

	POLICY
	Unit: Investigations
Number:	Title: Final Summary Report
Effective Date: 7/30/21	Supersedes: 3.1.3 (3/1/19)

Final Summary Report

PUBLIC POLICY STATEMENT

The Final Summary Report of Investigation (FSR) is intended to serve as the written memorialization of COPA’s analysis of the evidence and investigative Findings. Written for the benefit of audiences both internal and external, COPA strives to produce FSRs that are thorough, yet concise, and easily comprehended by all stakeholders. Through the FSR, COPA outlines the allegations of misconduct against Department members, discusses and applies applicable legal rules, including any relevant Department rules and directives, discusses and analyzes the relevant evidence, explains the recommended disposition of each allegation (i.e., Sustained, Not Sustained, Unfounded, or Exonerated), and details any associated recommendations such as discipline or training. Although only a summary, the FSR must reflect an accurate distillation of the underlying evidence supporting COPA’s Findings and recommendations.

PURPOSE

The purpose of this policy is to ensure that all FSRs associated with COPA investigations maintain a level of structural, evidentiary, and analytical consistency and integrity.

DEFINITIONS

Term	Meaning
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.

Findings	<p>At the conclusion of an investigation, COPA will make an assessment as to whether there is sufficient evidence to prove or disprove the alleged misconduct. COPA categorizes its findings as follows:</p> <ul style="list-style-type: none"> • Sustained – where it is determined the allegation is supported by a preponderance of the evidence; • Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence; • Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or • Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper. <p>For the purposes of COPA’s investigations:</p> <ul style="list-style-type: none"> • A ‘preponderance of evidence’ is evidence indicating that it is more likely than not that the alleged misconduct occurred. If the evidence establishes that it is more likely that the misconduct occurred, even by a narrow margin, then the preponderance of the evidence standard is met. • ‘Clear and convincing evidence’ is a higher standard than a preponderance of the evidence but lower than the ‘beyond a reasonable doubt’ standard required to convict a person of a criminal offense. ‘Clear and convincing evidence’ is a degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the allegation is true.
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.

POLICIES

I. FINAL SUMMARY REPORT REQUIREMENTS & COMPONENTS

- A. All FSRs will align with the proper format prescribed in this policy to ensure a level of consistency and accuracy.
- B. All FSRs must include following components:

1. Executive Summary:

- a. A brief description of the facts derived from evidence gathered during the investigation, as well as the date, time, and location of the incident. The Executive Summary should orient the reader by providing an overview of the nature and scope of the key events and include a narrative summary of the alleged misconduct, as well as an overview of COPA's analysis and Finding(s).
 - i. Though all FSRs will include an Executive Summary, the scope and length of the Executive Summary may be adjusted according to the needs of each FSR. For example, a complex, high-profile investigation may necessitate a lengthier recitation to preface the report, whereas a less-complex investigation may only require a few sentences to address evidence and facts and COPA's analysis and finding(s).

2. Involved Parties:

- a. The names and roles of the key individuals involved in the incident, including the involved or accused Department member(s), subjects, complainants, and any Department member or non-Department member witnesses.

3. Allegations:

- a. A narrative listing of the allegations, which may include reference to applicable the Department directive(s) alleged to have been violated (e.g., the officer did X, in violation of Y), as well as the date, time, and location of the alleged misconduct.
 - i. COPA staff responsible for drafting the FSR will ensure that the narrative listing of allegations in the FSR is consistent with the narrative listing of allegations served to the Department member accused of misconduct in advance of their interview (*see* COPA Policy (COPA Interviews – Chicago Police Department Members)).

4. Applicable Rules & Laws:

- a. Listing of rules and laws that are relevant to the allegations, such as:
 - i. Department Rules, General Orders, and Special Orders; and
 - ii. Federal, state & municipal law.

5. Investigation:

- a. A narrative summary of the incident under investigation and/or the alleged misconduct.

- b. Description of the material evidence gathered, and facts derived therefrom, to include:
 - i. Information obtained from key investigative steps either chronologically, or by topic, depending on what provides better clarity and accuracy associated with the underlying evidence gathered.
 - ii. As appropriate to provide a clear synthesis of all relevant/material evidence, summarizations may address evidence from several different sources, highlighting its collective relevance/materiality, rather than individually listing/summarizing every item in the administrative investigative file.
- c. The Investigation section must describe the evidence (e.g., interviews, forensic/medical/physical, video/digital, documentary) accurately and clearly without bias or subjective opinion.
- d. The assigned investigative team will ensure the accuracy and thoroughness of the facts derived from evidence gathered and outlined in the Investigation section of the FSR, as well as objectively represent the information free from any subjectivity or opinion not based on evidence and facts of the case.

6. Legal Standard:

- a. The Legal Standard section defines Findings and describes the standard of proof required to reach Findings.

7. Analysis:

- a. Though typically led by the assigned investigator, with support from the assigned supervising investigator, initial drafting of the Analysis and/or Findings section may require a collaborative approach involving members of COPA's Legal Section and/or other members of the investigative review chain.
- b. For Major Case Incidents and other investigations identified by a Deputy Chief, the Chief of Investigative Operations, or the Chief Administrator, initial drafting of the Analysis section will be led by a member of COPA's Legal Section.
 - i. The assigned investigator will remain a collaborative partner to the member of the Legal Section and may assist in crafting the Analysis section.
 - ii. Members of the Legal Section will ensure that references to legal authority (cases, statutes, etc.) or other reference material (books, articles, websites, etc.) are properly cited in "Bluebook" legal format.

- c. The analytical determinations and proposed Findings of the assigned investigative team and/or member of the Legal Section are expressly not final until approved by the Chief Administrator (or designee).
- d. The Analysis section will clearly discuss/summarize the evidence and facts relevant to each allegation and its application to Department rule(s), directive(s), and/or law(s).
 - i. Though each allegation must be addressed separately as to each officer, similar allegations of misconduct made against multiple Department members may be analyzed en masse rather than in-turn to avoid unnecessary repetition in the FSR.
- e. Where appropriate, the Analysis section will include only reasonable and objective inferences drawn from the evidence and facts, and when done will be clearly stated.
- f. The Analysis section will include an assessment of the credibility and reliability of statements. COPA will:
 - i. make credibility determinations of statements made by complainants, involved Department members, and witnesses based on independent, unbiased, and credible evidence, taking into account any known record or final determination of deception or untruthfulness in legal proceedings, administrative investigations, or other investigations;
 - ii. critically evaluate all statements, like any other evidence, giving no automatic preference to, or discounting, any statement solely due to its source, including statements made by Department members (i.e., COPA will not disregard a statement solely because a witness has some connection to either the complainant or the Department member or because the witness or complainant has a criminal history).
 - iii. discuss the basis for a credibility determination with specificity (i.e., prior consistent/inconsistent statement, ability to perceive the events, bias, truthfulness, or consistency/inconsistency with other evidence and facts); and
 - iv. where material inconsistencies exist among complainant, Department member, and witness statements, will explicitly identify the inconsistencies, including a description of the facts and evidence reviewed.

8. Findings:

- a. A summarization of COPA's Findings relative to each allegation, including reference to applicable Department rules and/or directive(s) found to have been violated.

- b. Announce the Finding for each allegation based on an analysis explaining how the evidence and facts meet or do not meet the applicable standard of proof for each allegation.

9. Disciplinary and Remedial Recommendations:

- a. Included only in FSRs for investigations that reach a sustained Finding or where COPA has recommended remedial action, such as training or action to address officer wellness.
- b. This section notes a Department member's complimentary and disciplinary history, as well narrative support for COPA's recommended disciplinary penalty for sustained allegations and/or any non-disciplinary, remedial action. *See* COPA Policy (Disciplinary and Remedial Recommendations).

10. Advisories:

- a. Included in an FSR at the discretion of a Deputy Chief or above. This section highlights for the Department any emerging patterns or practices or risk in Department member conduct, training, or other systemic concerns.
- b. COPA's Policy, Research & Analysis Division may research further and issue a separate, more fulsome report addressing concerns identified in an individual FSR, trends across multiple FSRs, or as part of a larger effort to address areas of risk or deficiencies in Department practices, policy or training.

11. Appendices:

- a. Include any necessary appendices, such as:
 - i. Supplementary material that is not an essential part of the FSR itself but is helpful in providing a more comprehensive understanding of COPA's investigation. An example may include a reference list of COPA reports, advisories, and/or correspondence addressing Department operational, policy, or training concerns related to the subject matter of the investigation.
 - ii. A list of the investigative staff assigned to the investigation.
 - iii. An index of video and/or audio materials referenced in the FSR.

II. APPROVAL OF FINAL SUMMARY REPORTS

- A. All investigations conducted by COPA, once complete, will be forwarded through the assigned investigator's chain of supervision to the Chief Administrator (or designee):
 - 1. COPA will ensure that administrative investigative files are complete, meet the requirements of law, COPA policy, and that findings are supported by the appropriate standard of proof;

2. the Chief Administrator (or designee) will order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the Findings; and
 3. whenever COPA orders additional investigation, the request and resulting investigation will be documented in writing in the administrative investigative file.
 - a. *See also* COPA Policy (Investigative File Maintenance), COPA Policy (Quality Assurance), and COPA Guidance (Final Summary Report Review Chains).
- B. Each allegation addressed in an FSR must receive one Finding.
- C. The assigned supervising investigator will thoroughly review the underlying evidence to confirm that the FSR represents an accurate and comprehensive assimilation of all the relevant evidence and facts, the analysis is presented in a fair, objective and unbiased manner, and the FSR is free of spelling and grammatical errors.
- D. All FSRs must have a DRAFT watermark designation until the report is finalized and approved by the Chief Administrator (or designee).
- E. No FSR, or any of the Findings, conclusions, or recommendations contained within it, is final until it is approved by the Chief Administrator (or designee). Prior to that time, any Findings, conclusions, or recommendations contained in an FSR are merely proposals for the Chief Administrator's consideration, as, unless delegated, the Chief Administrator is the sole individual authorized to make such Findings, conclusions, or recommendations.
- F. Any FSR reflecting comments or feedback from any member of the Legal Section, including the General Counsel, must be clearly labelled as "Attorney Work Product/Attorney-Client Privileged" information until finalized and approved by the Chief Administrator (or designee).
- G. The assigned investigator will incorporate draft FSRs in the administrative investigative file in accordance with COPA Policy (Investigative File Maintenance).
- H. Internal Non-Concurrence:
1. If, based on a review of all the evidence gathered and an analysis based on proper evidentiary standard, there exists internal disagreement between an assigned investigator and supervisor regarding assessment of, or recommended changes to, any content in an FSR, including the proposed Findings, the assigned investigator may request an initial consensus meeting.
 - a. The initial consensus meeting will include the assigned investigator, supervisor, involved member(s) of the Legal Section, if any, and a Deputy Chief.
 - b. The assigned investigative team will brief the Deputy Chief on the investigation, analysis, proposed Finding(s) and the area(s) of disagreement.

- c. In the Deputy Chief’s discretion, the Chief of Investigative Operations and General Counsel may be invited to attend the initial consensus meeting.
2. If the initial consensus meeting fails to reach a resolution to the source of disagreement, the Deputy Chief will schedule a second consensus meeting to include the Chief of Investigative Operations and General Counsel.
 - a. In the Chief of Investigative Operations’ discretion, the Chief Administrator may be invited to attend the second consensus meeting.
3. If the second consensus meeting fails to build consensus on a resolution to the source of the disagreement, the Chief Administrator will review the matter and determine an appropriate resolution to the disagreement(s).
4. The occurrence of consensus meetings, as well as recommended steps, analysis, or corrections arising from the consensus meetings, will be documented by the assigned investigative team in the administrative investigative file. Upon resolution and any necessary corrections, the FSR will continue through the normal review process.

III. TRANSPARENCY

- A. Information contained in the FSR that is legally exempt from disclosure for privacy or other purposes will be redacted prior to electronic publication (*see* COPA Policy (Transparency Initiatives)).

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
COPA Interviews	COPA Policy
Disciplinary and Remedial Recommendations	COPA Policy
Fact Gathering	COPA Policy
Intake	COPA Policy
Investigative File Maintenance	COPA Policy
Quality Assurance	COPA Policy
Recommendations Regarding Department Member Duties and Powers	COPA Policy
Transparency Initiatives	COPA Policy

Timeliness Benchmarks	COPA Policy
Final Summary Report Review Chains	COPA Guidance
Final Summary Report Template	COPA Template

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