



City of Chicago Independent Police Review Authority (“IPRA”) Rules

Article I: Introduction

§1.1 Authority, Purpose, and Scope

These rules and regulations:

- a. are promulgated under the authority provided by the Municipal Code of Chicago (MCC) § 2-57-250 to provide guidance and standards concerning activities of the City of Chicago Independent Police Review Authority (IPRA);
- b. are promulgated to ensure compliance with the law, promote the use of best practices, foster integrity and independence in the performance of IPRA activities, and provide transparency regarding the procedures and standards for the conduct of those activities;
- c. reflect existing and accepted IPRA practice;
- d. may vary in their application depending on the facts and circumstances of specific investigations based on operational contingency and need;
- e. do not confer any rights upon a subject or witness of an IPRA investigation; and
- f. apply to all IPRA activities except as otherwise required in the course of activities conducted at the direction of the United States Attorney’s Office, the Illinois Attorney General’s Office, or the Cook County State’s Attorney’s Office as part of a joint investigation of Federal, State or Local criminal law.

§1.2 Mission

IPRA is an independent agency of the City of Chicago, separate from the Chicago Police Department (CPD). IPRA performs the intake function for all allegations of misconduct made against members of the Chicago Police Department. IPRA is directly responsible for conducting investigations into allegations of the use of excessive force, domestic violence, verbal abuse based on bias, and coercion. IPRA is also responsible for investigating incidents involving an officer’s discharge of a firearm and Taser, and where a person has died or sustained serious bodily injury while in police custody. IPRA strives to conduct investigations with the highest level of integrity and independence in order to make findings based on a thorough review of the evidence and accurate legal analysis.

The mission of the Independent Police Review Authority (IPRA) is to promote increased accountability by, and transparency about the work of, CPD, and to ensure that (i) complaints concerning police misconduct and abuse are thoroughly reviewed and assessed, and (ii) investigations of such complaints are fair, independent, and timely. It is also IPRA’s mission to conduct investigations into police misconduct in a manner that maintains the confidence of the public, and of sworn police officers, in the integrity of the process.



§1.3 Definitions

The following terms wherever used in these rules and regulations shall have the following meanings unless a different meaning appears from the context:

- a. Chief Administrator – means the Chief Administrator of IPRA or a designee;
- b. Department – means the Chicago Police Department;
- c. Superintendent – means the Superintendent of the Chicago Police Department;
- d. the city – means the City of Chicago;
- e. Police Board – means the police board established by Chapter 2-84 of the Municipal Code of Chicago;
- f. Complainant – any individual making allegations of misconduct regarding a member of the Chicago Police Department.

§1.4 Jurisdiction

Pursuant to §2-57-040, IPRA shall have the power to receive and investigate certain types of complaints and incidents involving all sworn and civilian members of the Chicago Police Department. IPRA is authorized to make findings and recommend disciplinary and non-disciplinary actions pursuant to its investigative findings. IPRA is also authorized to make recommendations to the Superintendent regarding the policies, procedures, and programs of the department.

Article II: Complaint Intake

§2.1 Complaint Intake Procedures

IPRA shall maintain the following methods for the filing of complaints:

- a. **Telephone:** (312) 746-3594, which telephone line will be staffed with an on-duty IPRA representative between the hours of 8:00 am and 11:00pm, 7 days a week. For all other hours, the hotline shall be enabled to receive recorded messages. Any messages received shall be processed as appropriate on the following regular business day.
- b. **TTY:** (312) 746-3593.
- c. **In person:**
 - i. By visiting the IPRA offices located on the 4th Floor (1615 W. Chicago Avenue) between the hours of 7:00 a.m. and 11:00 p.m., 7 days a week.



- ii. By visiting any police facility and making a complaint with the any police department supervisor. Complaints received at police facilities will be immediately forwarded to IPRA.

d. By mail:

Independent Police Review Authority
Attn: Intake Group
1615 West Chicago Avenue
Chicago, Illinois 60622

- e. **Online:** By visiting the IPRA website homepage at www.iprachicago.org and clicking on the “File a Complaint Online” icon.

IPRA shall also maintain a mechanism for citizens to submit digital media material related to an allegation of police misconduct (video, digital photos, etc.). Digital media may be sent directly by email to IPRA-INFO@iprachicago.org.

§ 2.2 Complaints From Department Members

Any Department member may report misconduct directly to IPRA through the complaint intake procedures described above. In addition, pursuant to the CPD General Order titled “Specific Responsibilities Regarding Allegations of Misconduct,” Department members who have knowledge of circumstances relating to misconduct must submit a written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct. The report must include all facts relating to the incident known or reported to the member. Any supervisor who receives a report of misconduct from a Department member is required to forward a copy any such report or document, without unnecessary delay, directly to IPRA and the BIA. When the Office of Emergency Management and Communications (OEMC) receives a call from a citizen involving allegations of officer misconduct, the OEMC employee who took the call is required to forward such call to IPRA.

§ 2.3 Complaint Processing

All complaints received through any and all means shall be assigned a unique Log Number for tracking purposes.

§ 2.4 Complaint Review and Referral

The IPRA Complaint Intake Section will review each complaint to determine whether the alleged misconduct falls within IPRA’s jurisdiction. IPRA shall refer complaints that are adjudged outside of IPRA’s jurisdiction to the Chicago Police Department Bureau of Internal Affairs (BIA). IPRA may also refer matters to the City of Chicago Office of the Inspector General (OIG), or the appropriate federal, state, or local law enforcement authorities for investigation or other appropriate action. If IPRA refers a complaint to



either BIA or OIG, IPRA shall promptly forward the complaint information and any related material or evidence that has been received or collected to that agency.

§ 2.5 Notifications to Complainants

Within 5 to 7 working days of the receipt of a complaint, IPRA shall provide written notification (either by letter or email) to the complainant acknowledging receipt of the complaint.

§ 2.6 Affidavits In Support of Complaints

Pursuant to the Uniform Peace Officers' Disciplinary Act (50 ILCS 725/3.8(b)) and the applicable collective bargaining agreements, in order for IPRA to proceed with a complaint register investigation of a Department member, IPRA seeks to obtain a sworn affidavit from the complainant which certifies that the allegations made in the complaint are true and correct. If the complainant did not actually witness the alleged conduct, they must certify that the facts alleged are true to the best of the complainant's knowledge and belief.

IPRA must make a good faith effort to obtain a sworn affidavit from a non-department member complainant.

If, after 30 days from the date the complaint was made, IPRA has been unable to obtain a sworn affidavit in support of a complaint, the Chief Administrator shall determine whether the complaint shall be declined for lack of an affidavit or whether IPRA shall pursue an affidavit from the Chief of the Bureau of Internal Affairs, or his designee (BIA Chief), pursuant to the relevant department rules and collective bargaining agreement provisions. In making this determination, the Chief Administrator shall review the evidence gathered pursuant to the preliminary investigation, and may consider factors including, but not limited to, the following:

- The nature and seriousness of the alleged misconduct;
- The credibility, reliability, and accuracy of the information in the complaint based on IPRA's knowledge of the facts and circumstances; and
- The degree to which the alleged misconduct concerns the integrity of the officers involved or otherwise may undermine public confidence in the department.

If, after making this assessment, the Chief Administrator determines that further investigation is warranted despite the fact that the complainant has not executed a sworn affidavit, the Chief Administrator will request an affidavit from the BIA Chief. In support of such a request, the Chief Administrator will provide the BIA Chief with objective verifiable evidence obtained pursuant to the preliminary investigation. The type of evidence the BIA Chief may rely upon will depend on the type of case, and may include arrest and case reports, medical records, statements of witnesses and complainants, video



or audio tapes, and photographs. If, after reviewing and evaluating the evidence, the BIA Chief concurs with the Chief Administrator that continued investigation of the allegation is necessary and lawful, the IPRA investigation will proceed. If the BIA Chief disagrees that continued investigation is warranted, the complaint shall be declined.

Article III - Investigations

§ 3.1 Applicable Rules and Law

IPRA investigative activities shall be conducted in accordance with:

- The Constitution of the United States;
- The Constitution of the State of Illinois;
- The Laws of the State of Illinois;
- The Municipal Code of the City of Chicago;
- Chicago Police Department General Orders and Special Orders;
- Applicable Collective Bargaining Agreements;
- The Personnel Rules of the City of Chicago;
- IPRA Rules and Regulations; and
- IPRA Standard Operating Procedures

§ 3.2 Investigative Standards

As expressed in our mission statement, IPRA is committed to conducting investigations with integrity, transparency, independence, and timeliness.

Our goal is to gather the evidence and evaluate the facts without regard to personal beliefs or concern for personal, professional, or political consequences. When weighing the evidence, we will attach no greater value to a department member's statement over that of a non-department member. Although we must always be mindful of the reliability of information we receive, we will never disregard a witness statement merely because the witness has some connection to a complainant or any other person involved in the matter.

IPRA investigations shall be assigned to investigative staff with the requisite knowledge, skills, and abilities to conduct a thorough and timely investigation of the matter. IPRA investigative staff shall use due professional care and conform to the highest legal and ethical standards in the course of their work. IPRA Supervisory and Legal staff shall ensure that investigations are conducted in full compliance with the law, are thorough, and that reports are of the highest quality.

IPRA employees are expected to conduct their work objectively and without bias. Any potential conflict of interest (actual or perceived) must be brought to the attention of the



Chief Administrator so that a thorough assessment can be conducted to determine what, if any recusals, are required to avoid even the appearance of a conflict of interest between an IPRA employee and IPRA's mission.

§ 3.3 Timeliness of Investigations

IPRA always strives to complete its investigations as expeditiously as possible. Pursuant to MCC §2-57-070, if the Chief Administrator does not conclude an investigation within six months after its initiation, the Chief Administrator shall notify the Mayor's office, the City Council Committee on Public Safety, the complainant, and the department member named in the complaint or that department member's attorney of the general nature of the complaint or information giving rise to the investigation and the reasons for failure to complete the investigation within six months.

IPRA Supervising Investigators are responsible for ensuring that investigations are conducted in an efficient, yet effective manner, and are concluded expeditiously.

§3.4 Scope of IPRA Investigations

In order to ascertain the facts necessary to make findings and recommendations as required by law, an IPRA investigation may be based on the acquisition and analysis of information and evidence from a variety of sources, including, but not limited to:

- Interviews with complainants, witnesses, and subjects;
- Relevant Department reports and other documents;
- Observations made at the scene of an incident within IPRA's jurisdiction;
- Canvass of a scene to identify witnesses and other relevant evidence;
- Analysis of digital evidence, including audio and video recordings; and
- Forensic evidence.

The IPRA investigator will attempt to ascertain all the facts relevant to the allegation or the incident that has occurred. The investigation will include a broad review of an incident or allegation with the objective of understanding the role of each of the department members involved in the incident or the alleged conduct. The conduct of each department member will be assessed and evaluated separately and individually.

§ 3.5 IPRA Case File Maintenance

All investigative activities shall be documented in the appropriate IPRA case file in a timely, accurate, and complete manner consistent with IPRA policies and procedures.

IPRA shall undertake to collect all relevant evidence and to preserve the chain of custody to preserve its availability for use in any subsequent proceedings.



IPRA shall promulgate policies and procedures for the maintenance of case files and shall implement a quality control procedure to ensure case files are maintained properly.

§ 3.6 Subpoenas

IPRA is authorized to issue subpoenas to compel the attendance of witnesses and/or the production of documents and other items. Subpoenas shall be issued in accordance with both Illinois law and MCC § 2-57-050.

§ 3.6.1 Service

IPRA will serve subpoenas in the same manner as subpoenas issued under the Rules of the Illinois Supreme Court to compel appearance of a deponent, and subject to the same witness and mileage fees fixed by law for such subpoenas.

An IPRA subpoena shall identify the person to whom the subpoena is directed and the documents or other items sought thereby, if any, and the date, time and place for the appearance of the witness and production of the documents or other items described in the subpoena. In no event shall the date for examination or production be less than seven days after service of the subpoena.

§ 3.6.2 Objections to an IPRA Subpoena

The person or entity to whom a subpoena is directed may submit a written objection in advance of the date scheduled for the appearance or production required by the subpoena. The objection shall be in writing, delivered to IPRA, and shall specify the grounds for the objection.

The filing of an objection to a subpoena, and negotiations pursuant to an objection, shall not constitute refusal to comply with the subpoena, or interference with, or obstruction of, an investigation.

For seven days after receipt of a timely objection to a subpoena, IPRA shall take no action to enforce the subpoena or initiate prosecution of the person to whom the subpoena is directed.

During this seven day period, IPRA shall consider the grounds for the objection and may attempt to resolve the objection through negotiation with the person to whom the subpoena is directed.

The seven day period may be extended by IPRA in order to allow completion of any negotiations. The extension shall be in writing addressed to the person to whom the subpoena is directed, and shall specify the date on which the negotiation period will end.



Negotiations may include such matters as the scope of the subpoena and the time, place, and manner of response thereto.

§ 3.6.3 Subpoena Fees and Costs

Subpoenas requiring a personal appearance shall include the appropriate statutorily required witness and or mileage fee.

§ 3.7 Duty to Cooperate with IPRA Investigations

MCC §2-57-080 provides that, it shall be a condition of employment for every officer, employee, department, and agency of the city to cooperate with the Chief Administrator in any IPRA investigation undertaken pursuant to IPRA's ordinance. Any employee or appointed officer of the city who violates any provision of this section shall be subject to discharge (or such other discipline as may be specified in an applicable collective bargaining agreement) in addition to any other penalty provided in Chapter 2-57 of the Municipal Code.

Such duty to cooperate includes that each department shall make its premises, equipment, personnel, books, records, and papers available to IPRA as soon as is practicable and permissible under the applicable department rules and collective bargaining agreements and as permitted by law.

§ 3.8 Interviews

As part of an investigation, IPRA may conduct interviews of persons with potentially relevant information, including complainants, witnesses, and subjects. IPRA Investigators are authorized to administer oaths and examine the interviewee under oath. All interviews shall be conducted in accordance with existing law. Interviews of members of collective bargaining units or unions shall be conducted in accordance with any applicable collective bargaining agreements (CBA).

§ 3.8.1 Status of Interviewee

The status of an interviewee depends on a number of circumstances and may change over the course of an investigation depending on the facts of the matter. Witnesses are defined as persons who provide information and against whom formal action is not reasonably contemplated (including disciplinary, administrative, or criminal sanctions).

- a) Accused Department member – means a Department member against whom allegations have been formally presented prior to an interview
- b) Witness Department member – means a Department member who, at the onset of the interview, was involved in or may have information relevant to the subject matter being investigated.



§ 3.8.2 Recording of Interviews

Non-Department Member Interviews: IPRA shall seek to record, via either an audio-recording or video-recording device, all interviews. Prior to conducting an interview, the following steps shall be taken:

1. The interviewee shall be asked if he/she will consent to audio or video recording.
2. If the interviewee declines to give consent, the interview shall not be recorded. However, the IPRA investigator will create a written statement that summarizes the content of the interview and will provide the interviewee with an opportunity to review and sign the written statement at the conclusion of the interview.
3. No adverse action shall be taken or adverse inference drawn against the interviewee who declines to consent to record an interview.

Department Member Interviews: Pursuant to the applicable collective bargaining agreements, IPRA is authorized to require department members to provide audio-recorded statements, provided that interviews are otherwise conducted in a manner consistent with other provisions of the collective bargaining agreements.

§ 3.8.3 Advisements to Department Members

Advisements shall be provided to all Department members who are interviewed pursuant to an IPRA investigation. These advisements take one of two forms:

- a) Administrative Rights, which notify the member that he or she is obligated to respond truthfully to the interviewer's questions, but that the employee's statements in the interview and the fruits of those statements cannot be used against the member in a criminal proceeding; and
- b) Criminal Rights, which notify the member that he or she is not obligated to answer the questions, but if he or she does, the statements can be used against him or her in a criminal proceeding.

IPRA makes the determination of which set of rights to give on a case by case basis, taking into consideration such factors as the status of the member being interviewed, the nature of IPRA's investigation and its relationship, if any, to a pending criminal investigation, the status of the member being interviewed, the nature of the allegations being investigated, and any other relevant factors.

IPRA investigators shall read the appropriate advisements (administrative or criminal) aloud and provide a written copy of the advisement for review before requesting a signature acknowledging that the advisements have been provided. Signed acknowledgement forms shall be included in the investigative file.

All department members shall be advised that they have the right to union and/or legal representation.



§ 3.9 Allegations Provided to Accused Members

Pursuant to the applicable collective bargaining agreements and prior to taking the statement of an officer under investigation, IPRA shall notify the department member in writing regarding the nature of the allegations and the names of all complainants.

§ 3.10 Representation

Every person interviewed may request that a union and/or legal representative be present for an IPRA interview.

An interviewee requesting representation at an IPRA interview shall be given a reasonable amount of time to obtain union representation or an attorney.

At any time during the interview, the interviewee may stop the interview and request representation, and the interview will be discontinued and rescheduled within a reasonable amount of time.

If an interviewee elects to bring a representative, that representative may not answer questions for the interviewee and may not obstruct the interview. Interviewees are advised that they will be permitted to take reasonable breaks and may consult with their representative during those breaks. Representatives may be permitted to request the clarification of questions and may provide additional information at the conclusion of the interview.

If an accused department member chooses to proceed with an IPRA interview without a union representative or attorney present, he or she shall be asked to sign a waiver indicating that fact.

§ 3.11 Preliminary Recommendations Regarding Accused Officer Duties

An important step in the early stages of an IPRA investigation is the assessment of whether there is sufficient evidence to suggest that the IPRA Chief Administrator should make any recommendations to the Superintendent regarding whether the duties of any accused department members should be restricted. This is a serious and extraordinary responsibility on the part of IPRA, and such recommendations are not undertaken lightly. Although only the Superintendent can take action to restrict the duties of a sworn officer, the IPRA Chief Administrator may recommend such action if, after reviewing all available allegations and evidence, and considering the reliability and strength of the evidence, the Chief Administrator concludes that:

- continued police powers for the accused officer presents a threat to: (a) the community, (b) the Chicago Police Department, or (c) to the officer, or



- IPRA is likely to recommend that the officer be separated from employment with the Chicago Police Department.

Article IV: Investigative Findings, Review and Reporting

§ 4.1 Investigative Findings

At the conclusion of an IPRA administrative investigation, the IPRA investigator will make an assessment as to whether there is sufficient evidence to prove or disprove the alleged misconduct. To sustain an allegation, IPRA must find that there is a preponderance of evidence showing the misconduct occurred. IPRA categorizes its findings as follows:

- Sustained – The allegation was supported by sufficient evidence to justify disciplinary action.
- Not Sustained – The allegation was not supported by sufficient evidence which could be used to prove or disprove the allegation.
- Unfounded – The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.
- Exonerated – The incident occurred, but the action taken by the officer(s) was deemed lawful and proper.

In addition to making the above determination regarding the disposition of the investigation, the IPRA investigative staff shall also assess if:

- The conduct in question complied with department training;
- A better outcome might have been achieved had the officer's conduct been different;
- The officer's conduct indicates a need for specific additional training; and
- The conduct in question reflects gaps or other deficiencies in department policies or training.

§ 4.2 Investigative Reports

§ 4.2.1 Summary Reports of Investigation

At the conclusion of an IPRA investigation, the assigned investigator will draft a Summary Report of Investigation (SRI). In the SRI, the investigator outlines the allegations and identifying which department ruler or orders are alleged to have been violated, summarizes and analyzes the relevant evidence, and concludes with the recommended disposition of the case (Sustained, Not Sustained, Unfounded, or Exonerated). In addition to outlining the evidence that supports the allegations, the investigator shall also summarize and analyze evidence that is contrary to the recommended findings, if any. All SRI's with a recommended finding other than Sustained must be reviewed by a Supervising Investigator, a member of IPRA's Legal



Department, and a Deputy Chief Administrator of IPRA prior to being finalized. All SRIs with a recommended finding of sustained, must be reviewed and approved by the IPRA General Counsel and the Chief Administrator.

§ 4.2.2 IPRA Advisory Letters

At the conclusion of an investigation, IPRA may also issue an Advisory Letter to the Department, even where the investigation results in a finding other than Sustained. The Chief Administrator may issue an Advisory Letter to the Superintendent if the investigation uncovered a problem that hinders the effectiveness of Department operations and programs or if the investigation has identified a verifiable potential liability or risk that warrants attention by the Department.

IPRA shall not identify or make any specific disciplinary recommendations about any individual Department members in an Advisory Letter. IPRA shall not include any personally identifying information about any Department member in an Advisory Letter.

In each Advisory Letter, IPRA will request a response from the Department within a reasonable period. An Advisory Letter will not be posted publicly until the Department has had an opportunity to respond, and any public posting shall include the Department's response, if any.

§ 4.3 Department Responses to SRIs

MCC §2-57-060 provides:

If the chief administrator issues a recommendation of discipline against one or more members of the department, the superintendent must respond to such recommendation within 90 days. The response must include a description of any disciplinary action the superintendent has taken with respect to the member in question. If the superintendent did not take any disciplinary action, or takes a different disciplinary action than that recommended by the chief administrator, the superintendent must describe the proposed different action and explain the reasons for the different action in the written response.

Within five days of receiving notification of the superintendent's intent to impose a different or lesser sanction than that recommended by the Chief Administrator, the Chief Administrator will conduct a case review meeting with the investigative team to discuss the superintendent's recommended sanction.

Within 10 business days after such notification, the Chief Administrator shall meet with the superintendent to discuss the reasons for the Superintendent's proposed sanction. If the Chief Administrator does not concur with the Superintendent's reasons for the differing disciplinary action, the Chief Administrator shall, within five business days of



such meeting, send the Superintendent's response, along with the Chief Administrator's objections to the Police Board to initiate a review by a three-member panel of the Police Board as is required by MCC §2-57-060.

§ 4.4 Confidentiality and Information Release Policy

Confidentiality, particularly at the early stages, is important to the integrity of all IPRA investigations. However, IPRA recognizes that, in some cases, the public need for information about an incident being investigated is paramount. IPRA will strive to balance these competing interests to the extent possible. All IPRA investigatory files and reports shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Illinois Attorney General or the State's Attorney of Cook County, pursuant to the provisions of MCC § 2-56-060, as required by any relevant formal policy adopted by the City of Chicago, as required by law, or as otherwise directed by the Chief Administrator.

IPRA recognizes the public interest in timely and accurate information about the manner in which members of the police department interact with citizens. We also recognize that individuals involved in incidents and their families may have privacy interests that warrant consideration. IPRA will abide by any formal policy adopted by the City of Chicago regarding the release of evidentiary information and material related to matters of police conduct, to the extent that such policies are consistent with applicable collective bargaining agreements and municipal, state and federal law.

Where any applicable policies allow for discretion as to what, if any, evidentiary information or material shall be released at any given time, the Chief Administrator will only seek to delay the public disclosure of such material if there is a specific and articulable reason why public disclosure would jeopardize an ongoing criminal or administrative investigation. In making such a determination, the Chief Administrator shall consider the following:

- Whether there are known witnesses to the events that have yet to be identified and/or interviewed despite attempts by IPRA investigators to do so;
- Whether the disclosure of the information would jeopardize the safety of witnesses or other affected individuals; and
- Whether the disclosure of the information would jeopardize the collection of or evaluation of evidence that has yet to be accomplished despite due diligence in attempts to do so.

A SRI shall not include the identities of complainants, witnesses, involved department members, or accused Department members, unless the report recommends disciplinary action against a Department member. If complainants request their identity to remain confidential, they will be notified in the event that disclosure of their identity is required by law.



IPRA personnel are permitted to access IPRA files, reports, and other confidential, privileged, or personal information in the possession, custody, or control of IPRA solely in connection with an official and duly authorized matter that is relevant to the performance of an employee's assigned tasks. As required by IPRA Standard Operating Procedures, all IPRA employees shall sign a Confidentiality and Non-Disclosure Agreement at the outset of their employment. By signing this Agreement, IPRA employees acknowledge that access to IPRA files, reports, and other confidential, privileged, or personal information in the possession, custody, or control of IPRA is permitted only in connection with an official and duly authorized matter that is critical to the performance of an employee's assigned tasks. IPRA employees further acknowledge that they are prohibited from discussing, or disclosing, investigative matters and materials or other confidential, privileged, or personal information, except as provided by law. All IPRA employees are also subject to disciplinary action or other legal sanction for any violation of IPRA's confidentiality policy.

§ 4.5 Public reports

Pursuant to MCC § 2-57-100 all final SRIs shall be open to public inspection, except to the extent that information contained therein is exempted from disclosure by the Illinois Freedom of Information Act, collective bargaining agreement, or any other applicable law.

Article V: Officer-involved Death Investigations

§ 5.1 Authority

Pursuant to MCC § 2-57-040, IPRA conducts investigations into all cases in which a Department member discharges a firearm in a manner which could potentially strike an individual. IPRA is also authorized to conduct investigations into cases where the death of a person or an injury sustained by a person occurs while in police custody or where an extraordinary or unusual occurrence occurs in lockup facilities, even when no allegation of misconduct is made. These are amongst the most serious investigations IPRA undertakes.

Moreover, pursuant to the Police and Community Relations Improvement Act, 50 ILCS 727, which became effective January 1, 2016, IPRA is charged with conducting investigations of all officer-involved deaths, which is defined as:

Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties. Officer-involved

death includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.

§ 5.2 Response to the Scene

IPRA begins its investigation of an officer-involved death investigation when the CPD Crime Prevention and Information Center (CPIC) notifies IPRA that an officer-involved death, as defined above, has occurred. For any officer-involved death, IPRA personnel shall respond immediately to the scene of the incident to initiate its investigation. IPRA personnel also routinely respond immediately to the scene of officer-involved shootings where a non-Department member has been injured. At the Chief Administrator's discretion, IPRA personnel may also respond immediately to the scene of officer-involved shooting incidents where there were no injuries to non-Department members or incidents involving the injury of non-department members in police custody.

Once CPIC notifies IPRA about an officer-involved death or an officer-involved shooting where a non-Department member was injured, IPRA's response team will assemble at the scene of the incident. IPRA's response team is typically comprised of:

- A Deputy Chief Administrator,
- A Supervising Investigator,
- Two shooting specialists, and
- At least two additional IPRA investigators.

Pursuant to the Department's General Order 03-06: Officer-involved Death Investigations, IPRA's oversight of officer-involved death investigations may necessitate collaboration and coordination with the Department.

The General Order clarifies that when an officer-involved death incident contains multiple concurrent investigations, the below order of the investigative priority, with identified lead agencies, will be followed:

1. The public safety investigation will be commenced immediately and will be led and coordinated by Department personnel. This investigation will take precedence over any other investigation.
2. The investigation of the underlying criminal offense and the officer-involved death investigation will be conducted concurrently.
 - a. The investigation of the underlying criminal offense will be led and coordinated by Department personnel.
 - b. The officer-involved death investigation will be led and coordinated by IPRA personnel with the requisite training.



- c. The Department's internal investigation will be led and coordinated by Department personnel but will not interfere with the IPRA investigation.

To ensure the proper coordination of activities and investigations, the assigned Street Deputy, appropriate Bureau of Detectives Area Commander, and responding IPRA personnel will confer at the scene about the conduct of the investigations.

The IPRA response team will seek access to the scene of the incident once department personnel have secured the scene and conducted any necessary investigative steps to address criminal conduct that may have preceded the shooting. At the scene, IPRA will conduct necessary investigative steps, which include, but are not limited to:

- Canvassing the scene to identify witnesses and any available video recordings;
- Coordinating with the CPD Forensic Services Evidence Technicians regarding the collection of physical evidence and the documentation of the scene via photographs and video; and
- Interviewing available witnesses either at the scene or at the closest Bureau of Detectives Area facility.

§ 5.3 Initial Investigative Activities

Within the first 48 hours following an officer-involved shooting incident, the IPRA investigative team develops an investigation plan, seeks to obtain all relevant department reports related to the incident, and all available audio and documentation from the Office of Emergency Management and Communication related to the incident. Within 96 hours following an incident, the IPRA investigative team confers with the Illinois State Police regarding the analysis and testing of physical and forensic evidence including, but not limited to, fingerprint recovery and analysis, ballistic testing and analysis, and DNA or other biological testing and analysis.

§ 5.4 Witness Interviews

Over the following days and weeks, IPRA investigators will interview as many witnesses to the events as can be identified. Witnesses may include individuals who were at the scene and may have observed the shooting, the events leading up to the shooting, or the conduct of the involved-officers after the shooting. IPRA must be respectful of the needs of the families of the individuals impacted by the events when attempting to schedule interviews. IPRA must also follow all applicable department rules and collective bargaining agreements when attempting to interview City employees, even those in other departments, such as emergency response personnel.

§ 5.5 Law Enforcement Referrals



As a matter of course, IPRA refers all officer-involved shooting matters to the Cook County State’s Attorney’s office (“CCSAO”). This referral is usually achieved within the initial two to three weeks following the incident. IPRA may conduct additional investigative steps at the request of the CCSAO. When the Chief Administrator believes there is a good faith basis upon which to believe that the shooting was in violation of any individual’s civil rights, IPRA shall refer that shooting matter to the Federal Bureau of Investigation (FBI) and/or the U.S. Attorney’s Office for the Northern District of Illinois (USAO). IPRA may conduct additional investigative steps at the request of the FBI and/or the USAO.

§ 5.6 Disposition of Officer-Involved Shooting Cases

§ 5.6.1 Pre-requisites to Issuing Findings

Because significant legal issues may arise where IPRA seeks to pursue administrative action against a department member prior to the conclusion of a federal or state criminal investigation, IPRA may temporarily delay making findings in its administrative case. However, IPRA recognizes the importance of its mission to pursue administrative actions against officers who have violated department policies in a timely manner. As such, even where a criminal investigation is underway, IPRA may proceed with its administrative action while taking the necessary steps to minimize the potential negative impact on the ongoing criminal investigation. However, unless there are countervailing needs to do so, IPRA will generally defer issuing findings until all relevant forensic testing has been completed and analyzed. Because these important investigative processes are conducted by other law enforcement organizations, IPRA cannot control how quickly these tasks are completed. However, IPRA investigators must take all possible steps to ensure that forensic testing is pursued in an expeditious manner.

§ 5.6.2 Interviews of Department Members

During the course of an investigation, IPRA attempts to interview all officers who have discharged a weapon as well as the officers who may have witnessed the events leading up to, during and after the shooting occurred (“witness officers”). Depending on the circumstances of the case, officer interviews may occur early on in the investigation, or may be conducted at a later time after IPRA has gathered and reviewed sufficient evidence to allow for a productive and comprehensive review of the incident during the interview. IPRA must adhere to all applicable provisions of the collective bargaining agreements in conducting these interviews including, but not limited to:

- Agreement between the Fraternal Order of Police Chicago Lodge No.7 Sections 6.1 and 6.2, and Appendix L;
- Agreement between the City of Chicago and the Policemen’s Benevolent & Protective Association of Illinois, Unit 156-Sergeants Sections 6.1 and 6.2;
- Agreement between the City of Chicago and the Policemen’s Benevolent & Protective Association of Illinois, Unit 156-Sergeants Sections 6.1 and 6.2; and



- Agreement between the City of Chicago and the Policemen's Benevolent & Protective Association of Illinois, Unit 156-Sergeants Sections 6.1 and 6.2.

In addition, IPRA must also follow provisions of the following CPD General and Special Orders:

- Complaint and Disciplinary Procedures
- Department Member's Bill of Rights
- Firearms Discharge Incidents Involving Sworn Members
- Officer-involved Death Investigations
- Conduct of Complaint Investigations

According to the above-listed collective bargaining agreement provisions, other than as set forth in the paragraph below, officers who may have information relevant to the shooting incident, but did not discharge a weapon, may postpone interviews in shooting cases for no more than two hours. However, where an officer makes a good faith claim that he or she is physically or emotionally unable to provide a statement within the two hour time period, IPRA must accept such good faith claim and postpone the interview.

Pursuant to the General Order titled Department Members' Bill of Rights, IPRA may request, but cannot require, any officer who discharged a firearm during the incident to be interviewed sooner than 24 hours after the incident. Moreover, any such interview may only be conducted between the hours of 6 a.m. and 6 p.m. However, if such officer makes a good faith claim that he or she is unable to make a statement after 24 hours has elapsed following the incident, IPRA will evaluate such claims on a case-by-case basis and must accept at face value any such good faith claims about the member's inability to make a statement at that time. IPRA, in its sole discretion, may opt to conduct such interviews at a later time.

The collective bargaining agreements and CPD general orders also require that, upon their request, officers have the right to be represented by counsel or a union representative at an IPRA interview.

§ 5.6.4 Legal Standard

Officer-Involved Shooting Investigations

IPRA's investigation into the use of force by the Department member will be evaluated based upon the totality of the circumstances, in accordance with the Chicago Police Department directives and all applicable municipal, state and federal law.

The IPRA investigation will seek to determine if, based on the totality of the circumstances, the officer's use of deadly force was objectively reasonable and within policy as defined by the Chicago Police Departments Use of Force Model and the General Orders governing the Use of Deadly Force. For reference, these orders can be found on the department's website.

The legal standard that IPRA applies in the context of administrative investigations involving allegations of the use of excessive force is grounded in the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). Under this legal standard, the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The assessment of reasonableness is based on the totality of the circumstances related to the incident. By law, these determinations must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

In analyzing the evidence of each case, the following factors are among those IPRA considers regarding the circumstances leading up to and including the use of force:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers, or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The time available to an officer to make a decision;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- The characteristics of the officer or group of involved officers relative to the those of the subject including, but not limited to, age, size relative strength, skill level, injury/exhaustion, and number; and
- The environmental factors and/or other exigent circumstances

Death in Custody Investigations

There are several Chicago Police Department orders that are relevant to investigations related to the death of or injury to an individual in police custody. The applicable general and special orders, include, but are not limited to the following:

- Use of Force Guidelines
- Other Weapon Discharge incidents (governing use of Tasers)
- Processing Persons under Department control
- Processing Persons under Department control
- Restraining Arrestees
- Detention Facilities General Procedures and Responsibilities
- Miscellaneous Detention Facility Topics (discusses handling of deaths in custody)
- Required Lockup Standards and Reporting



To sustain a finding against a department member involved in a death in custody incident, IPRA must find that there is a preponderance of evidence showing that the officer violated one or more of the relevant department rules, including rules related to the appropriate use of force. In these investigations, IPRA categorizes its findings as described in Section 4.1 above.

§ 5.6.5 IPRA Findings in Officer-involved Death Investigations

IPRA's primary role in officer-involved death incidents is to determine the facts about the incident to the extent possible based on a thorough collection and review of the relevant evidence. IPRA investigators must review and analyze often conflicting narratives of the event using all the evidence in search of the truth.

In weighing the evidence, and applying the legal standards as outlined above, the IPRA investigator will make a recommendation as to whether the officer's conduct was within department policy or not.

The conduct of each involved officer will be evaluated separately and individually. In addition, some incidents may involve more than one use of force episode, where each use of force episode is separated by an intervening event, such as a foot chase. The IPRA investigation will assess each distinct use of force episode separately.

The IPRA investigator's recommendation, along with a summary of the evidence, will be reviewed by the Supervising Investigator, a Deputy Chief Administrator, and the Chief Administrator. If the Chief Administrator agrees with the recommendation, the investigation will conclude and a SRI will be issued with the findings. For investigations leading to a finding that the incident was not within department policy, the Chief Administrator shall issue the SRI to the Superintendent and recommend appropriate disciplinary action. Where the investigation reveals conduct of sworn or unsworn department personnel that, although found to be within department policy, otherwise appears inappropriate or inconsistent with best practices, the Chief Administrator shall address such issues in the SRI, and may also make recommendations as to training or any other type of intervention deemed appropriate.

Pursuant to 50 ILCS 727, if the CCSAO has declined to pursue criminal charges against any involved officer, and no other criminal charges have been filed against any involved officer, the IPRA investigator shall prepare a copy of the SRI for public release that has been appropriately redacted pursuant to any applicable collective bargaining agreements and municipal, state, or federal law. Within 30 days of closing the case, a redacted version of the SRI shall be published on IPRA's website.



Article VII: Review and Amendment

The Chief Administrator shall appoint a group of senior-level IPRA employees to review IPRA's Rules and Regulations at least every two years and make suggested revisions or additions. Any amendments to these Rules and Regulations shall be posted for a period of not less than 45 days to allow for notice to, and comment from, the public prior to becoming final.