

	POLICY
	Section: Investigations
Effective Date: 8/20/26	Supersedes: Recommendations Regarding Department Member Duties and Powers (6/24/21)

Recommendations Regarding Chicago Police Department Member Duties and Powers

PUBLIC POLICY STATEMENT

Effective policies ensure compliance with the law, promote the use of best practices, foster integrity and independence in the performance of Civilian Office of Police Accountability (COPA) activities, and provide transparency regarding the procedures and standards for the conduct of those activities.

An important step in any COPA investigation is the assessment of whether circumstances suggest that a Chicago Police Department (CPD) member's powers should be restricted. Recommending any restriction on the duties or police powers of a CPD member is an extraordinary measure that takes into consideration the safety of the public that the CPD member serves. Such recommendations by COPA are not undertaken lightly. Although only the Superintendent of CPD can take action to restrict the duties or powers of a CPD member, such recommendations by COPA shall only be made in accordance with this policy.

PURPOSE

This policy outlines criteria for the assessment of, and certain procedures for, COPA recommendations involving the restriction and restoration of duties and/or the police powers of a CPD member, in accordance with COPA's authority pursuant to 2-78-120(l) of the Municipal Code of Chicago. The intention of this policy is to ensure that recommendations are consistently made in a fair, thorough, and timely fashion, based on the nature of the CPD member's conduct.

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DEFINITIONS

Term	Meaning
Major Case Incident	Any of the following incidents: • All intentional firearm discharges by Chicago Police Department (CPD) members, except in the destruction of an animal. • Any death resulting from a motor vehicle accident or collision, if the CPD 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 or in the process of being apprehended. • Other weapons discharges, equipment usage, or incidents resulting in serious injury or death to a person. • Any serious incident of domestic violence, gender-based violence, or sexual misconduct by a CPD member including, but not limited to, strangulation, stalking, grooming, intimidation, sexual assault, and sexual abuse. • Any incident, as determined by the Chief Administrator (or designee).
Non-Disciplinary Intervention	Including, but not limited to, the following Chicago Police Department (CPD) provided personnel support services: • <i>Professional Counseling Division/Employee Assistance Program</i> – Confidential counseling services provided to CPD members or their families for personal difficulties that may impact their personal and professional lives. • <i>Training</i> – Intended to develop policing skills, enhance leadership abilities, and promote a solid ethical foundation to all CPD members. • <i>Behavioral Intervention System</i> – Intended to serve as an early identification system, based on review of CPD records, including prior disciplinary investigation outcomes, to correct troublesome behavioral characteristics or conduct contrary to the goals of CPD. Placement in the Behavioral Intervention System may also include enrollment in other non-disciplinary intervention actions. • <i>Personnel Concerns Program</i> – A structured program of supervision designed for an employee that has been identified as having difficulties affecting the member's competency. CPD attempts to intervene in an employee's problems, behavior, or performance issues that, without assistance, may lead to severe disciplinary measures or separation from CPD. • <i>Physical and/or Psychological Fitness for Duty Evaluation</i> – Examinations intended to determine whether a CPD member exhibits required physical stamina and psychological stability to properly perform all required duties.

Police Powers	Refers to the ability of sworn Chicago Police Department (CPD) members to exercise the power of arrest, lawfully carry a firearm, or exercise any other powers bestowed by virtue of employment with CPD, which may include bearing a badge or CPD identification, operating CPD vehicles or equipment, or attending or providing testimony in court in the capacity of a CPD member unless subpoenaed.
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POLICIES

I. RELIEF OF DUTIES OR POWERS – SWORN CPD MEMBERS

- A. The Chief Administrator may seek the restriction of duties or powers of a CPD member if, after reviewing all available allegations and evidence, and considering the reliability and strength of such evidence, the Chief Administrator concludes that:
 1. continued police duties or powers for the CPD member present a threat to the community, CPD, and/or the CPD member; or
 2. COPA is likely to recommend that the CPD member be separated from employment with CPD.
- B. Any member of COPA's investigative staff may submit for consideration a recommendation to restrict the duties or powers of a CPD member at any time during an investigation in which they are assigned when available and reliable evidence suggests such a recommendation may be appropriate. Initial discussions by the assigned investigative team (i.e., investigator/major case specialist and supervising investigator) regarding recommendations will be included as a case note in COPA's case management system.
 1. For all major case incidents, the responding on-call staff or assigned investigative team will discuss whether a recommendation regarding any restrictions on the involved member(s)' duties or powers should be considered during COPA's internal briefing or prior to the end of the minimum 30-calendar-day administrative duty assignment period.¹ This discussion will be memorialized in COPA's case management system as either a case note or as a document in the working folder.
- C. Considerations in assessing the appropriateness of a recommendation to restrict the duties or powers of a CPD member may include, but are not limited to:
 1. The likelihood that the behavior under investigation will continue in the absence of restrictions on the duties or powers of the CPD member.
 2. The availability of independent and corroborating evidence of misconduct to support a recommendation for separation.
 3. The extent to which, if left unaddressed, the CPD member's public visibility and presence will undermine CPD's efforts to serve the public.

¹ See CPD Directive G03-02-03 (Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures).

4. A review of any mitigating or aggravating factors, including prior disciplinary history.²
5. The need to identify specific restrictions, which include, but are not limited to:
 - a. a prohibition on carrying a firearm(s) or other weapon(s);
 - b. surrendering firearm(s) pursuant to a court order;
 - c. a prohibition on exercising the power of arrest or any other police power bestowed by virtue of employment as a sworn member of CPD;
 - d. surrendering CPD star, shield, and identification card;
 - e. a prohibition on driving or operating any CPD transportation equipment, including but not limited to, motor vehicle, watercraft, bicycle, or any electric powered transportation equipment except as directed by a supervisor;
 - f. a prohibition on attendance or testimony in any court in the capacity of a CPD member unless subpoenaed;
 - g. obeying any orders given by any supervisor of CPD;
 - h. if incarcerated or held over to bond, placement in a no-pay status until the CPD member notifies their unit of assignment that they choose to use elective or compensatory time; and
 - i. an order to report to a new unit of assignment.
- D. The assigned investigative team seeking relief of duties or powers will submit a draft recommendation for review and approval by the Deputy Chief Administrator or Director of Investigations prior to submission for review and approval by the Chief Administrator.³ The draft recommendation will cite supporting attachments, which will be submitted with the draft. Reviewers will note approval or rejection in COPA's case management system.
 1. The Deputy Chief Administrator or Director of Investigations will approve or reject a draft recommendation within two business days of receipt.
 2. The Chief Administrator will approve or reject a draft recommendation approved by the Deputy Chief Administrator or Director of Investigations within two business days of receipt.
 3. Recommendations to the Superintendent of CPD approved by the Chief Administrator will be transmitted to CPD via the Executive Administrative Assistant

² See COPA Policy (Disciplinary and Remedial Recommendations) for a non-exhaustive listing of mitigating and aggravating factors.

³ If the Chief Administrator is unavailable (i.e., due to vacation, medical emergency, or other unforeseen circumstances), review and approval authority may be delegated.

II (or designee).⁴ The Executive Administrative Assistant II (or designee) will transmit the recommendation to the Superintendent of CPD within one business day of approval from the Chief Administrator. The Executive Administrative Assistant II (or designee) will carbon copy the Director of Investigations, the General Counsel, and the Deputy Chief Administrator overseeing the investigation. A copy of the recommendation will be stored in COPA's case management system, as well as any return correspondence from CPD. The General Counsel (or designee) will be responsible for logging the submission and tracking response(s) to the recommendation

II. RESTORATION OF DUTIES OR POWERS – SWORN CPD MEMBERS

- A. If, through further investigation of an incident in which a COPA recommendation for restriction of duties or powers has previously been submitted to the Superintendent of CPD, the considerations initially relied upon by COPA to support the recommendation are determined to be mitigated or no longer applicable due to new evidence (thus making the criteria in I(A)(1) or I(A)(2) inapplicable), or upon the conclusion of an investigation, the Chief Administrator may recommend that any restrictions be lifted.
- B. The assigned investigative team recommending restoration of duties or powers will notify their assigned Deputy Chief Administrator or Director of Investigations and discuss the recommendation. If the recommendation is approved by the Deputy Chief Administrator or Director of Investigations, the assigned investigative team will draft a restoration of powers memorandum, explaining the reasons the CPD member's duties or powers should be restored. The Deputy Chief Administrator or Director of Investigations will submit the restoration of powers memorandum to the Chief Administrator for review and approval. Reviewers will note approval or rejection in COPA's case management system.
 - 1. Memoranda to the Superintendent of CPD approved by the Chief Administrator will be transmitted to CPD via the Executive Administrative Assistant II (or designee). The Executive Administrative Assistant II (or designee) will carbon copy the Director of Investigations, the General Counsel, and the Deputy Chief overseeing the investigation. A copy of the memorandum will be stored in COPA's case management system, as well as any return correspondence from CPD. The General Counsel will be responsible for logging the submission and tracking response(s) to the recommendation.

III. RELIEF OR RESTORATION OF DUTIES OR POWERS – NON-SWORN CPD MEMBERS

- A. Procedures for recommending the restriction or restoration of duties or powers, as detailed in sections I & II above, are applicable to non-sworn members of CPD. However, recommendations are limited to duties and responsibilities that do not involve the power of arrest or any other police power bestowed only to sworn members of CPD.

IV. NON-DISCIPLINARY RECOMMENDATIONS

⁴ Letters transmitted recommending restrictions on duties or powers are often accompanied by copies of materials from the investigative file that support the recommendation.

- A. In addition to, or in lieu of, recommending the restriction of duties or powers, the Chief Administrator also may recommend Non-Disciplinary Intervention.
 - 1. Recommendations for Non-Disciplinary Intervention are issued by COPA to provide support, develop or refine job skills, and improve CPD members' well-being. CPD member receptivity to a non-disciplinary recommendation increases the likelihood of positive outcomes. Therefore, COPA will highlight the non-disciplinary objective of the recommendation upon issuance.

V. QUALITY ASSURANCE⁵

- A. Quarterly, the Chief Administrator (or designee) will request from CPD's Bureau of Internal Affairs (BIA) a list of CPD members whose duties or powers have been restricted or recommended for restriction pursuant to a COPA recommendation. The Chief Administrator will conduct quarterly meetings to discuss the list, which will include the following for each case in which a restriction(s) has been requested:
 - 1. whether evidence or information acquired in the last quarter supports reconsideration of or continued restriction of duties or powers;
 - 2. if the request for restriction is pending, whether the request is still warranted or no longer applicable;
 - 3. if the request for restriction is pending, the date COPA received the initial complaint, the date COPA opened the investigation, and the date the restriction request was made; and
 - 4. a list of mitigating and aggravating factors associated with the request for restriction.
- B. At least 10 days in advance of the quarterly meeting, the assigned Deputy Chief Administrator or Director of Investigations will be responsible for obtaining all relevant information on the status of all assigned logs where CPD members have been relieved of police powers.
- C. At least 10 days in advance of submitting the list detailed in section V(C), the assigned Deputy Chief Administrator or Director of Investigations will be responsible for submitting to the Chief Administrator information regarding any new non-disciplinary recommendations made during the quarter.
- D. COPA will, to the extent available, collect and retain the following data in a searchable and sortable format: the race, age, and gender of the complainant, victim, and involved CPD members, and the recommendations regarding CPD member duties and powers made by COPA's investigative staff.

⁵ See COPA Policy (Disciplinary and Remedial Recommendations) and COPA Policy (Quality Assurance) for additional information about measures COPA undertakes to ensure quality, equity, and consistency in making recommendations.