

CPCA SUMMARY:
PROPOSED DISCIPLINE AND ACCOUNTABILITY
PROVISIONS IN FOP CONTRACT

The Coalition for Police Contracts Accountability (CPCA) is composed of community, policy, and civil rights organizations taking action to ensure police accountability in the city of Chicago. In 2018 the CPCA issued a series of reports (Nos. [1](#), [2](#), [3](#), and [4](#)) proposing 14 critical reforms to Chicago’s police union contracts which, collectively, can have a significant impact in ending the code of silence and increasing police accountability. Out of these 14 recommendations, 12 come directly from the 2016 Police Accountability Task Force report, led by then-Police Board President, Lori Lightfoot.

On August 19, 2021, Mayor Lori Lightfoot submitted to City Council an agreement between the City and the Fraternal Order of Police (FOP) Lodge 7, which included changes to the discipline and accountability provisions for the FOP contract. Below is a chart documenting to what extent these new provisions fail to address the 14 critical reforms proposed by CPCA. For a more detailed review of the changes, related legal requirements, and the significance of the changes, see our companion analysis.

CPCA RECOMMENDATION	APPLICATION TO FOP CONTRACT CHANGES
<p><i>Recommendation 1</i> Remove the requirement that all complaints about police conduct must be supported by an affidavit in order to be investigated.</p>	<p>The FOP contract changes eliminate the affidavit requirement, but this elimination was already mandated by state law per the SAFE-T Act.</p> <p><i>FOP Proposed Contract, § 6.1; Appendix L.</i></p>
<p><i>Recommendation 2</i> Allow for the filing and investigation of anonymous complaints.</p>	<p>The FOP contract changes still include limitations on the investigation of anonymous complaints. Although the FOP contract changes allow for anonymous complaints to be investigated, these complaints must still be “certified” (unless the complaint describes criminal conduct, a verified medical roll abuse or residency violation, or made by another officer), a process that requires the head of BIA or COPA to certify that they have reviewed objective verifiable evidence and that it is necessary and appropriate for investigation to continue. If an anonymous complaint is not certified within a reasonable time, then the investigation will stop and no record of the complaint will appear in the officer’s disciplinary history. Officers do not have to answer to any un-certified anonymous allegations. Even once an anonymous complaint is certified and the allegations against the officer are sustained, the new contract sets out a procedure for the officer to challenge whether the certification was made in good faith.</p> <p><i>FOP Proposed Contract, § 6.1; Appendix L.</i></p>
<p><i>Recommendation 3</i> Prevent disclosure of a complainant’s name prior to the interrogation of an accused officer/supervisor.</p>	<p>The proposed FOP contract does not include changes to requirement that officers be informed of names of complainants prior to interrogation.</p> <p><i>FOP Proposed Contract, § 6.1(E); Appendix L.</i></p>
<p><i>Recommendation 4</i> Remove a provision barring management from promoting or otherwise recognizing officers/supervisors for reporting misconduct by other officers/supervisors.</p>	<p>The FOP contract changes do include language stating that officers who report misconduct can be recognized, but it does not remove the language that was viewed as a ban on offering rewards.</p> <p><i>FOP Proposed Contract, § 6.1(G).</i></p>
<p><i>Recommendation 5</i> Eliminate the 24-hour delay on officer/supervisor statements in shooting cases and create a clearly outlined process to receive statements from all officers/supervisors involved in a timely manner.</p>	<p>The proposed FOP contract does not include language explicitly stating that officers involved in a shooting provide a statement within 24 hours, and there are no changes to requirements on the timing of the statement.</p> <p><i>FOP Proposed Contract, § 6.1(A).</i></p>
<p><i>Recommendation 6</i> Eliminate an officer’s right to review and amend statements previously made to investigators without possible consequences for lying.</p>	<p>The new language still allows officers to review and amend their statements previously made to investigators, and it also leaves in place the provision that an officer cannot be charged with making a false report if they were not allowed to review video or audio evidence and amend those statements. The contract changes do, however, allow COPA</p>

	<p>or BIA to consider original and subsequent statements in determining whether the officer made a false statement per CPD Rule of Conduct 14. <i>FOP Proposed Contract, §§ 6.1(M), 6.2(J).</i></p>
<p>Recommendation 7 Allow past disciplinary records to be used in investigating and resolving present complaints.</p>	<p>The contract changes do eliminate language from the prior contract which stated older disciplinary files must be destroyed and cannot be used against the officer in future proceedings, but the changes do not take the next step of including language that would allow sustained findings to be used to recommend discipline for subsequent sustained findings per the Consent Decree. Although the new contract allows for non-sustained allegations of an officer's verbal abuse to be used against them in future disciplinary proceedings to determine credibility and notice, it limits this to a period of seven years and extends that same time limit to consideration of not sustained allegations of excessive force or criminal conduct.</p> <p><i>FOP Proposed Contract, § 8.4.</i></p>
<p>Recommendation 8 Eliminate the provision requiring the destruction of police misconduct records.</p>	<p>The FOP contract changes do eliminate the provision requiring records destruction and now states that these records will be retained indefinitely. However, this change was already mandated after an Illinois Supreme Court decision in 2020 and the enactment of the SAFE-T Act in 2021.</p> <p><i>FOP Proposed Contract, § 8.4.</i></p>
<p>Recommendation 9 Eliminate the need for the Superintendent's authorization to investigate complaints that are five years old or older.</p>	<p>The proposed FOP contract does not include changes to the provision requiring Superintendent authorization to investigate complaints that are five years old or older.</p> <p><i>FOP Proposed Contract, § 6.1(D).</i></p>
<p>Recommendation 10 Remove provisions that place constraints on how interrogators can ask questions.</p>	<p>The FOP contract changes do remove some overly technical constraints on how interrogators need to take turns asking questions. However, the language still provides officers special treatment during the interrogation, still requires interrogators take turns, and still requires that any second interrogator be present for the entire interrogation in order to participate.</p> <p><i>FOP Proposed Contract, § 6.1.</i></p>
<p>Recommendation 11 Include specifications that information provided to officers/supervisors prior to interrogations should be a general recitation of allegations.</p>	<p>The proposed FOP contract does not include changes to the broad language allowing for officers to receive detailed information about the complaint prior to interrogation.</p> <p><i>FOP Proposed Contract, § 6.1.</i></p>
<p>Recommendation 12 Allow for the disclosure of the identities of officers/supervisors who are the subject of civilian complaints.</p>	<p>The proposed FOP contract does not include changes to the provision prohibiting disclosure of officer's identity.</p> <p><i>FOP Proposed Contract, § 6.9.</i></p>
<p>Recommendation 13 Require officers/supervisors to disclose secondary employment and any other pertinent information that may cause a conflict of interest in performing their duties as a sworn officer.</p>	<p>The proposed FOP contract does not include language mandating disclosure of secondary employment.</p> <p><i>FOP Proposed Contract, § 16.1.</i></p>
<p>Recommendation 14 Reduce years of seniority for officers/supervisors who have been repeatedly recommended for suspension because of findings of complaints filed against them.</p>	<p>The proposed FOP contract does not include this recommendation.</p>