

**REQUIREMENTS OF A COMPLETE LOG NUMBER INVESTIGATIVE FILE**

ISSUE DATE:	20 April 2022	EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	08 - Professionalism		
CALEA:			

**I. PURPOSE**

This directive:

- A. describes the required contents of a complete investigative file for Log Number investigations conducted by Bureau of Internal Affairs (BIA) Investigators and Accountability Sergeants. The contents set forth herein are to be considered minimum requirements and additional materials, if relevant to the investigation, should be included in an investigative file. CD ¶486
- B. uses terms specific to the Chicago Police Department's complaint and disciplinary system, as defined in General Order G08-01-01 "Complaint and Disciplinary Definitions."

**II. POLICY**

All investigators (BIA Investigators and Accountability Sergeants) will maintain thorough and complete administrative investigative files. Properly documenting all aspects of what must be a thorough, timely, fair and proper investigation further improves transparency and legitimacy while ensuring that findings will withstand scrutiny. The investigative file should reflect the entire history and chronology of the investigation, including but not limited to the receipt and processing of the complaint, the investigator's entire work product, supervisory review of the investigation, and disposition of the investigation.

**III. DUTIES AND RESPONSIBILITIES**

The investigative file must reflect a thorough, timely and fair investigation that has been fully investigated to its conclusion. Investigators will ensure that each log number investigative file is thorough and complete before closing that investigative file. Each file will include, but need not be limited to, the following:

- A. For non-anonymous complaints, as much complainant information as the complainant is willing to share, such as: name, phone number, email address (if complainant chooses email as a method of contact), address, and any voluntarily self-reported demographic information (e.g. race, gender, age).

**NOTE:** A complainant may choose to not provide any or all information. A complainant's choice to withhold any information, including the complainant's name (i.e. an anonymous complainant), will not be the sole basis for closing any Log Number without a full and thorough investigation.

- B. Complete witness information, including:
  - 1. the names, phone numbers, addresses, and any other relevant contact information of all non-Department witnesses to the alleged misconduct, or other non-Department individuals who have or may have information relevant to the investigation. CD ¶486a
  - 2. if witnesses were present but the investigator was not able to collect the contact information, set forth in Item III-B-1, an explanation of the circumstances that prevented the collection of that information. All identifying information or contact information that is available regarding these witnesses must be included. CD ¶486a
  - 3. all identifying and contact information that is available regarding any witnesses who refuse to provide a statement or otherwise refuse to cooperate in the investigation, as well as for witnesses who refuse to identify themselves. CD ¶486a

4. the names, employee numbers, and star numbers, if applicable, of all Department members, sworn or civilian, who are identified as witnesses or who otherwise possess relevant information to the investigation such that they are logically considered witnesses. **CD ¶ 486c**
  5. if there are no known witnesses or no known witnesses except the complainant, an explanation that none exist or none could be identified and a description of the efforts undertaken to identify witnesses.
- C. Complete information concerning each accused member, if the accused member(s) has been identified (e.g. employee number, star number, date of appointment).
- D. A signed sworn affidavit if one is required. If there is no affidavit and it would otherwise be required, the file must include an explanation regarding whether an affidavit override was sought and why it was or was not sought. In cases where an override is sought, the file must include documentation of the override request and the authorization or denial. Additional details can be located in the Department directive titled, "**Sworn Affidavit Requirements.**"
- E. Complete interview and statement information, including:
1. Documentation of each interview conducted, including but not limited to identifying information as to the person interviewed; time, date, and location of the interview; names and contact information of investigator(s) conducting the interview and any representative present for the interview; and whether the interview was audio recorded. If the interview was not recorded, the investigator will include the reason for not recording the interview. **CD ¶486b**
  2. A written summary or synopsis of each interview made by the investigator.
  3. All original statements made by accused Department members in the course of the investigation and any amendments, additions, or clarifications made to such original statements, together with the date and times of any such amendments, additions, or clarifications.
  4. All original statements made by witness Department members in the course of the investigation and any amendments, additions, or clarifications made to such original statements, together with the date and times of any such amendments, additions, or clarifications.
  5. Audio or video recordings of all interviews and statements, if such recordings were made. If such recordings were not made but are required by Department or BIA policy, an explanation of why they were not made must be included.
- F. If an accused or witness Department member deployed, or is alleged to have deployed, a weapon during the incident, the file will include documentation of whether the member's certification and training for the weapon were current at the time and the date of that certification and training. **CD ¶ 486f**
- G. Documentation of all evidence that was gathered during the investigation, any relevant documents that facilitate review of the evidence and background information that was reviewed for purposes of reaching investigative findings.
1. When the evidence is such that it can be attached in the Case Management System (CMS) (e.g. documents, video), the evidence will be attached and different categories of evidence will be attached as separate attachments.
  2. Where evidence cannot be attached in CMS (e.g. physical evidence such as a vehicle, handcuffs, clothing), the file will include appropriate documentation sufficient to identify the nature, location, and disposition of that evidence shall be attached (e.g. tow report identifying the vehicle, pound location and status; e-Track inventory reports indicating a "Hold for Investigation" status).

- H. A thorough narrative description and evaluation of the alleged misconduct based on the evidence gathered, including a determination of whether the Department member's actions appear to be within policy and procedures of the Department. **CD ¶486d**
1. Where material inconsistencies exist among the statements of the complainant, witness(es), or the accused member(s), the narrative in the investigative report will explicitly identify those inconsistencies and describe the relevant evidence, if any. **CD ¶486e**
  2. When such inconsistencies exist, the narrative will also include credibility findings. An articulation of the basis of these credibility findings, that is, the reason that the investigator found a statement or an assertion within a statement to be credible or not to be credible, must be set forth. **CD ¶486e**
  3. If the investigator determines that a Department member's statement is not credible or clearly false, the narrative must also:
    - a. include a determination of whether the false statement is material to the investigation, and, if so, an explanation of how the false statement is material to the investigation;
    - b. contain a determination of whether the false statement was willful, as opposed to a lesser degree of culpability such as mistake or negligence, and, if so, an articulation of the basis for this determination; and
    - c. Include whether the Department member's false statement resulted in a Rule 14 violation.
- NOTE:** All original statements, and any subsequent statements including amended or modified statements, must be considered by the investigator before determining a false statement was made willfully, and documentation of this consideration and evaluation will be included in the investigative file. **CD ¶486g**
- I. The file will explicitly identify each allegation and include a determination of whether the accused's actions violated the applicable policy, procedure, regulation or other relevant standard. A finding of sustained, exonerated, unfounded, or not-sustained based on the applicable standard of proof will be made consistent with the determination of each allegation. Each finding of sustained will cite the relevant Department Rule(s) that have been violated in accordance with the Department directive titled, "[Complaint and Disciplinary System](#) " **CD ¶486h**
- J. In sustained cases, for purposes of making disciplinary recommendations, investigators must obtain and consider the accused member's complimentary and disciplinary history, and this must be documented in the file. Any aggravating or mitigating circumstances pertinent to the sustained violation, or reflected in the history, must be identified and articulated as a basis of the disciplinary recommendation.
- K. Each BIA reviewing supervisor will ensure that investigative files submitted for review include, at minimum, the elements delineated in item III-A of this directive before submitting the file for Command Channel Review or Command Channel Review Bypass.

#### IV. CONFLICT RESOLUTION

If this directive conflicts with a provision in any other Department or BIA directive in relation to the elements of a complete investigative file, members will seek guidance from the Chief of BIA.

Authenticated by KC

David O. Brown  
Superintendent of Police

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