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Dear Counsel and Monitor Hickey:

We write this letter on behalf of the Coalition to provide written comments on the following Chicago Police Department ("CPD") Bureau of Internal Affairs ("BIA") policies: Special Orders S08-01-01, S08-01-02, S08-01-03, S08-01-04, S08-01-05, S08-01-06, S08-01-07, and S08-01-09. This is the Coalition's fourth letter since early November 2021 addressing significant shortcomings with CPD's BIA policies.

Our most recent letter, dated April 20, 2022, addressed the March draft of Special Order S08-01-01. CPD invited us to comment and meet with Department personnel about that policy. We agreed on the condition that CPD provide a written response to our letter before the meeting. Apparently CPD rejected the request for a written response addressing our concerns, and did not even wait for our letter. Instead, CPD abruptly replaced the March draft with *eight* new drafts, some of which were dated the same day we sent our letter. CPD gave us no warning about the changes it apparently was making while we were in the process of reviewing a now-discarded draft. CPD has not provided any written response to our detailed April 20 letter, nor agreed to respond in writing to the Coalition's further comments about the latest suite of BIA policies. In short, the Department wasted the Coalition's time.

Also very concerning is the substance of the BIA policies. The Coalition has longstanding objections to the BIA policy framework, and the eight new directives make the system worse. We urge the City to make the changes described below—most of which we also presented in our last

three letters. Without these changes, CPD officers will continue to evade accountability for wrongdoing.

While the Coalition would like to meet with CPD to discuss these policies, the Department must respond to this letter in writing to facilitate a substantive discussion about our recommendations.

Structure of the BIA Policies

1) The BIA policies must be simplified and streamlined to clearly inform officers and investigators of their duties and expectations.

CPD's ever-expanding web of BIA directives is unworkable. The Department must create one clear policy. The current orders require constant cross-referencing to determine what is required, of whom, and when. This frustrates the very goals the BIA policies are supposed to advance: ensuring accountability for officer misconduct and fostering community trust in CPD's complaint and disciplinary system.

CPD proves our point by ending seven of the eight new policies with a "conflict resolution" provision.[1] These clauses direct confused officers to the BIA chief for "guidance" in the event of a contradiction. *See, e.g.*, Special Order S08-01-02 § VII. Rather than undermining written policies by giving the BIA chief unbounded authority to resolve contradictions, CPD must streamline the policies into one clear, comprehensive, and consistent directive.

BIA Investigator Jurisdiction

2) Only entities independent of CPD should investigate alleged sexual misconduct by CPD officers.

As the U.S. Department of Justice ("DOJ") described in its Chicago police investigation, BIA has a history of failing to investigate allegations of rape and closing investigations due to a survivor's "refusal to cooperate" after being threatened by the officer in question. U.S. Dep't of Justice, *Investigation of the Chicago Police Department* 79 (2017) [hereinafter "DOJ Report"]. It is therefore imperative that sexual misconduct complaints are investigated by the Civilian Office of Police Accountability ("COPA") and other entities independent of CPD. Civilian control over sexual misconduct cases will help ensure complete investigations without intimidation, which is critical given that people often feel uncomfortable discussing and pursuing these sensitive complaints. *See id.* at 69-70 ("For sexual misconduct in particular, victims may be reluctant to participate in the investigation because the nature of the misconduct and of investigations means that victims may have to retell intimate and embarrassing details numerous times to complete strangers.").

As we noted in our April 20 letter, the Chicago City Council has amended the Chicago Municipal Code to give COPA jurisdiction over sexual misconduct cases. Chi., Ill., Substitute Ordinance 2021-3993 (Feb. 23, 2022). An outside entity such as the Illinois Attorney General's

[1] Special Order S08-01-05 is the sole exception.

Office or the Illinois State Police should conduct any criminal investigation of sexual misconduct by Chicago police, with COPA retaining jurisdiction over the disciplinary investigation.

Support and Protections for People Who File Complaints

3) The BIA policies must require the provision of reasonable accommodations and supportive services to people who file complaints, including information about the complaint and investigation process, information about outcomes, and referrals to outside service providers.

Every person who files a complaint against a CPD officer should be informed about reasonable accommodations if they have a disability and assigned a complaint support specialist who will provide information, regular updates, and supportive services throughout the complaint and investigation process. *See* Police Accountability Task Force, *Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities They Serve* 82 (2016) [hereinafter "Task Force Report"]. For example, a person who comes forward may benefit from a referral to a social worker or mental health professional, or they may need an accommodation such as a sign language interpreter. Federal law requires police departments to provide accommodations to persons with disabilities to ensure adequate and appropriate communication. 29 U.S.C. § 794 ("No . . . individual with a disability . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"); 42 U.S.C. § 12132 (similar prohibitions for public entities).

The BIA policies must be revised to expressly require these vital services and explain how the City will provide them. The new directives rely on brief cross references to other policies on disabilities and limited English proficiency, and even those references appear only in sections about interviews and attempts to obtain sworn affidavits. *See, e.g.*, Special Order S08-01-04 §§ VI.B and H. That is not sufficient.

4) Explicitly clarify that no one must file a sworn affidavit for a complaint against any *nonsupervisory* CPD member. Also clarify that no one will have to file a sworn affidavit for complaints against any *supervisory* CPD member after June 30, 2022, when the union contracts for these officers are scheduled to expire.

The BIA policies must reflect Illinois law that permits anonymous complaints and bans sworn affidavit requirements for complaints. In particular, Section 10-150 of the SAFE-T Act, amending the Uniform Peace Officers' Disciplinary Act, 50 ILCS 725/3.8(b), bans any sworn affidavit requirement for complaints against police officers and applies to all collective bargaining agreements entered after July 1, 2021. In accordance with this Act, the 2021 union contract between the City and the Fraternal Order of Police, Chicago Lodge No. 7 ("FOP") does not require members of the public to provide a sworn affidavit in order to file a police misconduct complaint. While the union contracts for supervisory officers—Sergeants, Lieutenants, and Captains—do include a sworn affidavit requirement in Section 6.10, they will expire on June 30, 2022. Thus, any new union contracts will have to follow the SAFE-T Act.

Given the SAFE-T Act and the terms of the current FOP contract, the BIA policies should explicitly state that no one must file a sworn affidavit for complaints against any *nonsupervisory* CPD member. The policies should also explicitly state that, once the union contracts for supervisory members expire on June 30, 2022, no one will have to file a sworn affidavit for complaints against *supervisory* members either.

Besides those explicit directions, several sections of the BIA policies must be revised because they incorrectly imply that sworn affidavits are broadly required, rather than required only for complaints against supervisory officers before the union contracts expire. *See, e.g.*, Special Order S08-01-02 § III.C.2 (BIA investigators must "ascertain if the [Objective Verifiable Evidence] supports an affidavit override request in the event a signed, sworn affidavit cannot be obtained"); *id.* §§ III.D and IV.D (requiring investigators to submit certain investigations for closure within 30 or 60 days "from the date the investigation is assigned if a sworn affidavit has not been secured or a sworn affidavit override request is not warranted."); Special Order S08-01-03 §§ III.C.1 and III.D.1 (general requirement that investigators contact complainants multiple times to get sworn affidavits); Special Order S08-01-04 § II (sworn affidavits "*might* not be required to conduct the full, complete investigation" (emphasis added)).

Finally, CPD's webpage that tells individuals how to file misconduct complaints must be revised immediately because it still says that state law requires sworn affidavits. Chi. Police Dep't, Filing a Complaint, https://home.chicagopolice.org/inside-cpd/filing-a-complaint/ (last visited May 13, 2022). This direction is not only contrary to Illinois law, as explained above, but also it discourages the public from filing anonymous complaints.

Interviews and Investigations

5) A BIA investigator must not end a misconduct investigation until they have at least reviewed evidence such as body camera recordings, interviewed officers, and interviewed the person who filed the complaint (if the person wants to be interviewed).

Section III.B.11 of Special Order S08-01-05 allows BIA investigators and accountability sergeants to "terminat[e] the investigation when it is determined *at any time* that the incident is unfounded or if the member is clearly exonerated" (emphasis added). This provision should be revised to state that an investigation cannot end until the BIA investigator or accountability sergeant interviews the accused officer, any officer witnesses, any officers otherwise involved in the incident, and the complainant (if that person wants to be interviewed), and reviews any body camera recording or other recording of the events in question.

In addition, Section III.B.8.c should be eliminated because it allows accountability sergeants to decide that accused officers may submit written statements in lieu of interviews. Section III.B.8.d should be clarified such that statements and To-From-Subject Reports may not be used as substitutes for interviews.

6) Before being interviewed or giving a pre-interview statement, officers accused of misconduct should receive only a general overview of the allegations against them—not detailed allegations or all the evidence.

The BIA policies must not allow or enable officers to fabricate their stories before their interviews or pre-interview statements. Accordingly, officers accused of misconduct should not receive detailed allegations or evidence before their interviews or pre-interview statements—they should receive only a general overview of the complaint. Implementing this change will require revising Section III.B.8.a.(1).(a) of Special Order S08-01-05, which currently requires that accused officers receive "a copy of the specific allegation(s)" before any formal statement.

Section II must also be revised. Section II's prohibition on accused officers reviewing evidence applies until an officer is notified by BIA "that he or she is permitted to [review the evidence], or as may be required to testify as a witness in criminal or civil proceedings." But the provision does not specify *when* they may see the evidence. The bright line should be after the officer is interviewed or gives a pre-interview statement.

CPD must also remove Section II.C's loophole that permits accused officers to look at evidence without BIA's permission if they are "completing incident reports or other documentation."

7) Ban officers from talking to each other about a complaint before all accused, involved, and witness officers have been interviewed or given a pre-interview statement.

Officers must not discuss misconduct complaints until all accused, involved, and witness officers have been interviewed or given a pre-interview statement. The DOJ Report noted several examples of officers colluding with one another after using deadly or serious force against a person—most notably in the aftermath of the murder of Laquan McDonald, the catalyst for the Consent Decree. DOJ Report at 57-58, 60. It also found that "[i]nvestigators' routine failure to explore the possibility of . . . other forms of witness contamination contributes to a culture in which officers have felt free to compare their accounts before meeting with investigators." *Id.* at 61. Without more restrictions in place, the BIA policies enable contamination of officer statements and weaken the credibility of the investigation and the disciplinary process more broadly. The policies must specifically forbid officers from discussing the complainant, the incident, and the investigation with one another, as well as prohibit them from reviewing records and reports—or otherwise conducting review of the incident—before BIA has finished interviewing officers and/or taking their pre-interview statements.

Several sections of Special Order S08-01-05 highlight the absence of a prohibition on officers improperly conferring with each other. Section III.B.8.b.(2) assumes accused and witness officers may talk to anyone after an accusation, including other involved officers. The provision states that, in interviews, investigators must ask an officer "the identity of other persons with whom he or she has communicated regarding the incident in question, and the date, time, place, and content of such communication, subject to any evidentiary privilege recognized under Illinois or federal law." *See also* § III.B.8.d.(5).(a) (accountability sergeants seeking written statements from

accused officers or officer witnesses will ask the same questions). And Section III.B.8.d.(3) gives accused officers seventy-two hours to prepare and submit a written statement after viewing or receiving allegations. Without a clear prohibition on improper discussions, officers may feel free to confer at any time, including during the seventy-two-hour period when accused officers draft statements.

8) Do not give the accused officer the complainant's name or other identifying information before the officer's interview or statement.

Many people fear retaliation after filing a police misconduct complaint if the officer will learn their name. DOJ Report at 52; Coalition for Police Contracts Accountability, *Recommendations for the City of Chicago & Law Enforcement Union Contracts* 3. Disclosure of a person's name or other identifying information can chill misconduct reporting. The BIA policies must address this understandable, well-documented concern about retaliation. Section III.B.8.a of Special Order S08-01-05 should state that the complainant's name and other identifying information will not be shared with the accused officer before the officer's interview. The Consent Decree strongly encourages the City and CPD to enact this change. *See* Consent Decree ¶ 475 ("The City and CPD will undertake best efforts to ensure that the identities of complainants are not revealed to the involved CPD member prior to the CPD member's interrogation."). In any investigation where CPD takes the accused officer's statement in lieu of an interview—which should not happen, as Recommendation 5 explains—the accused officer should not learn who complained until after the officer's statement.

This change will require amending Section 6.1(E) of the FOP union contract, Section 6.1(F) of the supervisory officer union contracts, and Section VIII.A.15 of Special Order S08-01.

9) Record all officer interviews during misconduct investigations—whether or not the officers are interviewed in person.

Special Order S08-01-05 must be revised to ensure that all officer interviews are recorded during misconduct investigations. Section III.B.4 provides for audio recording of interviews of non-CPD members, and Section III.B.8.b.(8) provides for audio recording of *in-person* interviews of sworn Department members. There should instead be one provision that requires recording *all* officer interviews—regardless of whether the interviews are in person or virtual. This change is important given the rise of virtual communications during the COVID-19 pandemic.

10) When an officer changes their story or leaves out important facts, the investigators must decide whether the officer has lied and must consider recommending discipline for lying.

BIA investigators and accountability sergeants must decide whether testifying officers are being truthful, based on all available evidence. Special Order S08-01-09, Section III.H.3's "NOTE" should be revised as follows: "All original statements, and any subsequent statements including amended or modified statements, must be considered by the investigator in ~~before~~ determining: (a) the credibility of the Department member's statements; (b) the materiality of any omission or statement deemed to be false; and (c) the degree of culpability for any omission or

false statement (*i.e.*, whether the statement or omission was intentional). ~~a false statement was made willfully, and d~~Documentation of this consideration and evaluation shall be included in the investigative file."

Contrary to Special Order S08-01-09 Section III.H.3 and Special Order S08-01-05 Section IV.A.1, investigators must consider any evidence that an officer lied and fully document and address any false statement, regardless of whether the statement is "clearly" false or whether the officer has a "known record" of lying. The policies must also explicitly cover *omissions* of important facts along with outright falsehoods.

Finally, the policies should be revised to make clear that, in determining the recommended sanction, the BIA investigator or accountability sergeant must consider whether the accused made a false statement during the investigation, the gravity of any false statement, and whether additional discipline for lying is warranted.

11) The policies must not excuse police abuses because the accused officer claims ignorance of the "possible or probable consequences" of misconduct.

Special Order S08-01-05 Section IV.C.1 must be revised to avoid creating a loophole undermining accountability. The provision states that, "[b]efore sustaining an allegation, the [investigator] will consider [whether] . . . "[t]he accused Department member . . . received forewarning or ha[d] foreknowledge of possible or probable consequences of his or her conduct. (This is satisfied by a published rule, regulation, directive, order, or law made known to Department members.)" As drafted, this language may let officers evade discipline by claiming ignorance of the "possible or probable consequences" of misconduct, pointing to CPD's confusing policies and inadequate training. *See* Independent Monitoring Report 5 at pdf p. 90, *Illinois v. City of Chicago*, No. 17-cv-6260, ECF No. 1020 (N.D. Ill. Apr. 11, 2022), https://cpdmonitoringteam.com/wp-content/uploads/2022/04/2022.04.11-Independent-Monitoring-Report-5-filed.pdf (finding that CPD has not fully complied with any of the Consent Decree's training paragraphs).

To close that loophole while respecting the need for notice, Section IV.C.1 should simply state that "an allegation may be sustained only if the accused Department member violated a published rule, regulation, directive, order, or law."

12) Investigators must consider the complete history of complaints and relevant investigative files about the accused officer, regardless of the outcomes of those older complaints and investigations.

Section IV.A.4 of Special Order S08-01-05 allows investigators to consider "select not sustained findings" to identify patterns of misconduct with respect to only three kinds of complaints—excessive force, criminal conduct, and verbal abuse under Chicago Municipal Code Section 2-78-100. In addition, Section IV.A.4's "NOTE" provides that these not-sustained findings may only be considered for seven years after the date of the incident or seven years after the violation was discovered, "whichever is longer." This provision must be revised such that investigators are required to consider the *complete* history of complaints and relevant investigative

files concerning the accused officer, no matter what happened in those older proceedings and without any temporal restrictions. This will require changing Section 8.4 of the FOP and supervisory officer union contracts.

The DOJ Report found that CPD's failure to adequately address patterns of negative behavior led to officers continuing to engage in it with impunity, sometimes escalating into serious offenses. *See* DOJ Report at 114 ("First, CPD does not adequately and accurately identify officers who are in need of corrective action; and second, CPD does not consistently or sufficiently address officer behavior even where CPD identifies negative patterns. Because of these failures, CPD officers are able to engage in problematic behaviors with impunity, which can—and do—escalate into serious misconduct."). A separate Police Accountability Task Force found that, "[f]rom 2007-2015, over 1,500 CPD officers acquired 10 or more [complaints], 65 of whom accumulated 30 or more." Task Force Report at 12. It is imperative that investigators consider all relevant information to determine an officer's credibility or identify any patterns of abuse or misconduct.

13) Respect people's desire to remain anonymous if they do not want to put their names on complaints.

As noted above, many people are understandably unwilling to put their names on misconduct complaints out of fear of retaliation. The BIA policies must be revised to respect people's desire to remain anonymous. For example, the policies should require prompt attempts to communicate with complainants *unless* that person made clear they wish to remain anonymous. This will require revising policy provisions such as Special Order S08-01-02 Sections III.A and IV.A and Special Order S08-01-04 Sections III.B.3 and VI.C. Section III.F.5 of Special Order S08-01-05 should be updated to state that investigators will not: "close or unduly extend a Log Number investigation solely because the reporting party/subject seeks to withdraw the complaint or is unavailable, unwilling, or unable to cooperate with the Log Number investigation <u>or because the reporting party wishes to remain anonymous</u>. If the reporting party/subject is unable or unwilling to provide information beyond the initial complaint <u>or wishes to remain anonymous</u>, the Log Number investigation will continue based on available evidence in accordance with applicable Department directives, law, and collective bargaining agreements[.]"

14) Require prompt investigations and interviews of accused, involved, and witness officers.

The BIA policies need explicit requirements to ensure investigations proceed promptly while evidence is fresh. Section II.D of Special Order S08-01-02 states that investigations by accountability sergeants must be completed in 90 days, while Section II.C states that investigations by BIA investigators must be completed in 180 days. But Sections III.C.2 and III.D.2 of Special Order S08-01-03 require only "reasonable efforts" to meet these deadlines,[2] there is no limit on extensions, and there are no criteria for granting extensions.

The deadlines for initial investigatory stages are unclear. Special Order S08-01-03 Section III.A.1 requires BIA's Intake and Analytical Section to "initiate" a preliminary investigation within 30 days of receiving a complaint, and Special Order S08-01-04 Section III.A states that

[2] This tangle of provisions in different directives illustrates the confusing nature of the BIA policy framework.

BIA investigators and accountability sergeants "continue[]" preliminary investigations, but neither policy clearly states when preliminary investigations must be completed. *See* Special Order S08-01-04 §§ IV.E.4-5 (requiring BIA investigators and accountability sergeants to "initiate" or "take" preliminary steps within 30 or 21 days, respectively, but not clearly stating when preliminary investigations must be completed). Special Order S08-01-03 Section III.A.4 requires Intake and Analytical personnel to assign cases to BIA investigators or accountability sergeants for further investigation "within 30 days of receiving the complaint from COPA," but that deadline appears to overlap with the 30-day deadline to initiate the preliminary investigation. CPD must clarify the deadline for assigning cases to BIA investigators and accountability sergeants and the deadline for completing preliminary investigations.

To make matters worse, "formal[] counsel[ing]" is the only required response when BIA investigators or accountability sergeants "*regularly* fail to complete their investigations in a timely manner and *do not improve after guidance, assistance, and training*." Special Order S08-01-02 § V.B.5 (emphasis added).

The DOJ Report found that BIA misconduct investigations went "unresolved for unreasonable amounts of time" and that BIA "[did] not appear to follow strict deadlines for the completion of various steps or the investigation as a whole." DOJ Report at 73. This lack of deadlines caused investigations to drag on for years, "often transferring between several investigators before even basic steps [were] complete." *Id.* DOJ emphasized that delays can make it "impossible" to discover the truth as "memories fade, evidence is lost," and witnesses become hard to locate—thereby compromising BIA's ability to make strong disciplinary recommendations and undermining the claim that the City takes complaints seriously. *Id.* at 74.

CPD must add explicit policy provisions to ensure prompt preliminary and full investigations, avoid unnecessary delays, and remove chronically tardy investigators from their investigative roles. To prevent delays and witness contamination, the policies must also allow officer interviews to take place during preliminary investigations, including preliminary investigations of anonymous complaints. Allowing accused officer interviews in preliminary investigations of anonymous complaints will require amending Section 9 of Appendix L to the FOP union contract.

15) Ensure consistent conflict of interest and body camera procedures during investigations.

CPD should strengthen two safeguards in Special Order S08-01-04. First, BIA should require conflict screenings for *all* investigators—including members of the Intake and Analytical Section who start preliminary investigations. This will require updating Section III.B to match Section IV.D's conflict check requirement for BIA investigators and accountability sergeants.

Second, officers contacting reporting parties in person should record the interactions with body cameras in all cases. Section VI.G's "NOTE" should not include the words "[i]f available," referring to body cameras.

Criminal Conduct and Investigations

16) Continue BIA investigations even when there is a separate criminal investigation about the same misconduct.

Special Order S08-01-05 must be revised to ensure that BIA will not wrongfully pause a misconduct investigation due to a parallel criminal investigation. Section III.B.7.a requires misconduct investigations to proceed alongside criminal investigations in most cases, but it has an exception for "specific circumstances that would jeopardize the criminal investigation." And while Section III.B.7.b requires documenting the rationale for pausing an investigation and informing a supervisor of the decision, the policy does not explain the supervisor's oversight role or list the requirements for demonstrating "specific circumstances" for investigatory pauses. CPD must add these safeguards to ensure BIA investigations do not halt because of vague or unwarranted concerns about interfering with parallel criminal investigations. The policy should also require supervisors to periodically review investigatory pauses and reopen an investigation if the justifications for a pause no longer apply.

BIA Findings and Recommendations

17) The BIA policies must explicitly require that the disciplinary recommendations of investigators be given deference, and that final decisionmakers publicly explain the reasons for overriding a recommendation in writing within 30 days.

Section VII.A of General Order G08-01 provides that the Superintendent of Police retains discretion "to restrict the duties of sworn Department members in response to complaints," to review "recommendations for disciplinary action," and to take disciplinary action. The Police Accountability Task Force observed that, in most misconduct cases they reviewed, the final discipline imposed was lower than what BIA recommended. Task Force Report at 87. The Task Force also found that "[t]he fragmented system involving IPRA [now COPA], the Superintendent, BIA within CPD, numerous arbitrators and the Police Board compromises the strength and significance of the investigative findings and recommendations over time, and discourages systemic accountability and transparency." *Id.*

The BIA policies—including Special Order S08-01-07 on "Command Channel Review"—must clearly state that the findings and recommendations of BIA investigators and accountability sergeants must be given deference by each subsequent official or entity reviewing those findings and recommendations unless they are clearly erroneous or an abuse of discretion. Additionally, the policies must provide that, if a final decisionmaker seeks to override a recommendation, they must provide written reasons for doing so within 30 days of receipt of the recommendations, and BIA must immediately publish the statement online.

18) Clearly identify final decisionmakers.

CPD must clearly identify all final decisionmakers. Special Order S08-01-07 Section IV.D states that the BIA chief (or his or her designee) makes the final disciplinary decisions in BIA

investigations, while the Superintendent (or his or her designee) makes the final disciplinary decision in COPA cases. But Section II.T of General Order G08-01-01 defines "Final Disciplinary Decision" as "the final decision of the Superintendent or his or her designee." If the BIA chief is the Superintendent's designee in BIA investigations, that point must be clear throughout the BIA policies.

19) BIA must give Cook County and federal prosecutors evidence undermining officers' credibility as witnesses in criminal cases, give the same evidence to the criminal defendants the officers testified against, and specify the process for providing this evidence.

The DOJ Report found that CPD had "no system in place to ensure that all officer disciplinary findings bearing on credibility, including Rule 14 findings, are supplied to the State's Attorney's Office and criminal defendants, even though this is required under *Giglio v. United States*, 405 U.S. 150 (1972)." DOJ Report at 76-77. Section VII.B.3 of General Order G08-01 requires that BIA will simply establish and maintain a relationship with the Cook County State's Attorney's Office, the United States Attorney's Office, the courts, and other law enforcement agencies. It does not specifically require the provision of *Giglio* evidence to prosecutors, nor does it provide a framework to ensure that communication occurs.

Remarkably, the eight new BIA policies also lack any such requirement or framework for turning over *Giglio* evidence. The BIA directives must require that BIA inform the State's Attorney's Office, U.S. Attorney's Office, and impacted criminal defendants of any disciplinary findings that bear on an officer's credibility. To ensure that these important disclosures occur, the policies must provide the specific mechanisms for how, when, and where the disclosures are provided to the relevant agencies.

BIA Investigation Feedback and Transparency

20) CPD must ask for and publish public feedback on how BIA investigators and accountability sergeants behave during investigations.

To increase community trust and improve the effectiveness of the investigatory process, BIA must seek feedback from members of the public who interacted with BIA investigators and accountability sergeants. This feedback must include their overall satisfaction with the process, their ability to access information, their treatment throughout the process, the investigator or sergeant's sensitivity to their circumstances, any instances of bias or discrimination on the part of the investigator or sergeant, and the ease with which one could make a complaint, as well as suggestions for improvement. BIA must publish the results of this feedback process at least annually, and CPD must analyze the feedback and revise the BIA policies based on the feedback received.

21) CPD must publish data on missed investigation deadlines.

The public should know how often BIA fails to meet investigation deadlines. Section VI of Special Order S08-01-02 requires a monthly report to the BIA chief identifying investigators

assigned to investigations that are open past the 90 or 180-day deadline, "including the number of cases assigned." At least once a year, BIA should release a public report including the number of times BIA failed to timely start preliminary investigations, assign investigations to BIA investigators or accountability sergeants, finish preliminary investigations, and complete full investigations. The report should also note the length of the delays.

22) CPD should publish the directives on "Complaint and Disciplinary Definitions" and "Sworn Affidavit Requirements."

On May 9, 2022, the Coalition requested copies of the directives on "Complaint and Disciplinary Definitions" (General Order G08-01-01) and "Sworn Affidavit Requirements" (General Order G08-01-04) referenced in the new draft BIA policies. *See, e.g.*, Special Order S08-01-01 § I.C; Special Order S08-01-05 § III.A. CPD sent us the former on May 10 but not the latter, and neither is available on CPD's website. Without those materials, the public cannot comment fully on the BIA policies, or even understand many of the technical terms. Please send us the Sworn Affidavit Requirements directive and publish both policies as soon as possible.

23) CPD must meaningfully engage with the community on the BIA policies.

"Meaningful community involvement is imperative to CPD accountability and transparency." Consent Decree ¶ 422; *see also id.* ("Nothing in this Agreement should be construed as limiting or impeding community participation in CPD's accountability system, including the creation and participation of a community safety oversight board. OAG and the City acknowledge the significant work many of Chicago's community organizations have undertaken and are continuing to undertake, including work alongside CPD, in the area of police reform and accountability, and OAG and the City know this critical work will continue.").

As we explained in our May 12, 2022 letter, CPD must take immediate and sustained action to correct its ongoing failure to meaningfully engage the community about its policies. First steps should include:

1. Extending the comment deadline to June 15, 2022 for the eight BIA policies and the religious interactions policy, which were released on April 29;[3]

2. Providing plain-language explainers for every draft policy released for public comment; and

3. Publishing reports with each version of a policy explaining how CPD used community feedback in developing that version. These reports should explain what suggestions CPD accepted, what suggestions it rejected, and why.

[3] We do not request an extended comment deadline for the First Amendment policy because that policy has been negotiated extensively.

* * *

We urge the City to implement the Coalition's recommended edits to the BIA policies and the CPD webpage on filing misconduct complaints, and to take serious corrective steps on community engagement. We look forward to CPD's written response to this letter and a subsequent meeting.

Sincerely,

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On behalf of the Coalition