

	POLICY
	Unit: Investigations
Number:	Title: Civil and Criminal Complaint Review
Effective Date:	Supersedes: 1.3.8 (eff. 8/19/19)

Civil and Criminal Complaint Review

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 investigators will conduct objective, comprehensive, and timely investigations of complaints, as well as police-involved incidents falling within its jurisdiction. This includes investigating allegations or incidents that come to COPA’s attention through the filing of civil litigation against the City of Chicago, the Chicago Police Department and/or a Chicago Police Department member or referral from an external prosecutorial or public defender’s agency. The Chief Administrator of COPA has the discretion to direct COPA to review materials and evidence related to individual civil lawsuits and criminal proceedings in which allegations of police misconduct are present in order to identify and investigate incidents of misconduct.

Notice of litigation pertinent to allegations of police misconduct and acquisition of litigation materials requires coordination with other City of Chicago departments, such as the Chicago Police Department and the Department of Law (DOL), which is responsible for providing legal counsel and representation for the City of Chicago, its departments, and employees, as well as agencies external to COPA, such as the Cook County State’s Attorney’s Office (CCSAO) and the Cook County Public Defender’s Office (CCPD). Though COPA policy alone cannot bind the conduct of these departments and agencies, COPA works diligently to communicate its objectives and implement systems to ensure COPA receives timely notice of new litigation involving the Chicago Police Department and its members, and consistent receipt of relevant litigation materials for review by investigative staff.

Where an administrative investigation can be meaningfully pursued during the pendency of related civil or criminal litigation, COPA investigators will strive to obtain all evidence relevant to an allegation or incident under investigation as expediently as possible and within the timelines specified by COPA’s ordinance and applicable policies.

PURPOSE

Pursuant to the Municipal Code of Chicago § 2-78-120, the Chief Administrator has discretion to review civil complaints and criminal proceedings to determine whether to investigate alleged underlying Department

member misconduct. This policy explains the process for intaking, reviewing and evaluating those complaints and/or adverse criminal findings.

DEFINITIONS

Term	Meaning
Active Lawsuit	A pending Lawsuit that has not concluded by dismissal, settlement, or Judgment.
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.
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.
Judgment	A decision of a court adjudicating the rights of the involved parties, to include the result of a Lawsuit in court against the Chicago Police Department, a Department member, or the City of Chicago.
Lawsuit	A lawsuit or a claim that alleges misconduct against the Chicago Police Department, one or more Department members, or the City of Chicago alleging police misconduct.
Lawsuit Complaint	A notification made to COPA by the Chicago Police Department, the City of Chicago Department of Law, an attorney, or an external party that notifies COPA of an Active or Non-Active Lawsuit.
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.
Non-Active Lawsuit	A Lawsuit that has concluded by dismissal, settlement, or Judgment.

POLICIES

I. INTAKE PROCESS

A. In accordance with COPA Policy (Intake), COPA will initiate the complaint intake process:

1. Upon receipt of referred information related to the following:

- a. a Lawsuit against the City of Chicago, the Department, and/or Department member(s) that may suggest misconduct by a Department member or members (i.e., a Lawsuit Complaint); or

- i. Pursuant to the MOU addressing civil claim notifications and material sharing protocols, DOL will provide notification to a designated COPA representative on a bi-weekly basis of all cases filed in Federal or State Courts in the previous two-week period that suggest misconduct by a Department Member, including case number, date filed, date of underlying incident, the assigned DOL division, and a brief description of the matter; and provide Lawsuit-related documents and information within 21 days of request from COPA in DOL's possession that is not protected by privilege or attorney work-product.
 - ii. COPA investigative staff, through or in consultation with legal staff, may make supplemental requests for Lawsuit-related documents as needed.
- b. any information shared with COPA by external agencies regarding affirmative judicial findings made during the course of criminal proceedings that a Department member was untruthful, including any findings made at suppression hearings.
 - i. For additional information regarding the City's efforts to obtain information from external agencies derived from criminal proceedings, *see* the MOU addressing information sharing protocols relative to criminal proceedings.
 2. Upon identification of information related to civil or criminal proceedings that may suggest misconduct by a Department member or members through means other than receipt of referred information (i.e., independent investigative activity).

II. EVALUATION OF INFORMATION RELATED TO CIVIL AND CRIMINAL LITIGATION

- A. **Civil Complaints.** Regarding receipt of Lawsuit Complaints, COPA's Investigations section will evaluate the Lawsuit Complaint in accordance with protocols detailed in COPA Guidance (Civil Lawsuit Review).
 1. This includes review of information and court records for any express or implied allegation(s) of misconduct that include Great Bodily Harm, death, highly objectionable conduct, or conduct of actual or possible high public interest.
- B. **Criminal Proceedings.** Regarding information received related to criminal proceedings, COPA's Investigations section will evaluate the information in accordance with protocols detailed in COPA Guidance (Criminal Proceedings Review).
- C. If COPA investigative or legal staff identify or receive information concerning an Active or Non-Active Lawsuit or a criminal proceeding (pending or concluded) that relates to an open COPA investigation through means other than those detailed in I(A) above, the identifying staff member will forward the information to the assigned investigative team for inclusion.
 1. If the information relates to a closed COPA (or Independent Police Review Authority) investigation, COPA staff will forward the information to the General Counsel (or

designee) for consideration relative to COPA Policy (Re-Open Case Procedure). *See also* COPA Guidance (Civil Lawsuit Review) and (Criminal Proceedings Review).

2. If the information is unrelated to an open or closed COPA (or Independent Police Review Authority) investigation (i.e., it is the first instance of COPA’s receipt of the information), COPA staff will forward the information to COPA’s Intake Unit for evaluation in accordance with COPA Policy (Intake).

D. Where appropriate, COPA investigative and legal staff will coordinate to address any questions about the sufficiency of information or contacting parties and conducting interviews with individuals (such as a complainant) who may also be adverse to the City of Chicago in related litigation. *See also* COPA Guidance (Civil Lawsuit Review) and (Criminal Proceedings Review).

III. PATTERNS OR PRACTICES OF MISCONDUCT

- A. In their discretion, the Chief Administrator may direct COPA’s Policy, Research and Analysis Division to evaluate the potential for, or initiate, a pattern or practice investigation based on risks or trends arising from matters of civil or criminal litigation.

EXCEPTIONS

N/A

RELATED INFORMATION

<u>Title</u>	<u>Link</u>
Intake	COPA Policy
Fact Gathering & Investigative Process	COPA Policy
Re-Open Case Procedure	COPA Policy
Civil Lawsuit Review	COPA Guidance
Criminal Proceeding Review	COPA Guidance
Civil Claim Notification and Material Sharing Protocol	Memorandum of Understanding
Agreement Regarding Criminal Proceedings	Memorandum of Understanding

ADDITIONAL SEARCH OPTIONS

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