

COPA Recommendations Regarding the Re-hiring, Resignation, and Retirement of CPD Members

Project Overview

Members of the Chicago Police Department (CPD) have resigned during misconduct investigations, especially when facing serious allegations of misconduct. This raised questions about the exact number of resignations that have occurred during investigations, as this can impact the re-hiring of former CPD members as well as how COPA investigates misconduct and calculates case closure statistics. At the outset of this project, there were numerous instances where resigned members were not accurately labeled as "Resigned During Invest." COPA's Policy Research and Analysis Division (PRAD) sought to quantify the number of CPD members who resigned during COPA investigations, identify barriers to accurate resignation reporting, and develop policy recommendations to promote accurate and timely reporting of CPD member resignations. The Superintendent of Police had 60 days to respond to our policy recommendations. An approximate timeline of key past events, and expected future events, is presented below as well as a list of key policies and documents related to this work.

Timeline

- **August December, 2023:** PRAD staff spoke with internal and external staff, reviewed department policies, and examined CMS and CLEAR databases. PRAD staff then drafted a recommendation letter that was internally reviewed.
- **January 25, 2024:** COPA's Chief Administrator sent a finalized recommendation letter directly to CPD's Superintendent of Police (see included letter below).
- March 25, 2024: CPD's Chief of the Bureau of Internal Affairs sent a response to the recommendation letter to COPA's Chief Administrator (see included letter below).
- **April December, 2024:** COPA is considering next steps that may include reaching out to other involved stakeholders and further follow up letters.

Key Policies and Documents

- City of Chicago Office of Budget and Management, "Chicago Police Department Lateral and Rehire Agreement" (effective July 14, 2023)
- Chicago Police Department, "Chicago Police Department Re-hire Program for Former Sworn Employees."
- G08-01-01, Complaint and Disciplinary System Definitions, Section II (effective December 31, 2022)
- S08-01-07, Command Channel Review, Section VI (effective December 31, 2022)
- City of Chicago Policy Regarding Ineligibility for Rehire (effective February 1, 2019)

Last updated: 04/22/2024



January 25th, 2024

Larry B. Snelling Superintendent of Police Chicago Police Department 3510 South Michigan Avenue Chicago, Illinois 60653

Re: Recommendations regarding the re-hiring, resignation, and retirement of CPD members

Dear Superintendent Snelling,

The Civilian Office of Police Accountability (COPA) has reviewed the recordkeeping and reporting of the Chicago Police Department (CPD) member resignations, retirements, and deaths (hereafter, collectively referred to as "departures") and the Department policies for the hiring and re-hiring of CPD members. To promote timely and accurate investigations, COPA has several recommendations to improve Department policy regarding CPD member departures and re-hiring, in addition to offering multiple suggestions for improved recordkeeping and reporting of CPD member employment statuses.

As an administrative investigative agency, COPA investigates allegations of misconduct by *current* CPD members and cannot serve misconduct allegations or make disciplinary recommendations against *former* members who have resigned, retired, or died. When conducting its investigations, COPA relies on CPD recordkeeping to determine if a CPD member is still employed by the Department and therefore within COPA's investigative jurisdiction. However, COPA has identified multiple instances of inaccurate recordkeeping of CPD employment statuses and irregular and inaccurate notifications of changes in CPD employment statuses to COPA. Any delay in notifying COPA of changes in employment statuses has the potential to result in COPA investigative staff unknowingly spending unnecessary time and resources on investigations of departed CPD members, thus delaying other misconduct investigations. Timely and accurate recordkeeping of CPD member departures benefits Chicago's police accountability system by facilitating efficient use of investigative staff time and resources and may ultimately shorten COPA's case closure timelines.

We offer multiple recommendations for CPD to establish and strengthen its policy regarding CPD member hiring, re-hiring, and departures, in the section titled "COPA Policy Recommendations to CPD." We specifically focus on the *Chicago Police Department Lateral and Rehire Agreement* and CPD's recent implementation of the Re-Hire Program, which offers an expedited re-hire process to former Chicago police officers who resigned within the past 36 months. We highlight multiple concerns that CPD should address and offer recommendations related to these hiring and re-hiring policies and procedures.

¹ City of Chicago Office of Budget and Management, "Chicago Police Department Lateral and Rehire Agreement" (effective July 14, 2023 to present): Chicago Police Department, "Chicago Police Department Re-hire Program for

⁽effective July 14, 2023 to present); Chicago Police Department, "Chicago Police Department Re-hire Program for Former Sworn Employees."

Additionally, COPA requests that CPD and the Office of Public Safety Administration (OPSA) provide COPA with timely and accurate notifications of CPD member departures and re-hires. This request and its related recommendations are detailed in the "Improvements in Data Hygiene" and "Timely Notification of Employment Changes" sections.

COPA hopes to open a dialogue and work collaboratively with CPD and OPSA to improve accurate recordkeeping and timely notifications of CPD member departures. As such, COPA requests a response to the below recommendations from the Superintendent of Police or his designee within 60 days, pursuant to Section 2-78-130(b) of the Municipal Code of Chicago.

Sincerely,

Andrea Kersten
Chief Administrator

Civilian Office of Police Accountability

cc:

Angel Novalez, Chief of Office of Constitutional Policing, Chicago Police Department Allyson Clark-Henson, Managing Deputy Director, Chicago Police Department Dana O'Malley, Acting Chief of Staff, Chicago Police Department Scott Spears, Acting General Counsel, Chicago Police Department Justin Escamilla, Deputy Chief Administrator, Civilian Office of Police Accountability Eve A. Chase, Data Scientist, Civilian Office of Police Accountability Morgan McGuirk, Research Associate, Civilian Office of Police Accountability Steffany Hreno, Director of Investigations, Civilian Office of Police Accountability Robert Landowski, Managing Deputy Director, Office of Public Safety Administration Annastasia Walker, Executive Director, Office of Public Safety Administration

COPA Policy Recommendations to CPD

We offer several recommendations for CPD to establish and strengthen policy regarding CPD member hiring, re-hiring, and departures. We specifically focus on CPD's recent implementation of the Re-Hire Program, highlighting concerns with the Department's eligibility requirements in hiring and re-hiring policies. We also offer suggestions for policy definitions to reflect the status of COPA investigations more accurately. COPA suggests the following:

- 1. Define the requirements that determine whether a CPD member left the Department "in good standing." The Re-Hire Program agreement specifies that former CPD sworn members eligible for re-hire must have "[I]eft City and CPD employment in good standing." Additionally, the City Personnel Rules indicate that for previous City of Chicago employees applying for City employment, the Commissioner of Human Resources may reject any applicant that was previously "dismissed for cause, or resigned not in good standing." However, in both documents the term "in good standing" is undefined and neither document clarifies what conduct prohibits a CPD member from remaining "in good standing." We recommend that CPD, rather than the City, adopt a formalized definition of "in good standing" that applies to all CPD members, regardless of rank or sworn status. CPD should define what conduct disqualifies CPD members from being "in good standing" because CPD member misconduct violations are unique to the Department and differ greatly from other types of City employment. As an example, CPD should consider using terminology similar to the Illinois State Police policy on separation from employment, stating that an employee fails to end employment "in good standing" when resigning or retiring during "investigation by any law enforcement agency, the Department, or [with] pending charge(s) before any court or administrative body [including COPA] for an alleged violation of policy which could result in the officer's termination or criminal offense."4 Additionally, CPD should consider disqualifying members from remaining "in good standing" upon leaving the Department with pending firearm restrictions.
- 2. Regarding the status of cases being investigated, revise the definition of the "Close Hold" case status to include cases that did not reach findings before the member left the Department.

 CPD currently defines a "Close Hold" case status as a "sustained allegation with recommended discipline, but the discipline has not been administered because the member left Department employment prior to the final disciplinary decision." Additionally, the Command Channel Review (CCR) directive states that "[i]f an accused member with sustained allegations is not employed by the Department when CCR is complete (e.g., the member is on a leave of absence, on military leave, has resigned, or has retired), the recommended discipline cannot be administered." After the final disciplinary decision is made, the case is placed into a "Close Hold" status and if the accused member "returns to Department employment (e.g., returns from military leave), the discipline will be administered." Since the directives only use the "Close Hold" case status for cases with sustained allegations, this definition leaves out cases where a

² City of Chicago Office of Budget and Management, "Chicago Police Department Lateral and Rehire Agreement" (effective July 14, 2023 to present); Chicago Police Department, "Chicago Police Department Re-hire Program for Former Sworn Employees."

³ City of Chicago Personnel Rules, Rule IV, Section 7(g) (effective September 10, 2014 to present).

⁴ Illinois State Police, PER-039, "Separation from Employment," IV.B.2.d (effective January 3, 2023).

⁵ G08-01-01, Complaint and Disciplinary System Definitions, Section II (effective December 31, 2022 to present).

⁶ S08-01-07, Command Channel Review, Section VI (effective December 31, 2022 to present).

⁷ S08-01-07, Command Channel Review, Section VI (effective December 31, 2022 to present).

member left the Department before findings were determined. CPD should adopt a definition for the case status "Close Hold," altering the definition to include cases that have not yet resulted in findings. By CPD adopting an updated "Close Hold" case status definition, the "Close Hold" status will be more accurately defined by including accused members who left the Department before findings were reached who could potentially return to the Department.

3. Adopt a formalized policy specifying employment eligibility factors for the re-hiring of former CPD members. COPA recommends that CPD formalize a policy that specifies the procedures and requirements for re-hiring former CPD members. While the Re-Hire Program agreement describes the general requirements for former CPD sworn members being re-hired as police officers, these requirements are not encapsulated elsewhere in a formal CPD policy. Additionally, there is not a policy addressing the re-hiring of CPD members into civilian roles or sworn members into higher-ranking positions. We recommend incorporating the CPD member re-hiring policy into Employee Resource E05-34 ("Department Recruiting, Selection, and Hiring"). This policy should address and comply with the City of Chicago's Policy Regarding Ineligibility for Re-Hire. COPA is willing and able to review any updated policies addressing CPD member re-hiring.

Improvements in Data Hygiene

COPA has identified opportunities for CPD to improve data quality regarding CPD member employment statuses. COPA recommends that CPD and OPSA work collaboratively to adopt and implement the recommendations outlined below:

4. Adopt a clear and consistent definition for the label used to indicate that a member resigned during an investigation in the Case Management System (CMS) and the CLEAR database. CMS is an online database widely used by both COPA and the Bureau of Internal Affairs (BIA) to track Log Number investigations of CPD member misconduct. Procedures regarding CPD usage of CMS are included in CPD Special Order S08-01-01.10 CMS contains data on the investigation and employment status of current and former CPD members, including a flag labeled "Resigned_During_Invest," for every CPD member in the database. There is a similar label in CPD's CLEAR database, which identically matches the "Resigned_During_Invest" label in CMS. COPA has been unable to locate a formal definition for this label in CMS or CLEAR, but we assume this label indicates that a member resigned during an investigation by COPA, BIA, and/or the District, or resigned during post-investigation disciplinary steps, such as Police Board, the Arbitration process, or Command Channel Review. Based on COPA's independent research, this label in CMS and CLEAR appears to be the only record kept at CPD of whether a member resigned during a COPA or BIA investigation, making it essential to ensure a clear and consistent definition is adopted for the label. This is particularly relevant assuming that the Re-Hire Program considers whether a former CPD police officer resigned during an investigation and requires that the "Resigned During Invest" label is checked. COPA recommends that CPD formalize a definition of the "Resigned_During_Invest" label, perhaps within Special Order S08-

⁸ E05-34, Department Recruitment, Selection, and Hiring (effective May 23, 2023 to present).

Oity of Chicago Policy Regarding Ineligibility for Rehire (effective February 1, 2019 to present).

¹⁰ S08-01-01, Log Number Case Management System (effective December 31, 2022 to present).

01-01.¹¹ We recommend adding and adopting an identical definition in CPD Employee Resource E05-34.¹² The definition should specify the following:

- a. Whether this label applies to both the CLEAR and CMS databases,
- b. Which CPD members the definition applies to (e.g., rank or civilian/sworn status),
- c. Whether this label applies to *retirements* during investigation in addition to *resignations*,
- d. Which agencies' investigations the label applies to (e.g., COPA and/or BIA investigations),
- e. How the start and end of an investigation is defined,
- f. What categories of resignations and/or other departures from CPD this label applies to. For example, the definition should specify whether the label applies to officers that resign following a leave of absence or recruits resigning from the academy,
- g. Whether the label applies to employment departures after completion of the investigation but before discipline is imposed. The definition should address departures while a case is under review by the Police Board, in Arbitration, in the grievance process, under Command Channel Review, or in any other post-investigation disciplinary step.

COPA recommends that the label encompass both departures during investigation (i.e., before a case reaches the "Closed at COPA" status) and departures during post-investigation disciplinary steps. This may require altering the name of the label from "Resigned_During_Invest" to something similar to "resigned during investigation or disciplinary process."

5. Consistently apply the label used to indicate that a member resigned during an investigation in the Case Management System (CMS) and the CLEAR database. COPA has identified over 200 CPD members who resigned during investigations, who are not labeled as "Resigned_During_Invest" in CMS and CLEAR. Additionally, we have been unable to identify any consistent pattern indicating when the "Resigned_During_Invest" label is employed. In our independent analysis, we identified all CPD members who departed CPD in the past three years (between October 1, 2020, and September 30, 2023). We selected all departure types, including resignations, retirements, and deaths. We then determined whether each identified CPD member departed during an ongoing COPA investigation, "where the individual was listed as an accused member. We did not consider CPD members who are listed as an "Involved Member (No Allegation)" on a case. "For this analysis, we define departures "during investigation" as a departure any date between the day a Log Number investigation was opened and the day a case was fully closed; we consider a case to be fully closed when the CMS case status is "Case Final," "Closed / No Finding," or "Administratively Closed." Under this definition, CPD members that leave the Department when a case is at the Police Board, in Arbitration, in the grievance

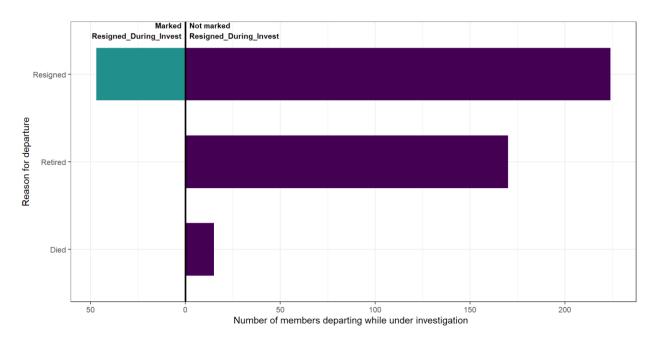
¹¹ S08-01-01, Log Number Case Management System (effective December 31, 2022 to present).

¹² E05-34, Department Recruitment, Selection, and Hiring (effective May 23, 2023 to present).

¹³ We did not consider ongoing BIA or District investigations.

¹⁴ The label "Involved Member (No Allegation)" is often used in incidents resulting in a notification to COPA, including officer involved shootings. We note a potential loophole where a CPD member may be initially listed as an "Involved Member (No Allegation)" on a case that would eventually result in the member transitioning to the "Accused" status upon further investigation. If the member departs CPD before being listed as an "Accused" member on the case, then this member is not included in our dataset.

process, under Command Channel Review, or in any other post-investigation disciplinary step are all considered as departing "during investigation." We do not evaluate the nature of the allegation when determining whether a CPD member left the Department during investigation. In total, we identified 456 CPD members who left the Department during a COPA investigation between October 1, 2020 and September 30, 2023, including 271 resignations, 170 retirements, and 15 deaths. These findings are summarized in the figure below. Of these 456 members, only 47 were labeled as "Resigned_During_Invest" in CMS and CLEAR (shown in green) while the remaining 409 were not labeled as such (shown in purple). The "Resigned_During_Invest" label was never applied to the 170 CPD members who retired or the 15 officers who passed away during a COPA investigation. This finding suggests the "Resigned During Invest" label is not being consistently applied in records for former CPD members. For example, this label was not applied in either Log No. 2019-0005126, where a former CPD lieutenant retired during investigation, or in Log No. 2021-0003402, where a former police officer resigned during Command Channel Review. We note that COPA recommended separation for CPD members in both investigations. COPA strongly encourages CPD to adopt a formal definition of "Resigned During Invest" and accurately and systematically apply the label in CMS and CLEAR.



6. **Develop improved recordkeeping for re-hired CPD members' employment histories.** COPA is unable to identify a robust, data-driven method to compensate for gaps in recordkeeping and accurately identify all re-hired CPD members. Currently, COPA can identify a subset of re-hired CPD members by searching CLEAR for members with either an Assigned Start Date, Last Promoted Date, or Appointed Date after the Resignation Date and/or Vacate Effective Date. We note that our search for re-hired CPD members results in multiple errors, failing to identify many re-hired members and falsely identifying multiple members who have never left the

6

¹⁵ Typically, these CPD members have a Vacate Code of "895," although COPA has been unable to locate a definition or consistent usage pattern for this code.

Department as re-hired. COPA recommends CPD and OPSA improve recordkeeping of CPD employment histories in CLEAR to resolve this issue. As an example, we recommend CPD make one employment record for each separate employment term of a CPD member, with each record listing all relevant employment data including, but not limited to, the start date, departure date, and departure reason for that term. A re-hired member will have multiple records for each separate employment term, with the Employee Number remaining consistent in each record and the CLEAR Employee ID (the unique identifier) varying for each entry. These improvements will allow COPA to independently identify re-hired CPD members, without relying on notification from CPD and OPSA.

Timely Notification of Employment Changes

COPA relies on timely and accurate notifications of changes in CPD member employment statuses to complete timely investigations, close investigations without any accused members actively employed by CPD, and re-open investigations labeled as "Close Hold," as appropriate. Currently, COPA can independently identify a subset of departed and re-hired CPD members but is unable to accurately identify all departed and re-hired members without improvement in data hygiene by CPD and OPSA. Until data hygiene is improved, COPA will need to rely on notifications of departures and re-hires via emails and phone calls from CPD and/or OPSA. COPA recommends CPD and OPSA work collaboratively to implement the following practices to improve reporting of CPD employment statuses to COPA:

- 7. Provide systematic, accurate, and timely notification to COPA of the end of any CPD member's employment with the Department. COPA strongly encourages CPD and OPSA to establish a procedure for routine and accurate reporting to COPA of all CPD member departures. Currently, OPSA sends COPA periodic emails listing CPD member resignations and retirements. Upon review of all departure notification emails sent to COPA in August and September 2023, we identified multiple inaccuracies. In particular, we identified 11 members who have resigned from the Department that were not included in the email notifications, in addition to three members that were listed in emails as departed but have no departure date listed in the CLEAR database as of November 1, 2023. Also, we identified three August and September CPD member deaths; in all cases, COPA received no notification of the death. Often, departures were not reflected in the CLEAR database until several weeks to months after the departure occurred. This indicates a delay in the rate at which employment data is recorded in database systems. COPA recommends that employment status records be updated in a timely manner (e.g., within a week of the departure), both in online databases and regular emails to COPA. Ideally, known future resignations and retirements should be listed in the CLEAR database before the intended departure date, to allow COPA investigators to plan for CPD member departures as early as possible. We recommend that CPD and OPSA collaboratively enact procedures to improve the accuracy and timeliness of departure notifications to COPA. Furthermore, COPA requests that CPD and OPSA include member deaths in email notifications to COPA.
- 8. Provide systematic, accurate, and timely notification to COPA of the re-hiring of any former CPD members. COPA has the authority to re-open an investigation that was labeled "Close Hold" when a CPD member returns to the Department after previously departing during an

investigation. However, it is difficult for COPA to re-open closed investigations without proper notification that the CPD member has been re-hired. Through an independent data search, we have identified multiple re-hired CPD members and noted a substantial increase in the number of re-hired Department members after the initiation of the Re-Hire Program. This includes a former CPD police officer who resigned in 2021 with multiple open COPA investigations. After their resignation from CPD, the individual worked as a police officer in the Chicago suburbs before returning as a CPD police officer in 2023. COPA received no notification of the officer's return to CPD, even though the individual was an accused officer on a COPA investigation labeled "Close Hold." We recommend CPD and OPSA notify COPA with consistent, systematic, accurate, and timely information regarding CPD re-hires, regardless of rank, whether the member is hired into a civilian or sworn position, or whether the member previously left the Department with an open investigation.



Brandon JohnsonMayor

Department of Police · City of Chicago 3510 S. Michigan Avenue · Chicago, Illinois 60653 Larry Snelling
Superintendent of Police

March 25, 2024

VIA EMAIL (andrea.kersten@chicagocopa.org)

Andrea Kersten Chief Administrator Civilian Office of Police Accountability 1615 West Chicago Avenue, 4th Floor Chicago, Illinois 60622

RE: Recommendations regarding the re-hiring, resignation, and retirement of CPD members

Dear Chief Administrator Kersten:

On behalf of the Chicago Police Department ("Department"), I write in response to your letter of January 25, 2024, regarding the re-hiring, resignation, and retirement of Department members. The Department shares your desire to improve the efficiency and effectiveness of these processes but notes that many of the recommendations are not applicable to the Department and require the coordinated effort of multiple City stakeholders. As set forth in section 2-78-130(b) of the Municipal Code of Chicago, the Department provides the following responses to COPA's recommendations.

1. Define the requirements that determine whether a CPD member left the Department "in good standing."

The Department looks to several factors when determining whether a member left the Department in good standing, including whether the member is on the City's "do not hire" list and whether the member failed to serve a disciplinary penalty. COPA recommended that the Department adopt its own definition of what disqualifies a member from being "in good standing." While the Department is not opposed to identifying criteria specific to Department members that would indicate whether a member is "in good standing," the Department notes that this process would require coordination with the City's Department of Human Resources, Public Safety Administration-HR, and the collective bargaining units representing Department members. The Department is open to continued evaluation of this recommendation.

2. Regarding the status of cases being investigated, revise the definition of the "Close Hold" case status to include cases that did not reach findings before the member left the Department.

The Department does not agree with this recommendation because the Department continues to complete its investigation even if the member has left the Department. The Department will arrive at disciplinary findings and a recommendation based on that investigation. The Department does not stop its investigation because the subject of the investigation is no longer a Department member. It is imperative that the Department conducts and concludes its investigation as close in time as possible to the initiation of the underlying complaint, as that is when evidence is more likely to be available and the recollections of witnesses and involved parties are at their most reliable. By investigating cases involving members who have left the Department to conclusion, the Department can more efficiently evaluate whether that member is eligible for re-hire should that member re-apply for City employment. Since the Department does not stop an investigation because a member leaves the Department, its

definition of "Close Hold" does not require amendment.

3. Adopt a formalized policy specifying employment eligibility factors for the rehiring of former CPD members.

The Department notes that the policy concerning the re-hiring of former Department members is with the Office of Public Safety Administration, which oversees the Department's hiring processes. The Department will continue to rely on OPSA's policy. At this time the Department does not consider it appropriate to adopt an additional policy separate from that already adopted by OPSA.

4. Adopt a clear and consistent definition for the label used to indicate that a member resigned during an investigation in the Case Management System (CMS) and the CLEAR database.

The Department does not make an independent determination as to whether the "Resigned_During_Invest" label is used in either CMS or CLEAR. In circumstances where the Department has used the label it has only been at the direction of OPSA. The Department recommends that COPA discuss the use of this label with OPSA and the City's Department of Human Resources. Since the use of this label is not an area over which the Department has control, the Department cannot implement this recommendation.

5. Consistently apply the label used to indicate that a member resigned during an investigation in the Case Management System (CMS) and the CLEAR database.

As stated in response to recommendation #4, the Department does not make an independent determination regarding whether the "Resigned_During_Invest" label is used in either CMS or CLEAR. As further stated in response to recommendation #2, regardless if a Department member resigns during an investigation, the Department will complete its investigation and make disciplinary recommendations. The Department recommends that COPA discuss the use of this label with OPSA and the City's Department of Human Resources.

6. Develop improved recordkeeping for re-hired CPD members' employment histories.

OPSA handles the Department's human resource functions. As such, it is OPSA, and not the Department, that maintains employee records. The Department recommends that COPA discuss this recommendation with OPSA. The Department will work with OPSA should they request Department assistance.

7. Provide systematic, accurate, and timely notification to COPA of the end of any CPD member's employment with the Department.

As stated in response to recommendation #6, OPSA handles the Department's human resource functions. As COPA states in this recommendation, COPA receives these notifications from OPSA. The Department does not have data concerning members leaving the Department that would be different from that in OPSA's possession. The Department recommends that COPA discuss this recommendation with OPSA. The Department will work with OPSA should they request Department assistance.

8. Provide systematic, accurate, and timely notification to COPA of the rehiring of any former CPD members.

As stated in response to recommendation #6, OPSA handles the Department's human resource functions. The Department does not have data concerning members leaving the Department that would

be different from that in OPSA's possession. The Department recommends that COPA discuss this recommendation with OPSA. The Department will work with OPSA should they request Department assistance.

The Department appreciates COPA's interest in matters concerning the re-hiring, resignation, and retirement of CPD members and welcomes discussions with all City stakeholders about how to improve efficiency and effectiveness surrounding these processes.

Sincerely,

Yolanda L. Talley

Chief

Bureau of Internal Affairs Chicago Police Department