

JUNE 2020

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

RECOMMENDATIONS TO INFORM AND
IMPROVE DISCIPLINARY INVESTIGATIONS
CONDUCTED BY THE CIVILIAN OFFICE OF
POLICE ACCOUNTABILITY



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



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JUNE 30, 2020

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

COPA is charged with investigating, documenting, and reviewing allegations of misconduct by CPD members. It investigates allegations including, but not limited to, bias-based verbal abuse, domestic violence, excessive force, improper search and seizure, and firearm discharge.¹ To foster trust and confidence in Chicago's police accountability system, and COPA specifically, it is imperative that COPA's investigative records are thorough and well-documented in order to ensure transparency and consistency. To that end, OIG has recommended that COPA undertake the following:

- properly document the origin of a complaint
- maintain detailed investigative logs
- exercise caution and discretion when documenting allegations
- include credibility assessments in investigative files
- ensure meaningful supervisory review of completed investigations and properly document a supervisor's decision to refer an investigation back for further work

In response to OIG's recommendations, COPA committed to the following process and policy enhancements:

- examining the modification of its Summary Report of Investigation (SRI) to ensure uniformity and completeness
- creating and revising policies and training
- continuing to build out a new case management system (CMS)
- continuing to provide training to staff

¹ See <http://copadev.wpengine.com/investigations/jurisdiction/> for additional information about the types of cases that fall under COPA's jurisdiction.

The Public Safety section's letter to COPA containing its recommendations is attached in Appendix A. COPA's response letter is attached in Appendix B. OIG looks forward to reviewing the impact of these measures on future COPA investigations, and thanks COPA's management and staff for their ongoing cooperation in OIG's review of closed disciplinary cases.

APPENDIX A: OIG MEMO TO COPA



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VIA ELECTRONIC MAIL

April 22, 2020

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

Dear Chief Administrator Roberts:

Pursuant to the Chicago Municipal Code § 2-56-230, the Public Safety section of the City of Chicago Office of Inspector General (OIG) writes to recommend a number of measures to inform and improve future disciplinary investigations, and to ensure that those investigations are complete, thorough, objective, and fair.

These recommendations are the result of OIG's holistic review of electronic case files for individual closed disciplinary investigations conducted by the Civilian Office of Police Accountability (COPA) into various types of alleged misconduct.

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

1. COPA investigators should ensure that, whenever appropriate, case files include an Initiation Report. If there is no Initiation Report, investigators should consider explaining the origin of a complaint in their summary report, summary report digest, or any other closing memorandum. The consistent inclusion of information about the origin of a complaint would provide improved context for judging misconduct and determining outcomes.
2. COPA investigators should ensure that, when appropriate, they maintain and include detailed Investigator Logs in the case file. The inclusion of a detailed Investigator Log would provide a necessary and beneficial accounting of the steps taken to reach findings and recommendations.

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3. Upon receiving an allegation of misconduct, the COPA Intake Unit should document the allegations in a manner which,
 - accurately represents the complainant's statement
 - (e.g. "Accused Officer deployed a taser at complainant *without justification*" rather than "Accused Officer deployed a taser at complainant");
 - distinguishes which allegation(s) are attributed to each accused member(s); and
 - does not combine multiple allegations into one, but instead documents each allegation of wrongdoing separately in order to provide the opportunity to reach a separate finding for each allegation individually.
4. When making credibility assessments of statements made by accused members, witnesses, and/or complainants, COPA investigators should include an accounting of that assessment in the summary report, the summary report digest, or any other closing memorandum. In this explanation, the investigator should include the factors which lead to their ultimate determination regarding the parties' credibility.
5. When reviewing completed investigations, the assigned investigator along with the supervisory review chain at COPA should ensure the following:
 - All remarks and notes, such as the need for legal analysis, made by the investigator and included in the summary report, summary report digest, or any other closing memorandum, have been properly addressed.¹
 - The finding dispositions attributed to each allegation are consistent throughout the closing document, wherever a given allegation is mentioned, and consistent between the closing document and CLEAR.²
 - That statements in the summary report which are attributed to specific individuals and/or specific reports, accurately represent the actual contents of the referenced report and/or statement.³

¹One summary report reviewed by OIG contained, in its apparently final draft, the note, "will send to [a COPA attorney] for legal analysis." There is no indication of whether the referenced legal analysis took place or what its outcome may have been.

²For example, OIG reviewed a closed investigation for which three different outcomes were recorded in three different places: the approved closing document is finalized as an Administrative Closure Memorandum; the case is listed as Closed/No Conversion in the "Accused Members" table under "Status" in CLEAR; and the "Accused Overall Finding" is listed as Not Sustained in CLEAR.

³For example, one summary report reviewed by OIG described the contents of an Investigatory Stop Report (ISR) as follows: "Officer [Accused] further wrote that he then released [Involved Party], and that he then spoke to [Complainant] about becoming an informant. According to Officer [Accused], [Complainant] then told them that he knew where handguns were being hidden, and that accordingly,

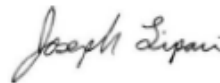
Recommendations to Inform and Improve COPA Disciplinary InvestigationsAPRIL 22, 2020

- That each individual allegation is attributed to the correct accused member in order to ensure the accuracy of members' disciplinary histories.

6. If a COPA supervisor reviews an investigation for approval and decides to return it to the assigned investigator for further work, the supervisor's reason for doing so should be documented in the case file. This would create a more complete record and might prevent the same issue in an investigation from being raised at multiple review points.

If there are any questions, please contact Chief Investigator Megan Carlson at mcarlson@igchicago.org or (773) 478-8454. Please send your response to these recommendations by May 15, 2020. Thank you in advance for your time and attention to this request; we look forward to COPA's response, which OIG will publish in accordance with Chicago Municipal Code § 2-56-250.

Respectfully,



Joseph L. Lipari
Deputy Inspector General, Public Safety
City of Chicago

cc: Joseph Ferguson, Inspector General, OIG
Deborah Witzburg, Associate General Counsel, OIG
Kevin Connor, General Counsel, COPA
Adam Burns, Attorney, COPA

he, his partner and [complainant] then drove to one of those locations." The ISRs attached in the case file do not include that information. While acknowledging the possibility of a clerical error in uploading certain documents, the information available to OIG shows a misrepresentation of the facts contained in the ISR in COPA's summary report.

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APPENDIX B: COPA RESPONSE



May 15, 2020

Via Electronic Mail

Mr. Joseph Lipari
Deputy Inspector General
Office of Inspector General
740 North Sedgwick Street, Suite 200
Chicago, Illinois 60654

Re: Recommendations to Inform and Improve COPA Disciplinary Investigations

Dear Deputy Inspector General Lipari:

I am in receipt of your April 22, 2020 letter recommending, pursuant to MCC § 2-56-230(c), a number of measures to improve Civilian Office of Police Accountability (COPA) disciplinary investigations. We are substantially in agreement with your recommendations as they are largely consistent with COPA's operational aspirations. As you know, COPA is a young agency, and as such, we continue to evolve and improve our process and product. We have and will continue in the coming months to revise existing and implement new policies and procedures and enhance professional training to address operational concerns. Certain policies, processes, and training will address Consent Decree mandates that coincide with your recommendations. The process and policy enhancements currently under review and development described below address many of your concerns.

COPA is currently examining the modification of its Summary Report of Investigation (SRI) template to ensure uniformity and comprehensiveness. In the past, the form and content of the SRI may have varied according to the nature of the underlying investigation. Revisions to the SRI template format under consideration include the addition of a section identifying the complaint source, including Initiation Reports. COPA has asked the Chicago Police Department (Department) to provide all Initiation Reports (IRs) in digital format to enable immediate upload to investigation files. Previously, delay in receipt of IRs sometimes resulted in their unintentional omission from investigative file. In furtherance of Consent Decree compliance, COPA is also considering modifying its SRI template to include a section in which investigators will specifically address credibility findings.

COPA has and will continue to revise and create policies and appropriate training, including in-service and academy trainings to reflect process improvements. For example, COPA Investigators have received credibility assessment training. COPA continues to develop processes to promote and reflect more uniform process and create a more comprehensive and comprehensible final product.

COPA continues to build out its new case management system (CMS) to improve functionality. In the past, technological inadequacies compromised investigative capacity and uniformity. COPA has substantially improved data management capabilities by transitioning from the Department's proprietary CLEAR system to the COPA - centric data management system currently in development. COPA's new system offers the Intake Unit investigators to include descriptions of incidents and individual officer conduct. While COPA's goal is to restate a complainant's words accurately, mere transcription is frequently insufficient to formulate allegations of misconduct. COPA therefore focuses

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on the essence of the complainants' statement to draft allegations which align with Department Orders, Directives, and applicable law.

COPA's new data system also offers investigators the ability to create and maintain a comprehensive electronic record of analyses and actions directly within the investigative file. In the past, it was necessary to maintain such logs in physical form separate from the electronic record. The result was record keeping and storage inconsistencies which frustrated documentary and product uniformity. An additional enhancement allows supervisors to provide direct comment and support within the electronic file throughout an investigation, including critical guidance regarding the need for further investigation or analysis. In the past, supervisors did not see such investigative logs until investigations were complete.

While the new CMS will become an enterprise level asset, COPA continues to refine the system to realize its full capabilities and benefits. We continue to work with system developers to improve the system as investigators evaluate system features and functionality. Supervisors receive regular updates and training on system enhancements. We are also working to create a process to allow staff to detail all relevant analyses and actions in electronic format. Policies to implement the process and training to enable the process will follow.

COPA is also continuing to develop its human assets. Consistent with fulfilling our Consent Decree mandates, COPA provides regular, mandatory in-service training for all staff on a variety of essential topics, including investigative file management, interviewing, allegation drafting, and applicable law. Such training supplements the comprehensive six-week COPA Academy investigative training that is mandatory for all new hires. Academy curriculum is ever evolving to reflect best practices and leverage lessons learned. COPA also continues to improve its Quality Management capability, filling vacancies and increasing report quality oversight and consistency.

COPA is a young agency, but it is fully committed to investigative integrity, accuracy, and thoroughness. We expect that implementing the changes discussed will significantly enhance record and file maintenance quality and consistency. We appreciate your feedback and assistance in our continual improvement. We would find particularly instructive any list of log numbers reviewed and found deficient and data indicating the prevalence of deficiencies described. Such information would assist us in focusing our examination of process and systematizing improvements. As always, we thank you for your continued diligence and commitment to professionalism.

Respectfully,



Sydney R. Roberts
Civilian Office of Police Accountability

cc: Joseph Ferguson
Deborah Witzburg
Megan Carlson
Kevin Connor

MISSION

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

- administrative and criminal investigations by its Investigations Section;
- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and employment activities by its Hiring Oversight Unit.

From these activities, OIG issues reports of findings and disciplinary and other recommendations to assure that City officials, employees, and vendors are held accountable for violations of laws and policies; to improve the efficiency, cost-effectiveness government operations and further to prevent, detect, identify, expose and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

AUTHORITY

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

PUBLIC INQUIRIES:

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