

	POLICY
	Unit: Investigations
Number:	Title: Intake
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Intake

PUBLIC POLICY STATEMENT

Effective policies ensure compliance with the law, promote the use of best practices, foster integrity and independence in the performance of COPA activities, and provide transparency regarding the procedures and standards for the conduct of those activities.

Public perception of COPA staff though initial contact relative to complaint registration is an important component of how members of the community understand the agency and its legitimacy. In order to foster public trust and receive critically important information, COPA strives to ensure that the process for submitting and pursuing complaints of misconduct against Chicago Police Department members is open and accessible for all individuals who wish to file complaints. COPA’s intake processes are a critical component to advancing COPA’s goals for timely and thorough investigations.

PURPOSE

To provide guidance for assessment of, and certain procedures for, the receipt and processing of information and complaints related to allegations of misconduct against the Chicago Police Department members pursuant to 2-78-120 of the Municipal Code of Chicago.

DEFINITIONS

Term	Meaning
Anonymous Complaint	A complaint received from an individual whose identity is unknown, and the complaint lacks sufficient information to identify the source or first and last name of the complainant.

Allegation of Criminal Conduct	Allegation of Criminal Conduct includes all complaints with an express or apparent alleged violation of Illinois state law, the criminal code of another state, or a criminal federal statute. A complaint considered to sufficiently allege criminal conduct should factually address the elements of the alleged criminal conduct. Without limitation, allegations of the following are considered allegations of criminal conduct: official misconduct, bribery, murder, crimes of dishonesty (i.e., theft, larceny, and robbery), arson, sexual misconduct (i.e., sexual assault without consent, sexual contact by force, and unwanted or gratuitous sexual contact such as groping or touching), deliberate indifference to a substantial harm to a person in custody (i.e., a known harm; knowledge of the harm; lack of reasonable measures to abate the harm) and, failure to intervene (i.e., allegation of a constitutional violation; knowledge of the violation; opportunity to intervene; failure to intervene).
COPA Intake Unit	COPA staff assigned to act as the agency's first point of contact to facilitate the initial intake of complaints and Notifications via COPA's various methods information receipt, as well as make initial jurisdictional determinations, triage decisions, and conduct preliminary investigations.
COPA Investigative Squads	COPA staff assigned to carry forward investigative efforts after the initial intake of complaints and Notifications by COPA's Intake Unit.
Evidence Indicating Criminal Conduct	Objective, verifiable evidence indicating a crime has been committed necessitating a referral to a prosecuting agency. Such evidence may include audio or video recordings, documentary or physical evidence, and oral or written statements.
Final Disposition	The status of a misconduct investigation after the final disciplinary decision, and any grievance process, arbitration, Police Board proceeding, or appeal relating to the final disciplinary decision.
Great Bodily Harm (also referred to as Serious Injury)	An injury of a graver and more serious character than an ordinary battery. This may include, but is not limited to, injuries resulting in unconsciousness; disfigurement; hospital confinement; permanent or protracted loss or impairment of the function of a body part, organ, or mental faculty; or a substantial risk of death.
Notification	Alerts from the Department, made pursuant to Department directives, of Major Case Incidents, incidents of Department-member involved domestic violence, and other matters not involving death or serious injury, such as in-custody incidents involving attempted suicide, prisoner escape, and damage to lock-up facilities, even when no allegation of misconduct is made.

Major Case Incident	<p>Any of the following incidents:</p> <ul style="list-style-type: none"> • All firearm discharges by Department members. • Any death resulting from a motor vehicle accident or collision, if the Department member was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend. • Death or serious injury while in custody or detained. • Other weapons discharges, equipment usage or incidents resulting in serious injury or death. • Any incident, as determined by the Chief Administrator (or designee), requiring an in-person response by on-call personnel or members of COPA's Public Information Section.
Sworn Affidavit	A written or recorded statement confirmed by oath or affirmation certifying that the statement is true and correct under penalties provided by law.
Sworn Affidavit Override	An action taken by the Chief Administrator of COPA or the Chief of the Department's Bureau of Internal Affairs when the standards defined by the appropriate collective bargaining agreement have been met to continue the investigation without the sworn affidavit requirement because attempts to contact a reporting party are unsuccessful or the reporting party refuses to sign a Sworn Affidavit.

POLICIES

I. PUBLIC TRUST AND PROFESSIONALISM

- A. All COPA staff will treat complainants and their representatives, witnesses, and Department members with the utmost respect, courtesy, and transparency while maintaining a calm, objective, and professional demeanor.
- B. COPA will make the complaint registration system easily and broadly accessible to all communities and its members across the City of Chicago, as well as create a welcoming and respectful environment which acknowledges the need for sensitivity surrounding potentially traumatic interactions with members of the Chicago Police Department, regardless of limited English proficiency, race, ethnicity, color, national origin, ancestry, religion, disability status, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income.
- C. COPA will ensure that complaints alleging that a Department member refused to accept a complaint, discouraged filing of a complaint, or provided false or misleading information about filing a complaint are accepted, documented, investigated and, where appropriate, recommended for discipline.

- D. COPA will ensure that complaints regarding Department members are accepted, documented, and investigated even if the complainant could not identify the Department member's name or other employee identifying number, including star or badge number.

II. COMPLAINT REGISTRATION

A. Assignment of Unique Tracking Number/Log Numbers:

1. Upon receiving a complaint or administrative Notification related to any Department member, COPA's Intake Unit will promptly assign the complaint a unique tracking number (Log Number) which will remain associated with the complaint throughout all phases of the investigation and disciplinary process to Final Disposition. COPA will ensure complainants and their representatives are able to track the status of the complaint online.

B. Methods of Complaint Intake:¹

1. COPA will ensure individuals are allowed to submit complaints in multiple ways, including:
 - a. Telephone:
 - i. COPA staff will maintain operational telephone lines 24/7 to receive complaints and inquires at 312-746-3609 (main office line), 312-746-2672 (COPA's complaint hotline), and 312-745-3598 (via TTY).
 - ii. During business hours, COPA staff will actively monitor received telephone calls for complaints or promptly follow-up with any received voicemails concerning a complaint.
 - iii. For any complaints received via telephone during non-business hours, COPA staff will promptly follow up with such a complaint once business hours resume, or on-call COPA staff may follow up with the complainant during non-business hours.
 - iv. Members of the public may make complaints by calling 311, a free 24-hour City of Chicago service, who will connect the complainant to COPA's complaint hotline.
 - b. Online:
 - i. COPA Staff will process any electronic complaints submitted online via COPA's website at www.chicagocopa.org.

¹ COPA will clearly and prominently display the methods of intake on COPA and CPD's respective websites, and other appropriate City and CPD printed materials, as well as ensure that instructions for submitting complaints are available via telephone, online, and in-person. COPA will also ensure members of the public can link to COPA's online complaint form by visiting CPD's website.

- ii. Information in support of a complaint (i.e., audio recordings, videos, photos and other supporting documentation) may be submitted to COPA by a complainant via email at copa-info@chicagocopa.org.
 - iii. COPA's website will be viewable in multiple languages (e.g., Arabic, Chinese (Simplified & Traditional), Filipino, Hindi, Korean, Polish, Russian, Spanish, Urdu) for individuals who have limited English proficiency to aid in the complaint filing process, as well as reflect that translation services are available upon request.²
- c. Mail:
- i. COPA staff will process written complaints received via mail sent to COPA's business address.
- d. In-Person:
- i. COPA staff will process in-person complaints presented by any complainant who, during normal business hours, engages COPA staff at COPA's main office location for the purpose of making a complaint.
- e. Fax:
- i. COPA staff will process complaints received via fax at 312-746-3592.
- f. Chicago Police Department Complaint Initiations and Notifications:
- i. COPA staff will process any complaint received via any of the preceding intake methods from the Department pertaining to misconduct reported by a Department member or to the Department by a member of the public.
 - ii. COPA staff will process any incident Notification, including Major Case Incidents and other matters not involving death or serious injury, received pursuant to Department directives, even when no allegation of misconduct is made.

C. Notice to Complainant Upon Receipt of Complaint:

- 1. COPA will provide any individual who submits an electronic complaint through COPA's website an electronic copy of their complaint via email upon submission, provided that the complainant registered a valid email address upon submission.

² The City of Chicago offers interpreting from English into more than 200 languages.

2. For all other complaints, COPA staff will provide notice of complaint receipt to known complainants or representatives within five (5) business days of receipt.

D. Receipt of Referrals:

1. COPA will initiate the complaint intake process upon receipt of information via:
 - a. Other governmental agencies, such as the Cook County State's Attorney's Office, United States Attorney's Office, Cook County Public Defender's Office, and the Federal Defender's Office, that may suggest misconduct, to include any affirmative judicial findings made during the course of criminal proceedings that a Department member was untruthful, including any findings made at suppression hearings.
 - b. Notice from the Department involving new litigation filed against the Department and its members.
 - c. Notice from the City's Department of Law regarding civil settlements and judgments involving the Department and its members.

E. Intake Monitoring – Non-Business Hours:

1. During non-business hours, COPA staff will conduct multiple routine checks of complaints received via phone and online to determine whether a complaint requires an immediate response, which may include contacting the complainant and/or the deployment of resources to initiate preliminary investigative steps (i.e., interview(s), canvassing, photographing injuries, requesting or obtaining audio and video materials).

F. Emergency Intake Response:

1. At the direction of the Chief Administrator or the Chief of Investigative Operations and in response to events likely to result in an increased volume of complaints, staff assigned to the COPA Intake Unit and/or Investigative Squads may be directed during non-business hours to receive, process, classify and conduct preliminary investigative follow-up of complaints received via all intake methods listed in II(B) above.
2. Though COPA investigative staff with specialized training relative to death and homicide investigations are primarily responsible for responding to and investigating Major Case Incidents, the Chief Administrator or the Chief of Investigative Operations may direct the COPA Intake Unit and/or Investigative Squads, during business hours or non-business hours, to assist in preliminary investigative follow-up of Notifications received via the intake methods listed in II(B)(1)(f).³

³ See COPA Policy (Timeliness Benchmarks) for additional detail regarding investigative activities and timeliness expectations associated with Major Case Incident investigations.

G. Accessibility:

1. COPA staff will accept allegations of misconduct from all persons seeking to file a complaint, regardless of whether the individual is a member or perceived member of an identifiable group based upon, but not limited to, race, ethnicity, color, national origin, ancestry, religion, disability status, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income.
2. COPA will accommodate the presence or assistance of legal representation, translators, or individuals serving in a support capacity for all persons during the complaint filing process.
3. COPA staff will make information on filing a complaint and accompanying instructions accessible to people who speak languages other than English and will provide telephonic language interpretation services consistent with the City's limited English proficiency policies.
4. COPA Case Liaisons will assist complainants and their representatives in tracking the status of any non-confidential administrative investigation from initial receipt through Final Disposition via telephone, in-person, or online.
5. Barring exceptional circumstances, which may include low staffing levels or surges in complaint intake due to unique or unanticipated events (e.g., protests and civil unrest) or other delays attributable to circumstances outside of COPA control (e.g., technical or equipment complications), complainants not immediately in contact with COPA staff at the time of initiating a complaint should expect that COPA staff will attempt follow-up within three (3) business days. COPA staff will attempt follow-up through more than one method (i.e., telephone, email, mail, etc.) dependent on available complainant contact information, as well as vary timing of follow-up attempts to accommodate complainant availability. COPA staff will memorialize all efforts to follow-up with a complainant in COPA's electronic Case Management System (CMS).

III. JURISDICTIONAL DECISIONS

A. Upon receiving a complaint related to any Department member, COPA's Staff will promptly:

1. Record and classify the received complaint/allegation appropriately, even if the complainant does not accurately characterize the alleged misconduct; and
2. Make an initial jurisdictional decision and assign the complaint to COPA, the Department's Bureau of Internal Affairs, or refer the matter to another appropriate body (i.e., the City of Chicago Office of the Inspector General, or the appropriate federal, state, or local law enforcement authorities).
 - a. If the complaint contains multiple allegations of misconduct, one or more of which falls within COPA's jurisdiction, COPA may exercise the right of first refusal to conduct an administrative investigation of the entire complaint.

IV. REFERRALS

A. COPA will make referrals of certain complaints to appropriate external bodies:

1. Bureau of Internal Affairs:

- a. Notwithstanding a referral to the Office of the Inspector General in Section IV(A)(2) below, for those complaints against a Department member not falling within COPA's jurisdiction, COPA staff will assign all such complaints to the Bureau of Internal Affairs.
- b. Notwithstanding a referral to the Office of the Inspector General in Section IV(A)(2) below, complaints which contain multiple allegations spanning both Bureau of Internal Affairs and COPA jurisdiction and/or contain an Allegation of Criminal Conduct may be referred to the Bureau of Internal Affairs for investigation.

2. City of Chicago Office of the Inspector General:

- a. Where the nature or circumstances of the complaint suggest that there may exist a potential conflict of interest in COPA or Bureau of Internal Affairs investigating a complaint involving allegations of misconduct against a Department member(s), COPA may refer the complaint to the Office of the Inspector General.
- b. Where the nature or circumstances of the complaint suggest that the matter is more appropriately brought to resolution by the Office of the Inspector General, COPA may refer the complaint to the Office of the Inspector General.
- c. Notwithstanding Department members, COPA will refer all complaints involving the conduct of City of Chicago employees, contractors, subcontractors, employees of certain sister agencies, and elected officials as detailed in Municipal Code of Chicago 2-56-030 to the Office of the Inspector General.

3. Referral to Other External Bodies:

- a. Complaints not within COPA's jurisdiction and not within the referral criteria in sections IV(A)(1-2) above may be referred to the appropriate external body (i.e., law enforcement, administrative investigative or prosecutorial agency).
- b. If at any time during the intake or investigation of a complaint determined to be within COPA's jurisdiction pursuant to III above, COPA finds Evidence Indicating Criminal Conduct by a Department member, the Chief Administrator of COPA (or designee) will refer the investigation to the appropriate prosecuting agency.

- i. If COPA proceeds with an administrative investigation of the referred complaint, COPA will be mindful of issues that may arise in taking compelled, potentially self-incriminating, statements from Department members (*see Garrity v. New Jersey*, 385 U.S. 493 (1967) and COPA Policy (Compelled Statements)).
- c. Upon referral of a complaint to an external body, COPA will attempt to notify the complainant or representative of the referral, the reason for the referral, and provide contact information for the external body.

V. INTAKE TRIAGE

- A. Complaints retained by COPA for further investigation will be triaged by COPA's Intake Unit to determine the following:
 1. the timing and priority of possible assignment to COPA Investigative Squads;
 2. the scope and depth of any preliminary investigation to be conducted by COPA's Intake Unit; and
 3. whether the incident qualifies for public release pursuant to the City's Video Release Policy (e.g., incidents of death or great bodily harm (other than self-inflicted harm) that occur in police custody).
- B. COPA's triage process will consider the nature and severity of the misconduct alleged in order to establish priorities for investigative resource allocation with a focus on expediting high profile or sensitive matters.
- C. All Major Case Incidents will be immediately assigned to COPA investigative staff specifically designated as responsible for the investigation of such incidents.
 1. COPA will assign Major Case Incidents concurrent with Notifications received via the intake methods listed in II(B)(1)(f) or, if received by any other method, no later than the close of the next business day.
- D. All complaints or Notifications involving Department-member involved domestic violence, sexual misconduct, and abuse of vulnerable subjects, such as children or individuals with limited cognitive abilities, will be immediately assigned to COPA investigative staff specifically designated as responsible for the investigation of such incidents.

VI. PRELIMINARY INVESTIGATION

- A. For complaints identified for a preliminary investigation within the COPA Intake Unit, reasonable steps will be taken to discover and preserve evidence relevant to the complaint, including but not limited to: all time-sensitive evidence, audio and video evidence, physical evidence, arrest reports, photographic evidence, GPS records, computer data, and witness interviews.

1. At any time during preliminary investigative efforts, COPA Intake staff may recommend to COPA Intake Unit leadership non-disciplinary options to address Department member conduct, such as training, evaluation of assignment, mediation, and referral to counseling services or other suitable outside entity.
- B. The COPA Intake Unit will preliminarily investigate allegations of misconduct based on verbal abuse to determine whether it is appropriate for COPA to continue the investigation, or whether the allegation(s) fall outside of COPA's jurisdiction and will be referred in accordance with Section IV above.
- C. A Sworn Affidavit in support of the complaint will not be required to conduct a preliminary investigation.
- D. In the absence of a complaint supported by a Sworn Affidavit, within 30 days of receipt of the complaint, COPA staff will make best efforts to obtain a Sworn Affidavit from the complainant, guardian, victim, or witness.
 1. Best efforts may include, but are not limited to, in-person visits, phone outreach, mail, social media contact, or other reasonable methods. Such attempts will reasonably accommodate the complainant's disability status, language proficiency, and incarceration status.
 - a. COPA will preliminarily investigate anonymously submitted allegations to determine whether it is appropriate to continue the investigation, in accordance with law and applicable collective bargaining agreements at the time the allegation is made.
 - b. COPA staff will proceed in accordance with COPA Policy (Affidavits, Affidavit Overrides, Exceptions to Affidavit Requirement) in evaluating the sufficiency of evidence to seek written approval for a Sworn Affidavit Override, or application of an exception to the Affidavit requirement, to continue the investigation.

VII. ASSIGNMENT FOR INVESTIGATION

- A. In accordance with COPA's triage process in Section V above, designated COPA staff will facilitate the assignment of investigations to COPA Investigative Squads.
- B. The COPA Intake Unit will ensure that classification of complaints and related information entered in CMS is accurate and complete prior to assignment of the investigation to a COPA Investigative Squad.

VIII. NO-FINDING CLOSURE DETERMINATIONS

- A. At the conclusion of a preliminary investigation, COPA may close certain investigations without reaching a finding on the allegation(s) contained in the complaint for reasons that may include, but are not limited to, lack of jurisdiction, the information provided by the complaint cannot be understood to constitute a complaint and otherwise cannot be referred,

insufficient objective verifiable evidence to overcome legal requirements to proceed with the investigation, and lack of complainant cooperation.

1. COPA staff will document the facts and information relied upon to reach the no-finding closure in CMS.
2. Upon no-finding closure of an investigation, COPA will attempt to notify the complainant or representative of the closure, the reason for the closure, and provide contact information for COPA to inquire further.

EXCEPTIONS

N/A

RELATED INFORMATION

<u>Title</u>	<u>Link</u>
Affidavits, Affidavit Overrides, Exceptions to Affidavit Requirement	COPA Policy
Civil and Criminal Complaint Review	COPA Policy
CLEAR and COLUMN CMS Systems	COPA Policy
Compelled Statements	COPA Policy
COPA Interviews – Chicago Police Department Members	COPA Policy
Fact Gathering & Investigative Process	COPA Policy
Investigative File Maintenance	COPA Policy
Transparency Initiatives	COPA Policy
Timeliness Benchmarks	COPA Policy
Building Security and Access to COPA Offices	COPA Guidance
Civil Lawsuit Review	COPA Guidance
Guidelines for Domestic Violence Sexual Misconduct and Child Abuse – Intake	COPA Guidance
Interpreter Services	COPA Guidance
Processing Anonymous Complaints	COPA Guidance
Referral Protocols	COPA Guidance
Review and Closing Authority – Investigations Involving No Findings	COPA Guidance
Video Release Policy – Roles and Responsibilities	COPA Guidance

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