



DEPARTMENT MEMBER BILL OF RIGHTS



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I. PURPOSE

This directive delineates certain rights afforded to Department members in the Department's complaint and disciplinary system.

II. BILL OF RIGHTS FOR FRATERNAL ORDER OF POLICE (FOP) CHICAGO LODGE NO. 7 DEPARTMENT MEMBERS

- A. The interrogation of the FOP Department member, other than in the initial stage of the investigation, will be scheduled at a reasonable time, preferably while the Department member is on duty or, if feasible, during daylight hours.
- B. The interrogation, depending upon the allegation, will normally take place at the member's unit of assignment, the office of the Department's investigative agency, the office of the City of Chicago's investigative agency, or other appropriate locations.
- C. Prior to an interrogation, the FOP Department member under investigation will be informed of the identities of the person in charge of the investigation, the interrogation officer, and of all the persons present during the interrogation, and will be advised whether the interrogation will be audio recorded. When a formal statement is being taken, all questions directed to the Department member under interrogation will be asked by and through one interrogator at a time. If a second interrogator participates in the interrogation, he or she shall be present for the entire interrogation.
- D. Unless the Superintendent of Police specifically authorizes it in writing, no complaint or allegation of any misconduct concerning any incident or event that occurred five years prior to the date the complaint or allegation became known to the Department will be made the subject of a Complaint Investigation or be re-opened or re-investigated after five years from the date the Log Number was issued. This authorization process is outlined in the Department directive titled "Complaint and Disciplinary System"
- E. Immediately prior to the interrogation of an FOP Department member under investigation, the member will be informed in writing of the nature of the complaint and the names of all reporting parties.

NOTE: If a community member complainant wishes to remain anonymous or does not wish to disclose his or her identity, the FOP Department member will not be provided the name of the community member complainant, which is consistent with the provisions of the member's collective bargaining agreement.

- F. The length of the interrogation sessions will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls, and rest.
- G. An FOP Department member under interrogation will not be threatened with transfer, dismissal, or disciplinary action or promised a reward as inducement to provide information relating to an incident under investigation or for exercising any of his or her collective bargaining rights. Additionally, the Department will not retaliate in any manner against any member covered by his or her collective bargaining rights who cooperates in a Department disciplinary investigation.

NOTE: An FOP Department member who comes forward of his or her own volition and provides information concerning potential misconduct is acting in the highest tradition of police service and nothing will prevent the Department from appropriately acknowledging his or her contribution.

- H. An FOP Department member under investigation will be provided with a copy of any and all statements the member has made that are recorded, either audio electronically or in writing, within seventy-two hours of the time of the statement, except those statements that are recorded by a court reporter and transcribed. This recorded transcription will be provided within seventy-two hours of the investigative agency's receipt of the transcribed statement. If a reinterrogation of the member is required following the initial interrogation, the member will be provided with a copy of his or her initial statement or a copy of his or her court reporter transcription before any subsequent interrogation occurs.
- I. If the allegation under investigation indicates that a recommendation for separation is probable against the FOP Department member, the member will be given Administrative Proceedings Rights Statutory ([CPD-44.105](#)) or, if the allegation indicates that criminal prosecution is probable against the member, the member will be given the Criminal Rights ([CPD-44.104](#)) concerning self-incrimination prior to the commencement of interrogation.
- J. An FOP Department member under interrogation will have the right to be represented by counsel of his or her own choice and to have that counsel present at all times during the interrogation and, at the request of the member under interrogation, the member will have the right to be represented by his or her collective bargaining unit. The interrogation will be suspended for a reasonable time until representation can be obtained. The investigative agency will note on the record of the interrogation any time the member seeks or obtains information from his or her counsel or collective bargaining unit representative and ensure that the member's counsel or collective bargaining unit representative does nothing to disrupt or interfere with the interrogation.
- K. If an FOP Department member provides a statement during the investigation conducted promptly following a shooting incident and then is later interviewed by the Department's or City of Chicago's investigative agency as part of an investigation related to such incident, the member will be provided with a copy of the portion of any official report that purportedly summarized his or her prior statement before the interrogation.
- L. If, prior to taking an FOP Department member's statement, the Department's or City of Chicago's investigative agency is in possession of video or audio-recorded evidence relevant to the investigation, they may use their discretion on whether to advise or not advise the FOP Department member of such evidence, and may or may not allow the member to review the video or audiorecorded evidence prior to taking the Department member's statement. An FOP Department member who is not allowed to review the video or audio-recorded evidence prior to giving a statement will not be charged with a Rule 14 violation unless the member has been presented with the video or audiorecorded evidence and given the opportunity to clarify and amend his or her original statement. The Department will not charge an FOP Department member with a Rule 14 violation unless the member willfully made a false statement and the false statement was made about a fact material to the investigation. The Department's or City of Chicago's investigative agency will consider all original statements, and any subsequent statements including amended or modified statements, for purposes of determining whether an FOP Department member willfully made a false statement about a fact material to the incident under investigation. No adverse inference shall be drawn from the fact that the Department member consults with his or her counsel during the interrogation.
- M. When the Department relieves an FOP Department member of police powers, except in instances involving confidential investigations, the Department is required to give the member written notification of the category of the allegations or events that have caused the member to be relieved of police powers. The notification will be given at the time that the member is relieved of his or her police powers.

- N. Prior to the imposition of discipline, the FOP Department member will be informed of the rule violated and the corresponding specific misconduct, including the date, time, location, and manner in which the rule was violated.
- O. An FOP Department member providing a statement is obligated to respond honestly and completely at all times. The member has the right to consult with their his or her counsel and/ or collective bargaining unit representative.
- P. The Department will not compel a member under investigation to speak or testify before, or to be questioned by, any non-governmental agency relating to any matter or issue under investigation.
- Q. The negotiated collective bargaining agreement (CBA) and the Illinois Public Labor Relations Act, Statute 5 ILCS 315, provide clear assurances and protections for FOP Department members. Furthermore, nothing in this directive conflicts with the collective bargaining agreement and in the event of a complaint or disciplinary process discrepancy, the negotiated CBA language will be followed.

III. **BILL OF RIGHTS FOR FRATERNAL ORDER OF POLICE (FOP) CHICAGO LODGE NO. 7 DEPARTMENT WITNESS MEMBERS**

When an FOP Department member is required to give a statement in the presence of an observer as a witness in a disciplinary investigation other than summary punishment, or as a witness in a police-related shooting investigation, at the request of the member, the interview will be conducted in the following manner:

- A. The interview of the member will be scheduled at a reasonable time, preferably while the FOP Department member is on duty or, if feasible, during daylight hours.
- B. The interview, depending on the nature of the investigation, will normally take place at either the FOP Department member's unit of assignment, office of the Department's investigative agency, the office of the City of Chicago's investigative agency, or other appropriate location.
- C. Prior to an interview, the FOP Department member being interviewed will be informed of the identity of all persons present during the interview, whether the interview is being audio recorded, and the nature of the complaint, including the date, time, location, and relevant Records Division "RD" number, if known. When a formal statement is being taken, all questions directed to the member being interviewed will be asked by and through one interviewer at a time. If a second interviewer participates in the interview, he or she shall be present for the entire interview.
- D. An interviewed FOP Department member will be provided with a copy of any and all statements the member has made that are recorded, audio electronically or in writing, within seventy-two hours of the time of the statement, except those statements that are recorded by a court reporter and transcribed. This recorded transcription will be provided within seventy-two hours of the investigative agency's receipt of the transcribed statement. If a re-interview of the member is required following the initial interview, the member will be provided with a copy of his or her initial statement or a copy of their court reporter transcription before any subsequent interviews occur.
- E. An FOP Department member being interviewed will, upon his or her request, have the right to be represented by counsel of his or her choice and to have that counsel present at all times during the interview. Additionally, if requested by the member being interviewed, the member has the right to be represented by a representative of his or her collective bargaining unit. The member being interviewed will only have his or her counsel and/ or collective bargaining unit representative advise the member, but the representative will not in any way interfere with the interview. The Department's or City of Chicago's investigative agency will note on the record of the interview any time the member seeks or obtains information from his or her counsel and/ or representative, and ensure that the member's counsel or representative does nothing to disrupt or interfere with the interview. No adverse inference will be drawn from the fact that the member consults with his or her counsel during the interview. Postponement of an interview will.

1. be for a reasonable amount of time, but in no case more than forty-eight hours from the time the FOP Department member is informed of the request and provided the general subject matter for an interview. The member will be afforded the ability to secure counsel or a collective bargaining representative to be present for the interview.
 2. be no longer than two hours for interviews of a witness FOP Department member in shooting incidents. If the witness member advances a claim that he or she is physically or emotionally unable to provide a statement within the two-hour time period, then the Department's or City of Chicago's investigative agency will work through such claims on an individual basis, making a reasonable inquiry into the reasons for the member's claim and accepting at face value all good-faith claims of the member's inability to provide a statement.
- F. If an FOP Department member provides a statement during the investigation conducted promptly following a shooting incident and is then later interviewed by the Department's or City of Chicago's investigative agency as part of an investigation related to the shooting incident, the member will be provided with a copy of the portion of any official report that summarizes his or her prior statement before the interview.
- G. If, prior to taking an FOP Department witness member's statement, the Department's or City of Chicago's investigative agency is in possession of video or audio-recorded evidence relevant to the investigation, they may use their discretion on whether to advise or not advise the FOP Department witness member of such evidence, and may or may not allow the member to review the video or audio-recorded evidence prior to taking the Department member's statement. An FOP Department member who is not allowed to review the video or audio-recorded evidence prior to giving a statement will not be charged with a Rule 14 violation unless the member has been presented with the video or audio-recorded evidence and given the opportunity to clarify and amend his or her original statement. The Department will not charge an FOP Department member with a Rule 14 violation unless the member willfully made a false statement and the false statement was made about a fact material to the investigation. The Department's or City of Chicago's investigative agency will consider all original statements and any subsequent statements, including amended or modified statements, for purposes of determining whether an FOP Department member willfully made a false statement about a fact material to the incident under investigation.
- H. Provided the provisions of the FOP Department member's collective bargaining agreement are satisfied, the interviewed member can be authorized to provide audio-recorded statements.

NOTE: The length of any witness interview will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls, and rest.

IV. BILL OF RIGHTS FOR THE POLICEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION (PBPA) OF ILLINOIS UNIT 156 SERGEANT, LIEUTENANT, AND CAPTAIN DEPARTMENT MEMBERS

- A. The negotiated collective bargaining agreements (CBAs) and the Illinois Public Labor Relations Act, Statue 5 ILCS 315, provide clear assurances and protections for sworn PBPA Department members.
- B. The interrogation of the PBPA Department member, other than in the initial stage of the investigation, will be scheduled at a reasonable time, preferably while the Department member is on duty or, if feasible, during daylight hours.
- C. The interrogation, depending upon the allegation, will normally take place at the member's unit of assignment, the office of the Department's investigative agency, the office of the City of Chicago's investigative agency, or other appropriate locations.
- D. Prior to an interrogation, the PBPA Department member under investigation will be informed of the identities of the person in charge of the investigation, the interrogation officer, and of all other persons present during the interrogation, and will be advised whether the interrogation will be audio recorded. When a formal statement is being taken, all questions directed to the Department member under interrogation will be asked by and through one interrogator at a time. If a second interrogator participates in the interrogation, he or she shall be present for the entire interrogation.

- E. Unless the Superintendent of Police specifically authorizes it in writing, no complaint or allegation of any misconduct concerning any incident or event that occurred five years prior to the date the complaint or allegation became known to the Department will be made the subject of a Complaint Investigation or be re-opened or re-investigated after five years from the date the Log Number was issued. This authorization process is outlined in the Department directive titled "[Complaint and Disciplinary System](#)"
- F. Allegation(s) against a PBPA Department member that would constitute 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 may be made the subject of a complaint log investigation.
- G. Immediately prior to the interrogation of a PBPA Department member under investigation, the member will be informed, in writing, of the nature of the complaint, the names of all the complainants, and the specific date, time and, if relevant, location of the incident.
- H. A PBPA Department member under interrogation will not be threatened with transfer, dismissal, or disciplinary action or promised a reward as an inducement to provide information relating to the incident under investigation.
- NOTE:** A PBPA Department member who comes forward of their own volition and provides information concerning potential misconduct is acting in the highest tradition of police service and nothing will prevent the Department from appropriately acknowledging his or her contribution.
- I. A PBPA Department member under investigation will be provided with a copy of any and all statements the member has made that are recorded, either audio electronically or in writing, within seventy-two hours of the time of the statement, except those statements that are recorded by a court reporter and transcribed. This recorded transcription will be provided within seventy-two hours of the investigative agency's receipt of the transcribed statement. If a reinterrogation of the member is required following the initial interrogation, the member will be provided with a copy of his or her initial statement or a copy of their court reporter transcription before any subsequent interrogation occurs.
- J. If the allegation under investigation indicates that a recommendation for separation is probable against the PBPA Department member, the member will be given Administrative Proceedings Rights Statutory ([CPD-44.105](#)) or, if the allegation indicates that criminal prosecution is probable against the member, the member will be given the Criminal Rights ([CPD-44.104](#)) concerning self-incrimination prior to the commencement of interrogation.
- K. A PBPA Department member under interrogation will have the right to be represented by counsel of his or her own choice and to have that counsel present at all times during the interrogation and, at the request of the member under interrogation, the member will have the right to be represented by his or her collective bargaining unit. The interrogation will be suspended for a reasonable time until representation can be obtained. The investigative agency will note on the record of the interrogation any time the member seeks or obtains information from his or her counsel or collective bargaining unit representative and ensure that the member's counsel or collective bargaining unit representative does nothing to disrupt or interfere with the interrogation.
- L. If a PBPA Department member provides a statement during the investigation conducted promptly following a shooting incident and then is later interviewed by the Department's or City of Chicago's investigative agency as part of an investigation related to such incident, the member will be provided with a copy of the portion of any official report that purportedly summarized his or her prior statement before the interrogation.
- M. Prior to the imposition of discipline, the PBPA Department member will be informed of the rule violated and the corresponding specific misconduct, including the date, time, location, and manner in which the rule was violated.

N. The negotiated collective bargaining agreement (CBA) and the Illinois Public Labor Relations Act, Statute 5 ILCS 315, provide clear assurances and protections for sworn PBPA Department members. Furthermore, nothing in this directive conflicts with the collective bargaining agreement and, in the event of a complaint or disciplinary process discrepancy, the negotiated CBA language will be followed.

V. BILL OF RIGHTS FOR THE POLICEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION (PBPA) OF ILLINOIS UNIT 156 SERGEANT, LIEUTENANT, AND CAPTAIN DEPARTMENT WITNESS MEMBERS

When a PBPA member is required to give a statement in the presence of an observer as a witness in a disciplinary investigation other than summary punishment, or as a witness in a police-related shooting investigation, at the request of the member, the interview will be conducted in the following manner:

- A. The interview of the member will be scheduled at a reasonable time, preferably while the PBPA member is on duty or, if feasible, during daylight hours.
- B. The interview, depending on the nature of the investigation, will normally take place at either the PBPA Department member's unit of assignment, office of the Department's investigative agency, the office of the City of Chicago's investigative agency, or other appropriate location.
- C. Prior to an interview, the PBPA Department member interviewed will be informed of the identity of all persons present during the interview, whether the interview is being audio recorded, and the nature of the complaint, including the date, time, location, and relevant Records Division "RD" number, if known. When a formal statement is being taken, all questions directed to the member being interviewed will be asked by and through one interviewer at a time. If a second interviewer participates in the interview, he or she shall be present for the entire interview.
- D. An interviewed PBPA Department member will be provided with a copy of any and all statements the member has made that are recorded, audio electronically or in writing, within seventy-two hours of the time of the statement, except those statements that are recorded by a court reporter and transcribed. This recorded transcription will be provided within seventy-two hours of the investigative agency's receipt of the transcribed statement. If a re-interview of the member is required following the initial interview, the member will be provided with a copy of his or her initial statement or a copy of their court reporter transcription before any subsequent interviews occur.
- E. A PBPA Department member being interviewed will, upon his or her request, have the right to be represented by counsel of their choice and to have that counsel present at all times during the interview. Additionally, if requested by the member being interviewed, the member has the right to be represented by a representative of his or her collective bargaining unit. The member being interviewed will only have his or her counsel and/ or collective bargaining unit representative advise the member, but the representative will not in any way interfere with the interview. The Department's or City of Chicago's investigative agency will note on the record of the interview any time the member seeks or obtains information from his or her counsel and/ or representative, and ensure that the member's counsel or representative does nothing to disrupt or interfere with the interview.
Postponement of an interview will:
1. be for a reasonable amount of time, but in no case more than forty-eight hours from the time the PBPA Department member is informed of the request and provided the general subject matter for an interview. The member will be afforded the ability to secure counsel or a collective bargaining representative to be present for the interview.
 2. be no more than two hours for interviews involving shooting incidents.
- F. If a PBPA Department member provides a statement during the investigation conducted promptly following a shooting incident and is then later interviewed by the Department's or City of Chicago's investigative agency as part of an investigation related to the shooting incident, the member will be provided with a copy of the portion of any official report that purportedly summarizes his or her prior statement before the interview.
- G. Provided the provisions of the PBPA Department member's collective bargaining agreement are satisfied, the interviewed member can be authorized to provide audio-recorded statements.

NOTE: The length of any witness interview will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls, and rest.

VI. CONDUCT OF DISCIPLINARY INVESTIGATIONS AND BILL OF RIGHTS FOR AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) COUNCIL 31 AND PUBLIC SAFETY EMPLOYEES UNION (PSEU) UNIT II DEPARTMENT MEMBERS

A. The negotiated collective bargaining agreements (CBAs) and the Illinois Public Labor Relations Act, Statue 5 ILCS 315, provide clear assurances and protections for AFSCME and PSEU Department members.

B. The interview of the American Federation of State, County and Municipal Employees (AFSCME) or Public Safety Employees Union (PSEU) Department member will be scheduled at a reasonable time, preferably while the member is on duty or, if feasible, during day shift hours.

C. The interview of the AFSCME or PSEU Department member, depending on the allegation, will take place at the member's location of assignment, normal Department employment location, or other appropriate location.

NOTE: The interview will NOT take place at a police station.

D. Prior to an interview, the AFSCME or PSEU Department member under investigation will be informed of the identity of the person in charge of the investigation, the identity of the interviewer, and the identity of all persons present during the interview. When a formal statement is being taken, all questions directed to the member being interviewed will be asked by and through one interviewer at a time.

E. At the beginning of the interview, the AFSCME or PSEU Department member will be informed of the nature of the matters to be discussed. The length of interviews will be reasonable, with reasonable interruptions permitted for personal necessities.

F. The AFSCME or PSEU Department member under investigation will not be threatened with transfer, dismissal, disciplinary action, or promised a reward as an inducement to provide information relating to the matter under investigation. The member will not be threatened with transfer, dismissal, or disciplinary action for exercising the rights afforded to the members.

G. An AFSCME or PSEU Department member under investigation will be provided a copy of any written statement the member has made without any unreasonable delay.

H. For an allegation against an AFSCME or PSEU Department member where a recommendation for discipline is probable, the member will be given statutory administrative proceedings rights prior to the commencement of the interview.

I. For an allegation against an AFSCME or PSEU Department member where criminal prosecution may be probable, the member will be afforded his or her constitutional rights concerning self-incrimination prior to the commencement of the interview.

J. At the request of the AFSCME or PSEU Department member under investigation, the member who may be subject to discipline will have the right to be represented in the interview by a representative of his or her collective bargaining unit. Additionally the member will:

1. be told that he or she has the right to representation from their collective bargaining unit before the commencement of the interview; and

2. suspension of the interview will be allowed until representation from his or her collective bargaining unit can be obtained provided that the suspension is not for an unreasonable length in time.

K. While under investigation, an AFSCME or PSEU Department member will not be compelled to speak, testify before, or to be questioned by any non-governmental agency relating to any matter or issue under investigation.

- L. The negotiated collective bargaining agreement (CBA) and the Illinois Public Labor Relations Act, Statute 5 ILCS 315, provide clear assurances and protections for AFSCME or PSEU Department members. Furthermore, nothing in this directive conflicts with the collective bargaining agreement and, in the event of a complaint or disciplinary process discrepancy, the negotiated CBA language will be followed.

VII. RIGHTS OF "SHOOTING MEMBERS" IN MEMBER-INVOLVED SHOOTING INCIDENTS

- A. This section applies only to the administrative investigation into a member-involved shooting incident conducted by COPA, and not to any of the other investigations into these incidents conducted by the Department or the Cook County State's Attorney's Office.
- B. The time of the shooting incident will be the time when the statement-taking clock begins. The time of the shooting incident will be established by the Department based on pertinent communications by and among Department members during the immediate reporting and aftermath of the incident.
- C. The shooting member(s) will be required to give his or her statement to COPA at the COPA offices or any other mutually agreed upon location no earlier than twenty-four hours after the shooting incident.
- D. Statements may be given any time between 0600 and 1800 hours. When this Item is combined with Item V-B, some shooting members will have more than twenty-four hours, depending upon the time of the shooting incident, to provide his or her statements to COPA. For instance, a shooting member in an incident that occurred at 2100 hours on Monday cannot be required to give his or her statement to COPA prior to 0600 hours on Wednesday. However, a shooting member in an incident that occurred at 1750 hours on Monday can be required to give his or her statement at 1750 hours on Tuesday.
- E. Nothing in the timeline specified in Items V-B and C will prevent:
1. shooting members, their legal counsel, and COPA from voluntarily agreeing to give his or her statement to COPA sooner than twenty-four hours after the incident;
 2. COPA, at its sole and exclusive discretion, from deciding to postpone the taking of a statement from a shooting member until a time more than twenty-four hours after the time of the shooting incident.
- F. COPA will provide each shooting member with a written form indicating that the shooting member's statement is a compelled statement prior to the commencement of the member giving a statement.
- G. The shooting member will have the right to have legal counsel and/or a bargaining agreement member present during the statement-giving process.
- H. When a shooting member advances a claim that they are unable to provide a statement within the time period specified in Items V-B and C, COPA will handle these claims on an individual basis, making a reasonable inquiry into the reasons for the member's claim and accepting at face value all good-faith claims of a member's inability to provide a statement.

Authenticated by KC

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