

Bureau of Organizational Development
Integrity Section

1 June 2018

TO: Barbara J. West
Chief
Bureau of Organizational Development

FROM: Karyn Murphy
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SUBJECT: Audit Report

This Audit Report is submitted pursuant to Section II.3(b) of the “Investigatory Stop and Protective Pat Down Settlement Agreement” dated 05 Aug 2015, which requires quarterly or semi-annual audits by CPD headquarters staff of CPD investigatory stop and protective pat down practices. These audits shall include examination of (i) the narrative sections of a statistically representative sample of individual Investigatory Stop Reports to determine whether they state legal grounds for the investigatory stop and/or protective pat down; (ii) records of supervisory corrections or rejections of Investigatory Stop Reports to identify officers who repeatedly fail to properly document investigatory stops and/or protective pat downs, or who conduct investigatory stops and/or protective pat downs without the requisite reasonable suspicion; and (iii) CPD documentation of civilian and internal complaints relating to investigatory stops and/or protective pat downs. The steps the Integrity Section has taken and practices and procedures it has implemented to fulfill these requirements since the prior Audit Report, which was submitted on 25 Oct 2017, are described below.

In addition, this Audit Report describes the steps the Integrity Section has taken and the practices and procedures it has implemented to address recommendations made by Judge Arlander Keys in the Consultant’s Second Semi-Annual Report (dated 05 Mar 2018).

(1) Results of the Integrity Section’s Audits of Investigatory Stop Reports Submitted between 01 Jan 2017 and 31 Dec 2017.

Each day, the Integrity Section reviews a random sample of at least 10% of ISRs that have been placed by reviewing supervisors in “Approved” status in the

ISR Database to confirm that they appropriately document RAS for the investigatory stop and any protective pat down and are otherwise completed correctly. When the Integrity Section reviews an ISR, it reviews the full history – including all supervisory rejections and corrections – of the ISR.

In its 25 Oct 2017 Audit Report, the Integrity Section reported on the results of its audits of ISRs submitted during the first half of 2017 (01 Jan 2017 through 30 June 2017). This Audit Report recaps those results, and also reports the results of its audits of ISRs submitted during the second half of 2017 (01 July through 31 Dec 2017).

As previously reported, for the first half of 2017, the Integrity Section reviewed 6322 (or approximately 13%) of the 50,175 ISRs placed in “Approved” status and determined that 1285 (or approximately 20%) were deficient. For the second half of 2017, the Integrity Section reviewed 7984 (or approximately 15%) of the 54,466 ISRs placed in “Approved” status and determined that 1533 (or approximately 19% percent) were deficient. In total, the Integrity Section reviewed 14,306 of the 104,641 ISRs submitted during 2017 and concluded that 2816 (or approximately 20%) were deficient.

When the Integrity Section reviews an ISR, it determines whether the ISR is administratively or substantively deficient. For the second half of 2017, 397 of the 7984 ISRs reviewed (or approximately 5%) were identified as deficient because of administrative deficiencies. Administrative deficiencies commonly noted by the Integrity Section included:

- Failing to check the box indicating that a receipt was provided after performing a pat down.
- Failing to state the disposition of the stop (including whether any law enforcement action was taken) in the appropriate field.
- If the investigatory stop results in charges being filed, failing to list the charges in the appropriate field.
- When an ISR documents a dispersal pursuant to the gang- or narcotics-related loitering ordinances, failing to provide a hotspot and/or dispersal number in the appropriate field, or providing an incomplete hotspot and/or dispersal number.

- Failing to complete one or more required checkboxes.
- Including poorly constructed sentences or repeated misspellings in the narrative.
- Failing to correctly differentiate between a RAS stop and a probable cause stop, and to check the appropriate box.
- Completing an ISR when one is not required.

An ISR is substantively deficient if, in the narrative, it fails to state RAS for the stop or the pat down. For the second half of 2017, 1136 of the 7984 ISRs reviewed (or approximately 14%) were identified as deficient because either the ISR failed to state RAS for the investigatory stop and/or any pat down, or failed to state probable cause for any search. Most commonly, the ISR failed to state RAS for the pat down by stating, for example, that “the protective pat down was conducted for officer safety reasons” without articulating further justification for the pat down.

The Integrity Section’s finding that approximately 19% of the ISRs it reviewed for the 1 July 2017 – 31 Dec 2017 reporting period were “approved in error” represents an approximately 1% decrease as compared to the prior reporting period (1 Jan 2017 – 30 June 2017).

(2) Results of the Integrity Section’s Audits of Arrest Reports Submitted Between 01 Jan 2017 and 31 Dec 2017.

The Integrity Section reviewed all 2017 arrest reports associated with arrests on charges of unlawful use of a weapon or robbery. The purpose of this review is to determine whether an ISR was completed if needed.

- The Integrity Section reviewed 4686 arrest reports for U UW, of which 1322 had associated ISRs. The Integrity Section determined that an ISR should have been created for an additional 226 of the 4686 arrests.
- The Integrity Section reviewed 1683 arrest reports for robbery, of which 193 had associated ISRs. The Integrity Section determined that an ISR should have been created for an additional 73 of the 1683 arrests.

- The Integrity Section determined that, in the encounters documented in the 6369 arrest reports it reviewed, an ISR should have been created but was not in 299 (or approximately 5%) of the encounters.

(3) Corrective Measures Undertaken by the Integrity Section

The Integrity Section has undertaken the following corrective measures to address the deficiencies identified during its audits:

- The Integrity Section used the Investigatory Stop Audit Report to record its findings that an ISR was approved in error, to notify the ISRs author and reviewing supervisor of its findings, and to request that the reviewing supervisor report to the Integrity Section regarding the corrective actions taken. When the Integrity Section receives a response, it is noted in the Access database.
- When, based on its review of an arrest report, the Integrity Section concluded that an ISR should have been completed but was not, the Integrity Section notified the Commander of the relevant District, using the Investigatory Stop Report Oversight Observation Report, and requested that the district report to the Integrity Section regarding the corrective actions taken. When the Integrity Section receives a response, it is noted in the Access database.
- The Integrity Section has continued to conduct in-person ISR training. In 2017 and to date in 2018, the Integrity Section has conducted the following trainings:
 - 28 Feb 2017 – ISR Refresher Training at HQ
 - 08 Mar 2017 – ISR Refresher Training at HQ
 - 21 Jun 2017 – Refresher Training Organized Crime at Homan Square
 - 22 Jun 2017 – Refresher Training Organized Crime at Homan Square
 - 25 Jul 2017 – 008 District Refresher Roll Call Training
 - 27 Jul 2017 – Unit 312 Refresher Roll Call Training
 - 02 Aug 2017 – 002 District Refresher Roll Call Training
 - 02 Aug 2017 – 019 District Refresher Roll Call Training
 - 03 Aug 2017 – 006 District Refresher Roll Call Training
 - 07 Aug 2017 – 012 District Refresher Roll Call Training
 - 08 Aug 2017 – 022 District Refresher Roll Call Training

- 09 Aug 2017 – 005 District Refresher Roll Call Training
 - 10 Aug 2017 – 010 District Refresher Roll Call Training
 - 14 Aug 2017 – Unit 212 Refresher Roll Call Training
 - 15 Aug 2017 – 004 District Refresher Roll Call Training
 - 15 Aug 2017 – 025 District Refresher Roll Call Training
 - 16 Aug 2017 – 009 District Refresher Roll Call Training
 - 16 Aug 2017 – 018 District Refresher Roll Call Training
 - 16 Aug 2017 – 024 District Refresher Roll Call Training
 - 17 Aug 2017 – 001 District Refresher Roll Call Training
 - 17 Aug 2017 – 016 District Refresher Roll Call Training
 - 21 Aug 2017 – 017 District Refresher Roll Call Training
 - 23 Aug 2017 – 020 District Refresher Roll Call Training
 - 25 Aug 2017 – 015 District Refresher Roll Call Training
 - 29 Aug 2017 – 014 District Refresher Roll Call Training
 - 31 Aug 2017 – Area North – Units 213 & 313 Refresher Roll Call Training
 - 08 Sep 2017 – Area South – Units 211 & 311 Refresher Roll Call Training
 - 12 Sept 2017 – 002 District Tact Teams Refresher Roll Call Training
 - 16 Nov 2017 – Captain's Audit training at HQ
 - 11 Dec 2017 – ISR Pre-Service Lieutenant Training at Academy
 - 12 Dec 2017 – ISR Refresher Training at HQ
 - 18 Dec 2017 – ISR Refresher Training at HQ
 - 20 Dec 2017 – ISR Pre-Service Sergeant Training at Academy
 - 21 Dec 2017 – ISR Pre-Service Sergeant Training at DeVry
 - 22 Dec 2017 – ISR Pre-Service Sergeant Training at Academy
 - 23 Jan 2018 – Roll Call training of 015 District tactical teams
 - 25 Jan 2018 – Roll Call training of 014 District second watch
 - 31 Jan 2018 – Roll Call training of 002 District second watch
 - 07 Feb 2018 – Roll Call training of 003 District third watch
 - 14 Feb 2018 – Roll Call training of 002 District second watch
 - 15 Feb 2018 – ISR Training of recruits at Academy
 - 26 Mar 2018 – ISR Training for COPA at Academy
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- The Integrity Section continues to receive questions (via email to AskISR and telephone), and utilizes these inquiries as an opportunity to mentor Department members regarding ISR-related issues. The Integrity Section currently receives approximately 4 emailed questions each month, and

approximately 5 questions by telephone each week. The Integrity Section answers questions as soon as possible, usually within one day, and, if needed, after consulting with the Office of Legal Affairs. Although the number of questions received by the Integrity Section has been declining over time, the Integrity Section did notice a temporary increase in the number of questions following the issuance of revised CPD Special Order S04-20, relating to the circumstances under which an ISR must be prepared when responding to incidents involving persons in need of mental health treatment. In addition, the Integrity Section has seen an uptick in (and responded to) questions related to ensuring that ISRs are timely moved through the workflow. The Integrity Section's efforts to ensure that ISRs are timely moved through the workflow are detailed in (7), below.

(4) Review of Monthly Audits Conducted by Executive Officers

Section VIII.C.3 of Special Order S04-13-09 sets forth the responsibilities of executive officers to conduct monthly internal audits and to report on their findings to their commanding officers. For each monthly audit, the executive officer is instructed to review a random sample (10%) of all ISRs for that month, make a determination whether any are deficient, and, in the case of any deficiencies, document the corrective action taken. They must list the ISRs they review, which ISRs they determined to be deficient and why, and what they did to address the deficiencies. The Integrity Section confirms that executive officers timely submit their monthly audits and follows up with the executive officers as needed. In addition, in response to recommendations made by Judge Keys in the Consultant's Second Semi-Annual Report (dated 05 Mar 2018), the Integrity Section has made efforts to obtain greater consistency among the monthly audits. Those efforts are detailed in (7), below.

(5) Review of Records of Supervisory Corrections and/or Rejections of Investigatory Stop Reports to Identify Officers Who Fail to Properly Conduct or Document Investigatory Stops and Protective Pat Downs

In addition to its daily audit of at least 10% of ISRs that have been placed in "Approved" status, the Integrity Section also reviews all ISRs that a reviewing supervisor has placed in "Deficiency Rejection Review" status. Reviewing supervisors placed 237 ISRs that were created between 1 Jan 2017 and 30 June 2017, and 262 ISRs that were created between 1 July 2017 and 31 Dec 2017, in

Deficiency Rejection Review status. The Integrity Section utilizes these reviews, as well as its review of a random sample of ISRs placed in “Approved” status, to identify those Department members who repeatedly submit or approve deficient ISRs. In such cases, the Integrity Section reviews that member’s ISR history to determine whether corrective action is warranted.

- In 2017, the Integrity Section continued to rely on its audits to identify Department members who repeatedly submitted deficient ISRs, or who repeatedly approved ISRs in error. On 12 Dec 2017 and 18 Dec 2018, the Integrity Section conducted in-person refresher trainings for 15 Department members whom it had identified as needing further training. The Integrity Section subsequently identified an additional 18 Department members for further training and is scheduled to provide in-person training to these members on 19 June 2018 for patrol officers and 21 June 2018 for sergeants.

(6) Examination of Civilian and Internal Complaints

The Bureau of Internal Affairs (BIA) and the Civilian Office of Police Accountability (COPA) provide the Integrity Section with information regarding civilian or internal complaints that may be related to an investigatory stop or protective pat down. The Integrity Section reviews these materials for purposes of making recommendations regarding improvements, corrective actions, and ways to diminish the number of complaints regarding investigatory stops. The Integrity Section is in the process of reviewing information provided by BIA and COPA relating to complaints filed between 01 Jan 17 and 31 Dec 2017 and plans to report on its findings and recommendations in its next Audit Report.

(7) The Integrity Section’s Response to Recommendations by Judge Keys.

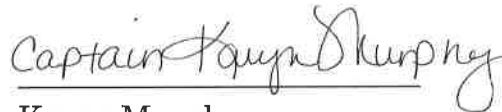
The Integrity Unit’s initiatives in response to recommendations from Judge Keys in his Second Semi-Annual Report (dated 5 March 2018) are set forth below.

- First, Judge Keys recommended that CPD ensure that ISRs are timely submitted, reviewed, and (if appropriate) modified and resubmitted. The Integrity Section has taken the following steps to address this recommendation. In September 2017, the Integrity Section began performing a monthly audit of ISRs in a non-final status. Based on the results of each audit, the Integrity Section, through the chain of command, provides written

notice to district commanders detailing the number of ISRs from each commander's district in non-final status and encouraging commanders to ensure those ISRs are moved to a final status. In addition, in April 2018, the Integrity Section began providing in-person training to district captains, as needed, to assist with ensuring that ISRs are timely moved through the workflow. The Integrity Section believes its efforts have been successful: To date, only 16 ISRs initiated in 2017 remain in a non-final status, and the results of the Integrity Section's monthly audits show that the number of ISRs in a non-final status has progressively declined.

- Second, Judge Keys recommended that CPD obtain greater consistency among the monthly written audits prepared by executive officers as required by Section VIII.C.3 of CPD Special Order S04-13-09. In response, the Integrity Section developed an audit template that incorporates best practices it observed from its review of prior captains' audits, as well as updated training materials regarding expectations relating to the audits. The Integrity Section intends to conduct this training over five scheduled dates between 10 May 2018 and 14 Jun 2018.
- Third, Judge Keys recommended that CPD reinforce the importance of a timely response, including documentation of corrective actions taken, to the Integrity Section's audit reports. In response, the Integrity Section implemented a practice pursuant to which, if no response is received to an audit report within 30 days, the Integrity Section sends a "second notice," reminding the district commander that a response, including documentation of any corrective actions taken, is required.
- Fourth, Judge Keys recommended that the Integrity Section track and provide information in its audit reports about (1) how many corrective actions were ordered by supervisors, by district; (2) how many corrective actions, once ordered, were taken; and (3) timeliness of ISR submission, supervisory review, and correction. In response, the Integrity Section developed a database that allows it to track the number of audit reports sent by the Integrity Section, the number of responses received, and the number of corrective actions ordered, including on a district-by-district basis. Between 01 Jan 2017 and 31 Dec 2017, the Integrity Section identified 2816 ISRs that lacked either RAS or had administrative errors. In response, the Integrity Section sent 1549 Investigatory Stop Audit Reports in 2017; the remaining 1267 were sent by early March 2018. To date, the Integrity Section has

received 2726 responses, each of which documented a corrective action taken. The Integrity Section has sent 90 second notices. In addition, between 01 Jan 2017 and 31 Dec 2017, the Integrity Section identified 299 arrest reports that should have had an associated ISR and did not. The Integrity Section sent 93 Oversight Observation Reports in 2017; the remaining 206 were sent by early March 2018. To date, the Integrity Section has received 265 responses, each of which documented a corrective action taken. The Integrity Section has sent 34 second notices.



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Approved:



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