

	POLICY
	Unit: Investigations
Number:	Title: Timeliness Benchmarks
Effective Date: 6/24/21	Supersedes: 3.2.2 (8/19/19)

Timeliness Benchmarks

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.

COPA strives to complete its administrative investigations as expeditiously as possible while maintaining a high level of quality in the investigative process. Establishing performance standards against which the operations of COPA’s Investigative Section can be measured serves to balance expectations of timeliness and quality, as well as foster agency accountability and public trust.

PURPOSE

The purpose of this policy is to ensure that COPA Investigative staff members are accountable for ensuring that investigations are conducted in an efficient, yet effective manner, and are concluded expeditiously.

DEFINITIONS

Term	Meaning
City of Chicago Video Release Policy	<p>It is the City of Chicago’s policy to publicly release within 60 days, with limited exception, materials including 911 calls, dispatch recordings, radio calls, video and audio from dash cameras or body-worn cameras, Police Observation Device (POD) cameras, third party video and audio, arrest reports, original case incident reports, tactical response and officer battery reports related to incidents involving:</p> <ul style="list-style-type: none"> • an officer discharging their firearm in a manner that strikes, or that potentially could strike, another individual, even if no allegation of misconduct is made; • an officer discharging their Taser or stun gun in a manner that strikes another individual and results in death or great bodily harm; and • incidents in which, as a result of the use of force by an officer, the death of, or great bodily harm to, a person occurs while that person is in police custody.

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.
Final Summary Report (FSR)	Also known as Summary Report of Investigators (SRI) or Administrative Summary Report (ASR). The report which summarizes the content and outcome of a COPA disciplinary investigation.
Investigative Plan	An objective-oriented plan to carry out Investigative Actions, to address the complaint and/or notification under investigation.
Major Case Incident	Any of the following incidents: <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.
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.

POLICIES

I. COMPLAINT REGISTRATION¹

A. Within five (5) business days² of receipt of a non-confidential complaint, COPA will send non-anonymous complainants (or representatives) a written notice of receipt.

1. This notice will:

¹ Regarding exceptions or variances to any benchmark requirements detailed in I through V, see the section labeled Exceptions below.

² Unless specifically referenced as business days, all benchmark periods are intended to reflect calendar days.

- a. include a unique tracking number (Log Number) assigned to the investigation;
 - b. advise the complainant (or representative) of whether the complaint has been assigned to the Department's Bureau of Internal Affairs or COPA for investigation; and
 - c. inform the complainant (or representative) as to how to inquire about the status of the complaint.
2. This notice will not:
 - a. include any language discouraging participation in an investigation related to the complaint.

II. JURISDICTIONAL DECISIONS, TRIAGE & PRELIMINARY INVESTIGATION

A. Within 30 days of receipt of a complaint/notification, the COPA Intake Unit will:

1. assess the allegation to determine whether the complainant has alleged potential misconduct;
2. if potential misconduct is alleged, assess the complaint/notification to determine whether the incident or alleged misconduct falls within COPA's investigative jurisdiction in accordance with COPA Policy (Intake) and conduct a preliminary investigation into the complaint; and
3. triage, assign the complaint/notification for preliminary investigation by the Intake Unit or to an Investigative Squad, or designate certain investigations for closure at the conclusion of preliminary efforts in accordance with COPA Policy (Intake) and COPA Policy (Affidavits, Affidavit Overrides, Exceptions to Affidavit Requirement).

III. INVESTIGATIVE SUPERVISION

- A. Within five (5) business days of assignment of any investigation to a COPA Investigative Squad, the assigned supervisor will review the investigative file and will assign an investigator.
- B. Within two (2) business days of assignment, the assigned investigator will conduct an initial review of the file, meet with the assigned supervisor to discuss investigative strategy, and prepare an Investigative Plan. The assigned investigative team will document the occurrence of initial meetings and outcomes in COPA's electronic Case Management System (CMS).
- C. The assigned investigative team must hold a supervisory case conference to discuss investigative progress and strategy at least once every month. The assigned investigative team will document the occurrence of case conferences and outcomes in CMS.

IV. INVESTIGATIVE ACTIONS

- A. Investigative staff must document all Investigative Actions (IAs) within 24 hours in CMS from the time of the IA (e.g., phone call, document request, status update/follow-up, interviews, etc.).
- B. Investigative staff must carry-out, and document in CMS, at least one IA every 14 days unless otherwise adjusted as a result of supervisory case conference outcomes (*see* III(C) above).
- C. Investigative staff will interview identified Department members (consistent with any applicable collective bargaining agreement), complainants, victims, and civilian witnesses as soon as is feasible and reasonable.

- 1. The following IA benchmarks apply in all investigations other than Major Case Incidents:

<u>Investigative Action</u>	<u>Benchmark</u> ³
Canvass of incident scene, if necessary/appropriate	Within 5 days
Request/obtain Department-owned audio/video materials and reports/records	Within 7 days
Contact known civilian witnesses for interviews	Within 7 days
Complete an Index of materials qualifying for public release pursuant to the City of Chicago Video Release Policy, if applicable	Within 15 days
Conduct witness Department member interviews	Within 45 days
Conduct accused Department interviews	Within 90 days

- a. If benchmarks are not met, investigative staff will document in CMS reasons for delay.

- 2. The following IA benchmarks apply to Major Case Incident investigations:⁴

<u>Investigative Action</u>	<u>Benchmark</u> ⁵
Request/obtain Department-owned audio/video materials and reports/records	Within 2 days
Conduct internal briefing and prepare an Investigative Plan	Within 2 business days
Offer, and conduct if accepted, briefing to Cook County State’s Attorney’s Office	Within 3 business days
Follow-up canvass of incident scene to supplement initial COPA on-scene incident response, if necessary/appropriate	Within 5 business days

³ Benchmarks are calculated from the date that COPA initiates an investigation, which may not correspond with the date on which the incident or alleged misconduct occurred.

⁴ With limited exception, COPA assigns Major Case Incident investigations to investigative staff that have received specialized training relative to death and homicide investigations. Exceptional circumstances may include incidents that initially appear to require assignment of specialized staff, but after conducting preliminary investigative efforts COPA later determines specialized staff is not mandated or merited.

⁵ See footnote 3.

Coordinate and/or participate in the coordination of a Major Case Review with Illinois State Police Crime Lab regarding analysis and testing of physical and forensic evidence, if necessary/appropriate	Within 5 business days
Conduct on-scene witness and involved/accused Department member interviews	Within 7 days
Contact known civilian witnesses for interviews	Within 7 days
Complete an Index of materials qualifying for public release pursuant to the City of Chicago Video Release Policy, if applicable	Within 15 days
Conduct additional Department member interviews	Within 45 days
Attend Department Command Staff incident briefing	As scheduled by the Department
Attend autopsy of deceased subject	As scheduled by the medical examiner's office

- a. If benchmarks are not met, investigative staff will document in CMS reasons for delay.

V. CONCLUSION OF INVESTIGATIONS

- A. COPA will arrive at investigative resolution, to include findings and recommendations, within 180 days of the initiation of an investigation. Members of the Investigative Section are responsible for ensuring that investigative efforts proceed in a timely manner.⁶
- B. If COPA does not conclude an investigation within 180 days after initiation, the assigned investigative team will submit a written request for extension providing an explanation for the investigation taking longer than 180 days to complete, along with a recommendation for continuance or closure. The Chief Administrator (or designee) will, in writing, either approve the request to continue the investigation or instruct the investigative team to close the investigation and include an explanation of the reason(s) for granting or denying the extension.
 1. The assigned investigative team must submit the written request for extension for approval 10 business days in advance of the 180-day benchmark.
 2. If such a request is denied, the investigative team will promptly begin the closure process.
- C. If COPA does not conclude an investigation within 180 days after initiation, COPA will, thereafter:
 1. Periodically, but not less than once every 60 days, attempt contact with the complainant or his or her representative to provide status updates until the investigative findings and recommendations are issued. COPA staff will document such contacts and attempted contacts in the investigative file. Depending on contact

⁶ The 180-day benchmark is inclusive of COPA's various levels of review and legal analysis.

information available to COPA, such contacts and attempted contacts may take the form of telephone, email, and mail (to include certified U.S. mail).

2. Notify, within five (5) days after the end of the 180-day period, the following, giving the general nature of the investigation or information giving rise to the investigations and the reasons the investigation has not concluded within 180 days:
 - a. the Mayor, or designee;
 - b. the Superintendent;
 - c. the Chairman of the City Council Committee on Public Safety;
 - d. the complainant or complainant's representative; and
 - e. the involved Department member or representative (unless such notification would compromise the integrity of the investigation).
 - i. COPA will provide an update to such notice, including the same information and notification to the recipients in V(C)(2) above, every 180 days until the investigation is concluded.
3. If COPA does not conclude an investigation within 180 days after initiation, COPA will follow the procedures set forth in V(B) above every 45 days after the initial 180-day period.

D. Within 60 days of a final disciplinary decision pursuant to Municipal Code of Chicago 2-78-130(a), COPA will:

1. provide the complainant a copy of the Final Summary Report for the investigation conducted relative to their complaint;
2. publish a copy of the Final Summary Report; and
3. ensure that a copy of the Final Summary Report is provided to the Department and involved or accused Department member.

EXCEPTIONS

To ensure the accuracy, completeness, and quality of an investigation, an exception or variance to a benchmark requirement may be granted upon written supervisory approval due to unexpected illness, scheduled vacation, high volume caseloads, or case reassignment. Other exceptional circumstances may include surges in caseloads due to unique or unanticipated events (e.g., protests and civil unrest) or delays attributable to circumstances outside of COPA control (e.g., officer incapacity/unavailability or testing of physical and forensic evidence).

In advance of approving individual exceptions, supervisory staff will explore alternative options, such as reassignment to provide coverage during extended staff member absence, to assure that investigations do not become unreasonably delayed. Upon approving any individual exceptions or variances, the supervisory staff member will document their rationale supporting approval in CMS.

Further, the Chief Administrator or Chief of Investigative Operations may implement and monitor a written plan directing the distribution and prioritization of investigations to address high volume caseloads which may result in variance from aforementioned benchmarks. Upon issuance of a written plan, supervisory staff will document the written plan in CMS for each investigation identified as included.

RELATED INFORMATION

<u>Title</u>	<u>Link</u>
Affidavits, Affidavit Overrides, Exceptions to Affidavit Requirement	COPA Policy
COPA Interviews – Chicago Police Department Members	COPA Policy
Fact Gathering & Investigative Process	COPA Policy
Final Summary Report	COPA Policy
Intake	COPA Policy
Investigative File Maintenance	COPA Policy
Request for Extension of Investigation	COPA Template

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