

**Coalition Comments on CPD’s Draft Policies Regarding Initial Investigatory Responsibilities in Log Number Investigations and Post-Investigation Log Number Procedures, S08-01-04 and S08-01-08**

**Submitted on behalf of the Coalition on February 7, 2025**

The “Initial Investigatory Responsibilities in Log Number Investigations” (S08-01-04) and “Post-Investigation Log Number Procedures” (S08-01-08) (“the policies”) must be revised to encourage thorough investigation of complaints in all forms, ensure accountability, promote accessibility, and reduce unnecessary delays.

- S08-01-04, Sections II and VI, should be revised to clearly state that no person is required to submit a sworn affidavit to file a misconduct complaint against any Department member.
  - The SAFE-T Act (50 ILCS 725/3.8(b)), in amending the Uniform Peace Officer’s Disciplinary Act, prohibited municipalities from requiring sworn affidavits for complaints against law enforcement officers and applies to all collective bargaining agreements entered after July 1, 2021. The collective bargaining agreement between the City of Chicago and the Fraternal Order of Police, Chicago Lodge No. 7 (“FOP”) does not require members of the public to provide a sworn affidavit to file police misconduct complaints. While the expired collective bargaining agreement for supervisory members—Sergeants, Lieutenants, and Captains—does include an affidavit requirement, the new supervisory collective bargaining agreement will be statutorily required to remove any such requirement. Accordingly, Department policy should follow the SAFE-T Act and remove all reference to requiring sworn affidavits (including the removal of the current reference in Section VI.B. to “limited circumstances when a sworn affidavit is required.”).
- The Department should respect community members’ wishes to remain anonymous and such complaints should be evaluated on their merits. State law does not require the Department to de-prioritize complaints simply because they are anonymous. The policy should clearly state that anonymously submitted complaints will be evaluated with the same urgency and earnestness as complaints submitted with sworn affidavits. Specifically, Section II of S08-01-04 should be modified to remove the requirement of a sworn affidavit to initiate “full investigations.”
- S08-01-04, Section VI(c)-(g), should be revised to require that the Department provide interpreters and other resources when communicating with reporting parties with disabilities and limited English proficiencies.
  - The current draft policy provides that the Department will reasonably accommodate the reporting party’s disability status, language proficiency, and incarceration status, utilizing the “Interactions with Persons with Limited English Proficiency” and “People with Disabilities” Department directives. However, this policy does not explicitly extend to other steps of communicating with the reporting party, such as telephone,

email, and USPS contract. The policy should be revised to explicitly require accommodation when necessary, during every instance of department and reporting party interaction.

- S08-08-08, Section VI.B. and C., should be revised to require the BIA to notify the Deputy Chief of the Training and Support group, and the Deputy Chief to report to the Illinois Law Enforcement Training Standards Board, all instances in which a Department member engages in conduct that could lead to discretionary decertification under 50 ILCS 705/6.3(b), including notification of any circumstances where a Department member has:

- (1) committed an act that would constitute a felony or misdemeanor which could serve as basis for automatic decertification, whether or not the law enforcement officer was criminally prosecuted, and whether or not the law enforcement officer's employment was terminated;
- (2) exercised excessive use of force;
- (3) failed to comply with the officer's duty to intervene, including through acts or omissions;
- (4) tampered with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directed another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence;
- (5) engaged in the following conduct relating to the reporting, investigation, or prosecution of a crime: committed perjury, made a false statement, or knowingly tampered with or fabricated evidence; and
- (6) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer.

- S08-01-08, Section II.C, should revert to a deadline of seven (7) days within which the Bureau of Internal Affairs (BIA) must email the Administrative Summary Reports (ASR) to the accused member and the accused member's exempt commanding officer. Extending the deadline will lead to unnecessary delays. Accountability delayed is accountability denied.
- S08-01-08, Section II.D, should be revised to require that the ASR will be published on the Department's public website within seven (7) days after it is completed by BIA.
  - The current draft policy encourages unjustified delays in transparency. Although not defined in the Special Order, the final disciplinary decision can take anywhere from several months to more than a year. The most recent ASRs published on CPD's website date to incidents that occurred in 2021 – a four-year delay in transparency to

the public. The failure to timely publicize the ASRs violates the consent decree's core objectives of enhancing transparency and accountability for officers, and allows CPD's pattern and practice of unconstitutional behavior to continue unchecked.