



COMPLAINT AND DISCIPLINARY SYSTEM



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I. PURPOSE

This directive:

- A. outlines the policy for the Department's complaint and disciplinary system, including Log Number investigations, the duty-to-report complaints, and cooperating with Log Number investigations.
- B. continues the use of the:
 - 1. Case Management System (CMS) for Log Number investigations initiated on or after 11 February 2019.
 - 2. CLEAR Automated Complaint System (ACS) to process Log Number investigations previously initiated prior to 10 February 2019 within the ACS. The ACS is no longer used to intake new complaints or initiate new Log Number investigations and is only used to complete investigations already initiated within the ACS. The ACS will become inactive when all Log Numbers initiated therein have reached their final disposition.
 - 3. CLEAR Automated Summary Punishment Action Request (SPAR) System.
 - 4. Bureau of Internal Affairs (BIA) forms and reports as listed in the 44,000 Series of forms.
- C. uses terms related to the Department's complaint and disciplinary system and investigations as defined in the Department directive titled "Complaint and Disciplinary Definitions."

II. GUIDING PRINCIPLES

- A. The goals of the Department's accountability structure are to:
 - 1. foster trust in the Department while upholding the Department's Vision consistent with the Department directive titled "Vision, Mission Statement, and Core Values."
 - 2. provide members of the community and Department members a voice in the complaint and disciplinary process to establish confidence in investigations of complaints.
 - 3. build transparency, credibility, trust, and respect of the Department's accountability system with the community.
 - 4. improve the effectiveness of Department operations, while promoting employee safety, morale, and commitment to the Department's Mission Statement and Core Values.
- B. To function effectively and achieve these goals, the Department has a complaint and disciplinary system that:
 - 1. provides members of the public numerous opportunities and methods:
 - a. to submit complaints against Department members, and
 - b. for meaningful community engagement that extends beyond the complaint process.

2. requires the Department to receive, accept, and document all submitted complaints.
 3. requires thorough, fair, timely, consistent, and efficient investigations of complaints.
 4. affords Department members due process and protects their respective due process rights, while holding them accountable for their conduct and exercise of their authority with professionalism and integrity.
- C. Consistent with the Department directive titled "Vision, Mission Statement, and Core Values," Department members will act in a manner to uphold the core values of the Department, including professionalism and integrity. Department members will conduct themselves in a professional manner, perform their duties ethically, and possess strong character, personal values, and mental and emotional attributes that enable them to make ethical decisions, doing what is right because it is the right thing to do.
1. To that end, Department members have a duty to report complaints and those who voluntarily come forward and provide information or assistance in Log Number investigations should be recognized for their integrity.
 2. Department supervisors will review the actions of members under their command for acts of integrity and will encourage and recognize this behavior.

III. THE DEPARTMENT'S COMPLAINT AND DISCIPLINARY SYSTEM

- A. The Department's complaint and disciplinary system is governed by a series of Department-wide and unit-level directives. Complaints and suspected violations of the Rules and Regulations of the Chicago Police Department, directives, or orders by any sworn or civilian member of the Chicago Police Department, with the exception of Department employees designated as temporary (e.g., seasonal temporary and internship program employees), will be processed in accordance with this directive and the provisions established in the Department-wide and unit-level directives applicable to the Department's complaint and disciplinary system as detailed below.
- B. This directive establishes the foundation for the Department's complaint and disciplinary system by identifying the core policies and key responsibilities of Department members. The below-listed Department-wide directives provide specific guidelines that support the foundational aspects of this policy and are divided into the following topic-specific directives:
1. "Complaint and Disciplinary Definitions";
 2. "Complaint Initiation and Log Number Investigation Assignment";
 3. "Conflict of Interest"; and
 4. "Department Member Bill of Rights."
- C. The Department directive titled "Complaint and Disciplinary Investigators and Investigations" outlines the foundation for the procedural components of the Department's complaint and disciplinary system. The below-listed Department-wide directives establish the specific Department functions, operations, or processes associated with Log Number investigations and are divided into the following topic-specific directives:
1. "Log Number Case Management System";
 2. "Investigation Timelines and Benchmarks";
 3. "Communication Procedures and Timelines";
 4. "Initial Investigatory Responsibilities In Log Number Investigations";
 5. "Conducting Log Number Investigations";
 6. "BIA Supervisor Responsibilities in Log Number Investigations";
 7. "Command Channel Review";

8. "Post-Investigation Log Number Procedures";
 9. "Requirements of a Complete Log Number Investigative File";
 10. "Special Situations Involving Allegations of Misconduct."
- D. Consistent with the Department directive titled "Department Directives System," the Chief of BIA has the authority to establish and implement unit-level directives associated with the Department's complaint and disciplinary system to support the consistent application of the policies and procedures outlined in the above-listed Department directives. These unit-level directives provide guidance to members assigned to BIA and Accountability Sergeants in the performance of their specific duties, processes, and functions.

IV. POLICY

- A. The Superintendent is charged with the responsibility and has the authority to maintain discipline within the Department. Accordingly, the Superintendent must ensure that Log Number investigations are conducted consistent with the provisions outlined in this directive to provide Department members with the fundamental principles of fairness and to ensure that members are afforded all their rights. These rights will also be understood to mean the provisions of the applicable collective bargaining agreements between the City of Chicago, Department of Police, and Department members.
- B. Consistent with the Rules and Regulations of the Chicago Police Department, it is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The rights of the accused member and the members of the public must be preserved and any Log Number investigation arising from a complaint must be conducted fairly, impartially, and efficiently, with evidence-based findings as its primary objective.
- C. All members will comply with the Rules and Regulations of the Chicago Police Department, directives, and orders. Members who fail to comply hinder the effective performance of the Department's functions. This failure to comply will be considered just cause for disciplinary action. Sworn members will be held strictly accountable for properly exercising the authority they have been given to protect the rights, lives, and property of all individuals. At the same time, Department members must be protected against false complaints. This can only be accomplished through a consistent, fair, and thorough investigative process.
1. BIA investigators and Accountability Sergeants will conduct objective, comprehensive, and timely Log Number investigations into complaints to establish facts of the incident to support or disprove the allegations.
 2. Investigative findings will be supported by the appropriate standard of proof and documented in writing. For each allegation associated with a Log Number investigation, the assigned BIA investigator or Accountability Sergeant will determine the investigative findings as:
 - a. "sustained" when the complaint is supported by a preponderance of the evidence.
 - b. "not sustained" when there is insufficient evidence to prove the complaint by a preponderance of the evidence.
 - c. "unfounded" when, by clear and convincing evidence, the complaint is false or not factual.
 - d. "exonerated" when, by clear and convincing evidence, the conduct described in the complaint occurred but is lawful and proper.
- D. Department members:

1. will perform their duties consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment."
2. have a duty to report misconduct to a supervisor, consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment." Every Department member will promptly report to a supervisor:
 - a. any known or observed violations of Department policy, the Rules and Regulations of the Chicago Police Department, or the law.
 - b. any other allegations of misconduct he or she is made aware of.
3. will not refuse to accept, discourage reporting, or provide false or misleading information about filing a complaint. Complaints alleging that a Department member refused to accept a complaint, discouraged reporting a complaint, or provided false or misleading information about filing a complaint will be accepted, documented, and submitted for investigation consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment" and, where appropriate, recommended for discipline.
4. will cooperate with any ongoing administrative Log Number investigation and with personnel from the COPA, BIA, and Accountability Sergeants including, but not limited to:
 - a. providing all requested documents and evidence under the Department member's custody and control;
 - b. truthfully answering questions relating to the investigation and their official duties, actions, or obligations as a Department member; and
 - c. cooperating fully with directions to report to and appear for administrative interviews with COPA, OIG , BIA, or Accountability Sergeants and acknowledge receipt of the service of allegations.
5. will not interfere with or undermine any investigation into complaints, including refusing to answer questions, being untruthful during an investigation, colluding with others to undermine the investigation, or intentionally withholding requested evidence or information from an investigator. Department members who take such action will be subject to disciplinary action and, based on the seriousness of the conduct, a criminal investigation and referral to the appropriate prosecuting agency, if necessary.
6. who are not directly assigned to a Log Number investigation, including members in command channel review (CCR), will not contact reporting parties, victims, or witnesses for the purpose of reinvestigating, obtaining additional information, or clarifying information regarding the case.
 - a. This prohibition does not apply to Department members directed by the Superintendent to ensure compliance with this directive.
 - b. A Department member within the CCR process with concerns regarding missing, erroneous, or vague information related to a Log Number investigation will identify those concerns and document a detailed justification on the appropriate nonconcurrency report consistent with the Department directive titled "Command Channel Review."
7. will not interfere with the discretionary and oversight responsibilities of the Deputy Public Safety Inspector General (PSIG), including investigations of the Department or Department members.

NOTE:

Any person that knowingly interferes with the Deputy PSIG's performance of his or her duties will be subject to the penalties set forth in the Municipal Code of Chicago 2-56-140, 2-56-145, or 2-56- 270.

- E. Any allegations of misconduct or violations of this policy, including failing to report misconduct, interfering with or undermining an ongoing Log Number investigation, or refusing to cooperate or answer questions during the investigation, will be reported, initiated, and investigated consistent with the procedures outlined in this directive. Department members are reminded that discipline, up to and including separation from the Department, may be administered for any misconduct or violation of policy.
- F. Department member in-person interviews conducted by BIA as part of a Log Number investigation will be audio recorded consistent with the Department directive titled "Conducting Log Number Investigations" and the member's collective bargaining agreement.
- G. Consistent with the Department directive titled "Prohibition of Retaliation," the Department strictly prohibits all forms of retaliation, intimidation, coercion, or adverse action against any person, including a Department member or member of the public, who reports misconduct or cooperates with a Log Number investigation.
- H. The collective bargaining agreements for sworn members outline requirements that the Department, BIA investigators, and Accountability Sergeants must adhere to when receiving complaints and during Log Number investigations. Certain rights afforded to Department members relative to the conduct of a Log Number investigation, including any requirement for a sworn affidavit in certain circumstances, are set forth in the Department directive titled "Department Member Bill of Rights" and the accused member's collective bargaining agreement.
 - 1. The requirement for a sworn affidavit varies depending on the accused member's collective bargaining agreement. A signed sworn affidavit:
 - a. **is NOT required** for Log Number investigations when the accused is a sworn Department member below the rank of sergeant.
 - b. **is NOT required** for Log Number investigations when the accused is a sworn Department member the rank of commander or above.
 - c. **may be required** for Log Number investigations when the accused is a sworn Department member the rank of sergeant, lieutenant, or captain consistent with the procedures for sworn affidavits and the exceptions to the sworn affidavit requirement set forth in the Department directive titled "Department Member Bill of Rights" and the accused member's collective bargaining agreement.
 - 2. Sworn affidavits **are not** required to conduct a preliminary investigation into a complaint.

V. ADMONISHMENTS

- A. A supervisor, commanding officer, or any member acting in such capacity will immediately correct or admonish a subordinate if the nature or circumstances of an incident do not warrant a reprimand or formal disciplinary action. If immediate correction or admonishment is not effective, (e.g., the conduct of the member indicates a repetitive pattern of irregularities), Department supervisors will take the appropriate disciplinary actions, including the use of summary punishment as outlined in the Department directive titled "Summary Punishment" or the initiation of a Log Number.
- B. Consistent with the Rules and Regulations of the Chicago Police Department and applicable Department directives, Department supervisors will:
 - 1. determine the appropriate disciplinary process and level of discipline to achieve the goal of correcting adverse behavior.
 - 2. retain the flexibility, authority, and discretion to issue reprimands to offending Department members for infractions.

VI. SPECIFIC RESPONSIBILITIES FOR THE COMPLAINANT AND DISCIPLINARY PROCESS

- A. Superintendent of Police

1. The Superintendent of Police retains the discretion to restrict the duties of sworn Department members in response to complaints.
2. The Superintendent of Police will ensure the review of recommendations for disciplinary action and will take such action as the Superintendent deems appropriate. Nothing in this directive diminishes the authority of the Superintendent of Police to order suspensions, to separate provisional employees or probationary employees, or to file charges with the Police Board without regard to recommendations made by subordinates.
3. The authorization of the Superintendent of Police is required to initiate a Log Number investigation involving incidents that allegedly occurred five years or more before the date that COPA, the Department, or the OIG became aware of the allegations. The Superintendent will respond in writing to any requests for authorization from COPA, the Department, or the OIG within 30 days of the request.

B. The Chief of BIA will ensure BIA:

1. regularly conducts proactive investigations and integrity tests consistent with BIA unit-level directives.
2. provides consultation and guidance to Accountability Sergeants, consistent with the Department directive titled "Complaint and Disciplinary Investigators and Investigations," and to other Department members responsible for aspects of the complaint and disciplinary process and Log Number investigations.
3. establishes and maintains a liaison with the Cook County State's Attorney's Office, the United States Attorney's Office, the courts, other law enforcement agencies, and community groups.
4. reviews all Log Number investigations in which a member is recommended for separation.
5. assists the Office of the Corporation Counsel in the preparation of cases for presentation to the Chicago Police Board as determined to be appropriate by the Superintendent of Police through the General Counsel.
6. represents the Superintendent in matters as directed.
7. conducts a BIA Staffing and Equipment Needs Assessment to identify the adequate number of qualified staff and other equipment and resources needed to fulfill the responsibilities of BIA as required by law and Department policy. BIA's Staffing and Equipment Needs Assessment will include:
 - a. an analysis setting forth the basis for the plans' staffing requirements and equipment needs,
 - b. the investigation staffing and equipment needs of the districts, including accountability sergeants, and
 - c. an implementation plan to address the findings of the Staffing and Equipment Needs Assessment, including a specified timeline for implementation.

NOTE: The BIA Staffing and Equipment Needs Assessment will be reviewed on an annual basis, and revised, as necessary.

C. The Training and Support Group (TSG), in conjunction with BIA, will develop and administer training to all Department members on the Department's complaint and disciplinary system, including during recruit, in-service, or pre-service training, where appropriate. To the extent appropriate and necessary based upon a Department's member's duties and contact with members of the public or individuals in custody, this training will include:

1. any new or revised Department directives related to Log Number investigations and administering discipline;

2. the identification of misconduct and the member's responsibilities for the reporting of the identified misconduct, including the consequences for failing to report misconduct;
3. the prohibition of retaliation, including the consequences for retaliating against any individual for reporting misconduct or participating in a misconduct investigation;
4. the use of the Office of the Inspector General (OIG) anonymous reporting website, <https://iqchicago.org/contact-us/report-fraud-waste-abuse/fraud-or-corruption-report-form/>, to report misconduct by City officials, employees (including Department members), and those doing business with the City; and
5. for supervisors:
 - a. the proper complaint initiation of the intake process, including providing COPA's contact information;
 - b. the consequences for failing to initiate the intake process;
 - c. techniques for turning the initiation of a complaint into a positive police-community member interaction; and
 - d. guidance on COPA cooperation protocols and complaint investigation procedures.

VII. REPORTING AND TRANSPARENCY

- A. The Department recognizes the importance of transparency to fostering trust and building relationships with the community. To this end, the Department will develop and publish reports and other information on the Department website to increase transparency about Department operations, including how Log Number investigations into complaints are conducted.
- B. In developing and publishing the reports and information outlined in Item VII-A of this directive, the Chief of BIA will:
 1. establish unit-level procedures to ensure the required reports are completed and the specific provisions established this directive are met.
 2. ensure the reports contain summary information about BIA's processes and the development of the reports.
 3. ensure the reports and the aggregate data are reviewed to identify any patterns, trends, or emerging concerns relative to the Department's accountability system and recommend specific modifications to existing policy, procedures, or training. Any recommendations for:
 - a. BIA action will be implemented under the direction of the Chief of BIA.
 - b. Department-wide action (e.g., training and policy recommendations) will be forwarded to the appropriate unit responsible for the implementation.
- C. BIA will electronically publish annual and quarterly reports that include:
 1. aggregate data on the classification of allegations, self-reported reporting party/subject demographic information, and complaints received from anonymous or reporting party/third parties.
 2. aggregate data on complaints received from the public, specified by district or unit of assignment and subcategorized by classification of allegations.
 3. aggregate data on the processing of Log Number investigations, including:
 - a. the average time from the receipt of the complaint to the next or initial contact with the reporting party/subject or his or her representative;
 - b. the average time from the investigative findings and recommendations to the final disciplinary decision;

- c. the average time from the investigative findings and recommendations to a final disposition; and
 - d. the number of investigations closed based on the absence of a sworn affidavit, including the number of attempts (if any) to obtain an override affidavit in the absence of a signed sworn affidavit.
 - 4. aggregate data on the outcomes of Log Number investigations, including the number of sustained, not sustained, exonerated, and unfounded allegations; the number of sustained allegations resulting in a non-disciplinary outcome; and the number resulting in disciplinary charges.
 - 5. aggregate data on discipline, including the number of Log Number investigations resulting in written reprimand, suspension, demotion, and termination.
 - 6. aggregate data on grievance proceedings arising from Log Number investigations, including: the number of cases grieved; the number of cases that proceeded before the Police Board; the number of cases that proceeded to arbitration; and the number of cases that were settled prior to a full evidentiary hearing, whether before the Police Board or in arbitration.
 - 7. aggregate data on outcomes of misconduct investigations by classification of allegations, broken down by self-reported race, gender, and age of the reporting party/subject and the accused Department member.
 - 8. aggregate data on:
 - a. the number of Department members who have been the subject of more than two completed Log Number investigations in the previous 12 months; and
 - b. the number of Department members who have had more than one sustained allegation of misconduct in the previous 12 months, including the number of sustained allegations.
 - 9. aggregate data on Department members who have been the subject, in the previous 12 months, of more than two complaints in the following classifications of allegations, regardless of the outcome of those complaint investigations:
 - a. allegations of discriminatory policing based on an individual's membership or perceived membership in an identifiable group, based upon, but not limited to: race, physical or mental disability, gender, gender identity, sexual orientation, religion, and age;
 - b. allegations of excessive force; and
 - c. allegations of unlawful stops, searches, and arrests.
 - 10. the disposition of misdemeanor criminal prosecutions of current Department members.
- D. BIA's quarterly and annual reports will include data reflecting Log Number investigations conduct by Accountability Sergeants.
 - E. Annually, the Audit Section will identify specific aspects of the investigation and disciplinary process involving complaints investigated by BIA and Accountability Sergeants to be audited to assess the extent to which investigations are conducted in accordance with existing directives. These audits will involve reviews of completed investigations and any recommendations of discipline. Once completed, the Department will make the findings of the audits public, ensuring that any personally identifiable information is redacted.

VIII. OFFICE OF THE INSPECTOR GENERAL (OIG) ONLINE COMPLAINT FORM

- A. The OIG maintains an online complaint form to anonymously report misconduct by City officials, employees (including Department members), and those doing business with the City. This complaint form may be accessed at <https://iqchicago.org/contact-us/report-fraud-waste-abuse/fraud-or-corruption-report-form/>. Department members may go to the OIG website, <https://iqchicago.org/>, for further information.
- B. Reporting alleged misconduct anonymously on the OIG online complaint form does not relieve Department members of their duties as outlined in the Chicago Police Department Rules and Regulations or the Department directive titled "Complaint Initiation and Log Number Investigation Assignment."
 - 1. The Rules of Conduct 21 and 22 of the Chicago Police Department Rules and Regulations specifically state "prohibited acts include":
 - a. "Rule 21: Failure to report promptly to the Department any information concerning any crime or other unlawful action."
 - b. "Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department."
 - 2. Consistent with the Department directive titled "Complaint Initiation and Log Number Investigation Assignment," non-supervisory Department members are required to notify a supervisor of alleged misconduct and submit a To-From-Subject Report to their commanding officer before reporting off duty on the same day the member becomes aware of the misconduct.

IX. POLICY REVIEW

- A. The Department will periodically review its complaint and disciplinary system directives, at minimum every two years, to evaluate whether they provide clear and effective guidance and direction to Department members and are consistent with the current law and the Department's vision, mission, core values, objectives, and practices.
- B. When reviewing and revising the directives, the Department will provide a meaningful opportunity for the public and Department members to review and comment on material changes to the directives.

(Items indicated by italics/double underline have been added or revised)

Larry Snelling
Superintendent of Police

22-083 mwk/GJD

ADDENDA:

- 1. G08-01-01 - Complaint and Disciplinary Definitions
- 2. G08-01-02 - Complaint Initiation and Log Number Investigation Assignment
- 3. G08-01-03 - Conflict of Interest
- 4. G08-01-05 - Department Member Bill of Rights