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Follow-up to OIG's Review of Compliance with the City of Chicago's Video Release Policy for Use of Force Incidents

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Acronyms

COPA	Civilian Office of Police Accountability
CPD	Chicago Police Department
CPIC	Crime Prevention and Information Center
DOL	Department of Law
OEMC	Office of Emergency Management and Communications
OIG	Office of Inspector General
OPSA	Office of Public Safety Administration
PATF	Police Accountability Task Force
VRP	Video Release Policy

I | Introduction

The Public Safety section of the City of Chicago Office of Inspector General (OIG) has completed a follow-up to its 2020 review of the City of Chicago Video Release Policy (VRP or the Policy). Based on the responses of the involved agencies—the Civilian Office of Police Accountability (COPA), the Office of Emergency Management and Communications (OEMC), the Chicago Police Department (CPD or the Department), and the Mayor’s Office—OIG concludes that the departments have implemented corrective actions related to the initial findings to varying degrees. Specifically, OIG directed five recommendations to COPA, and the agency fully implemented three corrective actions, partially implemented one, and did not implement another. Of its four recommendations, OEMC fully implemented two and partially implemented two corrective actions. OIG directed four recommendations to CPD, and the Department fully implemented one corrective action, partially implemented one, and did not implement two. Lastly, of the four recommendations directed to then-Mayor Lori Lightfoot’s office, fully implemented one corrective action, partially implemented one, and did not implement two.

The purpose of OIG’s original inquiry was to determine the City’s level of compliance with its Video Release Policy, which was first implemented in February 2016 based on a recommendation from the Police Accountability Task Force (PATF). PATF was created by former Mayor Rahm Emanuel following the City’s lengthy delay in releasing video footage of the October 2014 fatal shooting of Laquan McDonald by a CPD member. Video of the incident was not publicly released until November 2015, and then only by a court order following multiple attempts by local journalists to obtain the footage. Among its findings, PATF determined that releasing video, audio, and police documents of certain police use of force incidents—firearm discharges, taser discharges, and great bodily harm or death in custody—promotes transparency, which is essential for fostering trust between police and the community.¹

The City’s Video Release Policy now mandates that these materials be released within 60 days or sooner. Under the Policy, COPA is responsible for identifying all use of force incidents to which the Policy applies and publicly releasing the related materials. CPD’s Crime Prevention and Information Center (CPIC) is responsible for notifying COPA of all relevant incidents. COPA relies on other agencies, notably CPD and the Office of Emergency Management and Communications (OEMC), to provide it with video and audio files subject to disclosure under the Policy.

OIG found that COPA was not in compliance with the Policy’s requirements regarding timely video release, with a significant share of incidents being released after the deadline. This condition was exacerbated by delays in OEMC’s provision of materials to COPA and confusion about CPD’s CPIC regarding required notifications to COPA of incidents covered by the Policy.

Based on its original findings, OIG made 11 recommendations addressed to COPA, OEMC, CPD, and the Mayor’s Office, suggesting changes aimed at improving the City’s compliance with the VRP. Regarding the timeliness of video release, OIG recommended that COPA use the date of an incident, rather than the date upon which COPA was notified of an incident, to calculate release deadlines; that COPA implement a quality control process to ensure timely release of materials; that

¹ Police Accountability Task Force, “Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve,” April 2016, accessed December 14, 2023, https://chicagopatf.org/wp-content/uploads/2016/04/PATF_Final_Report_4_13_16-1.pdf.

COPA and OEMC collaborate to ensure expedited transfer of materials from OEMC to COPA in cases where such materials might be eligible for release; that the Mayor's Office, COPA, and OEMC develop binding directives governing the timeline of the release of OEMC materials to COPA; that the City conduct a needs assessment for OEMC to ensure timely release of materials; and that, if necessary, COPA personnel be given direct access to OEMC data needed to assess whether an incident is eligible for release.

Further, regarding the finding that CPIC personnel at CPD may not adequately notify COPA of the full universe of relevant use of force incidents, OIG recommended that CPD replace their notification matrix document with binding directives regarding when and how CPD members are to notify COPA of incidents covered by the Policy; that CPIC notify COPA when unsure if a death or injury in police custody resulted from police action; that CPD train CPIC members on their notification duties; and that CPIC and COPA collaboratively develop quality assurance measures to ensure COPA is notified of all eligible incidents.

Finally, after finding that COPA's discretion may be inadequately guided on the question of releasing videos related to incidents not explicitly covered by the Policy, OIG recommended that the Mayor's Office and the Department of Law (DOL) update the Policy to reflect whether discretionary releases by COPA are allowed and, if so, what guidelines should govern the exercise of that discretion.

In their respective responses to the original report, the four agencies described the corrective actions they would take, largely concurring with OIG's recommendations.²

OIG has inquired about the status of corrective actions taken by the agencies in response to its recommendations. Based on their responses, OIG concludes that there are different levels of implementation among the responding departments.

Specifically, COPA significantly improved its on-time posting of relevant incidents, fully addressing the problem of calculating release deadlines; took steps toward implementing an internal process to ensure timely release of all materials, beyond calculating release deadlines correctly; and successfully collaborated with OEMC to ensure COPA's video requests were expedited. However, this inter-agency cooperation has not yet resulted in binding directives prescribing a timeline for OEMC production of materials to COPA. Further, COPA has not demonstrated progress toward collaborating with CPIC to develop quality assurance measures to ensure that CPIC notifies COPA of all appropriate incidents.

OEMC has addressed most of the concerns raised in OIG's review by working with COPA and the Office of Public Safety Administration (OPSA) to ensure COPA requests are expedited: COPA adds due dates to its requests, allowing OEMC to appropriately prioritize requests, and OEMC logs the request and its due date into GovQA, a software system that documents and tracks records requests, which then allows OPSA to pull video and deliver it to COPA. Although this process has alleviated the agency's backlog of requests from COPA, OEMC did not provide evidence of working with the Mayor's Office to conduct a formal staffing and technology needs assessment nor has it, as

² City of Chicago Office of Inspector General, "OIG Review of Compliance with the City of Chicago's Video Release Policy for Use of Force Incidents," September 15, 2020, 27-39, <https://igchicago.org/wp-content/uploads/2020/09/OIG-Review-of-Compliance-with-the-City-of-Chicagos-Video-Release-Policy-for-Use-of-Force-Incidents.pdf>.

noted above, worked with COPA to develop binding directives formalizing the timeline for video requests.

CPD fully implemented one OIG recommendation by including a provision in a CPIC directive that requires CPIC personnel to notify COPA of any in-custody death or injury. CPD partially implemented another recommendation by enacting binding directives governing CPIC's process for notifying COPA of Policy-covered incidents. The process details the incidents CPIC must report, along with the mechanisms by which CPIC should report the information. CPD also reported it was testing out a software solution to further facilitate timely notifications from CPIC to COPA.

However, the Department did not address the second component of the recommendation, in that the directives still rely on the notification matrix document that OIG recommended replacing. Further, CPD has not implemented OIG's two remaining recommendations, related to training CPIC members on their notification duties to COPA and developing quality assurance measures with COPA to ensure reliable notification of all incidents covered by the Policy.

Finally, then-Mayor Lori Lightfoot's Office reported increasing COPA's budget to allow for the hiring and detailing of staff to OEMC if necessary. However, it did not demonstrate progress toward developing binding directives regarding the timeline of OEMC's production of materials to COPA; nor did it provide evidence of having conducted a needs assessment to determine whether OEMC's staffing and budget are sufficient to address the total volume of requests they receive. Lastly, the Mayor's Office did not report that it worked with DOL to update the Policy to reflect how COPA may or may not exercise discretion to release materials related to incidents not specified in the current language of the Policy.

While the steps the four agencies have taken to date are promising and appear to have addressed the problem of late releases for the short-term, long-term, and resilient compliance with the City's Video Release Policy will require more substantial process updates, which do not appear to have been implemented as of this writing. OIG urges the City departments involved to fully implement corrective actions.

II | Follow-up Results

OIG has followed up on its 2020 review of compliance with the City of Chicago's Video Release Policy (VRP or the Policy) for use of force incidents.³ The four respondent departments—the Civilian Office of Police Accountability (COPA), the Office of Emergency Management and Communications (OEMC), the Chicago Police Department (CPD or the Department), and the Mayor's Office—reported to OIG on corrective actions they have taken and provided supporting documentation, with varying levels of detail. Below are summaries of OIG's three original findings, the associated recommendations, and the status of each department's corrective actions.

This follow-up inquiry did not involve significant observation or testing of the implementation of the new procedures; however, as seen below, OIG did analyze whether COPA improved in posting incidents to its website within the 60-day timeframe required by the Policy.

| Finding 1: Inconsistent with the Policy, COPA does not always post video, audio, and police documents within 60 days of the incident date.

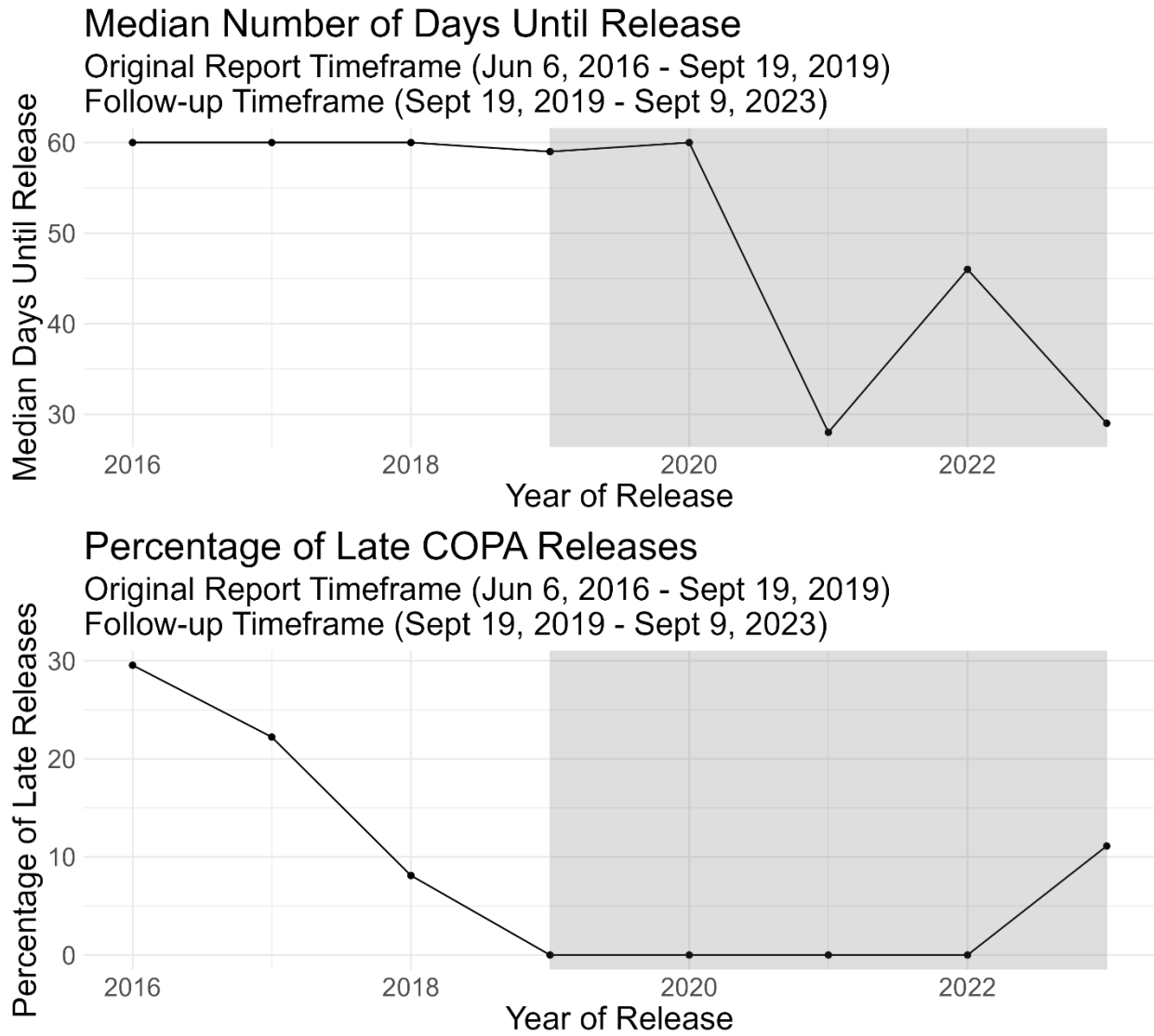
In its original report, OIG found that a substantial portion of incidents mandated for release under the Policy did not appear on COPA's Case Portal with relevant materials attached within 60 days of the incident date (or 90 days with an approved extension), for the report's review period.⁴ To understand any changes in compliance since that initial review period, OIG replicated the analysis contained in the original report, and found significant improvement in VRP timeframe compliance (Figure 1).

Both graphs in Figure 1 show that COPA's timeliness in posting incidents required to be released under VRP to its website has improved since OIG's original report. The median number of days until a release has gone from around 60—the latest possible day for Policy-compliant release—to levels well below the maximum allowable 60 days. Meanwhile, the percentage of cases requiring release that were late has fallen from over 30% in 2016 to 0% from 2019 to 2022, with only one case being late in 2023 and in that instance only by one day.

³ Office of Inspector General, "OIG Review of Compliance with the City of Chicago's Video Release Policy for Use of Force Incidents."

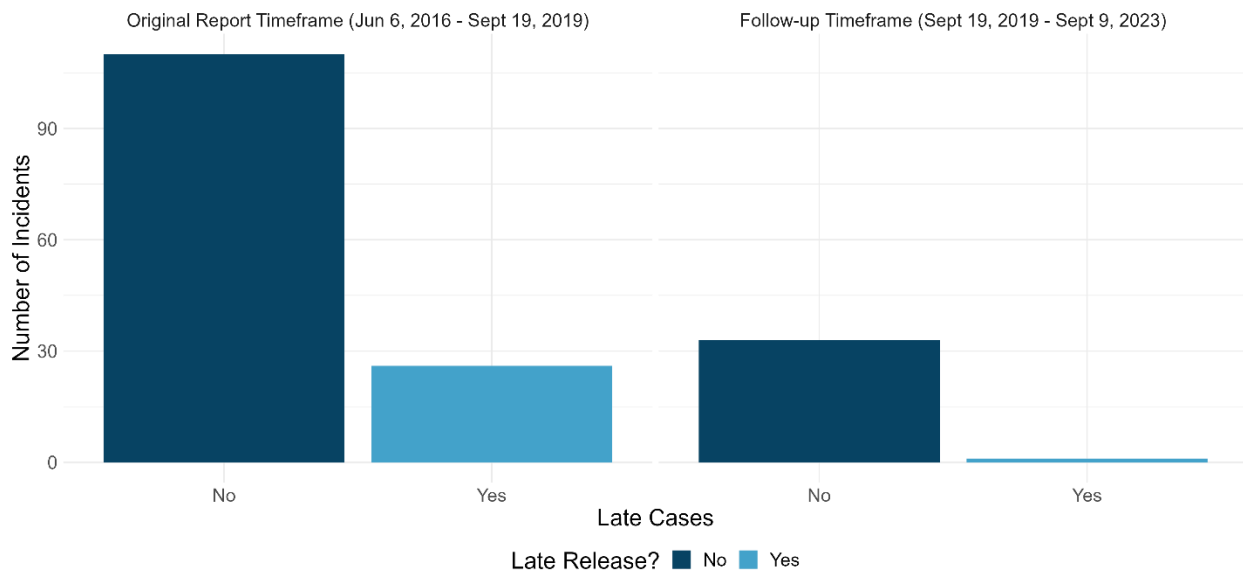
⁴ The original report's review period included incidents posted on COPA's website between June 2016 and February 2019.

Figure 1: Video Release Policy Compliance in the Original Review Period and the Follow-up Review Period



Source: OIG Analysis

Figure 2: Number of Video Releases by Deadline or Late in the Original Review Period and the Follow-up Review Period



Source: OIG Analysis

These levels of compliance are promising and suggest that some of the causes of the late releases identified in OIG’s original review have been addressed. However, to ensure that the improvements demonstrated in Figures 1 and 2 are stable going forward, COPA, OEMC, CPD, and the Mayor’s Office should also implement OIG’s recommendations aimed at systematizing process improvements and implementing quality assurance measures. Signs of progress in those areas are mixed, as the below responses indicate.

OIG Recommendation 1 | COPA

COPA should only rely on the incident date, as required by the Policy, rather than the notification date, when calculating the deadline for release of materials to ensure compliance with the Policy.

State of Corrective Action 1 | Fully Implemented

In its response to this recommendation, COPA explained the reasons for the late postings OIG observed in the original period of analysis and reported that it had retrained the staff responsible for those reasons that were under COPA’s control.

In responding to OIG’s follow-up inquiry, COPA stated that it has trained all investigative staff on proper calculation of release deadlines in small groups. Further, according to a training presentation COPA provided to OIG, the agency has incorporated release deadline calculation into training materials for new employees. COPA also reported that it continues to train its new staff on the Policy.

As evidenced by the OIG analysis reported in Figures 1 and 2, as of September 9, 2023, there has only been one late release since OIG's review was published in September 2020.⁵ These promising results suggest that the trainings and re-trainings COPA reported conducting have been effective in improving Policy compliance.

OIG Recommendation 2 | COPA

COPA should implement a quality control process to ensure that personnel tasked with releasing available materials do so in a timely manner.

State of Corrective Action 2 | Fully Implemented

In its original response to this recommendation, COPA stated it had been collaborating with OEMC to expedite responses to COPA requests for materials subject to the Policy.

In response to OIG's follow-up, COPA reported concrete steps toward implementing an internal process to ensure timely release of materials, including VRP release deadlines as an agenda item for internal briefings on relevant incidents and sending a weekly email to all staff with VRP release deadlines. Additionally, COPA informed OIG that it created a Video Release and Transparency Unit in 2022 to process VRP releases. COPA reported, "Having dedicated staff allows COPA to specialize in fulfilling VRP requirements independent from core investigative work."

Together, these steps demonstrate that COPA has implemented internal processes to release materials in a timely manner. However, COPA should strongly consider formalizing and evaluating these steps in agency policies and periodic retrospective reviews of release dates and deadline compliance.

OIG Recommendation 3 | COPA, OEMC

COPA should seek expedited responses from OEMC for requests related to incidents that may be eligible for public release and OEMC should promptly respond to such requests; this may be facilitated by OEMC's providing COPA personnel with information on its internal processes for fulfilling requests for video and audio files.

State of Corrective Action 3 | Fully Implemented (COPA, OEMC)

In its response to OIG's recommendation, COPA stated it would continue to work with OEMC to ensure timely release of VRP materials. OEMC reported it had been receiving a large volume of requests from multiple sources and requested that COPA give deadlines with its requests to ensure successful triage of requests and timely responses; in addition, OEMC described planned process, technology, and personnel changes it hoped would improve response times. The Mayor's Office reiterated COPA and OEMC's commitments to collaborate.

In response to OIG's follow-up inquiry, COPA stated:

⁵ It is possible there are incidents that occurred more than 60 days before this analysis was conducted that are covered by the Video Release Policy but are not yet present on COPA's Case Portal, but such cases cannot be observed by OIG.

Since the release of OIG's Review and COPA-OEMC alignment meetings in response to the Review, COPA has observed significant improvement in the timeliness of OEMC responses to COPA requests for materials subject to the VRP. Though COPA has not foreclosed the possibility of further collaboration on production of materials generally, or options for independent access to [the] OEMC system, COPA's concerns regarding swift production of critical materials subject to the VRP have been lessened.

OEMC's responses described its progress toward improving the efficiency of the process, noting that COPA now adds due dates on its requests to OEMC, which has allowed the agency to "better triage at the front end [and] has alleviated any backlogs." OEMC also reported that while OEMC still pulls all audio, OPSA now fulfills all of COPA's requests for video. OEMC stated, "COPA sends their request[s] to OEMC, we log the request with the deadline information included into GovQA and [O]PSA takes care of the pulling and delivery of the video to the requestor."⁶

OIG Recommendation 4 | COPA, OEMC, **the Mayor's Office**

The Mayor's Office, COPA, and OEMC should collaborate on developing binding directives prescribing a timeline for OEMC production of requested material to COPA from the date of the request.

State of Corrective Action 4 | Partially Implemented (COPA, OEMC, **the Mayor's Office**)

In response to OIG's recommendation, COPA stated, "COPA looks forward to continuing to collaborate with the Mayor's Office and OEMC on developing binding directives prescribing a timeline for OEMC production of requested materials to COPA from the date of the request." OEMC also committed to this collaboration, while noting its total volume of investigatory requests should be considered. Finally, the Mayor's Office agreed to work with COPA and OEMC to develop such binding directives.

In its responses to OIG's follow-up inquiry, COPA reported that it "has coordinated with [the] Mayor's Office and proposed a revised City Video Release Policy that enhances timeliness and transparency of required releases," which indicates further progress toward solidifying a prescribed timeline for OEMC productions into policy.

Meanwhile, OEMC reiterated its commitment to the process described above in Recommendation 3; however, that response does not make note of any relevant directives the agency has implemented.

Finally, the Mayor's Office stated:

See response from OEMC and COPA. The Mayor's Office has nothing further to add and will work with OEMC to ensure they are on target with delivering a directive and are working with COPA to do so.

⁶ The City established OPSA in 2020 to seek efficiencies and savings by centralizing the administrative functions of its public safety departments, including OEMC, CPD, and the Chicago Fire Department. GovQA is a software system that documents and tracks records requests.

This response also suggests that binding directives will be developed and implemented by OEMC and COPA, although it is noteworthy that the Mayor's Office did not indicate that it has worked with COPA on a revised VRP nor that it has considered COPA's proposed policy draft.

Taken together, OEMC and COPA's responses point to improvement in the timeliness of responses to COPA's requests for video. However, it does not appear that the recommended processes around inter-departmental coordination and collaboration have been formally implemented.

OIG Recommendation 5 | OEMC, **the Mayor's Office**

The City should conduct a needs assessment to determine the appropriate technology and staffing levels required to ensure OEMC can efficiently fulfill the video and audio requests it receives from COPA and other agencies.

State of Corrective Action 5 | Partially Implemented (OEMC), Not Implemented (the **Mayor's Office**)

In response to OIG's review, OEMC stated it would collaborate with COPA to detail a COPA employee to assist in releasing materials, under OEMC supervision; it did not explicitly agree to participate in a formal needs assessment. The Mayor's Office stated that it would "support OEMC in determining the staffing need and in requesting the appropriate staff through the annual budget process."

OEMC responded to OIG's follow-up inquiry by stating that it has no additional staffing or funding needs at this time; it did not cite a formal needs assessment or any documentation to support that conclusion. OEMC further informed OIG that "video production for COPA requests has been turned over to [O]PSA" and that it expects "COPA requests to go directly to [O]PSA" sometime in 2023.

The Mayor's Office responded to OIG's follow-up inquiry by stating "[a]dditional funding has been provided to COPA to hire staff," addressing COPA's capacity rather than OEMC's, which was the focus of OIG's recommendation.

Based on these responses, it appears that OEMC has taken concrete steps to expedite the process of responding to COPA's requests by working with OPSA to redistribute the workload. However, the inconsistency between OEMC and the Mayor's Office's responses raises questions about the level of collaboration among agencies toward formalizing and systematizing improvements in on-time video releases.

OIG Recommendation 6 | OEMC, **the Mayor's Office**

To the extent OEMC is unable to appropriately prioritize and expedite COPA's requests because of technology and/or staffing constraints, COPA personnel should be given direct access to OEMC data needed to assess whether an incident is mandated to be publicly released according to the Policy.

State of Corrective Action 6 | Fully Implemented (OEMC, **the Mayor's Office**)

In response to OIG's recommendation, OEMC reiterated that it was working with COPA on a plan to detail a COPA employee to OEMC to review audio and video, and that it was working to enhance

COPA's access to view mapping software to increase the specificity of requests and thus expedite COPA's reviews. OEMC also cautioned that "further access would require providing COPA with the ability to download camera recordings themselves, which would be in conflict with access control recommendations the OIG made to the OEMC in their December 2016 audit of the OEMC's public safety camera system."⁷ The Mayor's Office responded by stating, "COPA will identify a staff to work onsite with OEMC to access the relevant data." These two responses suggest that the plan to detail a COPA employee was the agreed upon mechanism to provide COPA direct access to video and audio and that it was in process.

In its response to OIG's follow-up inquiry, OEMC reported that "[v]ideo and audio is still restricted for the reasons previously stated in earlier responses," and noted again that COPA video requests are now handled by OPSA.

The Mayor's Office's responses to OIG's follow-up inquiry do not add any further context, stating, "See response from OEMC. MO [the Mayor's Office] is in agreement."

Although OEMC has not given COPA direct access to OEMC audio and video, either through detailing a COPA employee to OEMC or any other mechanism, the agency is taking steps to improve the timeliness of its responses to COPA requests. Further, as noted above, OEMC has shifted the task of pulling video to OPSA and reported to OIG that there is no longer a backlog of requests from COPA.

| Finding 2: CPIC personnel's lack of understanding of notification guidelines renders it uncertain as to whether CPIC has notified COPA of all relevant police use-of-force incidents.

As OIG reported in its original inquiry, in order to comply with CPD policy, CPIC must notify COPA if individuals are injured or die as a result of police action. CPIC uses a notification matrix to guide staff on their notification duties, but this matrix has several flaws, which OIG identified in its review.

First, in interviews with OIG, both CPIC and COPA identified areas of confusion arising from the notification matrix, with CPIC staff noting confusion about whether to notify COPA if they are unsure if a subject injured in police custody was injured as a result of police action, and COPA noting that guidelines it had provided to CPIC in the past might be ambiguous. Further, COPA staff stated that CPIC had previously struggled with notifying them of motor vehicle incidents in a timely manner, and CPIC staff stated they were unsure of whether to notify COPA of police-involved vehicle incidents.

Second, the version of the matrix reviewed for OIG's report presented inconsistencies with CPD directives. For example, as the original review stated:

[A]ccording to the notification guidelines, CPIC must inform COPA about Taser discharge incidents. However, CPD directives note that the supervisors in the district where a Taser incident occurred, rather than CPIC, must notify COPA....

⁷ City of Chicago Office of Inspector General, "Audit of Office of Emergency Management and Communications Public Safety Cameras," December 13, 2016, <https://igchicago.org/wp-content/uploads/2023/08/Audit-of-OEMC-Public-Safety-Cameras.pdf>.

OIG Recommendation 7 | CPD

CPD should replace the notification matrix describing CPIC's notification responsibilities with binding CPD directives outlining incidents of which CPIC should notify COPA, and how CPIC should do so.

State of Corrective Action 7 | Partially Implemented

In its response to OIG's original report, CPD agreed to this recommendation, committing to developing a directive that would "clearly delineate CPIC's responsibilities concerning when CPIC should notify COPA of an incident, and how CPIC should make that notification."

CPD responded to OIG's follow-up inquiry by reporting that it has enacted two directives outlining CPIC's process for notifying COPA of incidents covered by the Policy, as well as which incidents need to be reported.

However, these directives continue to refer to and rely on the COPA notification matrix OIG recommended replacing in its report. Upon receiving CPD's response, OIG asked the Department if the notification matrix had been updated; CPD responded with a version updated October 2021, over a year after OIG's initial report was released, which still does not address the concerns OIG outlined in its report.

OIG's original report cited CPD "General Order G03-02-04: Taser Use Incidents" as an example of how inconsistencies between the notification matrix and CPD directives might create confusion about who notifies COPA of relevant incidents. The notification matrix, as well as the current version of "General Order G03-02-04" states that CPIC will notify COPA of a Taser discharge incident. However, the directive also states:

The watch operations lieutenant, or assigned investigating supervisor the rank of lieutenant or above, from the district of occurrence, will...notify the Civilian Office of Police Accountability (COPA) (or CPIC when COPA is not available) and ensure that a log number is obtained for a Taser discharge notification.⁸

Because G03-02-04 retains language regarding who is responsible for reporting incidents to COPA, it continues to contradict the notification matrix and, because it lists more than one actor as responsible for reporting a Taser incident to COPA, the directive creates redundant reporting requirements, which can render responsibilities unclear if one actor given the responsibility decides to forego reporting under the belief that the other responsible actor will take action instead.

CPD also reported on additional steps it has taken to address how it notifies COPA of incidents. Specifically, CPD stated:

[T]he Department has recently contracted with [a software company] to provide notifications of major events. Upon notification of an incident [the vendor] puts out a

⁸ Chicago Police Department, "General Order G03-02-04: Taser Use Incidents," June 28, 2023, accessed December 4, 2023, <http://directives.chicagopolice.org/#directive/public/6575>.

robocall to all those individuals included on the call list and the robocall calls each individual at the same time to provide information about the incident. This includes COPA. CPIC has worked out with COPA the number to be included on the robocall and then the assigned responding member calls CPIC with any questions or requests for additional information. CPIC continues to communicate with COPA about this process and any concerns COPA may have.

CPD went on to note that “CPIC is not aware of any concerns raised by COPA,” which appears to indicate the process is functioning smoothly.

However, this process does not entirely resolve concerns regarding which incidents CPD notifies COPA of; in fact, COPA noted that its only untimely video release between October 1, 2021 and December 31, 2022 “involved a fatal crash where COPA was not identified until months after the incident by CPD.”

CPD has made some progress in facilitating notification of relevant incidents from CPIC to COPA, but by continuing to rely on the notification matrix and redundant reporting requirements, CPD’s corrective actions only partially address OIG’s recommendation.

OIG Recommendation 8 | CPD

When CPIC is uncertain of whether the injury or death of a person in CPD custody resulted from police action, CPIC should notify COPA of the incident so that such a determination may be made by an appropriate investigation.

State of Corrective Action 8 | Fully Implemented

In response to OIG’s original report, CPD agreed to implement this recommendation stating, “[T]he procedure outlined in this recommendation will be included in the directive developed in response to recommendation #7.”

In its response to OIG’s follow-up inquiry, CPD reported that CPIC’s “Special Order SO21-01: Required COPA Notifications,” effective October 12, 2021, is responsive to this recommendation. CPD wrote:

CPIC Special Order 21-01 Section IV. B. provides “For any questions in regards to a required COPA notification, the CPIC senior watch officer (SWO) will contact a CPIC command staff member the rank of lieutenant telephonically for clarification. If a CPIC lieutenant is unavailable, the captain of CPIC will be notified. The SWO will provide a description of incident with the notification and ensure an email notification is provided to the consulted CPIC command staff member.”

This provision is not wholly responsive to OIG’s recommendation, as it does not explicitly instruct CPIC to contact COPA. However, when read together with Section III.A.3 of the directive, which directs CPIC personnel to notify COPA of any incident in which “death or serious injury of a subject

while in custody” occurred, without limitation as to whether the injury or death resulted from police action, the policy has the effect of implementing this recommendation.⁹

IG Recommendation 9 | CPD

CPD should provide training to members assigned to CPIC on their notification duties to COPA.

State of Corrective Action 9 | Not Implemented

In response to OIG’s original report, CPD agreed to train CPIC members on their notification duties to COPA, stating, “CPD agrees that members assigned to CPIC should continue to be trained with regard to their notification duties, including the responsibilities set out in the new directive. Upon completion of the new Directive CPIC will work out a training plan for this information.”

In contrast to this response, CPD’s reply to OIG’s follow-up inquiry stated:

CPIC officers are trained on the job. There has not been a training plan put in place yet due to staffing issues. CPIC continues to evaluate its on the job training and determine any additional training opportunities for officers.

Despite committing to this recommendation in response to OIG’s original review, this response indicates that CPIC has not formally trained officers on their notification duties to COPA and currently has no plans to do so.

IG Recommendation 10 | COPA, CPD

CPIC and COPA should work together to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents.

State of Corrective Action 10 | Not Implemented (COPA, CPD)

In response to this recommendation, COPA originally replied as follows:

COPA looks forward to working with CPIC to develop quality assurance measures, including data-driven performance improvement processes, to ensure that COPA is notified of all appropriate incidents.

In its response, CPD stated:

CPD agrees that CPIC and COPA should continue to monitor whether the new directive is working effectively. However, if the data shows compliance with the Video Release Policy, there is no reason that CPIC and COPA should be required to undertake additional work to show compliance.

In its responses to this follow-up report, COPA stated that it entered into a Memorandum of Agreement (MOA) with CPD “to set forth their respective goals relative to officer involved shootings

⁹ Chicago Police Department Crime Prevention and Information Center, “Special Order SO21-01: Required COPA Notifications,” October 12, 2021.

and deaths, as part of the joint effort to comply with paragraph 488 of the Consent Decree. The MOU [sic] provides that CPD will provide immediate notification to COPA in such incidents.” COPA also directed OIG to its “Major Incident Responses – Officer-Involved Shooting or Officer-Involved Death” policy, effective June 2022, as evidence of COPA’s effort to “improve notification processes around Major Incidents.”¹⁰

However, neither the MOA nor COPA’s policy makes any mention of quality assurance measures or data-driven performance improvement processes to ensure reliable notification to COPA by CPIC, and both are narrowly focused on “officer involved shootings and deaths.”

In its follow-up responses, CPD makes no mention of the MOA. Rather, the Department relies on its new software solution for notifications of relevant incidents, as described above, and its ongoing communications with COPA as evidence of its development of quality assurance processes.

Neither COPA’s nor CPD’s response indicates plans to comply with their original commitments to develop ways of monitoring and measuring whether their collaboration is working effectively or complying with the Policy. This lack of progress presents concerns about the completeness of the set of incidents that CPIC notifies COPA of, potentially undermining the City’s compliance with the Policy.

| Finding 3: COPA exercises inadequately guided discretion in releasing materials other than those mandated for release by the Policy.

OIG’s 2020 review noted that, while the current Policy does not speak to whether COPA may use discretion to release materials related to use of force incidents not enumerated in the Policy on a case-by-case basis, COPA does do this at times. OIG’s report stated, “The interests of investigative agencies may weigh against the release of materials outside of the mandated field. Formal policy which accounts for the sensitivities and priorities of the people and entities involved, rather than ungrounded discretion, should guide COPA’s release of any materials beyond what the Policy mandates for release.”¹¹

OIG Recommendation 11 | The Mayor’s Office

The Mayor’s Office and DOL should update the Policy to reflect whether COPA may release materials beyond those mandated for release on a discretionary basis and, if it may, should provide guidance to ensure that such discretion is exercised with appropriate consideration to all relevant interests.

State of Corrective Action 11 | Not Implemented

In its response to OIG’s original Review, the Mayor’s Office stated, “The Mayor’s Office will work with DOL to update the Policy to address these issues.”

¹⁰ Civilian Office of Police Accountability, “Major Incident Responses – Officer-Involved Shooting or Officer-Involved Death,” June 15, 2022, accessed December 1, 2023, https://www.chicagocopa.org/wp-content/uploads/2022/06/COPA-Policy-Major-Incident-Responses_FINAL_2022-06-15.pdf.

¹¹ Office of Inspector General, “OIG Review of Compliance with the City of Chicago’s Video Release Policy for Use of Force Incidents,” 22.

The Mayor's Office stated, "MO will be checking with DOL to see if any policy updates were made and if so, MO will request a copy be provided." To date, OIG has not received a copy of any DOL policy updates, nor has an updated policy been made publicly available. Given an opportunity to provide OIG with additional information, the Mayor's Office informed OIG that it has "no further updates."

This response raises concerns about whether DOL has worked on updating the Policy to be responsive to concerns identified in OIG's review.

III | Conclusion

OIG's recommendations in response to its review of Compliance with the City of Chicago's Video Release Policy for Use of Force Incidents were addressed to four city agencies or departments and addressed shortcomings in multiple areas of VRP implementation—COPA's untimely posting of materials to its website, OEMC's untimely production of materials to COPA, the reliability and completeness of CPIC's notifications to COPA of Policy-covered incidents, and COPA's exercise of discretion in posting incidents not covered by the Policy.

As Figure 3 summarizes, implementation of recommendations since OIG released the September 2020 report has varied widely across agencies and recommendations.

Figure 3: Implementation Summary

Recommendation Number	COPA	OEMC	CPD	Mayor's Office
1	Fully Implemented			
2	Fully Implemented			
3	Fully Implemented	Fully Implemented		
4	Partially Implemented	Partially Implemented		Partially Implemented
5		Partially Implemented		Not Implemented
6		Fully Implemented		Fully Implemented
7			Partially Implemented	
8			Fully Implemented	
9			Not Implemented	
10	Not Implemented		Not Implemented	
11				Not Implemented

Source: OIG Analysis

It is promising that, as of September 9, 2023, 97% of cases on COPA's case portal have been released on time since OIG's original Review was published (Figure 2). However, there are still steps COPA must take to stabilize its video release practices and ensure these improvements are robust to future changes. Furthermore, CPD's failure to fully implement OIG's recommendations concerning CPIC's role in notifying COPA of relevant incidents raises concerns that COPA may still not be aware of the full universe of cases subject to the Policy, which could lead to cases being identified and posted after the deadline or never posted at all. Finally, the Mayor's Office's

responses indicate it played a minimal role in coordinating among COPA, OEMC, and CPD following OIG's report, and there is no indication that the Mayor's Office worked with DOL to ensure updates were made to the VRP to address shortcomings identified in OIG's review.

OIG urges COPA, OEMC, CPD, and the Mayor's Office to uphold the commitments they made to implement the original recommendations and ensure robust, stable, forward-thinking compliance with the City's Video Release Policy. These recommendations include changes to the Policy that make it more responsive to the challenges agencies face in striving for greater transparency, which is crucial for allowing agencies to operate efficiently and effectively while meeting their mandates for public access to information. Identifying relevant cases, transferring relevant materials, and publicly posting them is an intensive process, with many possible breaking points; addressing these challenges and making changes to formalize improvements is crucial to continuing to implement successful transparency reforms around policing and police use of force.



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