

JUNE 2, 2022

REPORT ON INVESTIGATIONS OF SEXUAL MISCONDUCT ALLEGATIONS AGAINST CHICAGO POLICE DEPARTMENT MEMBERS 2021

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL



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Pursuant to Paragraph 444 of the consent decree entered in *Illinois v. Chicago*, the Office of Inspector General's (OIG) Public Safety section is required to "review and analyze" closed sexual misconduct investigations involving complaints "against a [Chicago Police Department (CPD)] member alleging conduct against a non-CPD member." The consent decree requires OIG to publish an annual report "assessing the quality of the sexual misconduct administrative investigations reviewed, "recommending changes in policies and practices to better prevent, detect, or investigate sexual misconduct," and "providing aggregate data on the administrative investigations reviewed" by OIG.

This report contains statistics on and analysis of all the cases reportable under Paragraph 444, as identified by OIG. In 2021, BIA and COPA made progress toward ensuring OIG is notified of all qualifying sexual misconduct investigations pursuant to the consent decree. Prompted by OIG's recommendations in its last report, COPA created new category codes to better identify allegations of sexual misconduct and committed to working with BIA to create a process to notify OIG of a qualifying case that reaches a final disciplinary decision. However, OIG discovered several cases investigated by each agency that had not been reported as required. OIG also noted concerns surrounding the length of time it took for many of these investigations to be concluded, along with a lack of documented explanation for the length of investigations.

As required by Paragraph 444, OIG made recommendations to improve the investigation and reporting of sexual misconduct by BIA and COPA. OIG recommended that BIA and COPA create a process by which OIG is notified within ten days of a qualifying sexual misconduct investigation reaching a final disciplinary decision, whether the investigation is conducted by BIA or COPA. Additionally, to ensure sexual misconduct investigations are handled appropriately, OIG recommended that BIA and COPA adequately document investigative activity, or explanations for the lack thereof, and prioritize these investigations over less serious allegations.

In its response, attached at Appendix C, BIA detailed the new fields and prompts incorporated into its case management system (CMS) in order to better identify qualifying sexual misconduct investigations, as well as a system that should automatically notify OIG of qualifying investigations. BIA did not address OIG's recommendation concerning the length of time investigations take or properly documenting investigative activity.

In its response, attached at Appendix B, COPA also referred to the new, automatic notification system in CMS. COPA detailed collaboration with external stakeholders and updates to its sexual misconduct policy and training. COPA did not directly address OIG's recommendation concerning the length of time investigations take or properly documenting investigative activity.

OIG thanks BIA and COPA for their ongoing cooperation in OIG's review of sexual misconduct investigations pursuant to Paragraph 444 of the consent decree.

APPENDIX A: OIG REPORT CONCERNING PARAGRAPH 444



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VIA ELECTRONIC MAIL

April 4, 2022

Superintendent David O. Brown
Chicago Police Department
3510 S. Michigan Ave.
Chicago, IL 60653

Chief Administrator Andrea Kersten
Civilian Office of Police Accountability
1615 W. Chicago Ave., 4th Floor
Chicago, IL 60622

Re: Consent Decree Paragraph 444

Dear Superintendent Brown and Chief Administrator Kersten:

Pursuant to Paragraph 444 of the consent decree entered in *Illinois v. Chicago*, the Office of Inspector General's (OIG) Public Safety section is required to "review and analyze" closed sexual misconduct investigations involving complaints "against a [Chicago Police Department (CPD)] member alleging conduct against a non-CPD member."¹ Based on this review of closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) and CPD's Bureau of Internal Affairs (BIA), the consent decree requires OIG publish an annual report "assessing the quality of sexual misconduct administrative investigations reviewed," "recommending changes in policies and practices to better prevent, detect, or investigate sexual misconduct," and "providing aggregate data on the administrative investigations reviewed" by OIG.²

¹ Consent Decree ¶ 444, *State of Illinois v. City of Chicago*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019) (Dkt. 703-1).

² Consent Decree ¶ 444 (a)-(c).

In 2021, OIG's Public Safety section submitted a letter to the Independent Monitor outlining OIG's efforts to comply with Paragraph 444 as related to sexual misconduct investigations that closed in 2020 as well as impediments OIG faced in reviewing those investigations.³ OIG also made recommendations to COPA and BIA. Those recommendations have been adopted, in part.

Paragraph 444 of the consent decree requires "the City" provide OIG with the complete administrative file for each complaint of sexual misconduct against a CPD member alleging conduct against a non-CPD member within ten days of the final disciplinary decision. OIG has direct access to the investigative files in the case management system used by BIA and COPA, however, OIG relies on COPA and BIA to identify qualifying cases. Although OIG has access to the investigative file, OIG is not immediately or automatically notified when a case has reached a final disciplinary decision. In fact, in order to make meaningful recommendations regarding individual closed disciplinary investigations, OIG typically reviews these investigations before they have reached a final disciplinary decision. As detailed below, in 2021, neither BIA nor COPA fully complied with this provision by notifying OIG of all qualifying cases within ten days of reaching a final disciplinary decision.

Paragraph 782 of the consent decree defines sexual misconduct as:

- "any behavior by a CPD member that takes advantage of the member's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person;"
- "any sexual communication or behavior by a CPD member that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of a member;"
- "any attempted or completed act by a CPD member of nonconsensual sexual conduct or nonconsensual sexual penetration, as defined in Section 11-0.1 of the Illinois Criminal Code of 2012;"
- "any attempted or completed act by a CPD member of criminal sexual assault, as defined in Sections 11-1.20 through 11-1.40 of the Illinois Criminal Code;"
- "any attempted or completed act by a CPD member of criminal sexual abuse, as defined in Sections 11-1.50 and 11-1.60 of the Illinois Criminal Code of 2012."

Paragraph 743 defines "CPD member" as "any sworn or civilian employee of CPD."

³ City of Chicago Office of Inspector General, "Report on Investigations of Sexual Misconduct Allegations Against Chicago Police Department Members," June 2021, https://igchicago.org/wp-content/uploads/2021/06/Paragraph-444-Sexual-Misconduct-Administrative-Investigations_2021-Report.pdf.

I. IDENTIFICATION OF QUALIFYING INVESTIGATIONS

In previous Paragraph 444 reports, OIG has detailed the impediments to identifying qualifying investigations, including the concerns surrounding the use of category codes.⁴ Upon the intake of a complaint, BIA and COPA investigations are assigned an incident category code, characterized by a numerical code and brief description, with certain categories and subcategories explicitly relating to sexual misconduct or harassment (e.g. “Criminal Sexual Assault,” “Verbal Abuse Unwelcomed Sexual Advances or Requests for Sexual Favors,” etc.).⁵ Certain incidents may give rise to multiple allegations and the primary category code is assigned based on the first or most serious allegation received at intake by the investigative agency; therefore, allegations of sexual misconduct may be contained within investigations associated with an unrelated category code. As described in OIG’s previous reports, it is thus impossible to conduct a post hoc identification of all Paragraph 444 qualifying investigations by category code.

This issue persisted in 2021. Of the 39 cases reviewed during this period, 24 had primary category codes which explicitly denoted allegations related to sexual misconduct. Of the remaining 15 cases, 4 had category codes related to domestic violence, 5 were related to improper search or seizure, and 6 were categorized as operation/personnel violations.

However, in May 2021, COPA notified OIG that it had created additional category codes to help identify qualifying cases in its case management system. Specifically, COPA created a primary category code of “Sexual Misconduct” with a variety of subcategories related to incidents involving verbal abuse, improper search, sexual assault, sexual abuse, improper sexual contact, and coerced sexual contact. COPA asserted that all investigations into sexual misconduct, as defined by Paragraph 782, would be identified using this new “Sexual Misconduct” category code. All of the investigations reviewed in 2021 that had a category code unrelated to sexual misconduct were initiated prior to the implementation of these new category codes. OIG looks forward to reviewing cases using these category codes in the next reporting period.

Additionally, OIG has previously described how the identification of qualifying investigations is complicated by the consent decree’s imposition of a much narrower referral obligation on BIA and COPA compared to OIG’s broader reporting obligation.⁶ Paragraph 444 requires the City to notify OIG of qualifying cases “within ten days of the final disciplinary decision.” Paragraph 755 of the consent decree defines “final disciplinary decision” as “the final decision of the Superintendent or his or her designee regarding whether to issue or recommend discipline after review and consideration of the investigative findings and recommendations [...]” For COPA

⁴ City of Chicago Office of Inspector General, “Annual Report on Paragraph 444: Sexual Misconduct Administrative Investigations,” December 2020, <https://igchicago.org/wp-content/uploads/2020/12/Paragraph-444-Sexual-Misconduct-Administrative-Investigations-Report.pdf>.

⁵ Not every case coded with such category codes is necessarily qualifying under Paragraph 444. For example, allegations of sexual harassment by a CPD member against another CPD member may be categorized under these codes but do not fall within the definitional parameters of Paragraph 444.

⁶ City of Chicago Office of Inspector General, “Report on Investigations of Sexual Misconduct Allegations Against Chicago Police Department Members.”

investigations, Paragraph 755 clarifies that “the final disciplinary decision occurs after the conclusion of the process described in Chicago Municipal Code Section 2-78-130(a).” That section of the Municipal Code of Chicago (MCC) lays out the process by which COPA sends disciplinary recommendations to the Superintendent and the manner and time period in which the Superintendent must respond. This further limits the cases COPA must refer to cases where COPA recommends discipline or “other, nondisciplinary remedial action” and, therefore, does not include cases that reach a finding other than Sustained.

However, Paragraph 444 requires OIG to report on investigations of sexual misconduct generally, including cases which were closed with non-finding dispositions and therefore never reached a “final disciplinary decision.” This obligates OIG to attempt to identify additional BIA and COPA investigations which need to be reviewed. Notably, 23 of the 39 investigations reviewed this reporting period were closed with non-finding dispositions and 4 COPA investigations were closed with a finding other than Sustained, comprising a total of 69% of investigations reviewed by OIG. Although OIG reviews individual closed disciplinary cases on a regular basis pursuant to MCC §2-56-230(c) and consent decree Paragraph 559, the limitations of post hoc identification of cases make it difficult to ensure all qualifying investigations are identified. Given these limitations, OIG reports herein on all qualifying investigations of which it is aware.

A. BIA INVESTIGATIONS

OIG reviewed a total of 18 qualifying sexual misconduct investigations concluded by BIA in 2021. One of these cases was identified by BIA; the other 17 were identified by OIG. On February 25, 2021, BIA provided a list of 25 investigations conducted by BIA and COPA purportedly containing allegations of sexual misconduct concluded in 2020 and 2021.⁷ Of these 25 cases, 1 investigation closed in 2021 met the definitional parameters of Paragraph 444. OIG subsequently identified 3 additional closed investigations that should have been referred by BIA within 10 days of reaching a final disciplinary decision.

Prompted by OIG’s recommendations in 2020, BIA instructed its advocate section “to identify any files they see as they conduct their review of closed files for processing in Command Channel Review which should be provided to PSIG for review.”⁸ However, OIG has not been notified of any such cases closed in 2021 since BIA’s February 25, 2021 communication.⁹

B. COPA INVESTIGATIONS

OIG reviewed a total of 21 sexual misconduct investigations concluded by COPA in 2021. Nine of these cases were identified by COPA and twelve were identified by OIG. On May 26, 2021, COPA

⁷ BIA generated the lists it provided using a combination of category codes and keyword searching in the two case management systems it shares with COPA—AutoCR and CMS—using an approach it discussed with OIG during the last reporting period.

⁸ City of Chicago Office of Inspector General, “Annual Report on Paragraph 444: Sexual Misconduct Administrative Investigations.”

⁹ BIA recently notified OIG of a qualifying case closed in 2022.

provided a list of 9 sexual misconduct investigations closed in 2021. Notably, not all of these cases were in the status of having reached a final disciplinary decision—as defined by the consent decree—and OIG appreciates COPA’s assistance in identifying cases outside COPA’s reporting obligation. OIG subsequently identified 3 additional closed investigations that should have been referred by COPA within 10 days of reaching a final disciplinary decision. However, OIG recognizes the complication created by the consent decree’s definition of “final disciplinary decision” for COPA investigations as “the conclusion of the process described in Chicago Municipal Code Section 2-78-130(a).”¹⁰ As noted above, this section of the MCC lays out the process by which COPA sends disciplinary recommendations to the Superintendent and the manner and time period in which the Superintendent must respond. Thus, COPA’s determination that an investigation has reached a final disciplinary decision relies on a response from CPD.

Prompted by OIG’s recommendations in 2020, COPA committed to working with BIA to “create a process whereby BIA can notify [OIG] of a qualifying case (whether BIA or COPA) that reaches final disciplinary decision within 10 days of that decision.”¹¹ OIG has yet to be notified by BIA of a COPA investigation that has reached a final disciplinary decision.

II. ADMINISTRATIVE INVESTIGATIONS REVIEWED

As described above, BIA and COPA notify OIG of some, but not all, of the cases they are required to under Paragraph 444 of the consent decree. Through OIG’s regular closed case review process, OIG has been able to identify additional cases that meet Paragraph 444’s reporting requirements. OIG’s analysis of all known investigations follows.

¹⁰ Consent Decree ¶ 755.

¹¹ City of Chicago Office of Inspector General, “Annual Report on Paragraph 444: Sexual Misconduct Administrative Investigations.”

FIGURE 1 – INVESTIGATIONS REVIEWED¹²

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
21-0006	COPA	09F – Sexual Misconduct	Sustained	The accused harassed their ex-girlfriend, threatened to and, in fact, disseminated nude photographs of her without permission, and made false statements to COPA.	Separation	Yes	No
21-0100	BIA	08Q – Crime Misconduct Other Misdemeanor Arrest	Administratively Closed	N/A	N/A	No	Yes ¹⁴
21-0161	BIA	08C – Crime Misconduct Sexual Misconduct Criminal Allegation Aggravated	Administratively Closed	N/A	N/A	Yes	No
21-0164	COPA	03B – Civil Rights Violation Improper Search Person Custodial	Sustained	The accused improperly searched a juvenile by putting their hand in the juvenile’s waistband and	45-day Suspension	No	No

¹² See Paragraphs 444(c)(i), (ii), (iii), and (vi).

¹³ A misconduct investigation may be disposed of in several different ways. The investigating agency may reach investigative findings or may dispose of an investigation short of a finding. Such non-finding dispositions include closure for lack of a sworn affidavit in support of the allegations. The dispositions listed here correspond to the sexual misconduct allegation or allegations in the qualifying investigation; other allegations contained within those investigations may have reached different dispositions not reflected in this table.

¹⁴ This case was prosecuted as a Misdemeanor Battery.

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
				touching the juvenile's pubic hair.			
21-0223	BIA	08R – Crime Misconduct Sex Offense Other Criminal	Administratively Closed	N/A	N/A	Yes	Yes
21-0245	BIA	08C – Crime Misconduct Sexual Misconduct Sexual Abuse Non-Aggravated	Unfounded	N/A	N/A	No	No
21-0538	COPA	05K – Domestic Altercation Physical Abuse	Sustained	The accused battered and sexually assaulted their ex-girlfriend.	Separation	No	No ¹⁵
21-0607	COPA	03B – Civil Rights Violation Improper Search Person Custodial	Closed/No Affidavit	N/A	N/A	No	No
21-0668	BIA	10H – Operation/ Personnel Violations Leaving Assignment	Sustained	The accused disseminated a nude photograph of their ex-girlfriend without permission.	5-day Suspension	No	No ¹⁶
21-0731	COPA	03Q – Civil Rights Violation Improper	Closed/No Affidavit	N/A	N/A	No	No

¹⁵ COPA's file indicates that the victim did not wish to proceed with a criminal prosecution.

¹⁶ It is unclear from the investigative file whether criminal prosecution was considered.

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
		Stop/Seizure Vehicle					
21-0759	COPA	05K – Domestic Altercation Physical Abuse	Not Sustained	N/A	N/A	Yes	No
21-0803	COPA	08C – Crime Misconduct Sexual Abuse Non-Aggravated	Sustained	The accused made unwelcome sexual advances and forcibly grabbed the complainant's breast, buttocks, and vaginal area without consent.	Separation	No	No ¹⁷
21-0805	BIA	08R – Crime Misconduct Sex Offense Other Criminal	Sustained	The accused sexually abused their girlfriend's minor daughter.	Separation	No	No ¹⁸
21-0892	BIA	Operation/Personnel Violations	Not Sustained	N/A	N/A	No	No
21-0915	COPA	09F – Sexual Misconduct	Yes	The accused engaged in an improper sexual relationship with the victim of a crime investigated by the	Separation	No	No

¹⁷ COPA's file indicates that the victim did not wish to proceed with a criminal prosecution.

¹⁸ This incident occurred outside of Cook County. The prosecuting agency in that jurisdiction did not elect to file criminal charges.

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
				accused in the course of their duties.			
21-0946	COPA	25D – Sexual Misconduct Sexual Abuse Minor	Sustained	The accused sexually abused their ex-girlfriend’s minor daughter.	Separation	Yes	No ¹⁹
21-0947	COPA	08C – Crime Misconduct Sexual Misconduct Criminal Allegation Aggravated	Closed/No Affidavit	N/A	N/A	No	No
21-0949	COPA	08C – Crime Misconduct Sexual Misconduct Sexual Assault Aggravated	Closed/No Affidavit	N/A	N/A	No	No
21-0950	COPA	08C – Crime Misconduct Sexual Misconduct Sexual Assault Non-Aggravated	Administratively Terminated	N/A	N/A	No	No
21-0951	COPA	01E – Verbal Abuse Unwelcomed Sexual Advances or Requests for Sexual Favors	Administratively Closed	N/A	N/A	Yes	No

¹⁹ COPA’s file indicates that the minor victim’s mother did not wish to proceed with a criminal prosecution.

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
21-1088	BIA	10BB – Operation/ Personnel Violations Conduct Unbecoming	Administratively Closed	N/A	N/A	No	No
21-1090	BIA	08C – Crime Misconduct Sexual Misconduct Sexual Abuse Aggravated	Administratively Closed	N/A	N/A	No	No
21-1143	BIA	10BB – Operation/ Personnel Violations Conduct Unbecoming	Sustained	The accused improperly obtained the phone number of a victim of domestic violence and sent the victim inappropriate text messages.	15-day Suspension	No	No
21-1157	BIA	10BB – Operation/ Personnel Violations Conduct Unbecoming	Administratively Closed	N/A	N/A	No	No
21-1384	COPA	08C – Crime Misconduct Sexual Misconduct Sexual Assault Aggravated	Member Resigned	N/A	N/A	No	No
21-1385	BIA	01E – Verbal Abuse Unwelcomed Sexual Advances or Requests for Sexual Favors	Administratively Closed	N/A	N/A	No	No

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
21-1553	BIA	08C – Crime Misconduct Sexual Misconduct Sexual Assault Aggravated	Administratively Closed	N/A	N/A	No	No
21-1601	COPA	25E – Sexual Misconduct Improper Sexual Conduct Physical Not Minor	Not Sustained	N/A	N/A	No	No
21-1602	BIA	08R – Crime Misconduct Sex Offense Other Criminal	Administratively Closed	N/A	N/A	No	No
21-1642	BIA	10S – Operation/ Personnel Violations EEO Investigations Sexual Harassment	Unfounded/Not Sustained	N/A	N/A	No	No
21-1852	COPA	3Q – Civil Rights Violation Improper Stop/Seizure Person Protective Pat Down	Administratively Terminated	N/A	N/A	No	No
21-1853	COPA	24A – Domestic Incidents Domestic Incident Physical Abuse Non-Serious	Not Sustained	N/A	N/A	Yes	No

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
		Bodily Injury Not Involving a Minor					
21-1883	BIA	08R – Crime Misconduct Sex Offense Other Criminal	Administratively Closed	N/A	N/A	No	No
21-1969	COPA	03G – Improper Search of Vehicle	Unfounded ²⁰	N/A	N/A	No	No
21-1971	COPA	24A – Domestic Incidents Domestic Incident Physical Abuse Non-Serious Bodily Injury Not Involving a Minor	Probationary Officer Separated ²¹	N/A	N/A	No	No
21-2299	COPA	08R – Crime Misconduct Sex Offense Other Criminal	Administratively Closed	N/A	N/A	No	No
C2022-000043870 ²²	BIA	08C – Crime Misconduct Sexual Misconduct Criminal Allegation Aggravated	Administratively Closed	N/A	N/A	No	No

²⁰ An allegation unrelated to sexual misconduct was sustained and COPA recommended a 10-day suspension.

²¹ Probationary officers are not afforded the same employment protections as other CPD members. In this case, the accused member was separated from CPD based on testimony given in a hearing for an Order of Protection before the investigation was completed.

²² OIG moved to a new case management system at the beginning of 2022, which accounts for the change in the case number format.

OIG Case #	Agency	Category Code	Disposition ¹³	Sustained Investigative Findings	Recommended Discipline	Referred for Criminal Review	Criminally Prosecuted
C2022-000043871	COPA	25D – Sexual Misconduct Sexual Abuse Not Minor	Closed/No Affidavit	N/A	N/A	No	No
C2022-000043872	BIA	10BB – Operation/ Personnel Violation Conduct Unbecoming	Administratively Closed	N/A	N/A	No	No

A. BIA INVESTIGATIONS

Based on information available to OIG, in 2021, BIA closed 18 qualifying sexual misconduct investigations. Six of those cases reached a final disciplinary decision, as defined by the consent decree, and 12 of the 18 cases (67%) were closed after a preliminary investigation, short of an investigative finding.²³ None of those six cases (0%) were closed for lack of a signed complainant affidavit.²⁴ Of the investigations closed after a preliminary investigation:

- One was closed after BIA determined body worn camera footage refuted the allegations.
- Three were closed due to insufficient evidence.
- One investigation prompted by a news article was closed after BIA was unable to identify either the victim or the offender.
- One was closed as a duplicate complaint.
- One criminal investigation was closed after the accused CPD member was charged with a misdemeanor.
- One criminal investigation was closed after it was determined that the statute of limitations had run out. A separate criminal investigation into the same accused officer was closed when felony charges were filed.
- Three criminal investigations were closed due to lack of cooperation by the victims.

B. COPA INVESTIGATIONS

Based on information available to OIG, in 2021, COPA closed 21 qualifying sexual misconduct investigations. Six of those cases reached a final disciplinary decision, as defined by the consent decree and 11 (52%) were closed after a preliminary investigation, short of an investigative finding. Five of those 11 cases (45%) were closed for lack of a signed complainant affidavit. However, several of those cases involved allegations of criminal misconduct, which may not require an affidavit for the investigation to proceed. Of the remaining investigations closed after a preliminary investigation:

- One, reported by a third party, was closed after the victim denied any misconduct occurred.
- One was closed when COPA determined the allegations did not constitute a complaint within its jurisdiction.
- One was closed when the accused member resigned.
- One was closed when the accused member, a probationary police officer, was terminated.
- Two were closed when COPA was unable to identify the accused members.

²³ See Paragraph 444(c)(iv). For the purpose of this analysis, OIG considered cases closed after a preliminary investigation to mean cases that were closed short of an investigative finding.

²⁴ See Paragraph 444(c)(v).

C. CRIMINAL PROSECUTIONS²⁵

Of the 39 cases reviewed, OIG was able to verify that BIA and COPA, combined, referred 7 cases to the Cook County State's Attorney's Office (CCSAO) to be reviewed for criminal charges. Referral information was not easily discernable from some of the investigative files. OIG notes that not every allegation of sexual misconduct captured in this analysis rises to the level of a criminal offense. For example, allegations involving the use of sexually inappropriate language qualify as sexual misconduct for the purposes of Paragraph 444, but those allegations would be unlikely to provide a good faith basis to seek criminal charges.

Statistics regarding criminal referrals and criminal prosecutions for qualifying investigations known to OIG are contained in Figure 2. One case referred to a prosecuting agency for review resulted in the filing of criminal charges. Another case was pursued as a misdemeanor, which does not require the case to be referred to a prosecuting agency prior to the filing of charges.

FIGURE 2 – CRIMINAL REFERRALS AND PROSECUTIONS

Investigating Agency	Cases Referred to CCSAO (% of known qualifying cases)	Cases Criminally Prosecuted (% of known qualifying cases) ²⁶
BIA	2 (11%)	2 (11%)
COPA	5 (24%)	0 (0%)

III. QUALITY ASSESSMENT OF ADMINISTRATIVE INVESTIGATIONS REVIEWS²⁷

This reporting period saw an increase in sexual misconduct investigations resulting in a recommendation that the accused member be separated from employment with CPD, which speaks to the serious nature of these types of allegations. Concerning, however, is the length of time it took for many of these investigations to be concluded, along with a lack of documented explanation for the length of the investigation. For example, one COPA investigation into criminal conduct which resulted in a recommendation of separation took almost three years to complete, with no clear reason documented in the file; the few extension reports in the investigative file are vague and seem to imply that the delay was due to the Summary Report of Investigation being reviewed for over two years. The accused officer was not interviewed for the first time until approximately ten months after the investigation was initiated in 2018. Subsequently, there appears to have been a complete lack of investigative activity for almost a full year, and the accused was interviewed a second time over a year and a half after their first interview. Although COPA recommended separation in December 2020, the accused officer was not relieved of their police powers until March 2021.

²⁵ See Paragraphs 444(c)(ii) and (iii).

²⁶ Included here are cases in which OIG has determined that criminal charges were filed, regardless of the ultimate outcome of the criminal case.

²⁷ See Paragraph 444(a).

Another example is a COPA investigation into criminal conduct which was initiated in March 2019. The accused officer resigned in June 2020, but it was not until COPA attempted to serve the accused with allegations in February 2021 that COPA learned of the officer's resignation. This file contains no extension reports or explanations for the significant periods of time with no investigative activity.

OIG recognizes the enormous volume of complaints fielded by BIA and COPA in a given year, as well as the limitations of the resources available to each agency. OIG is also aware that circumstances outside the control of an investigating agency may hinder the ability of an investigation to move forward. However, cases involving allegations of criminal conduct that are likely to result in separation should, at a minimum, contain adequate documentation of investigative delays and, at best, be prioritized over less serious allegations.

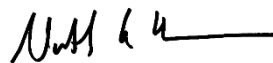
IV. RECOMMENDATIONS²⁸

Paragraph 444(b) requires OIG to make recommendations for "changes in policies and practices to better prevent, detect, or investigate sexual misconduct." Accordingly, OIG makes the following recommendations:

1. BIA and COPA should create a process by which OIG is notified within ten days of a qualifying sexual misconduct investigation reaching a final disciplinary decision, whether the investigation is conducted by BIA or COPA.
2. To ensure sexual misconduct investigations are handled appropriately, given the serious nature of the allegations, BIA and COPA should adequately document investigative activity or explanations for the lack thereof. Additionally, BIA and COPA should prioritize these investigations over less serious allegations.

Please send your response to OIG's recommendation in writing by **May 2, 2022**. OIG looks forward to CPD and COPA's responses, which will be published in accordance with MCC § 2-56-250.

Respectfully,



Nathaniel Wackman

Acting Deputy Inspector General for Public Safety &
Associate General Counsel

cc: William Marback, Interim Inspector General, OIG
Megan Carlson, Chief Investigator for Public Safety, OIG
Dana O'Malley, General Counsel, CPD
Chief Yolanda Talley, BIA, CPD
Robin Murphy, Acting General Counsel, COPA

²⁸ See Consent Decree ¶ 444(b)

APPENDIX B: CIVILIAN OFFICE OF POLICE ACCOUNTABILITY RESPONSE



May 12, 2022

Nate Wackman
Acting Deputy Inspector General for Public Safety
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

Via Electronic Mail

RE: Consent Decree Paragraph 444

Dear Acting Deputy Inspector General Wackman:

Thank you for your April 4, 2022 letter regarding city compliance with Paragraph 444 of the Consent Decree entered in *Illinois v. Chicago*. You will find our responses to your report's recommendations attached. I would, though, like to make some more general points on your letter and findings, as well as the evolution of our sexual misconduct investigative practice.

First, COPA continues in its commitment to facilitating Paragraph 444's mandate that the City provide your office with the complete administrative investigative file "[w]ithin ten days of the final disciplinary decision of each complaint of sexual misconduct against a CPD member alleging conduct against a non-CPD member." I trust that your office continues to have complete access to the administrative investigative file through your independent access through the city's Case Management System (CMS). Further, COPA created an automatic notification process through CMS in May of 2021, which would allow OIG to receive notifications of COPA cases that reach final disciplinary decision (as defined by the Consent Decree) within 10 days of that decision. This automated process supplants the manual process, in which BIA would provide one-off notifications to PSIG of COPA decisions, proposed in our response last year.

Secondly, while there is of course still room for improvement, I would be remiss for not mentioning the significant progress that we, along with our partners, have made in the past year in this space. First, earlier this year, city council passed an ordinance formally providing COPA with the explicit jurisdiction to conduct sexual misconduct investigations, as defined by paragraph 482 of the Consent Decree, for both on and off-duty member conduct. Second, in partnership with our colleagues at BIA and the Cook County State's Attorney's Office, we finalized and signed a Memorandum of Understanding (MOU) that formalized significant

collaboration efforts of recent years in joint investigations of sexual misconduct complaints, leading to a clear operational process that is wholly consistent with Consent Decree requirements. Third, COPA's sexual misconduct policy, after receiving valuable community feedback, was approved by the monitoring team in the fifth reporting period. Finally, this spring, COPA has instituted a rigorous trauma-informed interview and investigative training program, including a methodology and practicum curriculum, required of all our investigators. I have no doubt that this course will improve our ability to conduct thorough and impartial sexual misconduct investigations.

I hope that our offices can continue to collaborate and cooperate to reach full compliance with Consent Decree mandates that we share. Please don't hesitate to engage with COPA staff directly if any questions or issues arise.

Thank you for your continued efforts in the City's critical Consent Decree reform process.

Respectfully,



Andrea Kersten
Chief Administrator

cc: Deborah Witzburg, Inspector General (OIG)
Megan Carlson, Chief Investigator (PSIG)
Yolanda Talley, Chief (BIA)
Dana O'Malley, General Counsel (CPD)
Robin Murphy, General Counsel (COPA)

COPA Responses to OIG Recommendations

1. *BIA and COPA should create a process by which OIG is notified within 10 days of a qualifying sexual misconduct investigation reaching a final disciplinary decision, whether the investigation is conducted by BIA or COPA.*

COPA and BIA have created an automatic notification process through CMS which shall enable automatic notifications to be sent to PSIG once a qualifying investigation –identified by category codes – has reached final disciplinary decision. COPA’s category codes were shared with your office in May of 2021 and the confirmation of this notification process in September of 2021. We have confirmed with our vendor that these automatic notifications should be operational, provided that the PSIG contacts are updated. As this is a new process involving 3 separate city departments, please let us know if you have any questions or operational issues arise.

2. *To ensure sexual misconduct investigations are handled appropriately, given the serious nature of the allegations, BIA and COPA should adequately document investigative activity or explanations for the lack thereof. Additionally, BIA and COPA should prioritize these investigations over less serious allegations.*

COPA appreciates PSIG’s feedback. It is important to note the unique challenges that sexual misconduct investigations create. As a civilian agency, navigating within a delicate investigative posture (working with the Department of Child and Families Services, securing required consent for child victims, etc...) during an ongoing parallel criminal investigation can cause frequent delays and administrative barriers. And while we are making progress, we would agree that there is room to improve on record-keeping and documentation. We plan to train and implement our recently approved Consent Decree-required policies (which include timeliness and record-keeping policies). Finally, while prioritization of sexual misconduct cases (many with potential lethality factors) can be difficult, we are considering investigative enhancements that would lead to such prioritization of more serious allegations.

APPENDIX C: CHICAGO POLICE DEPARTMENT, BUREAU OF INTERNAL AFFAIRS RESPONSE



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

May 3, 2022

Nathaniel Wackman
Acting - Deputy Inspector General for Public Safety
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

Re: Consent Decree Paragraph 444

Dear Acting Deputy Inspector General Wackman:

Thank you for your letter dated April 4, 2022 regarding Consent Decree paragraph 444. As the Department continues to move forward towards compliance I appreciate your analysis to ensure the Department is moving forward in its commitment to ensure that the Deputy Inspector General for Public Safety (PSIG) receive the necessary complaint files defined in paragraph 782 of the Consent Decree. As you note in your letter PSIG has full and direct access to the investigative files in the case management system used by BIA but relies on BIA to identify qualifying cases. Beginning November 22, 2021 the Department instituted a program through which an Investigator must answer certain questions which flag a log number that qualifies under paragraph 782. This process has been previously communicated to PSIG but please see below the procedure followed in CMS as well as a timeline of the implementation:

1. Two new fields were added to the Case form Sexual Misconduct and Sexual Misconduct Towards CPD Member. They are read only and will be defaulted with "No" (**Figure 1**).
2. These fields automatically populate on the Investigator prompt that happens when the Investigator submits a case for review.
3. When an Investigator submits a case for review they will receive a 782 prompt (**Figure 2**). The answers from the dialog will be brought back to the parent case.
4. COPA also has this workflow and their selections are synched to PSIG server.
5. At Final Disciplinary Decision if Sexual Misconduct is "Yes" and Sexual Misconduct Towards CPD is "No" an email message will be sent to PSIG.
6. The second question if Sexual Misconduct Towards CPD will only display if Sexual Misconduct is "Yes".
7. All hyperlinks in this document will give the user definitions of the selected word (**Figure 3**). If a user selects "No" for Sexual Misconduct and the system finds a Sexual Misconduct Allegation the user will receive a warning (**Figure 4**). On April 21, 2022 we began to work with the developer to enhance a search mechanism for keywords regarding sexual misconduct. If a keyword is used in the allegation field or incident description, the user will receive the same warning. Keywords such as sex, photo, groped, pressed are used in an attempt to capture the "lewd, lascivious, inappropriate, or conduct unbecoming of a member" found in the definition of sexual misconduct (Par 782). Figure 4 will include these new keywords upon completion of this addition.

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within city limits) 3-1-1 · Non Emergency and TTY: (outside city limits) (312) 746-6000

E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police

Further, under the changes made to CMS, the system will trigger a notification to the investigator based on the category codes or key words. CMS will automatically send a notification to 444reporting@igchicago.org and smcnotification@igchicago.org. The 444reporting@igchicago.org email was confirmed with Deborah Witzburg email on October 13, 2021. On Friday, November 19, 2021 the Training team sent out email threads to CMS investigator regarding the new 444/782 enhancement. On Monday, November 22, 2021 – 444/782 went into production. Finally, PSIG will now receive a notification for allegations of sexual misconduct by Department members in which the case was "administratively closed". The production date for this enhancement was April 20, 2022.

BIA requested the corresponding log numbers for those BIA investigations referenced on pages 6 through 13 and will continue to evaluate any changes needed in CMS or otherwise to ensure that paragraph 444 is met.

Figure 1

Notification: 2021-0004675

NAVIGATION

- CASE DETAILS
- LOCATION
- CPD
- NOT CPD
- WORKED PARTIES
- RELATED ITEMS
- ATTACHMENTS
- NOTES
- INVESTIGATIVE CASE (R/L)
- CONFLICT OF INTEREST
- EXTENSIONS
- CASE ACCESS
- HISTORY
- FOR HISTORY
- QUICK VIEW

Case Details

Incident Type: Notification
 Incident Origin: Phone
 Incident Desc: CPD notification of SHOTS FIRED AT AND BY POLICE WITH HITS

Log No: 2021-0004675
 Assignment: COPA
 Agency: COPA

Investigator: [Name]
 Supervisor: [Name]
 Status: Pending Assignment

Incident Details

Extraordinary Occurrence	Yes	No
PCRB	Yes	No
Potential Related?	Yes	No
Multi-Case?	Yes	No
Extension	Yes	No
Sexual Misconduct?	Yes	No
SM Towards CPD?	Yes	No

Status Reason

EEO Complaint No
 Civil Suit No
 Civil Suit Settled Date
 CCR Bypass

Figure 2

782 Requirement

Proceed
Cancel

Does the investigation contain any allegation of sexual misconduct? * ☒ Yes ☐ No

"Sexual misconduct" is defined as

- any behavior by a CPD member that takes advantage of the member's position in law enforcement to misuse authority and power (including force) in order to
 - commit a sexual act,
 - initiate sexual contact with another person, or
 - respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person;
- any sexual communication or behavior by a CPD member that would likely be construed as lewd, lascivious, inappropriate, or conduct unbecoming of a member;
- any attempted or completed act by a CPD member of any of the following: *(hyperlinks contain statutory definition)*
 - nonconsensual [sexual conduct](#);
 - nonconsensual [sexual penetration](#);
 - criminal sexual assault as defined in Sections [11-1.20](#), [11-1.30](#) and [11-1.40](#) of the Illinois Criminal Code; or
 - [criminal sexual abuse](#),
 - [aggravated criminal sexual abuse](#)

Was the alleged sexual misconduct directed toward a CPD member? * ☒ Yes ☐ No

Figure 3

782 Requirement

Proceed

Cancel

Does the investigation contain any allegation of sexual misconduct? ☒ Yes ☐ No

"Sexual misconduct" is defined as

- any behavior by a CPD member that takes advantage of the member's position in law enforcement to misuse authority and power (including force) in order to

Sexual Conduct Definition

Cancel

"Sexual conduct" means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused. (720 ILCS 5/11-0.1)

- nonconsensual sexual penetration;
- criminal sexual assault as defined in Sections 11-1.20, 11-1.30 and 11-1.40 of the Illinois Criminal Code; or
- criminal sexual abuse,
- aggravated criminal sexual abuse

Was the alleged sexual misconduct directed toward a CPD member? ☒ Yes ☐ No

Figure 4

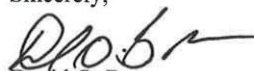
The screenshot shows a software window titled "782 Requirement". At the top right are "Proceed" and "Cancel" buttons. The main text asks, "Does the investigation contain any allegation of sexual misconduct?" with radio buttons for "Yes" and "No" (the "No" button is selected). Below this, it defines "Sexual misconduct" as:

- any behavior by a CPD member that takes advantage of the member's position in law enforcement to misuse authority and power (including force) in order to
 - commit a sex...
 - initiate sexual...
 - respond to a... another person
- any sexual commun... Inappropriate, or cor...
- any attempted or cor... statutory definition)
 - nonconsensual ~~sexual contact~~
 - nonconsensual sexual penetration;
 - criminal sexual assault as defined in Sections 11-1.20, 11-1.30 and 11-1.40 of the Illinois Criminal Code; or
 - criminal sexual abuse.
 - aggravated criminal sexual abuse

An overlay dialog box titled "Sexual Misconduct Allegation" is open. It contains a "No" button (which is selected) and a "Yes" button. Below the buttons, it says: "You selected No for Sexual Misconduct, but there is at least one Sexual Misconduct Allegation Crime Misconduct > Sexual Misconduct > Sexual Assault > Aggravated for this case. Should this case be marked as having Sexual Misconduct?"

As the Department continues its progress towards compliance with Paragraph 444 we appreciate the partnership with and guidance of the Office of Inspector General Public Safety section and look forward to discussing this matter further in the coming year.

Sincerely,


 David O. Brown
 Superintendent of Police

The City of Chicago Office of Inspector General (OIG) is an independent, nonpartisan oversight agency whose mission is to promote economy, efficiency, effectiveness, and integrity in the administration of programs and operations of City government. OIG achieves this mission through,

- administrative and criminal investigations by its Investigations section;
- performance audits of City programs and operations by its Audit and Program Review section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety section; and
- compliance audit and monitoring of City hiring and human resources activities by its Compliance section.

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OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and -240.

PROJECT TEAM

Megan Carlson, Chief Investigator

Nathaniel Wackman, Associate General Counsel

PUBLIC INQUIRIES

Communications: (773) 478-8417 | communications@igchicago.org

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Or visit: igchicago.org/contact-us/report-fraud-waste-abuse/

*Cover image courtesy of the Department of Assets, Infrastructure and Services.
Alternate formats available upon request.*

