



January 29, 2023

Dear Mayor Marlin, City Council Members Wu, Evans, Hursey, Kolisetty, Bishop, Wilken, and Quisenberry, and Chair of the Civilian Police Review Board Diaz and CPRB Board Members,

We write on behalf of the local ACLU and NAACP to share our deep concern about how the contract negotiated with the Fraternal Order of Police negotiating unit undermines Urbana's commitment to reforming public safety and rebuilding public trust. In particular, we are concerned about those articles in the proposed contract that conflict with the Department's own Use of Force Policy and the Ten Shared Principles. The side letter concerning the Civilian Police Review Board is a particular concern. Please enter this letter into the public record.

Our specific concerns are:

1. **FOP Contract Article 22 "Civilian Police Review Board"** undermines several core principles set forth in the Urbana Police Department's Use of Force Policy and the "Ten Shared Principles" (adopted by the City of Urbana in September 2020). The UOF Policy states: "The Department is committed to building and maintaining community trust through transparency with the public about every use of force and accountability for every officer who uses force." UOF Policy Sec. 300.1. Similarly, the Ten Shared Principles "endorse" "transparency," "accountability," and "build[ing] and rebuild[ing] trust" between police and the community. (Nos. 4–5.) The FOP Contract's restrictions on Urbana's Civilian Police Review Board (CPRB) undermines these principles in three key ways: (a) by making it "optional" for "officers subject to a CPRB proceeding to appear before the CPRB" (officers "shall not be required to appear"); (b) by requiring that "CPRB members shall maintain [the] confidentiality of any and all officer records"; and (c) by prohibiting the CPRB from "conduct[ing] independent third party investigations of an officer's conduct" and instead requiring that "inquiries and concerns of the CPRB [] be addressed by the Chief of Police." Contract Sec. 22.2; Contract Side Letter. In contrast to these restrictions, the principles of transparency, accountability, and rebuilding of trust would require (a) that any officer subject to a CPRB proceeding be required to participate; (b) that CPRB records be subject to public disclosure under FOIA; and (c) that CPRB be empowered to conduct independent third-party investigations of officer misconduct. Other civilian police review bodies in Illinois—including the City of Chicago's Civilian Office of Police Accountability ("COPA")—have these basic structures in place to ensure transparency, accountability, and community trust.

FOP Contract Section 9.2 “Psychiatric or Physical Testing” potentially conflicts with UOF Policy Sec. 301.3.1 “Psychological Examination.” The Policy requires that “[a]ll officers directly involved in an incident that results in death or very serious injury to another . . . shall be required to undergo a mental health evaluation as soon as practical after the incident.” Policy Sec. 301.3.1 However, the FOP Contract sets a higher standard for when the City may require an officer to undergo psychological testing: only when the “City has a reasonable basis to question the . . . psychological or mental fitness of an officer.” Contract Sec. 9.2.

There could conceivably be a situation where an officer was involved in an incident causing death or very serious injury, thereby triggering the Policy’s requirement for psychological examination, but the circumstances of the incident do not create “a reasonable basis to question the . . . psychological or mental fitness of [the] officer.” Contract Sec. 9.2. In that situation, the psychological exam would be barred by the FOP Contract even though it is required by the Policy.

We urge the Mayor and City Council to consider carefully their role in the process of negotiating and approving a contract and to honor the commitment they have made to reform public safety in Urbana. This includes reforming and modernizing the Civilian Police Review Board so that it can function as a stronger liaison between the police and the community and provide some of the accountability the community demands. We urge you, our elected representatives, to make every effort to negotiate a contract which does not conflict with the Urbana Police Department's own policies and principles.

Sincerely,

Carol Leff and Minnie Pearson, Presidents

ACLU of Champaign County

NAACP -- Champaign County Branch