



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

COPA TIMELINESS INITIATIVE PROJECT

December 2024

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I. INTRODUCTION

This Report summarizes the necessities, implementation of, and city-wide impact of COPA's Timeliness Initiative Project (TIP) in 2023.

Large caseloads and aging investigations have consistently plagued Chicago's police accountability system. Through various efforts, COPA began significantly decreasing open investigations in 2022. However, by 2023, it was clear that even more decisive action was needed. COPA anticipated a new time limit provision in the successor collective bargaining agreement (CBA) with the Fraternal Order of Police, Lodge #7 (FOP). COPA's legacy case backlog was also revealing inherent flaws at the back end of the accountability process. Cases involving longer investigative timelines generally led to much reduced or eliminated discipline outcomes in arbitration.

Increased timeliness also serves Chicago Police Department (CPD) members by providing quicker resolutions to pending investigations. The Consent Decree also contains explicit investigative timeliness requirements placed upon COPA and CPD.¹ In light of these exigencies, COPA implemented the TIP as a necessary one-time process to address its legacy caseload.

Beginning in July 2023, assigned senior staff began reviewing open investigations which were over 18 months old to assess their viability at the Chicago Police Board or arbitration. Eligible cases were closed with a non-disciplinary closure memorandum and, where appropriate, recommended retraining for the involved CPD member(s). This early review effort provided a critical head start in reducing this backlog when the new FOP agreement was finally ratified on December 14, 2023, which instituted an 18-month timeline for all investigations. Had COPA not instituted its TIP when it did, it would not have had the resources to complete many of its major cases when the timeliness provision of the FOP contract went into effect in late January of 2024. These cases – many of them involving serious potential misconduct – would have been jeopardized, and COPA would have expended critical investigative resources with little chance of meaningful accountability before an arbitrator.

II. BACKGROUND

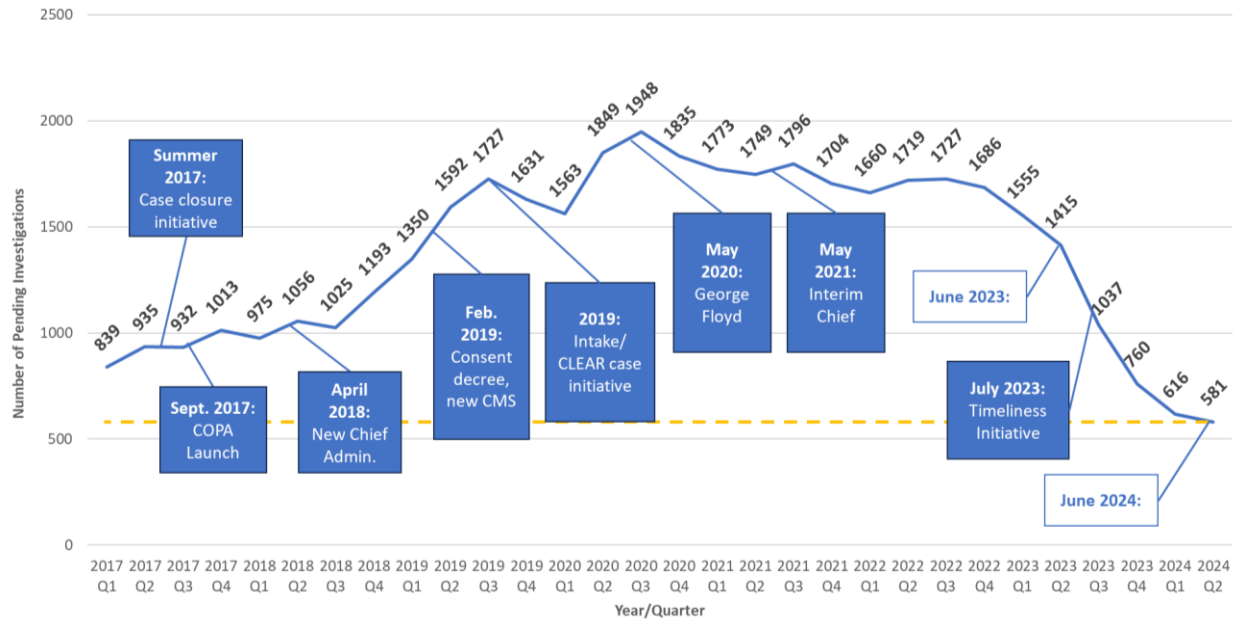
Well before 2023, COPA's leadership recognized the accountability risk of unsustainable caseloads and lack of investigative timeliness in disciplinary outcomes. In September of 2017, COPA began operations as successor to its predecessor civilian oversight agency, the Independent Police Review Authority (IPRA), with investigative jurisdiction over certain categories of misconduct of CPD members. COPA inherited IPRA's entire investigative caseload, which meant that on day one of COPA's operations, the agency had over 900 open investigations (see Figure 1 on the following page). Additionally, in its reincarnation, COPA's jurisdiction was broadened to include administrative investigations of Fourth Amendment violations (improper search or seizure) as well as sexual misconduct and domestic violence.² Finally, COPA expanded into a larger footprint in the city's police accountability system, taking on many new investigative, intake, and transparency requirements with the enactment of the Consent Decree in 2019.

¹ See *e.g.*, Paragraphs 470 and 479, Consent Decree entered in *State of Illinois v. City of Chicago*, 17-cv-6260.

² Municipal Code of Chicago, Section 2-78-120.

Jurisdictional expansion and increased mandates resulted in a steady increase in COPA’s caseload. Fourth Amendment investigations soon began accounting for the largest percentage of COPA’s investigations.³ Investigations of sexual misconduct and domestic violence proved to be highly complex and resource intensive (see Section IV, below). Without a clear plan to manage these expanding investigations as the new agency launched, COPA’s caseload ballooned in 2018 and 2019 (see Figure 1 below).

Figure 1. Historical Pending Investigations by Quarter End (2017 – 2024)



Note: Data are pulled at the end of each quarter.

In recognition of the rising caseload in 2020, COPA began initiating efficiency efforts at the complaint entry point of its Intake Unit. In early 2020, a new Supervising Investigator was appointed to reduce the backlog of complaints in Intake, leading to a downward trend in the number of pending cases. However, during the summer of 2020, Intake experienced an unprecedented influx of complaints due to civil unrest following the murder of George Floyd, with the total complaint volume nearing 800 cases, representing over 40% of COPA’s total open complaints. During this time, it became clear that performing fulsome investigations leading to Final Summary Reports (FSRs) of all or a substantial portion of these complaints was not sustainable.

COPA also adopted a more strategic approach to its discretion in making jurisdictional decisions consistent with its enabling ordinance, as well as more complete review of body-worn camera evidence and legal analysis during the preliminary investigation in Intake. These operational changes increased COPA’s ability to identify cases with viable complaints within its jurisdiction. Consequently, COPA’s complaint retention percentage decreased from approximately 40% to 20%, thereby ensuring COPA’s ability to maintain a more sustainable caseload. Additionally, supervising

³ See, e.g., [COPA 2022 Annual Report](#), pp. 22-23.

investigators were authorized to make notes directly in COPA’s case management system to justify the closure of complaints, streamlining the process and eliminating the need for separate documentation. By December 2020, the total number of complaints in Intake had decreased to approximately 250. This downward trend continued throughout 2022 and 2023, with the number of complaints dropping to under 100, and the creation of a benchmark that all complaints spend less than 30 days in Intake in a preliminary investigation posture.

During early 2023, through its conversations with Labor attorneys at the Department of Law (DOL), COPA became aware that the FOP, which represents a large majority of CPD Members under its jurisdiction, sought an investigative time limit provision to its CBA in negotiations of its successor agreement with the city. The possibility of such a time limit for FOP members reinforced COPA’s efforts to expeditiously implement the TIP. On December 14, 2023, the city ratified this agreement with the FOP. It provided that, beginning with investigations concluding 45 days after the agreement’s ratification, the Arbitrator of an FOP member’s grievance can convene a preliminary hearing to determine whether there was a reasonable basis for the investigation to surpass 18 months.⁴

This provision mirrored the CBAs between the city and the Sergeants, Lieutenants, and Captains agreements, the Police Benevolent and Protective Association (PBPA), with an identical 18-month time limit provision.⁵ Under both FOP and PBPA CBAs now, the city carries the burden to show “reasonable cause” and justify an investigation that lasts beyond 18 months. This provision defines “reasonable cause” as follows:

*“Reasonable cause” may include, but is not limited to, such factors as unavailability of the accused Officer or a critical witness, delays attributable to the Officer or his or her attorney, the unusual complexity of the matter under investigation, the need to investigate claims or new evidence arising in the course of the investigation, the pendency of a criminal investigation involving the matter under investigation, the pendency of civil litigation involving the matter under investigation, etc.*⁶

According to these agreements, this time limit shall not apply to allegations “of a criminal nature,” defined as “a violation of the Illinois Criminal Code, the criminal code of another state of the United States or a criminal violation of a federal statute.”⁷

Under labor law, the city must afford CPD members under threat of discipline with “just cause,” which generally requires an employer to afford adequate due process, including timeliness of discipline, to an employee before disciplining them.⁸ Seen through this lens, 18 months is often a threshold in which arbitrators grant a CPD member’s grievance based upon timeliness alone – even before enactment of the time limit provision in the FOP CBA.⁹ COPA observed arbitrators penalize

⁴ City of Chicago, “Agreement between the City of Chicago and Fraternal Order of Police Lodge No. 7, Effective July 1, 2017 through June 30, 2027 [FOP Agreement],” Section 8.10, Investigation Time Limits.

⁵ City of Chicago, “Agreement between the City of Chicago and the Policeman’s Benevolent & Protective Association of Illinois, Unit 156-Sergeants, Effective July 1, 2016, through June 30, 2022 [PBPA Agreement],” Section 9.4C.

⁶ FOP Agreement, Section 8.10.

⁷ PBPA Agreement, Section 6.1E.

⁸ See e.g., FOP Agreement, Section 8.1 (“No Officer covered by this Agreement shall be suspended, relieved from duty or otherwise disciplined in any manner without just cause.”).

⁹ COPA has observed arbitrators penalize the city for unduly lengthy investigations, even when CPD members do not explicitly request a preliminary hearing on the timeliness of the investigation.

the city for not only the time of the investigation itself, but also the time spanning the entire length of the disciplinary process, up until the issuance of discipline.

Essentially, the longer the investigation – and older the incident – the higher the likelihood an arbitrator will grant the grievance based upon lack of timeliness alone. Even if sustained, misconduct allegations in older cases would likely not materially affect outcomes of subsequent discipline in a progressive discipline analysis, especially given the extended time for the city to arrive at a final disciplinary decision at arbitration (see Section VI below). These observations of “downstream” impediments in the disciplinary process in 2022 and 2023 were further warning signs that a more proactive caseload management approach was necessary.

III. TIP PROCESS AND RESULTS

Beginning in July 2023, COPA supervisory staff assigned to the TIP project began a review of all open investigations that were over 18 months old – not including investigations assigned to COPA’s Special Victims Squad (see Section IV). To determine whether an investigation was appropriate for closure under the TIP, the TIP review team evaluated the nature of all potentially viable allegations involved in each case.

Certain categories of allegations were considered disqualifying, including but not limited to, Rule 14 violations, acts of domestic violence or sexual misconduct, unjustified uses of deadly force, unjustified uses of force on a restrained individual or resulting in significant injury, acts of retaliation, highly objectional instances of verbal abuse, intentional misconduct, non-procedural allegations related to the procurement or execution of a search warrant, and any allegations that could result in substantial disciplinary action.¹⁰ If an investigation did not involve one of these disqualifying allegations, the TIP review team closed the case with a non-disciplinary closure memorandum and, where appropriate, recommended retraining for the involved CPD member(s).¹¹

Initially, the TIP review team evaluated approximately 690 investigations that were opened between 2019 and 2021. In October of 2023, this review was expanded to include approximately 175 cases that were initiated between January 1, 2022, and September 1, 2022, or that had no reasonable certainty of closing within an 18-month timeframe.

COPA’s TIP entered a new phase (Phase 2) upon ratification of the FOP Agreement in December of 2023, with a looming effective date incorporating time limits of only 45 days and over the holiday season. Three courses of action were available on FOP cases approaching 18 months at this time: 1) use best efforts to meaningfully close the case with findings in the most expeditious manner possible; 2) continue to fully investigate the case even if it exceeds 18 months; or 3) initiate a non-disciplinary closure.

¹⁰ The following types of investigations were also disqualified from closure under the TIP: officer-involved shootings, fatal motor vehicle pursuits, investigations referred to the Cook County State’s Attorney’s Office for potential criminal investigation, investigations garnering a high level of public interest, and investigations that COPA re-opened at the request of an external agency.

¹¹ The specific process the TIP review team followed is detailed in guidance: COPA’s Special Project Process—Timeliness Closure Review Project via Non-Disciplinary Recommendation Closures.

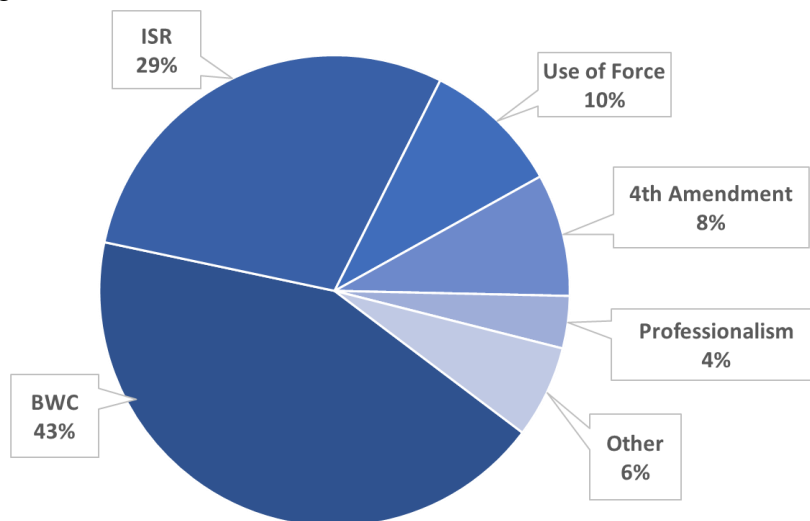
In this necessary cost-benefit analysis, it soon became clear that appropriate use of the latter option, non-disciplinary closures of certain investigations, was necessary to most effectively mitigate risk posed by the new time limit. In turn, expansion of the eligible cases for closure under the existing Non-Disciplinary Closure Memorandum was also needed to ensure the fewest number of FOP cases over 18 months old were left open beyond January 27, 2024. Accordingly, in the discretion of the Chief Administrator and appropriate investigative Deputy Chief Administrator (or designee), COPA administratively closed any case by non-disciplinary recommendation under a “totality of circumstances” determination of the following factors: seriousness of the allegation; likelihood of success on the merits; likelihood of success in a “reasonable cause” hearing; the pendency of related criminal or civil litigation; necessary investigative steps remaining; and need for public accountability.

Investigations ineligible for non-disciplinary closure in Phase 2 were those 1) with anticipated disciplinary recommendations of 180 days to separation or 2) with related pending criminal litigation against the accused officer and/or referral to a local prosecutor’s office. Due to the nature of these cases, COPA determined it to be preferable to ensure completion of these investigations and later argue for the reasonableness of any delay.

In total, the TIP review team reviewed approximately 865 cases and determined that 649 cases, or 75% of the cases reviewed, met the criteria for closure under the TIP. COPA made a total of 725 retraining recommendations for 425 different CPD members. They included 312 recommendations for retraining regarding CPD’s body worn camera (BWC) policy, 211 recommendations regarding CPD’s investigatory stop report (ISR) policy, 69 recommendations regarding CPD’s use of force policy, 61 recommendations regarding the protections afforded by the Fourth Amendment,¹² 26 recommendations regarding CPD’s professionalism policies, 16 recommendations regarding CPD’s tactical response report (TRR) policy, nine recommendations regarding CPD’s supervisory responsibilities policy, six recommendations regarding the obligation to report misconduct, and 15 miscellaneous recommendations. Figure 2 on the following page illustrates the breakdown in COPA’s retraining recommendations.

¹² Within this category, COPA made 42 retraining recommendations regarding vehicle searches, 7 recommendations regarding the search of persons, 4 recommendations regarding the probable cause to arrest, 4 recommendations regarding the reasonable articulable suspicion to detain, and 4 recommendations related to the securing of arrestee property.

Figure 2. TIP Training Recommendations (Total = 725)



Phase 2, specifically, resulted in the closure of 195 investigations between December 14, 2023, and January 27, 2024. This initiative would not have been possible without the preceding months-long TIP, which had already made a significant dent in COPA’s aging caseload, allowing investigative staff to focus on the remaining cases with the most serious allegations of misconduct.

IV. TIMELINESS AND SEX MISCONDUCT INVESTIGATIONS

As provided in Paragraph 441 of the Consent Decree and subsequent amendment to COPA’s municipal ordinance in 2022, COPA’s jurisdiction was expanded to include sexual misconduct of CPD members, both on and off duty. COPA’s Special Victims Squad (SVS) was instituted to investigate allegations of domestic violence and sexual misconduct allegedly perpetrated by CPD members.

SVS investigations entail unique dynamics and challenges that impact the duration and complexity of its cases. Such factors include maintaining complainant cooperation, repeated incidents of domestic violence, issues with responding officer misconduct, and parallel criminal investigations and/or prosecution. Moreover, these cases often involve vulnerable victims and extensive collaboration with both the Bureau of Internal Affairs (BIA) and the Cook County’s State’s Attorney’s Office.

SVS allegations often have some purported criminal element, are generally more complex, and may include parallel criminal investigation or civil litigation. Accordingly, COPA determined it to be more realistic to establish “reasonable cause” under the “criminal nature” exception to the CBAs’ time limit provisions and justify continuing these investigations beyond 18 months. This background, and the seriousness of SVS allegations, made most cases ineligible for closure under the TIP. Nevertheless, SVS was able to make significant progress in reducing its caseload during the TIP by dedicated efforts and enlisting the assistance of other staff members.

COPA’s 2023 timeliness efforts and 18-month investigative time limit addition to the FOP CBA highlighted the specific challenges for SVS and the need to further resource this team. With stricter

attention to time limits of investigations, the challenge of investigating and litigating sexual misconduct and domestic violence cases becomes even more acute. This necessitated the importance of having appropriately experienced and trained specialized investigators, Special Victims Investigators (SVIs) and an expanded SVS unit. COPA worked closely with the Office of Budget Management and the Department of Human Resources to ensure that the SVS unit will have a Director of Investigations, two Supervising Investigators and nine SVIs in 2025. COPA recommends that DOL attorneys prosecuting sexual misconduct and domestic violence cases be trained similarly so that these attorneys grasp critical components of trauma-informed and victim-centered approaches. This would ensure timelier resolutions and appropriate level of care dedicated to these cases.

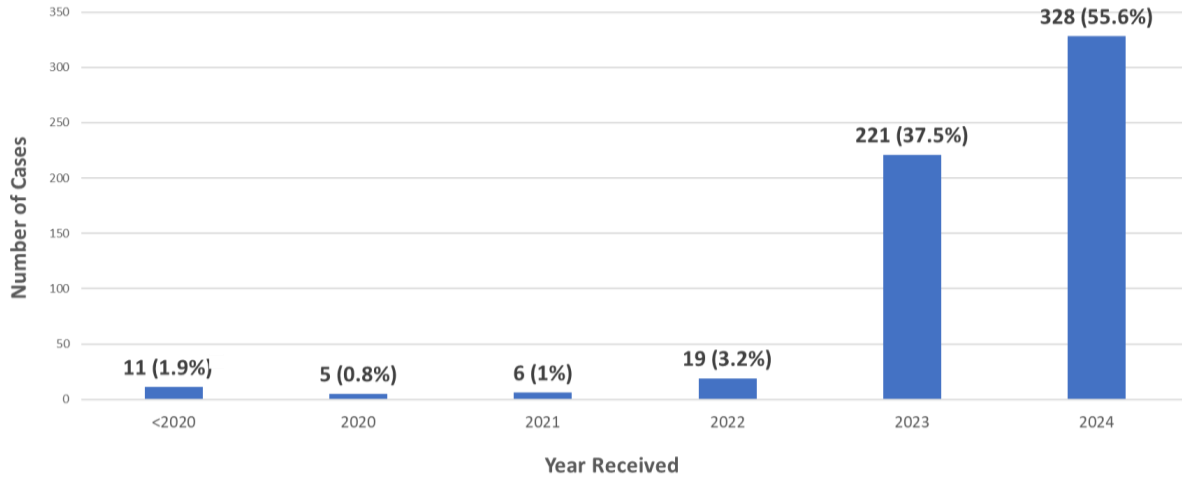
V. INVESTIGATIVE IMPROVEMENTS

Beginning in 2023, COPA implemented several new initiatives to reduce its backlog of aging cases and ensure the timeliness of its current and future investigations. The TIP was just one of these initiatives. In addition, COPA implemented corrective measures to improve the timeliness of its investigations was sustainable moving forward:

- Beginning in October 2023, COPA implemented timeliness meetings for its supervisory staff assigned to the Investigations Unit. These meetings, which are chaired by COPA's Chief Administrator, Chief of Staff, and First Deputy, involve the detailed review of all open major cases and cases that are approaching the 18-month mark.
- Since April 2023, COPA has distributed monthly reports to its Investigations Unit that detail the current caseloads and case closure numbers of all investigative staff. These reports have increased internal transparency at COPA and motivated staff to complete their investigations in a timely manner.
- COPA has taken steps to standardize and streamline its investigative process and internal review process. For example, COPA has recently provided guidance to investigators on consistent issue-spotting and allegation drafting, and it is in the process of creating standardized language for the analysis of common allegations.
- COPA has already taken steps to remedy Intake case logjam - i.e. cases not always moved out of Intake in less than 30 days, or timely reassigned upon an investigator's promotion or departure. COPA has implemented a standardized process for case reassignments, and the Intake Unit has adjusted its practices to ensure the timely completion of all preliminary investigations.
- COPA's Quality Management Unit has redesigned the metrics it uses to evaluate both major cases and general investigation cases. Since August 1, 2024, the Quality Management Unit has evaluated cases using a new Quality Analysis Report that tracks the timeliness benchmarks included in COPA's policy.
- Evaluating SVS cases and the caseload of this team further highlighted an already recognized need to better resource this squad. Throughout 2023 and 2024, COPA has taken steps to resource the team with more investigative staff and supervision to allow these cases to be investigated in a timely manner.

Due to the success of these initiatives, COPA’s open caseload has been significantly reduced, enabling its investigative staff to conduct quality investigations in a timely manner. As of October 1, 2024, COPA has 573 open cases that are currently under investigation; only 36 of these cases are over 18 months old. Additionally, COPA closed 46% of the cases it opened in 2023 in less than 180 days.¹³ Figure 3 below illustrates the age of pending investigations by year of complaint during the summer of 2024.

Figure 3. Pending Investigations by Year Received, as of August 2024



Note: Data were pulled in August of 2024. Eleven pending investigations were from complaints received prior to 2020.

Going forward, COPA will continue to ensure that its cases are investigated and closed in a timely manner. In 2025, COPA plans to revise its Performance Evaluation Program to incorporate benchmarks from its Timeliness Benchmarks Policy. This change will enable COPA’s supervisory staff to consider objective and measurable metrics in evaluating the performance of its investigative staff.

Although the primary goal of the TIP was to reduce COPA’s backlog of aging cases, it also enabled the TIP review staff to identify trends and patterns related to file maintenance, the investigative process, and other areas of potential improvement. COPA’s Intake Unit is now meeting its 30-day benchmark; in July 2024, it averaged just 18 days to log a complaint, evaluate and determine jurisdiction, and complete the entire preliminary investigation.

In COPA’s General Investigations Unit, the TIP and corrective actions have reduced caseloads to an average of eight open cases per investigator, and less than 50 open cases per supervising investigator. This reduction in volume has enabled supervising investigators to better manage their cases and reporting investigators and collectively raise compliance with attainable deadlines and the quality and thoroughness of each investigation. Finally, COPA investigators have also reported that a manageable

¹³ The 46% figure only includes the cases that COPA opened in 2023, investigated, and closed in less than 180 days. However, COPA often refers cases to BIA after conducting a preliminary investigation and determining that the alleged misconduct within COPA’s jurisdiction does not warrant the service of allegations. Including those cases, COPA closed 57% of the cases it opened in 2023 in less than 180 days.

caseload fosters more collaboration and increased ability to examine cases from multiple perspectives, resulting in “a more well-rounded and objective approach to our investigations,” as one reported.

In sum, COPA’s TIP and reduced caseload provided critical bandwidth to ensure that COPA meets its investigative benchmarks and thoroughly investigates all complaints.¹⁴ Going forward, COPA will continue to implement changes to improve its electronic Case Management System, ensure consistency in the investigative process, and increase internal accountability.

VI. INVESTIGATIVE TIMELINESS AND THE CITY’S ACCOUNTABILITY SYSTEM

COPA’s TIP and subsequent corrective measures were necessary to improve its own investigative timeliness and overall agency efficiency. However, COPA’s disciplinary investigations and recommendations do not exist in a vacuum.

COPA was able to solicit and receive feedback from its accountability partners and stakeholders before and during implementation of the TIP. COPA worked directly with the Community Commission for Public Safety and Accountability (CCPSA) in the development of the TIP and spoke about the initiative at a CCPSA public meeting. COPA discussed and received feedback from its Consent Decree monitors and subject matter experts, the Independent Monitoring Team and the Office of the Illinois Attorney General, as it planned and implemented the TIP in 2023. COPA also provided monthly updates at the Police Board’s regular public meetings during the initiative. The Public Safety Inspector General (PSIG) served as another guard rail; per its authority, it continues to perform case reviews of closed investigations under the TIP and issued Requests to Re-Open on several.¹⁵

There is, however, larger work beyond COPA to improve accountability timeliness at the city level. In its 2016 Report, the Department of Justice (DOJ) aptly observed the systemic weakness of delayed investigations in Chicago’s accountability system: “On top of the delays that occur while an investigation is still with BIA or IPRA, once an investigative finding is made, the additional layers of review by the [Command Channel Review], Superintendent, or Police Board can result in years of additional delay from the time when an allegation is sustained until discipline is actually imposed and served.” The additional risk, not examined by the DOJ, is the dilution of recommended discipline at arbitration in investigations that are deemed unreasonably lengthy. These systemic weaknesses are still present in 2024.

The Consent Decree contains dozens of requirements on investigative thoroughness and timeliness of investigations. But there are few, if any, requirements on the city’s actions and transparency thereof that occur following an investigation: through the filing of charges against a CPD member and final disciplinary decision at arbitration or Police Board.

This “accountability gap” is more acutely evident with the recent labor law changes. The 18-month investigative time limit in the FOP CBA means more timely investigations are sent to the DOL for

¹⁴ As further measure of its success, COPA provided technical assistance to Detroit’s civilian oversight entity, the Office of the Chief Investigator of the Detroit Board of Police Commissioners, on its own timeliness initiative in 2024.

¹⁵ Per COPA’s records, PSIG requested that 10 closed investigations under the TIP be re-opened. COPA agreed to re-open four, declining the others due to lack of viable allegations.

charges to be filed. And the possibility of FOP members' separation cases heard at arbitration – instead of at Police Board – means that even more cases may bottleneck in arbitrators' dockets.¹⁶ COPA expects that as more disciplinary grievances are filed each year than could possibly proceed to hearing, the existing backlog will increase further. Of additional risk is the number of separation cases of FOP members that are currently on hold at Police Board pending the FOP's appeal of a March 21, 2024 decision by a Cook County judge ruling that arbitration hearings of CPD members should be open to the public.¹⁷

Therefore, COPA's gains in timelier investigations due to the TIP must be buttressed with similar citywide improvement. COPA recommends that the city continue to consistently and sufficiently fund it to guarantee adequate staffing and resources levels to sustain timely investigations.¹⁸ COPA also recommends that the city ensure adequate staffing of attorneys at DOL and CPD, as well as arbitrators, to help break the cycle of diluted disciplinary outcomes driven by lack of timeliness.

Finally, COPA recommends that other city stakeholders follow suit with their own plans to evaluate caseloads, reduce backlog and minimize the length of time before proceeding to hearing at arbitration, including at post-closure litigation. COPA urges all stakeholders, including CPD, DOL, CCPSA, and the Office of Inspector General/PSIG, to participate in promoting timelier outcomes and drawing attention to this enduring challenge in the city's accountability system.

¹⁶ See Final Opinion and Award, In the Matter of the Arbitration between City of Chicago and Fraternal Order of Police, Chicago Lodge No. 7 (“Lodge”), Sec. 8.10 (Benn, Arb.).

¹⁷ As of July 2024, there were 13 FOP members with cases on hold at Police Board because they had sought transfer their cases to arbitration.

¹⁸ See Paragraph 521 of the Consent Decree; see also Fairley, Sharon, *The Impact of Civilian Investigative Agency Resources on the Timeliness of Police Misconduct Investigations*. New York University Journal of Legislation and Public Policy, 563 at 604 (July 30, 2023) (“a successful [oversight] entity must have the resources to recruit and retain sufficient staff and resources to fund other important non-personnel expenses.”).