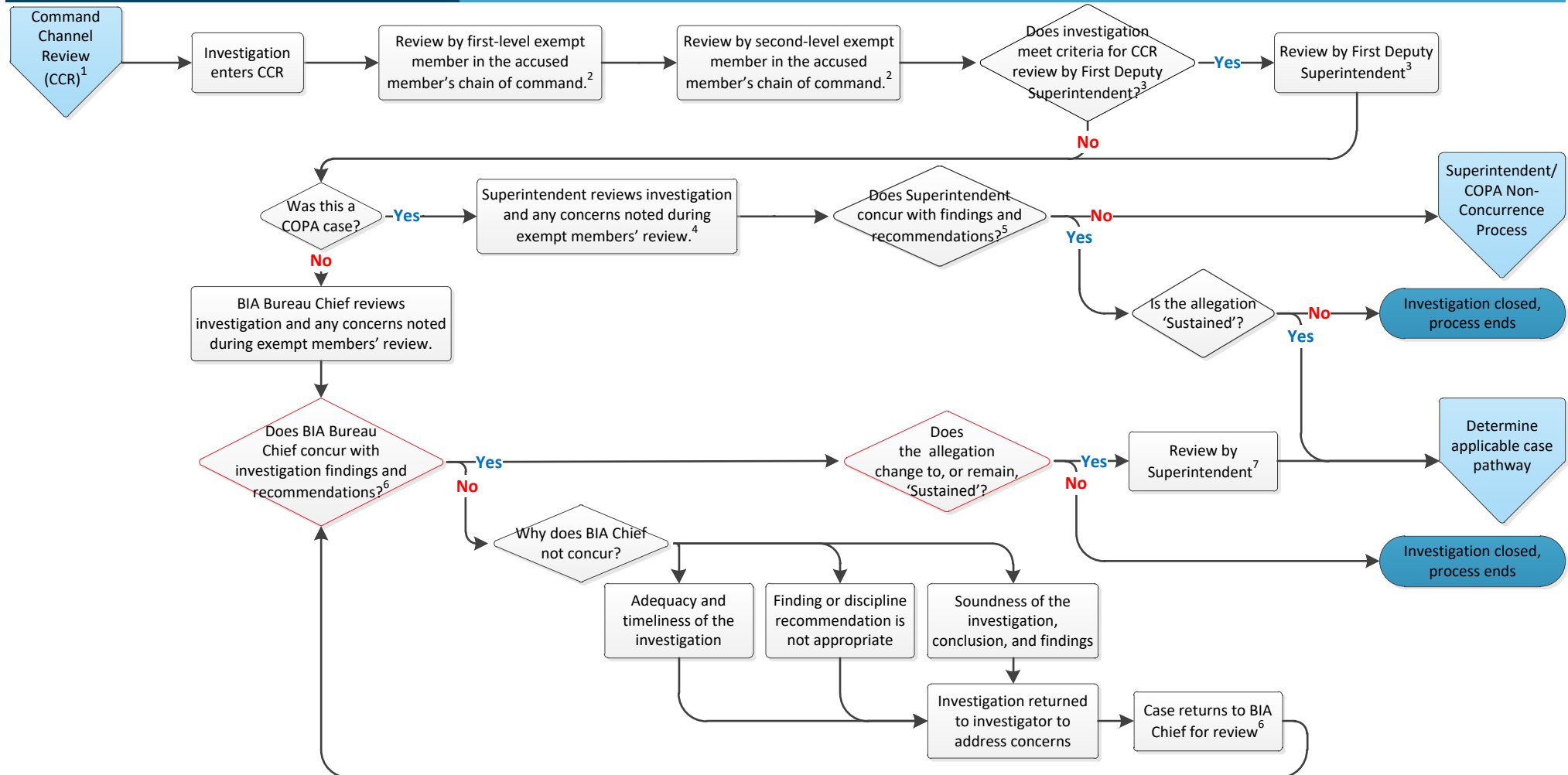
⁷See *CPD Directive S08-01-01*, *COPA Rules and Regulations* (Section 4.1.1), and Consent Decree paragraph 467 for more detail.



¹Per CPD Directive S08-01-03 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).

Review Process

Command Channel Review



¹Unless otherwise stated, tiles are based on *CPD Special Order S08-01-03 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 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.

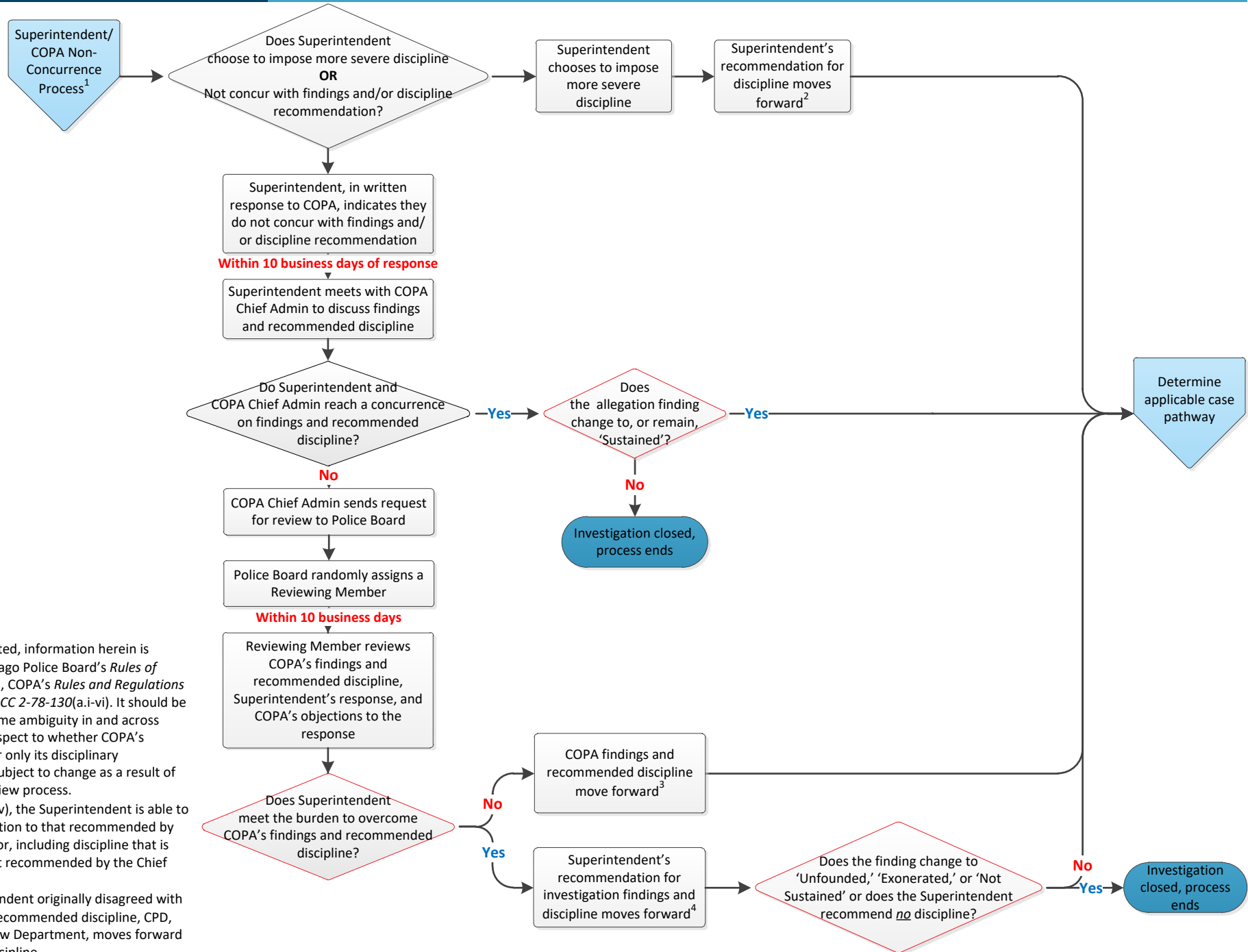
³*CPD Directive S08-01-03* (Section III.C) lists the criteria for review by the First Deputy Superintendent. Among the criteria, if the accused member is an exempt member, the case will be reviewed by the First Deputy Superintendent.

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] concurs 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.



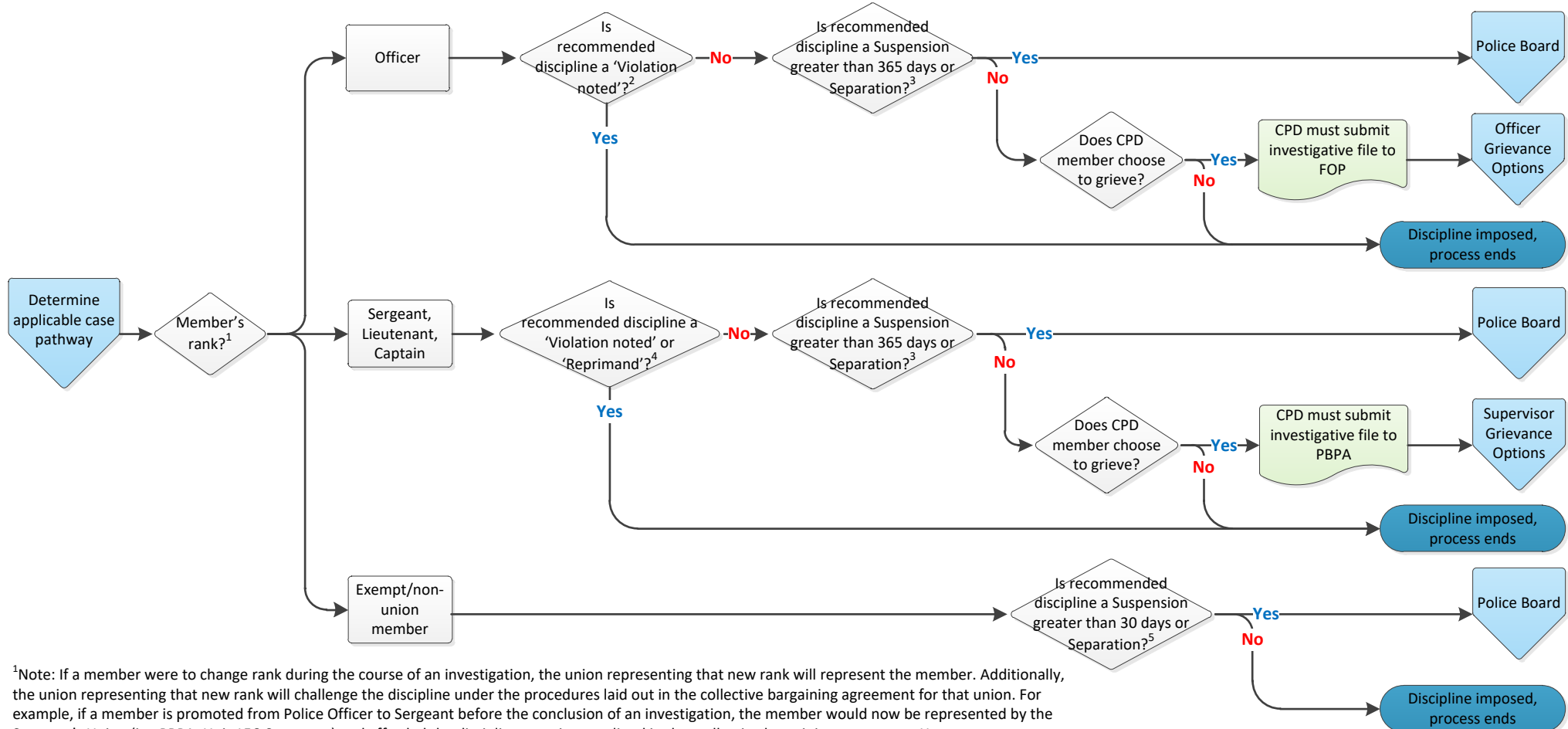
¹Unless otherwise stated, information herein is derived from the Chicago Police Board's *Rules of Procedure* (Section VI), COPA's *Rules and Regulations* (Section 4.3.4), and MCC 2-78-130(a.i-vi). It should be noted that there is some ambiguity in and across those sources with respect to whether COPA's substantive finding, or only its disciplinary recommendation, is subject to change as a result of the Police Board's review process.

²Per 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..."

³Even if the Superintendent originally disagreed with COPA's findings and recommended discipline, CPD, represented by the Law Department, moves forward with enforcing the discipline.

⁴CPD 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-union 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, per the *PBPA Captain's Contract* (Section 3.1.A) and *CPD Department Directive Employee Resource E04-01-05*, 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.

²*FOP Contract* (Section 8.4). Police Officers cannot challenge a 'Violation noted.'

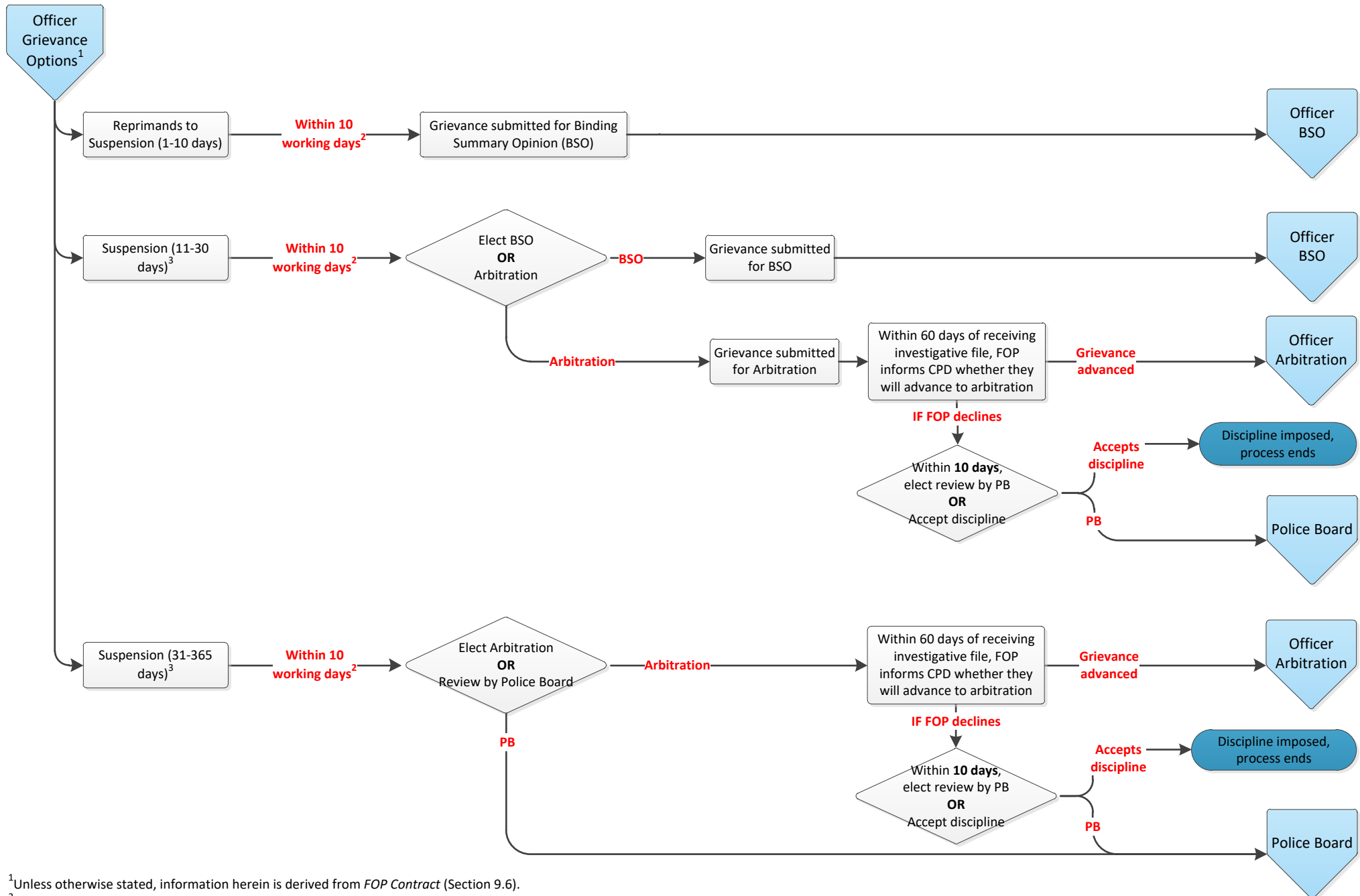
³*FOP Contract* (Section 8.8) and *PBPA Contracts* (Section 9.1) increased the number of days the Superintendent can suspend a Police Officer, Sergeant, Lieutenant, and Captain from the previous limit listed in MCC 2-84-030.3 of 30 days to 365 days. The Police Board considers cases involving recommended Suspensions of greater than 365 days.

⁴*PBPA 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.'

⁵Exempt 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.

Grievance Procedure

Police Officer: Grievance Options

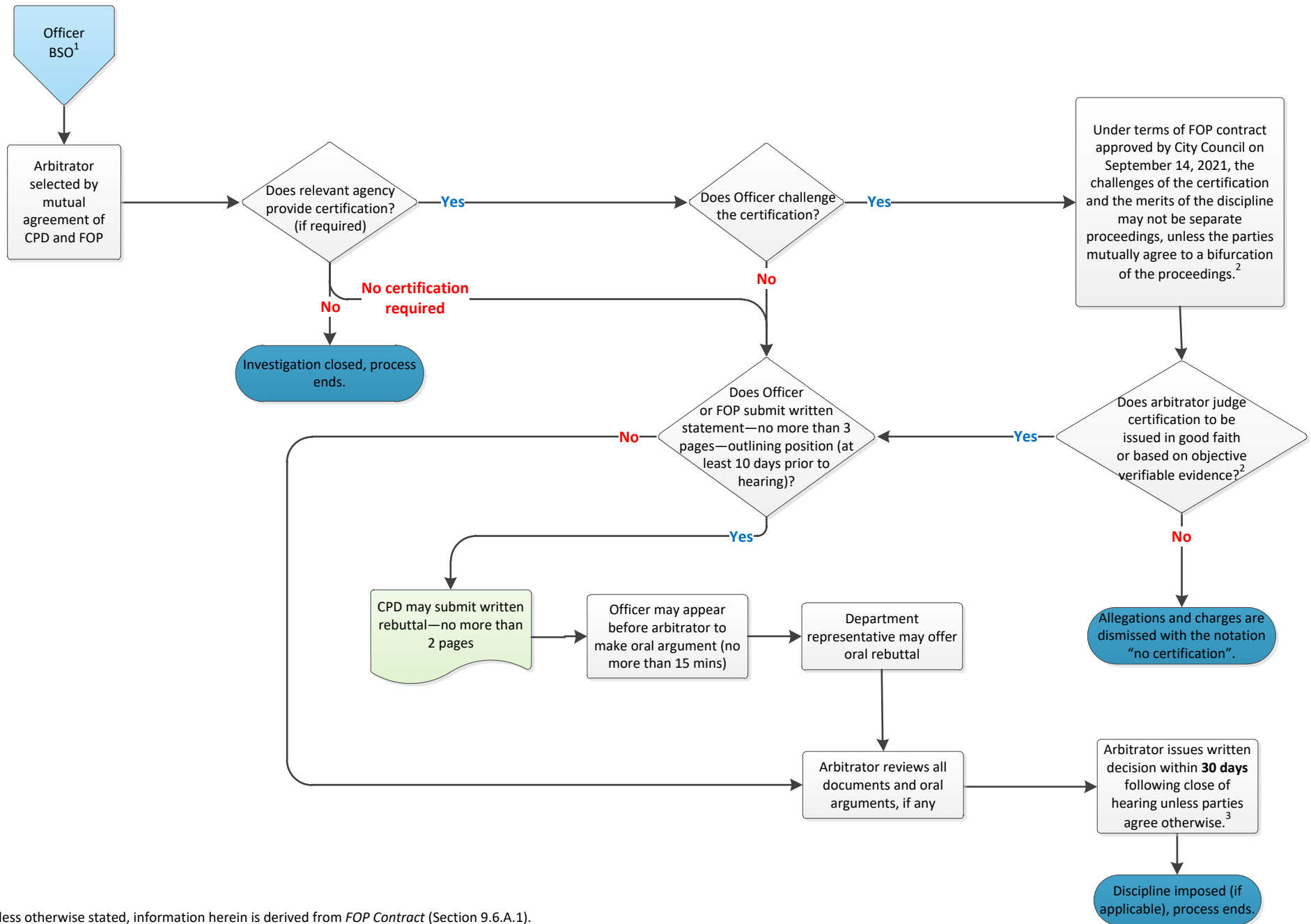


¹Unless otherwise stated, information herein is derived from *FOP Contract* (Section 9.6).

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)



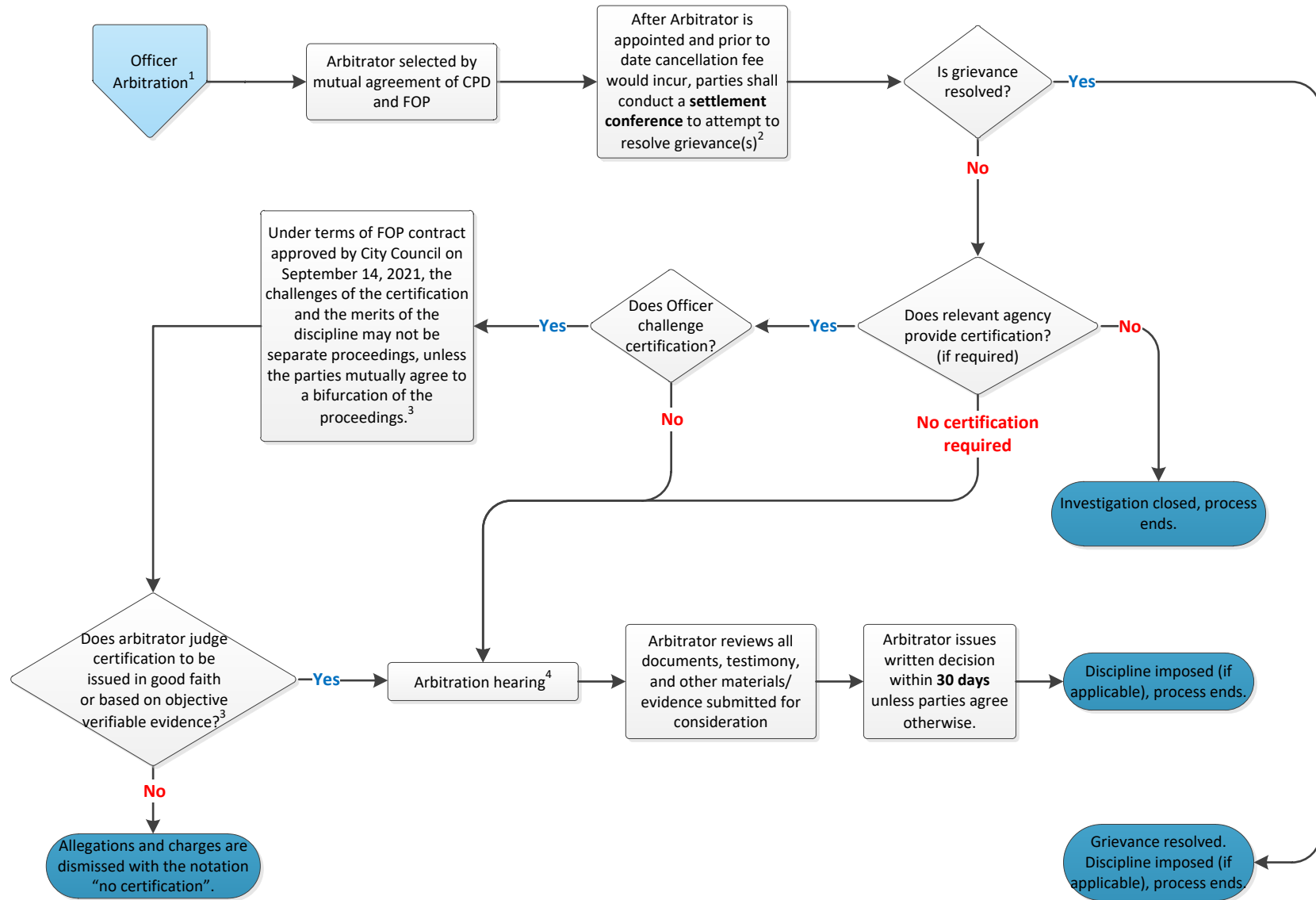
¹Unless otherwise stated, information herein is derived from *FOP Contract* (Section 9.6.A.1).

²*FOP Contract* (Appendix L, Section 11).

³Parties 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.

Grievance Procedure

Police Officer: Arbitration



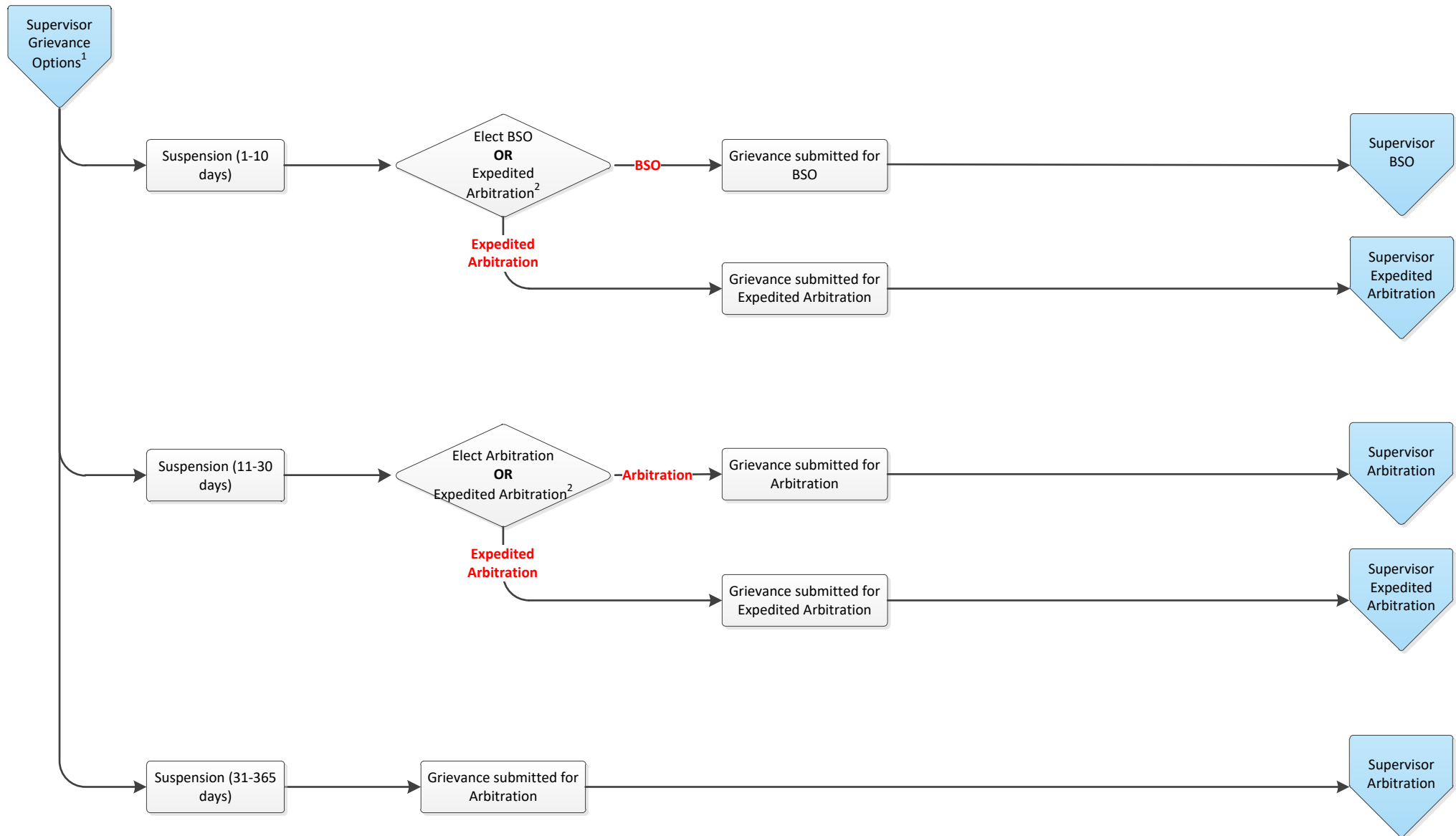
¹Unless otherwise stated, information herein is derived from *FOP Contract* (Appendix Q).

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

³*FOP Contract* (Appendix L, Section 11).

⁴Arbitration hearings are full evidentiary hearings.

Grievance Procedure Supervisor: Grievance Options

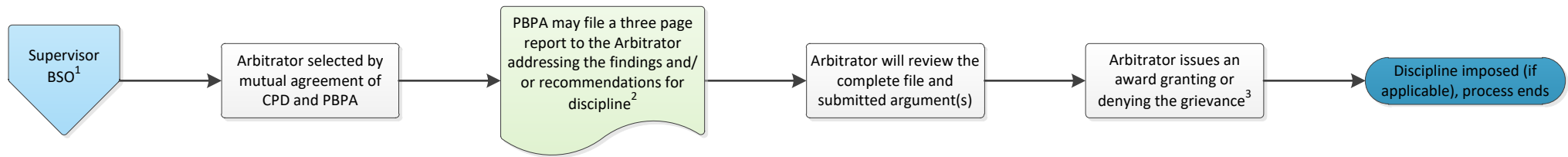


¹Unless otherwise stated, information herein is derived from *PBPA Contracts: Sergeant's Contract* (Section 9B), *Lieutenant's Contract* (Section 9.3A), and *Captain's Contract* (Section 9.3A).

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

Grievance Procedure

Supervisor: Binding Summary Opinion (BSO)



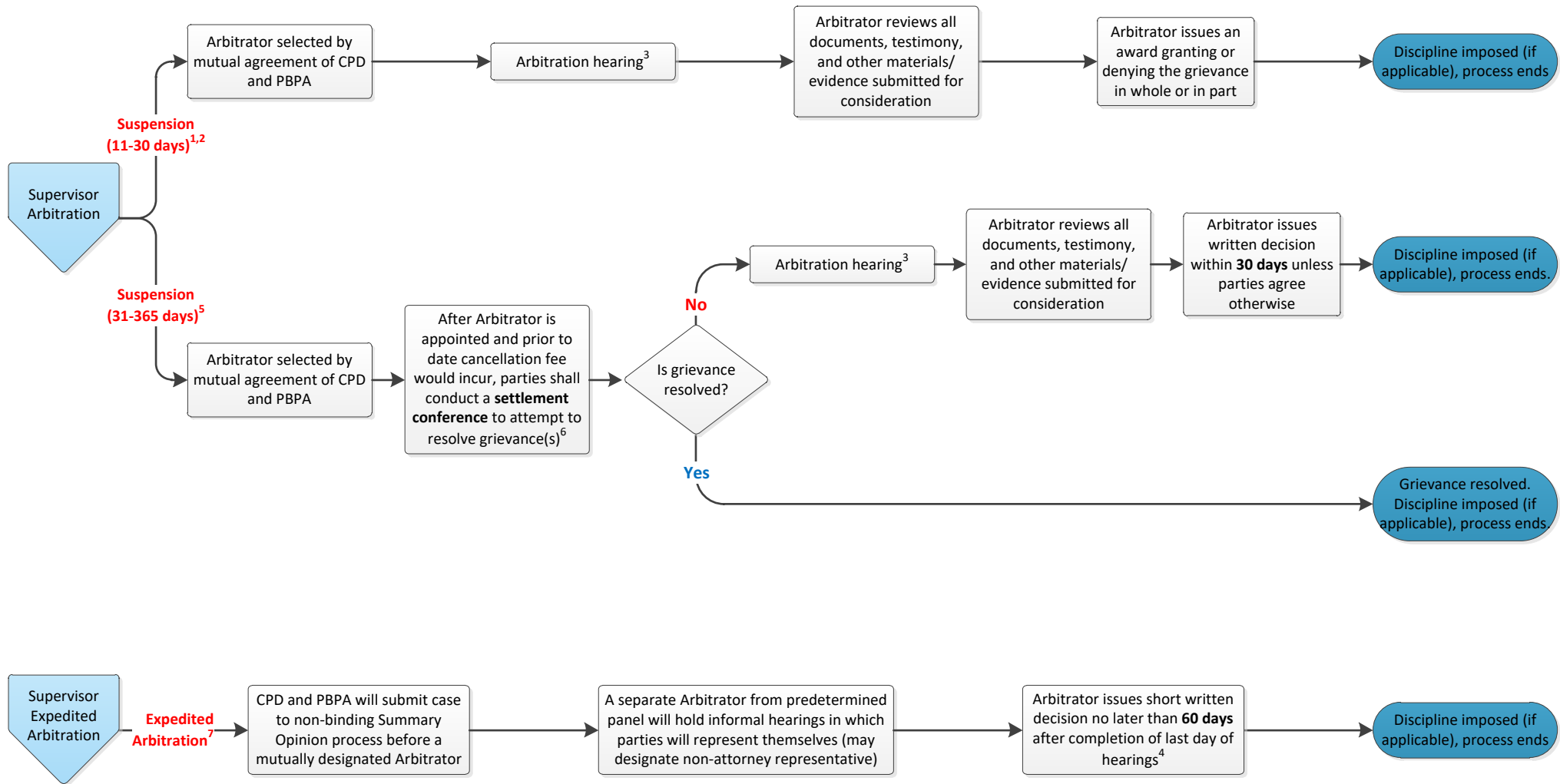
¹Unless otherwise stated, information herein is derived from *PBPA Sergeant's Contract* (Section 9B.1), *Lieutenant's Contract* (Section 9.3A.1), and *Captain's Contract* (Section 9.3A.A).

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

³Grievances can be granted or denied in whole or in part.

Grievance Procedure

Supervisor: Arbitration



¹PBPA 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.

²Based 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.

³Arbitration hearings are full evidentiary hearings.

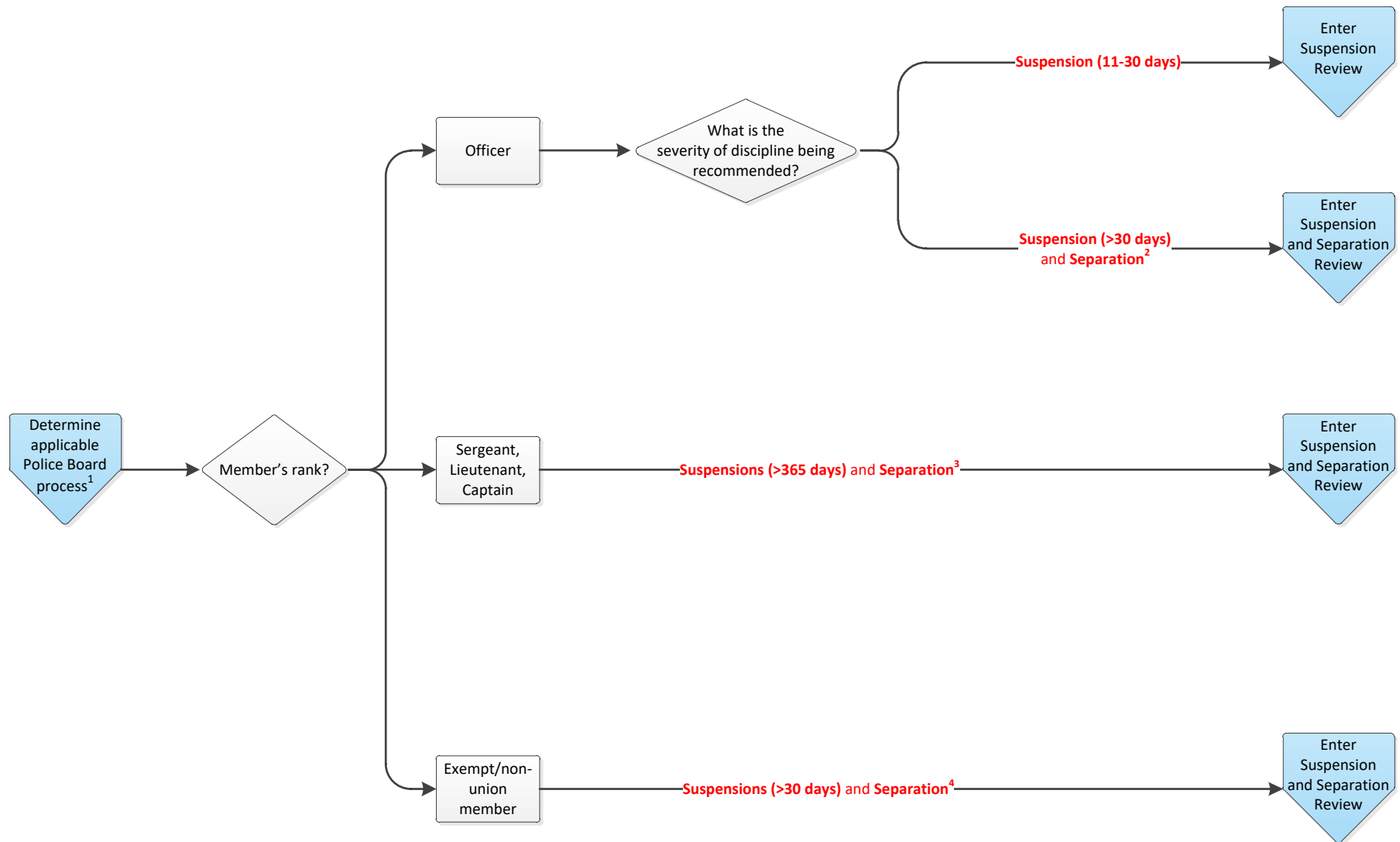
⁴Grievances can be granted or denied in whole or in part.

⁵PBPA 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.

⁶PBPA 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.

⁷PBPA Contract (Appendix C) outlines the expedited arbitration process.

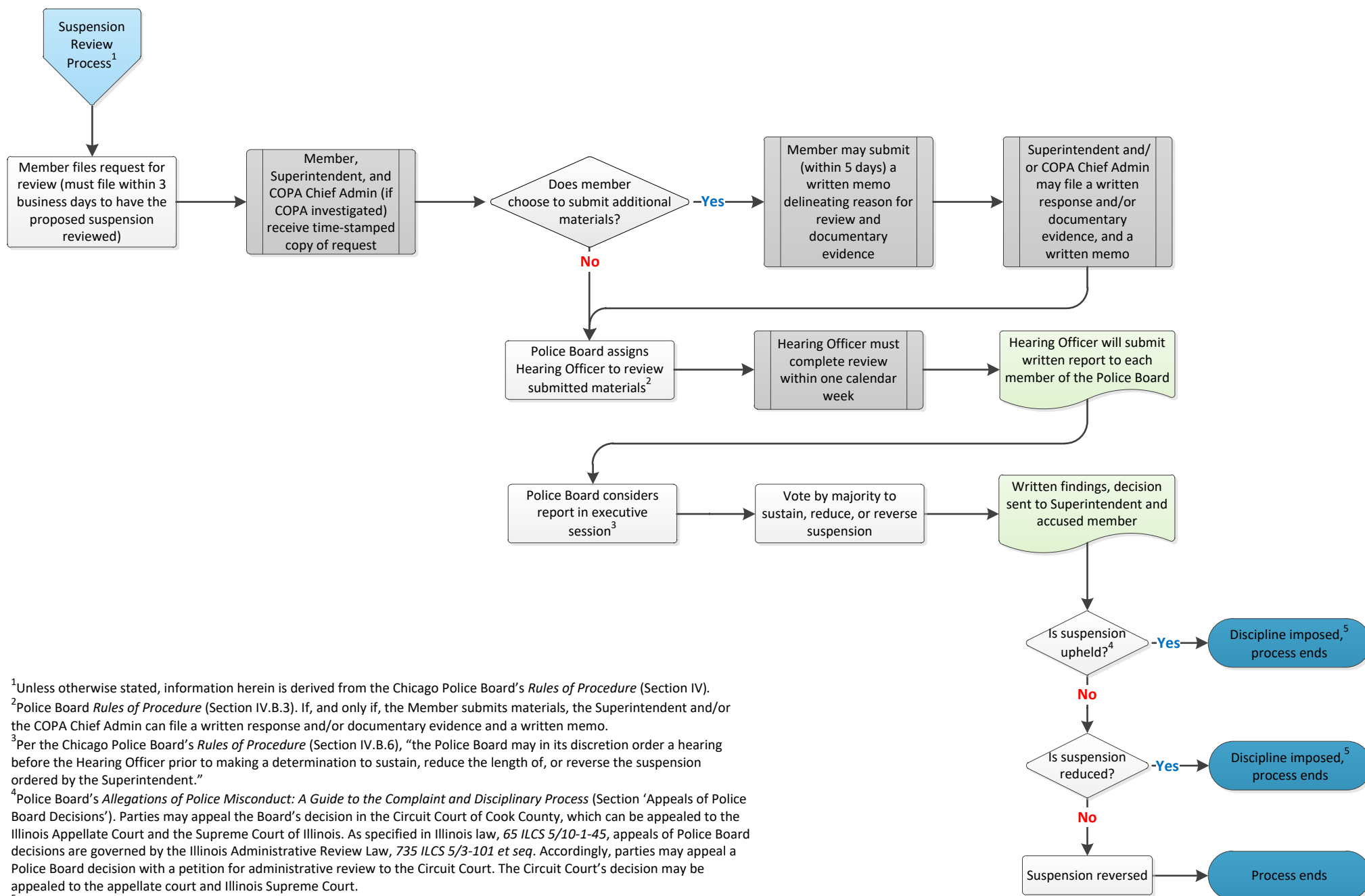


¹See MCC 2-84-030 for more details on the 'powers and duties' of the Police Board.

²FOP 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.

³PBPA 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.

⁴Exempt 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.



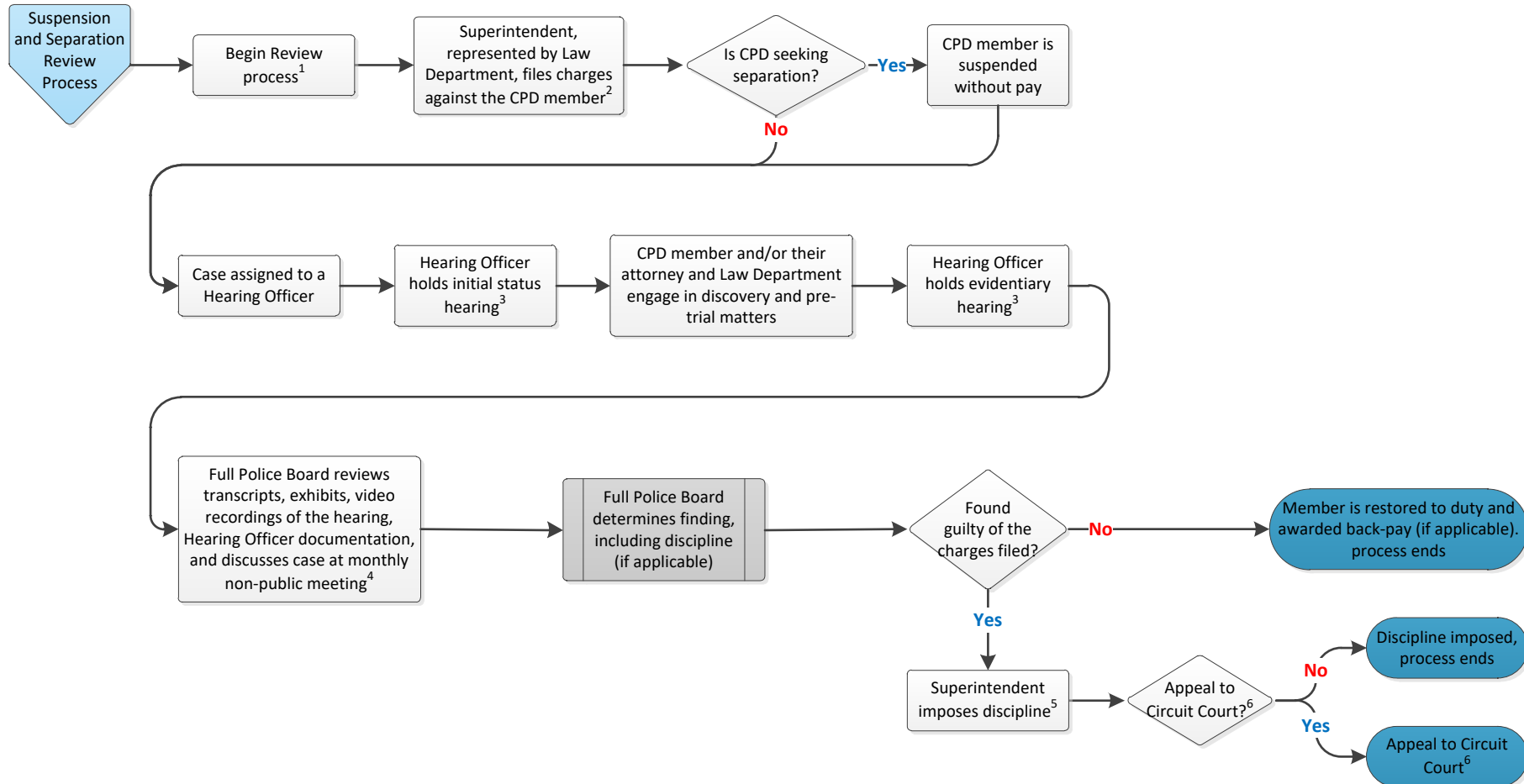
¹Unless otherwise stated, information herein is derived from the Chicago Police Board's *Rules of Procedure* (Section IV).

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."



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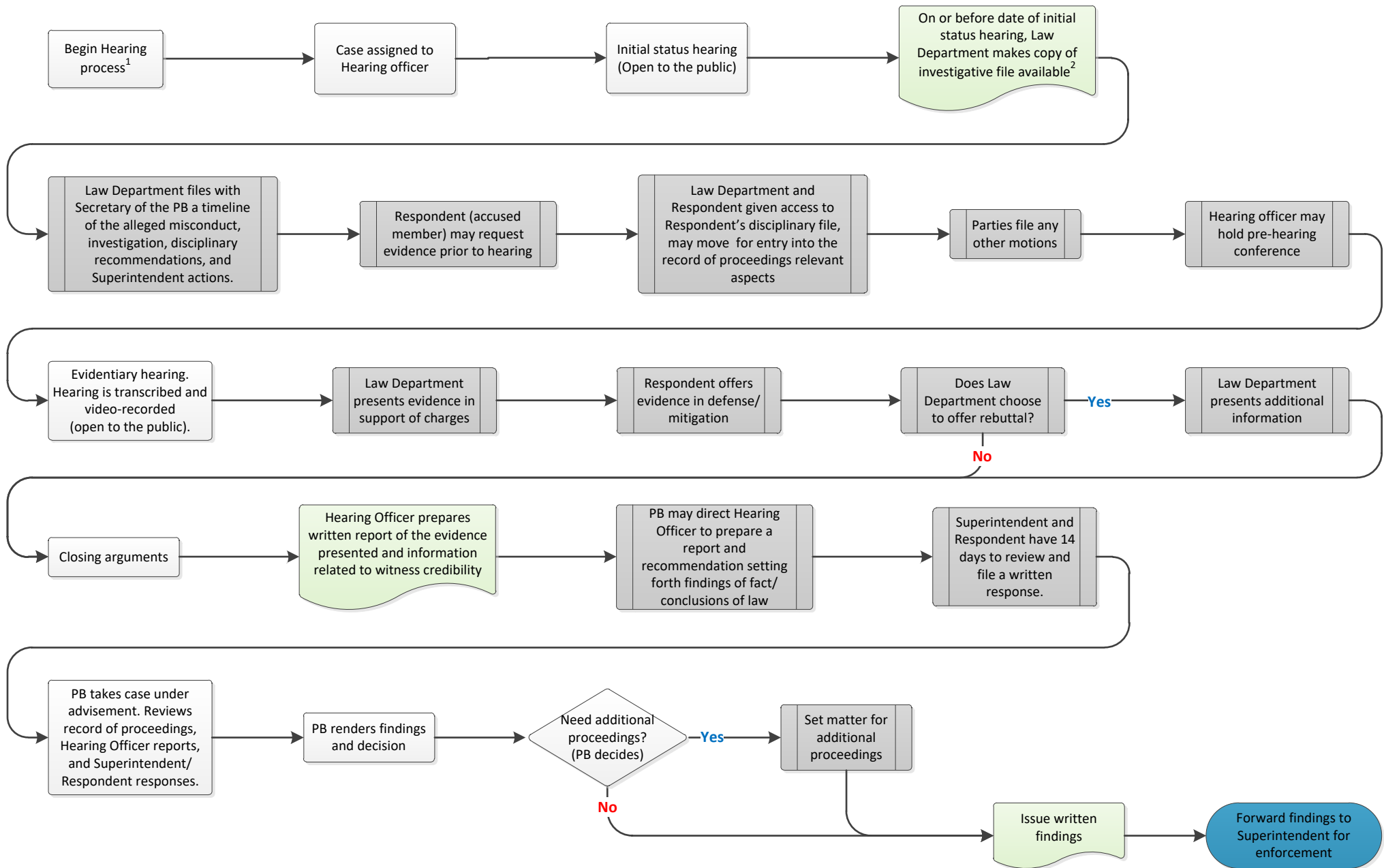
²Police Board's *Allegations of Police Misconduct: A Guide to the Complaint and Disciplinary Process* (Section 'Suspension Cases'). When an Officer elects to have the PB review their suspension of greater than 30 days, the Officer makes the request and the Superintendent then files charges against the 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.

³See "Hearing Procedures."

⁴Documentation 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.


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."

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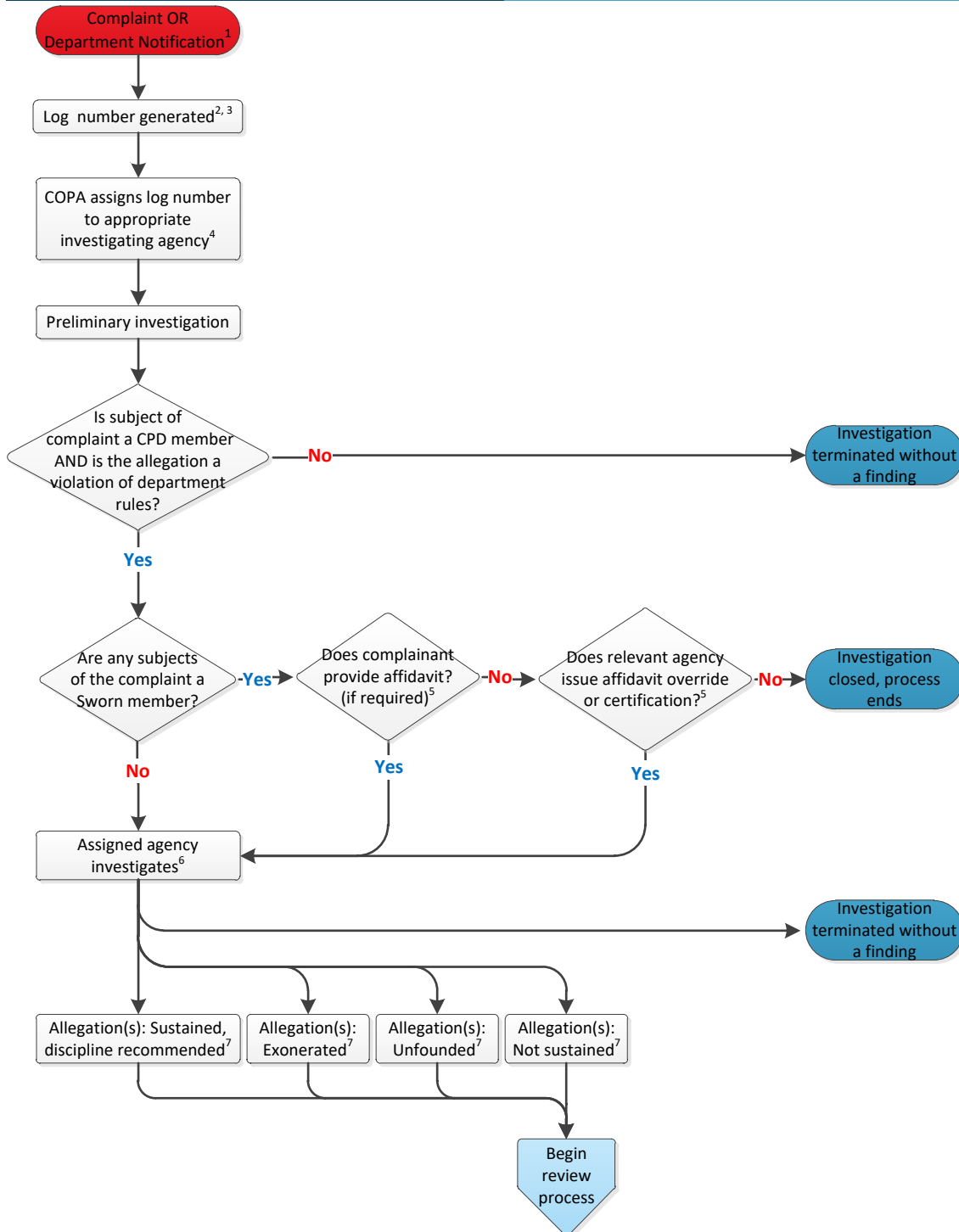


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²Police Board *Rules of Procedure* (Section I.D). "The Superintendent shall be represented at all proceedings before the Board by the Corporation Counsel of the City of Chicago."



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³Employees 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).

⁴Per *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 Complaint Initiation and Log Number Investigation Assignment* states that COPA will generate a log number, determine which agency has jurisdiction, and notify that agency. Per COPA's *Jurisdiction* webpage (<https://www.chicagocopa.org/investigations/jurisdiction/>), jurisdiction for BIA and COPA is as follows:

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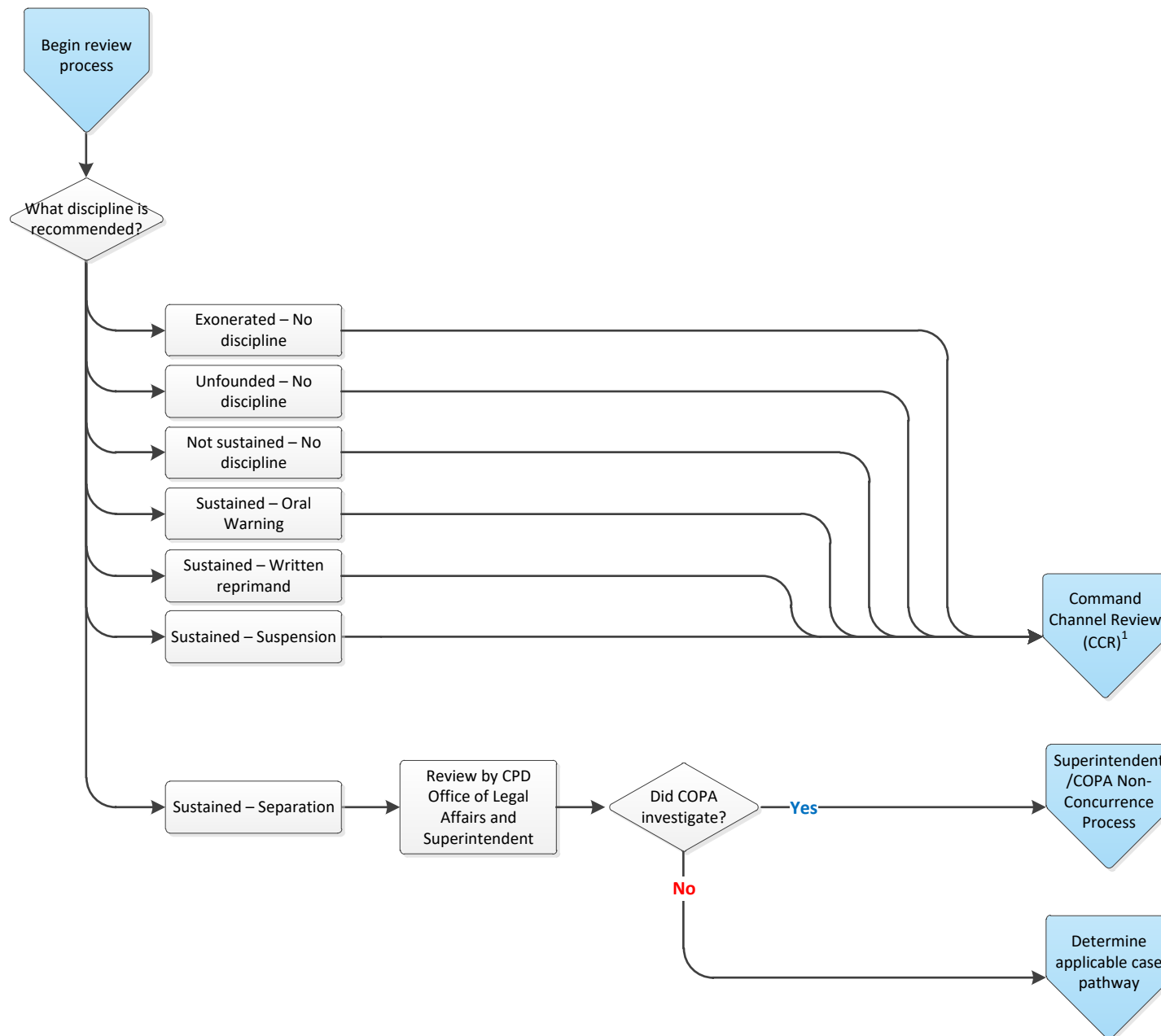
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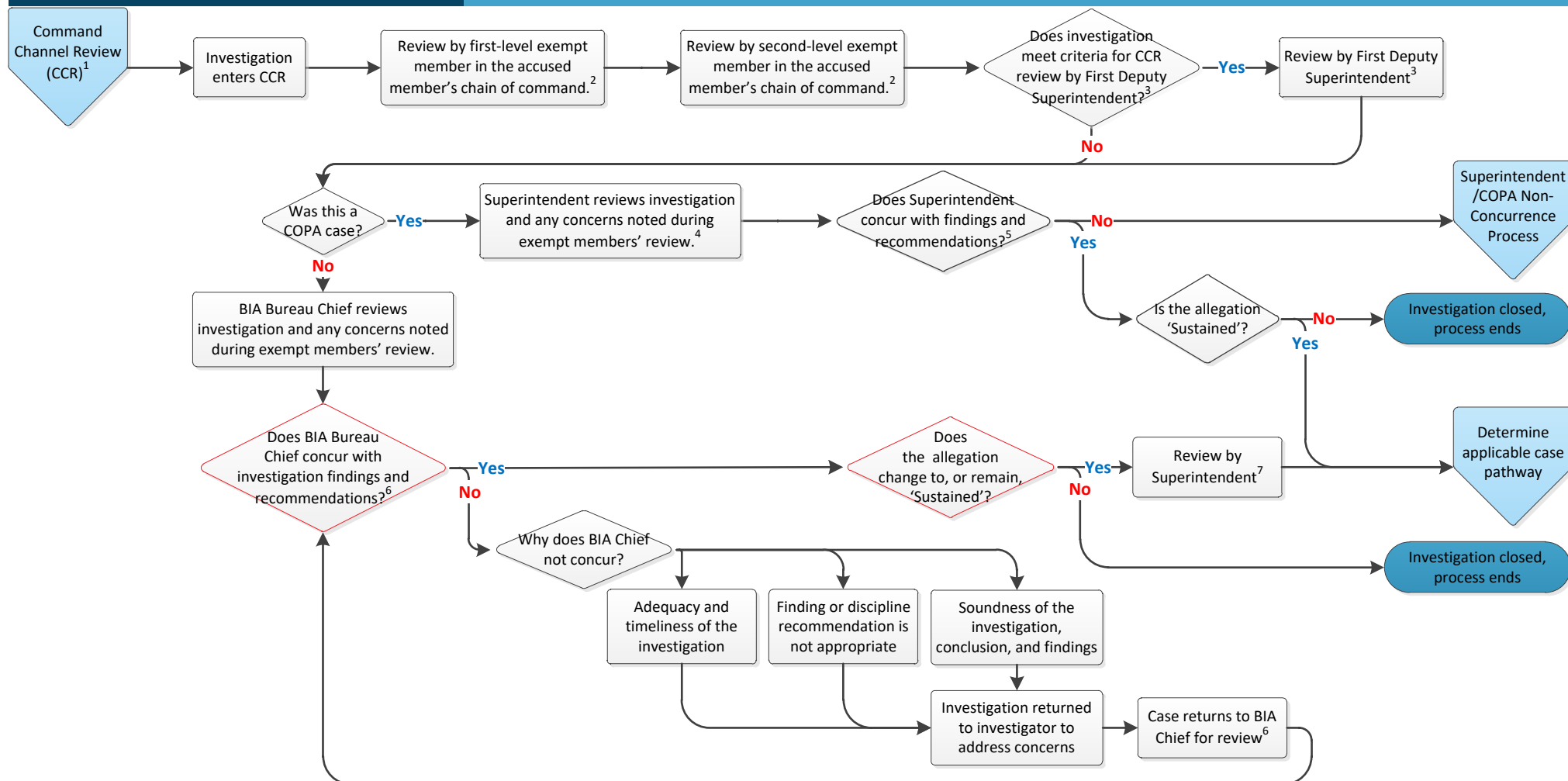
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⁷See *CPD Directive S08-01-01*, *COPA Rules and Regulations* (Section 4.1.1), and Consent Decree paragraph 467 for more detail.



¹Per 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).



¹Unless otherwise stated, tiles are based on *CPD Special Order S08-01-03 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 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.

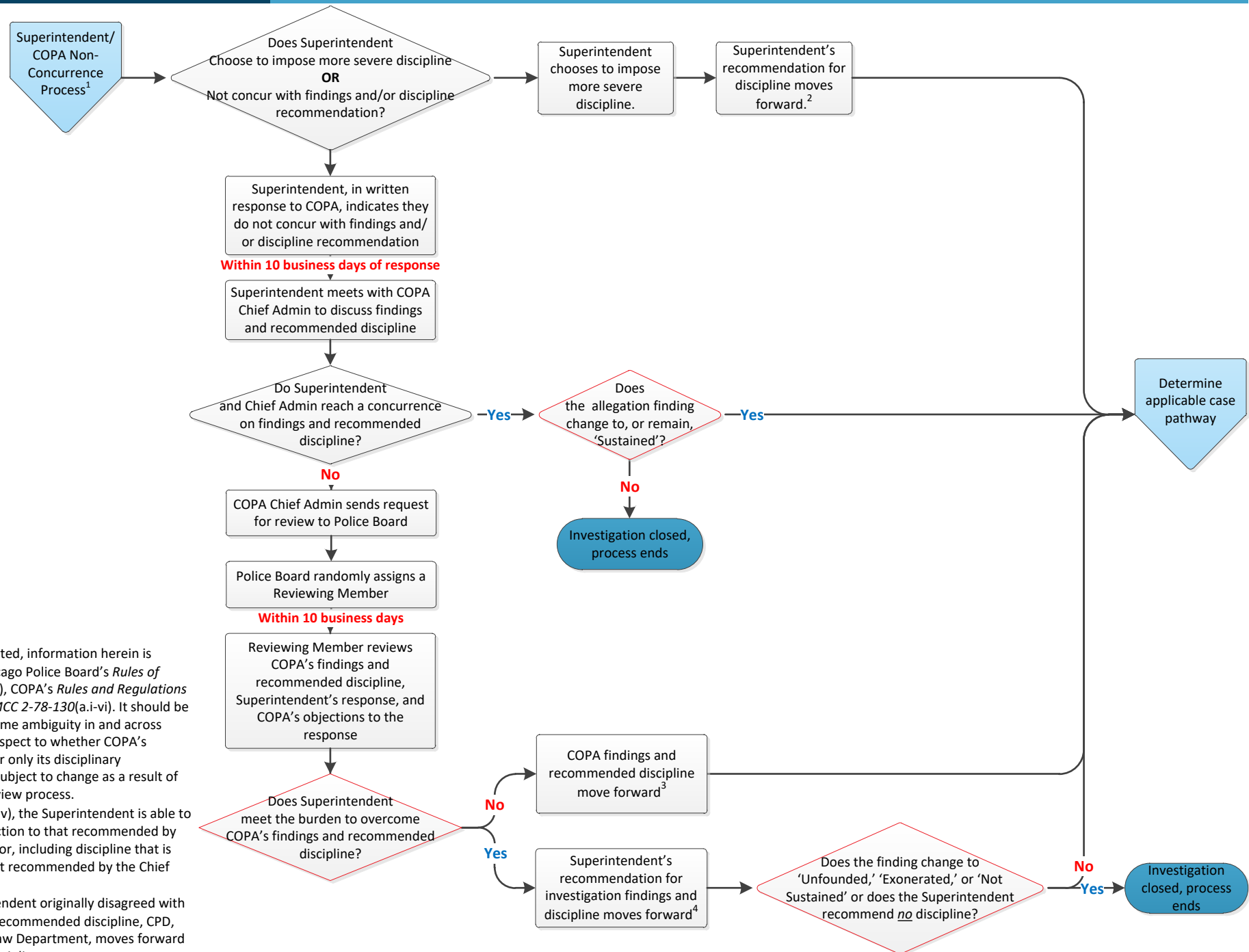
³*CPD Directive S08-01-03* (Section III.C) lists the criteria for review by the First Deputy Superintendent. Among the criteria, if the accused member is an exempt member, the case will be reviewed by the First Deputy Superintendent.

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] concurs 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.

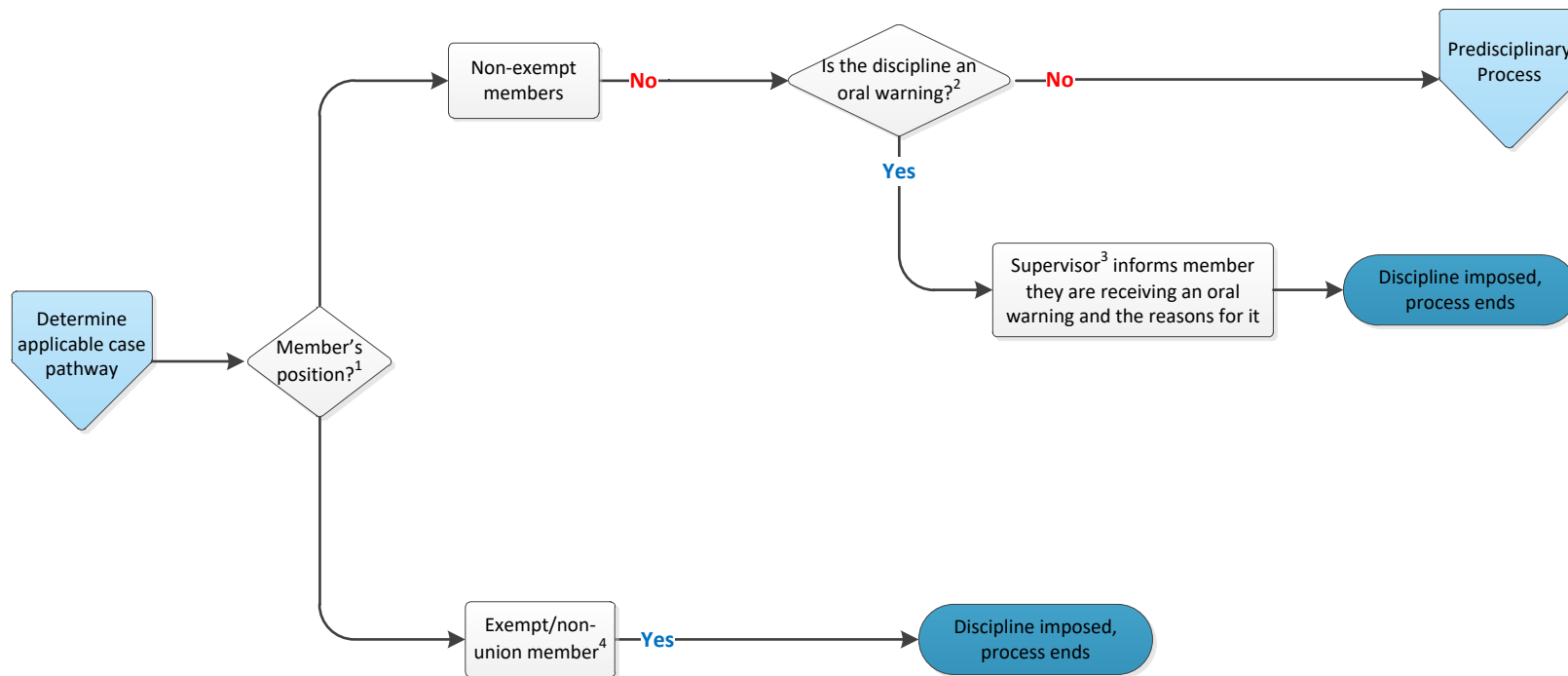


¹Unless otherwise stated, information herein is derived from the Chicago Police Board's *Rules of Procedure* (Section VI), COPA's *Rules and Regulations* (Section 4.3.4), and MCC 2-78-130(a.i-vi). It should be noted that there is some ambiguity in and across those sources with respect to whether COPA's substantive finding, or only its disciplinary recommendation, is subject to change as a result of the Police Board's review process.

²Per 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..."

³Even if the Superintendent originally disagreed with COPA's findings and recommended discipline, CPD, represented by the Law Department, moves forward with enforcing the discipline.

⁴CPD may maintain a 'Sustained' finding but recommend lesser discipline than COPA.

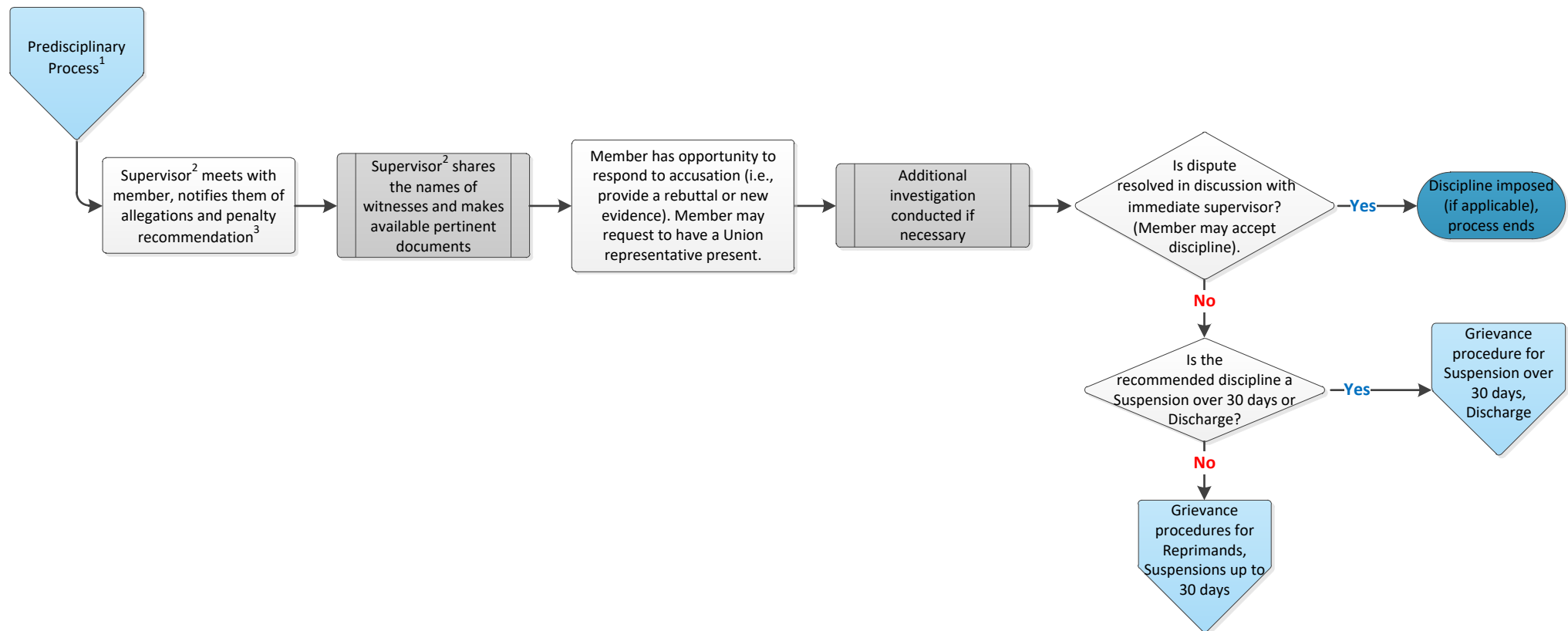


¹If a member were to change position during the course of an investigation, any recommended discipline will follow the appropriate process for that new position. For those members that can grieve a recommended discipline, once it is filed, the member's union at the time of filing will represent the member 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.

²See *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.

³*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.

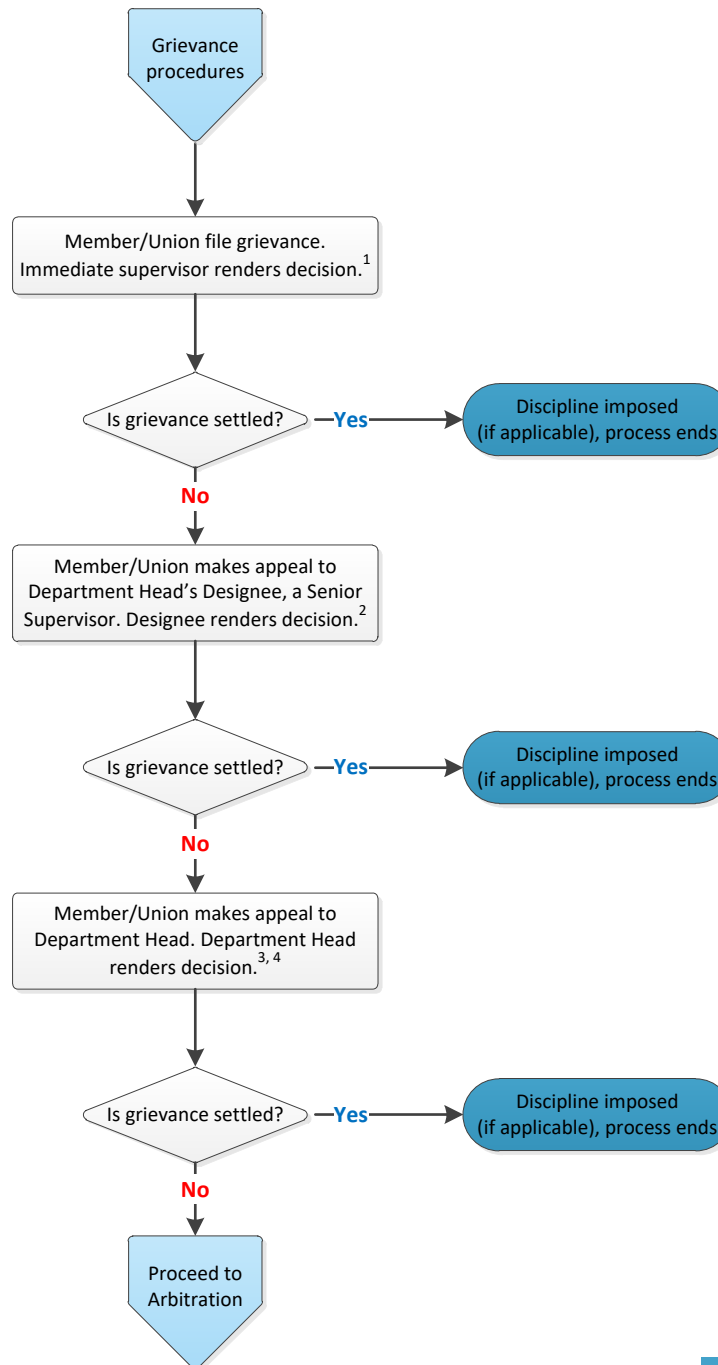
⁴Civilian exempt members are at-will employees not covered under a collective bargaining agreement. Thus, per the *City of Chicago Personnel Rules* (Rule XIA), "They may be disciplined or discharged at any time for any or no reason," and there is no administrative appeal process.



¹Unless 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.

³For 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)).

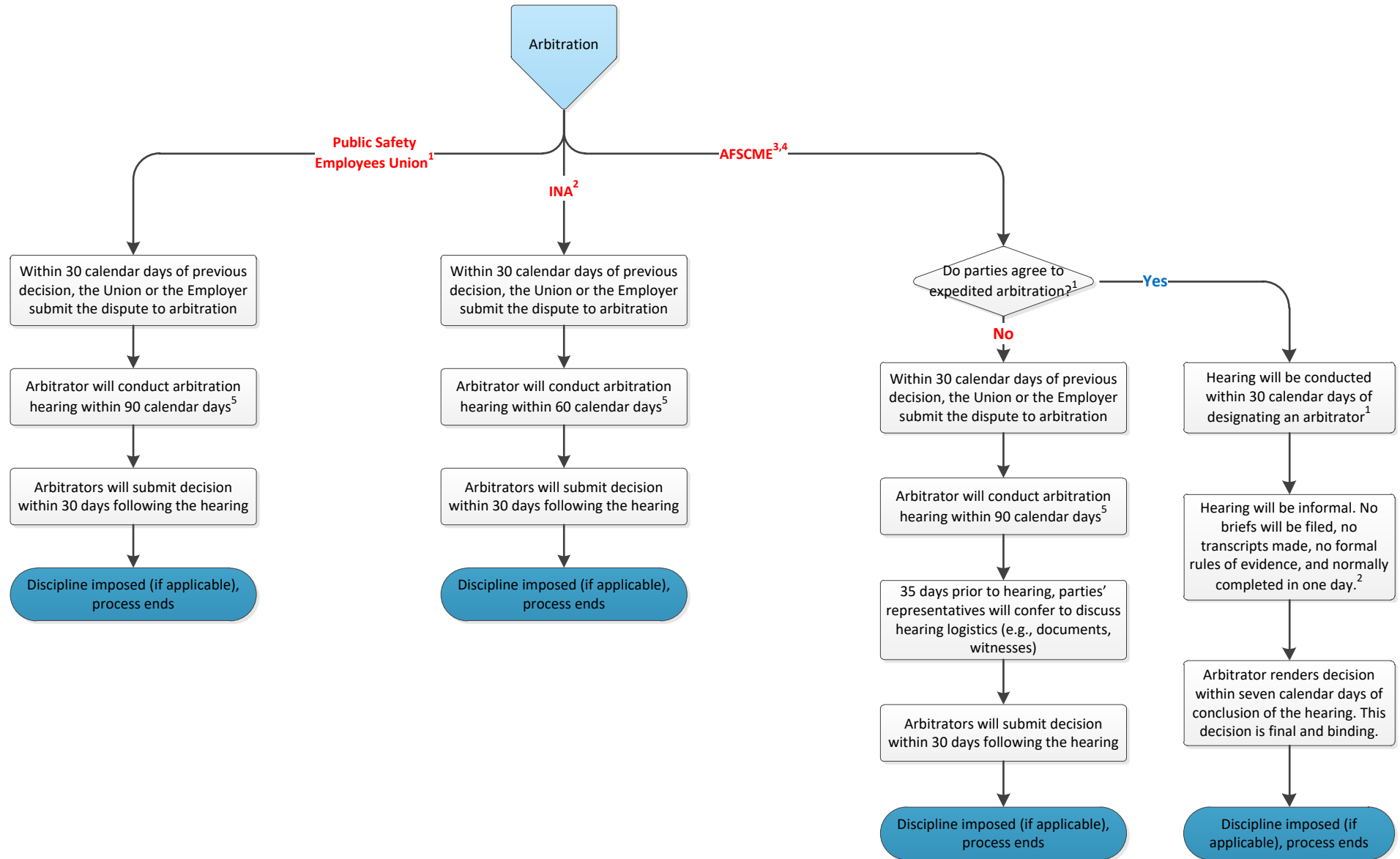


¹AFSCME Contract (Section 21.1-a, Step I.A-B), Public Safety Union Employees Contract (Section 7.2.(a).2, Step I.A-B), and INA Contract (Section 7.2, Step I.A-B). AFSCME and Public Safety Union members will file the grievance within 15 calendar days of having knowledge of the incident leading to the 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.

²AFSCME 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.

³AFSCME 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.

⁴Under 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.



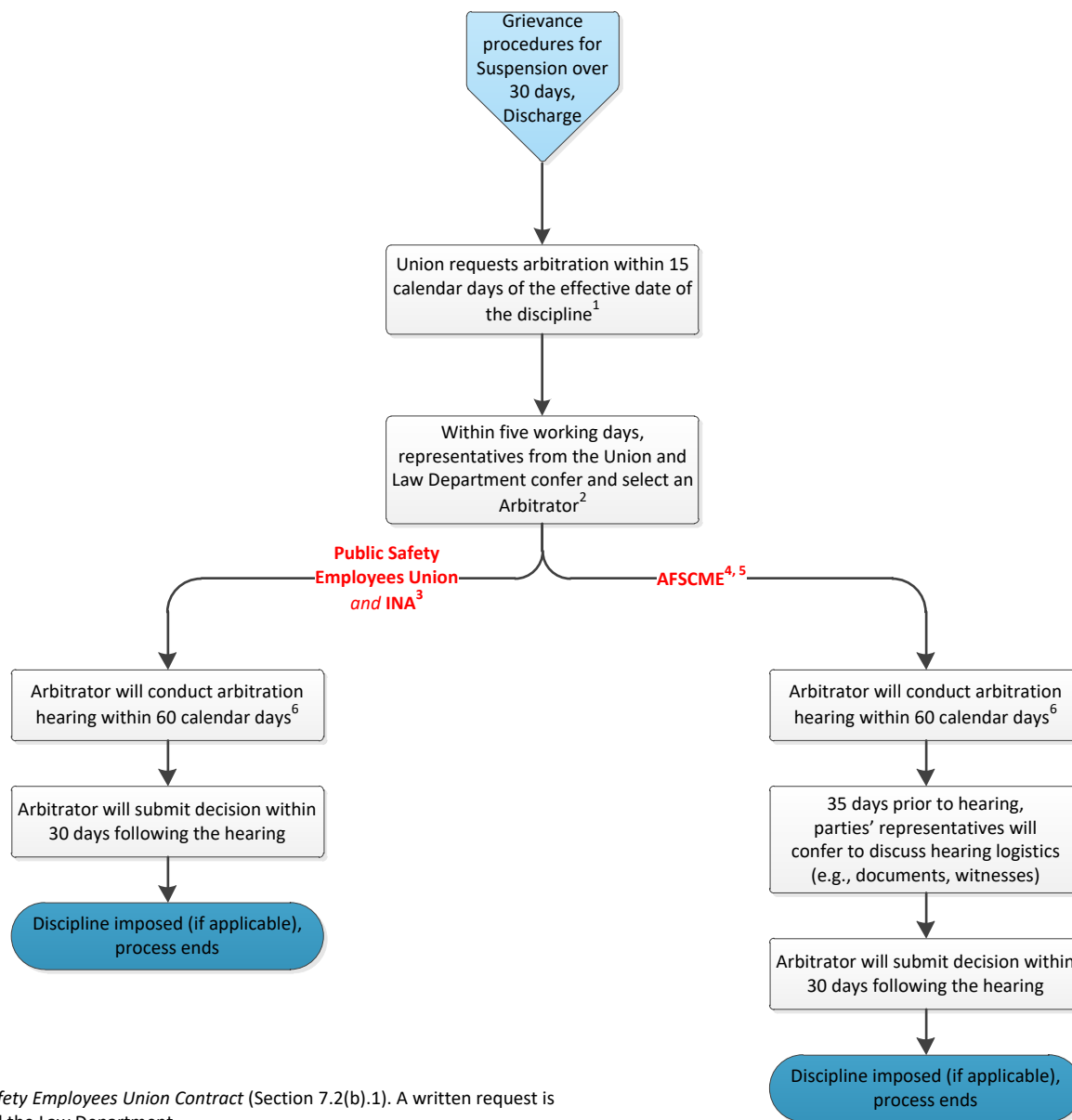
¹The following tiles in this sequence are based on *Public Safety Employees Union Contract* (Section 7.2(a), Step IV).

²The 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.

⁴The following tiles in this sequence are based on *AFSCME Contract* (Section 21.1-a, Step IV).

⁵Arbitration hearings are full evidentiary hearings.



¹AFSCME 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.

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

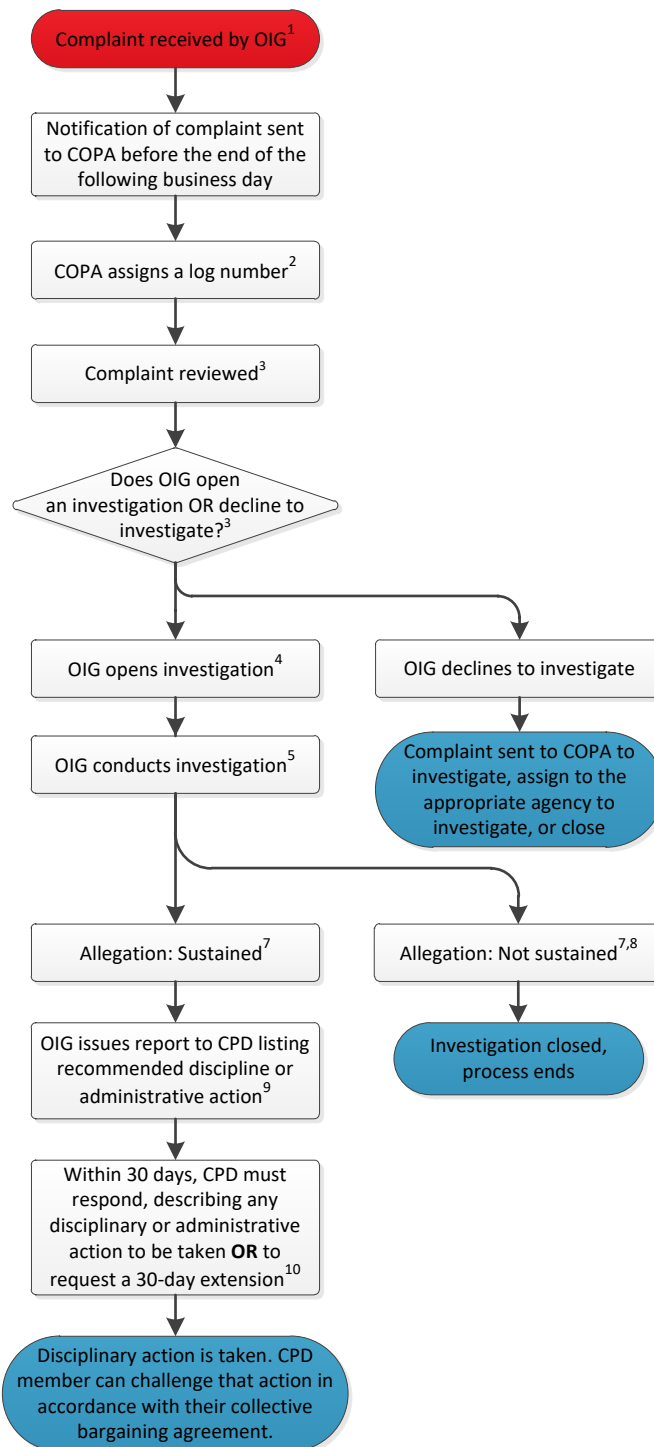
³The following tiles in this sequence are based on Public Safety Employees Union Contract (Section 7.2(b).3) and INA Contract (Section 7.2(b)).

⁴AFSCME 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.

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

⁶Arbitration hearings are full evidentiary hearings.

OIG Investigations



¹*OIG 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.

²*OIG Rules and Regulations* (Section 8.1).

³*OIG Rules and Regulations* (Section 11.2).

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

⁵*OIG 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.

⁶*OIG 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."

⁷*OIG 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.

⁸*OIG 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."

⁹*OIG 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).

¹⁰*MCC 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.

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