

	POLICY
	Section: Agency-Wide
Effective Date: 08/26/26	Supersedes: 12/28/21

Conflict of Interest and Recusal

PUBLIC POLICY STATEMENT

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

COPA recognizes the negative impact of actual bias or the appearance of bias on the legitimacy of administrative investigations. For that reason, conflicts of interest in administrative investigations will be identified and prohibited.

PURPOSE

This policy is intended to define conflicts of interest and provide guidance for identifying and avoiding conflicts of interest. This policy also provides a process for recusing oneself from a matter where an actual or potential conflict of interest exists.

DEFINITIONS

Term	Meaning
Ethics Officer	Pursuant to the City of Chicago's Governmental Ethics Ordinance, every City of Chicago department will designate an appropriate management-level employee who will serve as the Ethics Officer. The Civilian Office of Police Accountability's Ethics Officer is the General Counsel, or their designee.

POLICIES

I. APPLICABLE RULES AND LAW

- A. COPA employees will abide by provisions governing conflicts of interest in applicable City of Chicago rules and law, including but not limited to:
 1. The City of Chicago Governmental Ethics Ordinance, which imposes upon all City of Chicago employees:

- a. a fiduciary duty to the City of Chicago in the performance of their public duties;¹ and
 - b. a prohibition from engaging in actions that may create a conflict of interest between the personal and/or financial interests of the employee (or family) and that of the City of Chicago.²
- 2. The City of Chicago's Personnel Rules prohibit certain business relationships between a City of Chicago vendor and an employee who has contract management authority over that vendor.³
- 3. All COPA employees are subject to post-employment restrictions imposed by the Governmental Ethics Ordinance,⁴ Executive Order 2011-1, as well as the ongoing duty to comply with the provisions of the COPA Confidentiality and Non-Disclosure Agreement after leaving COPA.

II. IDENTIFICATION OF A CONFLICT OF INTEREST

- A. COPA employees must ensure that their involvement in outside activities or relationships does not undermine the independence or objectivity of their work or the work of COPA.
 - 1. Outside activities and relationships, including but not limited to personal friendships, family relationships, outside employment, board memberships, volunteer activities, and/or other outside activities that may interfere with this obligation must be disclosed to COPA's Ethics Officer (or designee).
- B. Actual and potential conflicts of interest exist:
 - 1. If a COPA employee, or their spouse or domestic partner, parent, sibling, or child (hereinafter referred to as the COPA employees' immediate family) has a personal, professional, or economic relationship and/or interest with a victim/subject/detainee, reporting party, witness, or any member of the Chicago Police Department (CPD) that is the subject of any investigation in which such COPA employee is assigned.
 - 2. If the resolution of any investigation being conducted by COPA (whether or not such COPA employee is assigned to such investigation) would have a positive or negative impact on such COPA employee's economic interests or the financial interests of their immediate family or personal friend and the COPA employee had knowledge of the interest.
 - 3. If any personal, professional, or financial relationship and/or interest of a COPA employee or a member of their immediate family with any of the parties listed in II(B)(1) above that would actually or potentially affect such COPA employee's ability to conduct an impartial, objective investigation and render unbiased decisions in a matter to which such COPA employee is assigned.

¹ See Ethics Ordinance, § 2-156-020 – Fiduciary Duty.

² See Ethics Ordinance § 2-156-030, -080, -090, -110, -111 and -130.

³ See Personnel Rule XXIX – Conflict of Interest.

⁴ See Ethics Ordinance § 2-156-100 – 105.

4. If any personal, professional, or financial relationship and/or interest of a COPA employee or a member of their immediate family with any of the parties listed in II(B)(1) above that would actually or potentially affect or give the appearance of affecting the impartiality and/or fairness of any investigation being conducted by any member of COPA, even if such COPA employee is not currently assigned to or involved in such investigation.
- C. Because the achievement of COPA's mission is dependent on the truthful attestations of its employees, all COPA employees must disclose any "formal allegations" of untruthfulness, fraud, deceit, or crimes of moral turpitude made against the employee to the Ethics Officer (or designee).
1. For the purposes of this policy, "formal allegations" are defined as allegations made in any sworn document, allegations made by an employer, findings made by a judicial officer, or criminal allegations made by any local, state, or federal government agency.
 2. To the extent an employee is unsure of whether an allegation requires disclosure, such employee should consult the Ethics Officer (or designee).
- D. COPA personnel will not be assigned to conduct any investigation that could create a conflict of interest.

III. SELF-RECUSAL

- A. Any COPA employee who believes that they may have an actual or potential conflict of interest in a COPA matter that would undermine the mission of COPA must report the actual or potential conflict and must seek recusal from working on any related matters.
1. Self-recusal requires the person to notify their supervisor and the Ethics Officer (or designee) of such conflict, and to provide sufficient information in writing to establish the need for recusal.
 2. Employees should err on the side of disclosure, and if an employee thinks that there may be a potential conflict, they should contact the Ethics Officer (or designee).
- B. There may be circumstances where the COPA employee may be required to provide additional background information concerning the request for recusal. In such instances, the Ethics Officer's (or designee's) obligations are described in V(A) below.

IV. DISCLOSURE OF ACTUAL OR POTENTIAL CONFLICTS OF INTEREST

- A. COPA employees are responsible for disclosing any actual or potential conflict of interest situation they are aware of to their supervisor and the Ethics Officer (or designee), each in writing, and must abide by all conditions imposed to minimize the conflict. Such conditions will include:
1. removing the conflicted employee from any involvement in any COPA matter impacted by such conflict of interest; and
 2. taking measures so that no one in COPA brings that matter before the conflicted person.

- B. COPA employees must disclose outside employment in writing to the Ethics Officer (or designee) using the Outside Employment Form (whether or not it relates to police matters or investigations) and any volunteer engagements that relate to police matters or investigations.
- C. COPA employees must provide notice to the Ethics Officer (or designee) of all arrests and/or citations issued to them by any city, county, state, or federal entity including, but not limited to, building violations, health code violations, streets and sanitation violations, and revenue violations. This does not include parking citations received off duty.
- D. COPA employees must provide notice to the Ethics Officer (or designee) of any and all lawsuits in which they are involved either as a plaintiff, defendant, or witness, or any lawsuits involving a family member or personal friends that the COPA employee is aware of that are related to CPD or any City of Chicago entities engaged in oversight of CPD.

V. CONFLICT DETERMINATION/RECUSAL AND ETHICS OFFICER OBLIGATIONS

- A. When the Ethics Officer (or designee) becomes aware of a potential conflict of interest involving a COPA employee who is involved in an investigation or other COPA matter, the Ethics Officer (or designee) will gather sufficient information in order to make an initial conflict determination based upon II(B) above. If such a determination is made, the determination will be final and the recusal measures as set forth in IV(A) will be followed.
- B. The Ethics Officer (or designee) will advise the affected employee and must promptly document the effective date of the recusal and communicate that recusal by:
 - 1. sending an email to the head of the section handling the matter, the attorney assigned to the matter (if any), and the COPA senior leadership team (i.e., titles including Deputy Chief and above) informing them of the recusal, as appropriate; and
 - 2. preparing a written Notice of Recusal.
 - a. The Notice of Recusal will be maintained by the Ethics Officer (or designee), included in the case file of the related investigation, and distributed on a need-to-know basis within COPA, and will only contain those facts necessary to ensure that the affected employee is effectively screened from the COPA matter at issue, as in IV(A) above.
- C. If no conflict is determined to exist, the Ethics Officer (or designee) will memorialize the inquiry and determination in a written memorandum and will communicate that “no finding” determination on a need-to-know basis only.
- D. The Ethics Officer (or designee) is required to maintain the confidentiality of any information learned, and the initial and final conflicts determination, and may only disclose information as necessary for the effective operation of COPA or required by law.
- E. The Ethics Officer (or designee) may disclose to COPA’s Director of Information Systems any information necessary to implement technical safeguards to affect the recusal.

VI. CONFLICT OF INTEREST – SENIOR LEADERSHIP TEAM

- A. In the event the Ethics Officer (or designee) has an actual or potential conflict of interest, they will inform the Chief Administrator who will decide if recusal is appropriate and will make the final determination pursuant to the procedures herein.
- B. In the event that the Chief Administrator has an actual or potential conflict of interest, they will inform the Ethics Officer (or designee) who will decide whether recusal is appropriate.

VII. RECORDKEEPING

- A. The Ethics Officer (or designee) will maintain a secure file or electronic location containing materials, organized by employee name, related to conflict disclosures and determinations described in III through VI above.
- B. The Ethics Officer (or designee) will conduct an annual review of materials related to conflict disclosures and determinations for, at a minimum, the following purposes:
 - 1. to confirm with the employee whether any circumstances have changed within the last year that may require re-assessment of the conflict determination or inclusion of additional information in the conflict file; and
 - 2. to confirm whether any additional COPA staff must be made aware of a written Notice of Recusal (i.e., a new supervisor assigned to the recused employee, a new member of COPA's senior leadership team, etc.).

EXCEPTIONS

N/A