

	<b>POLICY</b>
	<b>Unit:</b> Investigations
<b>Number:</b>	<b>Title:</b> Major Incident Responses – Officer-Involved Shooting or Officer-Involved Death
<b>Effective Date:</b> 6/15/22	<b>Supersedes:</b> N/A (Original)

## Major Incident Responses – Officer-Involved Shooting or Officer-Involved Death

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### PUBLIC POLICY STATEMENT

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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 investigators will conduct objective, comprehensive, and timely investigations of complaints, as well as police-involved incidents falling within its jurisdiction.

COPA recognizes that firearm discharge and Officer-Involved Death (OID) incidents are traumatic events and is committed to treating all impacted with dignity and respect. These investigations require a significant degree of accuracy and professionalism from all investigative, law enforcement, and prosecutorial agencies involved. This is particularly true as it relates to deployment of resources in the first instance to scenes related to an Officer-Involved Shooting (OIS) or OID. COPA must observe the procedural rights of the Chicago Police Department members involved, while also acknowledging the traumatic impact on the family and communities of non-Department members involved as well as on Department members, community-law enforcement relations, and public perceptions of law enforcement. Therefore, this policy provides comprehensive expectations related to the initial deployment of COPA personnel to OIS and OID scenes through post-field response briefings, interviews, and follow-up investigative activity.

Further, given the often sensitive and high-profile nature of OIS and OID investigations, COPA recognizes the critical need for transparency. Therefore, consistent with applicable laws and COPA policy, the actions of COPA staff will not unreasonably impede or delay access to information for the families of individuals who have been injured or are deceased.

COPA conducts administrative investigations into OIS/OID incidents, focusing on whether the conduct of Chicago Police Department members falls within the Department’s directives, rules and regulations. At the conclusion of an investigation, COPA may recommend that the Department take disciplinary action against its employee. COPA conducts its administrative investigation concurrently with members of law enforcement responsible for investigating underlying and surrounding criminal conduct related to the OIS/OID, as well as refers investigative materials to the Cook County State’s Attorney’s Office (CCSAO) for a criminal review and, potentially, further investigative activity into Department member use(s) of force involved in the incident.

COPA must also abide by certain rights and procedures conveyed in applicable collective bargaining agreements for both sworn and non-sworn members of the Department that impact OIS and OID investigations. Most notably, the collective bargaining agreements:

- require COPA to convey certain advisements of rights in advance of a Department member interview;
- prescribe, in certain circumstances, timeframes during which COPA is prohibited from interviewing a Department member;
- entitle, in certain circumstances, Department members to receive notice of any allegations of misconduct, review prior statements, or review evidence (such as audio and video materials related to an incident) in advance of or during COPA interviews; and
- guarantee Department members have access to legal counsel and/or representation of their choosing in advance of and during COPA interviews.

## **PURPOSE**

This policy directs COPA’s conduct and investigative efforts on and beyond the scene(s) of OIS and OID incidents, as well as details responsibilities of COPA supervisory personnel.

## **DEFINITIONS**

<b>Term</b>	<b>Meaning</b>
Canvass	A systematic approach to interviewing residents, business owners, and others who are in the immediate vicinity of an incident or allegation of potential misconduct and may have useful information.
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 of information receipt, as well as make initial jurisdictional determinations, triage decisions, and conduct preliminary investigations.
Detective Area	A geographical area, covering multiple Police Districts, designated for detective and related services with a centralized police facility within the Area.
Final Disciplinary Decision	The final decision of the Superintendent or his or her designee regarding whether to issue or recommend discipline after review and consideration of the investigative findings and recommendations, including after any additional investigation conducted as a result of such review. For COPA investigations, the final disciplinary decision occurs after the conclusion of the process described in Municipal Code of Chicago 2-78-130(a).
Investigative Response Team (IRT)	An investigative unit within the Department that is tasked with conducting all investigations of underlying and surrounding crimes in instances where a Department member discharges his/her firearm in the direction of a person, as well as OID incidents.
Involved Department Member	A Department member who witnessed, was directly involved in, or may otherwise have relevant information regarding an incident that is the subject of a complaint or investigation.
Major Accident Investigation Unit (MAIU)	An investigative unit within the Department that is tasked with conducting investigations into motor vehicle traffic crashes involving death or serious injury.

Major Case Incident	<p>Any of the following incidents:</p> <ul style="list-style-type: none"> <li>• All firearm discharges by Department members.</li> <li>• 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.</li> <li>• Death or serious injury while in custody or detained.</li> <li>• Other weapons discharges, equipment usage or incidents resulting in serious injury or death.</li> <li>• 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.</li> </ul>
Memorandum of Understanding/ Agreement (MOU/MOA)	Because COPA policy alone cannot bind the conduct of external agencies, a MOU/MOA outlines an agreement between COPA and external agencies for handling certain protocols and memorializes the agencies' common objectives.
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.
On Call Incident Commander (OCIC)	Also known as the designated exempt-level incident commander or "Street Deputy." The OCIC is a member of the Department who responds to major incidents and assumes command of the scene.
Officer-Involved Death (OID)	Any death of an individual that results directly from an action or intentional omission, including unreasonable delay or intentional failure to seek medical attention for a person in custody when the need for treatment is apparent, of a Department member while the member is on duty or otherwise acting within the scope of his or her employment, or while the member is off-duty but performing activities that are within the scope of his or her law enforcement duties. This includes any death resulting from a motor vehicle accident 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. <i>See 50 ILCS 727/1-5.</i>
Officer-Involved Shooting (OIS)	A firearm discharge by a Department member that strikes, or could potentially strike, an individual.
Police and Community Relations Improvement Act (PCRIA)	An Illinois state law (50 ILCS 727) that sets standards for investigations of certain police-involved incidents, which include fatal OIS incidents and other OID incidents, such as fatal police-involved motor vehicle accidents.
Police District	A geographical area patrolled by Department members who operate out of a centralized police facility within the District.

Witness Department Member	A Department member who, whether on or off-duty, observed or was present during an incident or may have information relevant to the subject matter being investigated, though formal action (including disciplinary, administrative, or criminal sanctions) against the member is not reasonably contemplated.
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## POLICIES

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### I. INVESTIGATIVE AUTHORITY AND RESPONSIBILITY<sup>1</sup>

A. Pursuant to 2-78-120 of the Municipal Code of Chicago, COPA will:

1. Conduct administrative investigations into all incidents, including those in which no allegation of misconduct is made, in which a Department member discharges a firearm in a manner that could (or does) strike another individual.
2. Conduct administrative investigations into all incidents of an OID as defined by PCRIA, including incidents where a Department member is off-duty but performing activities that are within the scope of his or her law enforcement duties.

B. COPA has the primary responsibility and authority to conduct administrative investigations into the actions of any Department member in relation to an OIS or OID incident.

1. COPA does not have primary responsibility and authority to conduct criminal investigations into the action of any Department member or underlying criminal offense involving non-Department members in relation to an OIS or OID incident.<sup>2</sup>

### II. INITIAL NOTIFICATION AND DEPLOYMENT

A. The Department will provide Notification to COPA's on-call supervisor of OIS and OID incidents.

1. Pursuant to applicable Department procedures, COPA receives initial Notification from the Department's Crime Prevention and Information Center (CPIC). However, this does not preclude the possibility that COPA's on-call supervisor may also receive initial notifications from on-call Department IRT personnel, other on-scene Department members, and/or the Office of Emergency Management and Communications (OEMC).
2. If the initial Notification regarding the OIS/OID is received from a source other than CPIC, the COPA on-call supervisor may subsequently contact CPIC, IRT, other on-

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<sup>1</sup> Provisions in this policy that address actions carried out by the Department derive from applicable Department directives, including General Order G03-06 (Firearm Discharge and Officer-Involved Death Incident Response and Investigation) and Bureau of Detectives Special Order 17-02 (Conduct of Investigation Regarding Officer Involved Shootings and Officer Involved Deaths), as well as the MOU/MOA between COPA and the Department addressing protocols for the investigation of OIS and OID incidents.

<sup>2</sup> Barring exceptional circumstances, such as incidents occurring outside of the City of Chicago or involving joint efforts with other law enforcement agencies, the investigation of the underlying criminal offense involving non-Department members related to the OIS or OID incident will be led and coordinated by Department members.

scene Department members, and/or OEMC for confirmation of the incident and seek available information related to the below listed items in II(B).

- B. Upon receipt of initial Notification regarding the OIS/OID, the COPA on-call supervisor will seek all available preliminary information, to include:
1. Location(s), time, and nature of incident.
  2. Confirmation as to whether the scene is secure.
  3. Confirmation of, and contact information for, other ranking on-scene Department members, the District Watch Commander, and/or OCIC, if needed prior to COPA's arrival on-scene.
  4. Any known identifiers for Involved and Witness Department members, such as name, Star Number, unit of assignment and beat.
  5. Injuries or fatalities, if any, both civilian and sworn.
  6. Whether non-Department witnesses have been identified, their present location, and whether the Department intends to relocate the witnesses (i.e., to a District or Area).
  7. Confirmation that Involved and Witness Department members have been separated by the first responding supervising Department member on scene.
  8. The location of hospitals that involved individuals or Involved and Witness Department members have been transported to for treatment.
  9. Any other relevant preliminary information known upon Notification.
- C. Upon receipt of the initial Notification, the on-call supervisor will notify the ranking on-call COPA member (i.e., a Deputy Chief Administrator assigned to Investigations or a Director of Investigations) of the OIS/OID incident and convey the preliminary information obtained.
- D. The ranking on-call COPA member (or designee) will take the following actions:
1. Attempt to contact IRT personnel, the ranking on-scene Department member, District Watch Commander, the OCIC and/or Bureau of Internal Affairs (BIA) personnel, if applicable, to provide confirmation of COPA's response and gather any additional available preliminary information.
  2. Determine initial deployment locations (i.e., incident scene(s), hospital(s), medical examiner's office, and Department District or Area facilities).
  3. Determine deployment of COPA members, which may include Supervising Investigators, Major Case Specialists, Investigators, Evidence Specialists, and/or Digital Forensic Analysts, as appropriate. *See also* COPA Guidance (Major Incident Response Matrix).
    - a. COPA members will begin immediate deployment to identified locations and will provide an estimated time of arrival to the ranking on-call member (or designee).

- b. Barring exceptional circumstances, such as unavoidable traffic delays or vehicle malfunctions, COPA members will arrive at identified locations as soon as possible but no later than 60 minutes from receiving instructions to deploy from the ranking on-call member (or designee). COPA members will document arrival times at deployment locations for inclusion in COPA's investigative file.
4. Notify COPA's Chief Administrator.
5. Notify COPA's First Deputy Chief Administrator (or designee).
6. Notify the Cook County State's Attorney's Office (CCSAO) Law Enforcement Accountability Division and Federal Bureau of Investigation and, if requested, provide a follow-up briefing(s).

### **III. FIELD RESPONSE**

- A. COPA members will participate in the preliminary assessment during the immediate aftermath of an OIS or OID to the same extent as any Department member or any other law enforcement agency investigating the incident.
- B. The ranking on-call COPA member (or designee(s)) will take the following actions at deployment locations, to include the scene location(s), Police District or Area:
  1. Assume overall supervision of the COPA response, which includes obtaining a briefing from any COPA members already at the scene location(s), District, Area, or other deployment location(s).
  2. At COPA's discretion, COPA personnel will assert access to the scene's inner-most perimeter. Pursuant to applicable Department procedures, no Department member will decline COPA members access to the scene before the arrival of the OCIC (or designee), IRT (and/or MAIU), BIA, or other ranking Department personnel.
    - a. The ranking on-call COPA member will not assert scene access unless he or she first determines the need for agency access outweighs any safety risks to COPA personnel, Department personnel, any individuals involved in the incident, and the general public.
    - b. The ranking on-call COPA member will assess the totality of the circumstances based on available information in making a determination under III(B)(2), which includes, but is not limited to, the following factors:
      - i. whether the ranking on-scene Department member has declared the scene to be both safe and secure, provided the Department member's declaration shall not be dispositive in determining whether to assert or delay access;
      - ii. whether the ranking on-scene Department member communicates that there are no dangerous persons at the scene, provided the Department member's declaration shall not be dispositive in determining whether to assert or delay access;

- iii. whether the ranking on-scene Department member communicates that any involved suspect remains at large provided the Department member's declaration shall not be dispositive in determining whether to assert or delay access;
  - iv. whether Department members have established a clearly delineated boundary for the crime scene;
  - v. the presence of officers at or near the scene, including whether the OCIC (or designee), IRT (and/or MAIU), and/or BIA personnel are present;
  - vi. the presence of persons in custody at the scene;
  - vii. the presence of civilians at or near the scene;
  - viii. whether any person on-scene is experiencing a medical emergency or receiving emergency medical treatment;
  - ix. whether any delay in scene access may have an adverse impact on the independence, integrity, timeliness, or transparency of COPA's administrative investigation; and
  - x. the nature of the scene, including, without limitation, whether it requires entry into a building, whether there is rough terrain or dangerous obstacles, the time of day, and lighting conditions.
- c. Notwithstanding the above, if COPA is denied scene access, COPA's on-scene members will report to the ranking COPA member on-scene, who will contact the OCIC and seek such access. Additionally, the Chief Administrator (or designee) will be notified, and the lack of access documented in an official COPA report for inclusion in the investigative file.

3. Confirm with the OCIC (or designee) that:

- a. public safety statements of all Involved and Witness members have been taken and whether at least one additional member was present as a prover;
- b. Involved and Witness Department members<sup>3</sup> are separated (and have been since encountering the first responding supervising Department member on-scene), transported separately from the scene, and monitored to avoid contact or communications relating to the incident until released by a supervisor at or above the rank of Commander;
  - i. The ranking on-scene COPA member may direct on-scene COPA members to independently verify the Department's efforts to comply with III(B)(3)(b) above. In exercising discretion, the following

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<sup>3</sup> Each as further defined in General Order G03-06 (Firearm Discharge and Officer-Involved Death Incident Response and Investigation).

factors, without limitation, will be taken into account by the ranking on-scene COPA member: the availability of COPA members on-scene and priority of other investigative tasks; the stated location of Involved and Witness Department members (i.e., whether the members are on-scene or have been re-located to a hospital, a Department facility, or other location); and whether there exists reason to believe that assertions made by the OCIC (or designee) are inaccurate.

- c. Involved and Witness Department members are aware of their obligation to not discuss the facts of the incident with any witness until interviewed by COPA, except to the extent necessary to ensure public safety, as instructed by counsel in relation to civil or criminal proceedings, or when participating in Department wellness programs; and
    - i. COPA on-scene personnel will memorialize the identity of the OCIC (or designee) who made the Involved and Witness Department members aware of their obligation for inclusion in the administrative investigative file.
  - d. for OIS incidents, Involved Department member firearm(s) have been identified, the time and location at which they were identified, detail regarding their present location, and directives given to retain or preserve the firearm before collection and processing by members of the Forensic Services Division.
4. Request the OCIC (or designee) provide COPA members a preliminary briefing, to include available information regarding:
- a. identification of the immediate investigative steps taken and currently in progress;
  - b. deployment of personnel and actions tasked in support of the investigation;
  - c. IRT, BIA, and detective investigative steps taken and currently in progress;
  - d. intentions or efforts to interview non-Department witnesses or Witness or Involved Department members, as well as the timing, order and location of such interviews;
    - i. The order in which interviews are conducted are determined by the OCIC (or designee) and the ranking on-scene COPA member, in consultation with Department personnel.
    - ii. If the Department is conducting a concurrent investigation of criminal conduct by non-Department members related to the incident, the witness interviews may be conducted concurrently, if feasible, by the Department and COPA members.
  - e. disclosure and plan for processing of any and all evidence, including any firearms recovered at the scene;



- i. Pursuant to applicable Department directives, members of the Forensic Services Division will ensure that any firearms used in the incident are safely broken down and/or magazine count conducted at the scene or in a Department facility, such as a District or Area, and that COPA members are present for any such inspection.
  - f. intention or efforts to Canvass;
  - g. involvement and investigative interest of any outside agencies, if any, relative to the incident;
  - h. identification of any responding union representative(s) present at the scene(s), hospital(s), or Department District or Area;
  - i. notice of efforts to review or extract City-controlled or third-party video related to the incident; and
    - i. COPA members will be present for efforts to recover both event and failsafe recordings from Department in-car camera systems.
  - j. notice regarding the review of any video materials having occurred prior to COPA's arrival.
- 5. Engage the OCIC (or designee) for follow-up briefings throughout the course of the incident response.
- 6. In consultation with the OCIC, request that Forensic Services personnel:
  - a. Take comprehensive photographs of Department members involved in or witness to the OIS or OID.
  - b. Examine the firearm(s) of Department member(s) present at the time of firearm discharge incident to:
    - i. identify its make, model, serial number, caliber, type and other identifiers;
    - ii. determine the type of ammunition used; and
    - iii. determine the number of rounds expended and/or remaining while COPA members are present.
  - c. If there exists the possibility that the incident involves firearm discharge(s) by other Department or non-Department members, conduct additional gunshot residue testing on the other Department or non-Department members that may have possessed a firearm.
- 7. Designate COPA members to:
  - a. participate in the walk-through of the incident scene(s);

- i. If appropriate, a COPA Evidence Specialist will participate in the walk-through.
      - b. view/listen to any available audio/video recordings;
      - c. Canvass an area, if appropriate; and
      - d. observe evidence collection, including any weapon breakdowns.
  8. Direct efforts to schedule Involved and Witness Department member interviews.
    - a. COPA members will make contact with union representatives for the purposes of scheduling interviews. *See also* COPA Policy (COPA Interviews – Chicago Police Department Members) regarding documentation of all communications with a Department member’s union representative and/or attorney.
  9. Obtain and share a full listing of personnel from involved agencies (i.e., COPA, the Department, Cook County Medical Examiner’s Office, and other law enforcement agencies) responding to the scene and conducting investigative activity relative to the incident.
- C. The Chief Administrator (or designee), will be present for the first viewing by the Department of available video or audio material related to the incident and when any audio or video material is collected and preserved at or near the scene from Department or third-party surveillance systems.
  1. The requirements of III(C) will not apply if:
    - a. the Chief Administrator (or designee) has been informed of the incident and is not on scene; and
    - b. there is a public safety need to review or listen to certain available audio or video materials prior to the arrival of COPA members.
      - i. If COPA is not present for the first viewing by the Department of available video or audio material, the ranking on-scene COPA member (or designee) will request that the ranking on-scene Department member include a detailed narrative regarding justification for proceeding absent the presence of COPA members in an approved Departmental report.
  2. If on-scene Department members do not comply with the requirements of III(C), COPA’s on-scene personnel will report to ranking on-scene COPA member, who will immediately contact the OCIC and seek access to the available video or audio material. Additionally, the Chief Administrator (or designee) will be notified, and the lack of access documented in an official COPA report for inclusion in the administrative investigative file.

3. The ranking on-scene COPA member (or designee) will confirm the Department's intention to memorialize in an approved Department report all personnel who reviewed audio and video related to the incident at the scene, District or Area, or other location related to the initial field response and, when complete, that the report will be provided to COPA.
  - a. COPA on-scene personnel will memorialize the identity of Department members, and any other individuals (including COPA members), present during reviews of audio and video related to the incident in which they participated for inclusion in the administrative investigative file.
- D. As soon as it becomes apparent, any conflict of opinion or procedure between COPA and Department members at the scene will be reported to the ranking on-scene COPA member (or designee). The ranking on-scene COPA member (or designee) will confer with Department personnel, or other personnel from non-Department agencies that have also responded to the incident, to immediately resolve the conflict on-scene. If an immediate resolution is unavailable, the conflict will be reported up the respective chains of command.
- E. The Chief Administrator (or designee) will confirm whether the Department intends to publicly release any photographic or video evidence related to the OIS/OID and will provide approval or declination for such release within his or her discretion.
- F. If the Department is conducting a concurrent criminal investigation, the ranking on-scene COPA member will consult the OCIC (or designee) and, at his or her discretion, seek to have COPA members present during:
  1. Canvassing and related outreach activities focused on gathering information or communicating with individuals related to the incident;
  2. witness and subject interviews; and
    - a. In the event interviews are electronically recorded, the ranking on-scene COPA member will request that the Department provide COPA members with access to observe the interview live from a remote location (typically, within the Department facility in which the interview is being conducted).
      - i. If not immediately offered, the ranking on-scene COPA member will consult the OCIC (or designee) and request that COPA members be provided the names and contact information of any witnesses identified on-scene or during canvassing efforts, including those transported to a Department facility for interviewing.
  3. interviews of Involved Department members.
- G. The Department's MAIU may respond to fatal incidents involving motor vehicle accidents and, depending on the circumstances of the incident, serve as the Department's lead investigative unit (i.e., rather than IRT).
  1. In such circumstances, the ranking on-scene COPA member will:

- a. coordinate with the OCIC and ranking on-scene MAIU member to ensure that any vehicles related to the OID are not disturbed or removed from the scene; and
  - b. communicate and interact with MAIU in a manner that aligns with expectations set forth in III(A-F) above.
- H. At the conclusion of the Field Response, the ranking on-scene COPA member (or designee) will provide a verbal briefing to the Chief Administrator.

#### **IV. OID SPECIFIC REQUIREMENTS**

- A. In its administrative capacity, COPA will serve as the lead investigative agency for any OID incidents and will coordinate investigative responsibilities with on-scene Department personnel, except under the following circumstances:
- 1. Identification and securing of witnesses and other evidence within the scene by Department personnel in the immediate aftermath of the OID pending the arrival of COPA members.
  - 2. The incident also involves a firearm discharge by a non-Department member of law enforcement.
  - 3. The incident has known, or reasonably suspected as known, involved subjects in custody or at large.
- B. The Chief Administrator (or designee) will confirm with the ranking on-scene Department member the Department's intention to refrain from removing the body of the deceased.
- C. In the absence of a concurrent investigation into underlying and surrounding criminal activity, and subject to applicable collective bargaining agreements, COPA will direct the order of witness, subject, Involved member, and Witness member interviews.
- D. COPA will direct the identification and collection of evidence related to the OID through the ranking on-scene Department member assigned to the Forensic Services Division.
- 1. The ranking on-scene COPA member (or designee) will request from the ranking on-scene Department member assigned to the Forensic Services Division a briefing on all evidence identification and collection efforts, to include subsequent updates as the evidence identification and collection process proceeds.
- E. Notify the CCSAO Law Enforcement Accountability Division and Federal Bureau of Investigation and, if requested, provide a follow-up briefing(s) concerning the OID.
- 1. At the discretion of the Chief Administrator (or designee), IRT (and/or MAIU) and/or BIA supervisory personnel may be present during these discussions and/or authorized to assist in providing responses.

## V. POST-FIELD RESPONSE

A. Within 24-hours of the incident response, the ranking on-scene COPA member (or designee) will:

1. Email a brief summary of the Notification, scene response(s), factual overview, and projected next investigative steps to all Deputy Chief Administrators assigned to Investigations, all responding COPA members, the Chief Administrator, First Deputy Chief Administrator, and supervisors assigned to the Intake Unit. Additional cc's may be included, such as the Chief of Staff, General Counsel, Assistant General Counsel, Chief Investigative Law Officer, Director of Public Affairs, Director of News Affairs, and Deputy Chief Administrator assigned to the Policy, Research and Analysis Division.
  - a. For additional specificity regarding the format and contents of the summary email, *see* COPA Resource (Major Incident Response Summary Email Template).
2. Assign COPA members to attend and observe the autopsy of the deceased, if applicable.
3. Ensure that responding COPA members begin drafting all official COPA reports detailing information related to COPA's response and investigative efforts.
4. Receive a briefing on the status of the investigation and list of immediate follow-ups or next investigative steps from the assigned Major Case Specialist and Supervising Investigator.
5. Provide additional updates to the Chief Administrator, as necessary.

B. The assigned Major Case Specialist and Supervising Investigator will:

1. collaborate with the COPA Intake Unit regarding the input and accuracy of preliminary information to be included in COPA's electronic case management system;
2. draft official COPA reports detailing COPA's response, information obtained from Department personnel regarding the incident, COPA's investigative actions, and other substantive events related to the incident;
  - a. Additional reports may be drafted by other responding COPA members. The subject of these reports may include, but not be limited to, observation of evidence collection, autopsy observation, hospital deployment, or other investigative activities conducted outside of the presence of Major Case Specialist(s).
3. conduct additional Canvasses, as warranted;
4. obtain Departmental (or third-party) reports relating to the incident and request all available audio/video material and photographs, including but not limited to, approved Tactical Response Reports, Detective Supplemental Reports, General

Progress Reports, witness statements, Involved and Witness Department member statements, and City-controlled or third-party audio and video evidence;

5. prepare an internal case briefing for COPA leadership and attendees to be determined by the Chief Administrator and/or Deputy Chief Administrators assigned to Investigations; and
6. remain in contact with IRT (and/or MAIU) and BIA, if applicable, regarding the status of their investigative efforts and any additional information or evidence gathered since the initial incident response.
  - a. Pursuant to applicable Department directives, COPA investigative staff will be afforded the opportunity to interview all witnesses, whether during the initial field response, or subsequent to it.
7. *See also* COPA Policy (Timeliness Benchmarks) regarding investigative actions applicable to Major Case Incident investigations.

C. COPA refers investigative file materials for all OID incidents, as well as all OIS incidents in which an individual other than the discharging Department member is struck, to the CCSAO Law Enforcement Accountability Division for review and evaluation of the use(s) of force involved and, potentially, further investigative activity to be conducted by CCSAO investigative staff for purposes of potential criminal prosecution. *See also* COPA Guidance (Referral Protocols).

1. COPA will refer investigative file materials for OID and OIS incidents upon request from the Federal Bureau of Investigation.

## **VI. OIS/OID INVOLVED AND WITNESS DEPARTMENT MEMBER INTERVIEWS**

- A. Administrative interviews of Involved and Witness Department members will be audio recorded and, where possible, video recorded, with COPA investigators present, except that a member may speak with his or her attorney or union representative in private.
- B. As detailed further in COPA Policy (COPA Interviews – Chicago Police Department Members), COPA investigators will:
  1. not delay interviewing Involved and Witness Department members, and will conduct such interviews as soon as feasible, consistent with any applicable collective bargaining agreement;
    - a. Feasibility associated with conducting Department member interviews without delay will be dictated by ongoing preliminary investigative efforts, such as identifying, obtaining and reviewing available body-worn, in-car, and third party video to determine whether any allegations of misconduct are apparent; opportunity to conduct internal briefings to identify, prepare, and serve notice of allegations of misconduct; opportunity for Department members to retain legal counsel and that attorney’s availability to be present during the interview; and Department member unavailability due to medical concerns.

2. document, and make part of the administrative investigative file, all requests made on behalf of Involved or Witness Department members to reschedule an interview; and
3. remind Department members of any prohibitions, which COPA may extend up to, but not beyond, the Final Disciplinary Decision related to the investigation, addressing discussion of facts relating to an incident after the time of an administrative interview with COPA.

**VII. DUTY TO REPORT**

- A. Pursuant to the City of Chicago Personnel Rules and the Governmental Ethics Ordinance, it is the duty of every COPA employee to report misconduct by other City employees.
1. If, in the course of observing, directing, or conducting investigative activity in relation to an OIS or OID incident, a COPA employee observes or reasonably suspects a Department member, COPA member, or other City employee to have engaged in misconduct or unlawful activity, the COPA employee must report the activity to the ranking on-scene COPA member or a Deputy Chief Administrator assigned to Investigations.
    - a. The misconduct or unlawful activity and any referral of information that results (i.e., required reporting to the City of Chicago Office of Inspector General), will be memorialized for inclusion in COPA’s investigative file.

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**EXCEPTIONS**

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N/A

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**RELATED INFORMATION**

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<u>Title</u>	<u>Link</u>
Compelled Statements	<a href="#">COPA Policy</a>
COPA Interviews – Chicago Police Department Members	<a href="#">COPA Policy</a>
Fact Gathering and Investigative Process	<a href="#">COPA Policy</a>
Intake	<a href="#">COPA Policy</a>
Investigative File Maintenance	<a href="#">COPA Policy</a>
Timeliness Benchmarks	<a href="#">COPA Policy</a>
Transparency Initiatives	<a href="#">COPA Policy</a>
Departmental and Other Relevant Records	<a href="#">COPA Guidance</a>
Major Incident Response Matrix	<a href="#">COPA Guidance</a>
Referral Protocols	<a href="#">COPA Guidance</a>
Major Incident Response Summary Email - Template	<a href="#">COPA Resource</a>

City of Chicago Ethics Ordinance	<a href="#">Municipal Code of Chicago</a>
Personnel Rules	<a href="#">City of Chicago Policies</a>

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**ADDITIONAL SEARCH OPTIONS**

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