

**SIDE LETTER (CPRB)**

**BETWEEN THE FRATERNAL ORDER OF POLICE &  
THE CITY OF URBANA, ILLINOIS**

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This Letter shall serve as a Memorandum of Understanding between Urbana Lodge #70 of the Fraternal Order of Police, the Illinois Fraternal Order of Police Labor Council (collectively referred to as the "FOP") and the City of Urbana ("City") regarding the City's implementation of a Civilian Police Review Board ("CPRB").

It is the intent of this Letter to address specific FOP concerns over the creation of a CPRB without limiting the City's management rights and the City's right to legislate matters of public safety and accountability to the public as it deems appropriate. The parties agree that the structure and authority of a Civilian Police Review Board ("CPRB") is exclusively the management prerogative of the City's corporate authorities, provided that the CPRB does not affect Article 22 of the Agreement or the disciplinary provisions contained within the Agreement.

There are certain CPRB issues which are not included in the Collective Bargaining Agreement ("Agreement"), because the City believes that they are matters of inherent management rights that are not mandatory subjects of bargaining. Those issues include the composition of the CPRB, and its powers and duties. Nevertheless, without waiving its position as to these issues, the City has agreed to provide the following written assurances regarding the structure and provisions of the CPRB which will be incorporated into the final Ordinance:

- A. No person convicted of a felony shall be eligible for appointment to the CPRB.
- B. The Ordinance adopted may contain a mediation provision for individual complaints, but the participation of any officer is optional.
- C. The Police Department's investigation and final determination shall be completed prior to any CPRB consideration of a complaint filed by a member of the public.
- D. The CPRB will not conduct independent third party investigations of an officer's conduct. Inquiries and concerns of the CPRB will be addressed by the Chief of Police or their designee.

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- E. An officer who is the subject of CPRB proceedings shall be entitled to know if their medical records have been disclosed to the CPRB. However, this is a matter of disclosure not the power to block or contest disclosure.
- F. The Ordinance will provide for a prohibition on ex-parte communications of CPRB members with outside parties regarding pending issues. Any violation of protocol shall be addressed by dismissal of the offending Board member(s) from the CPRB.

The parties agree that this Side Letter is intended and shall serve as an understanding by and between the parties regarding the creation of the CPRB. The execution of this Side Letter in conjunction with the Agreement concludes bargaining between the City and the Union over the impact and effects of the City's creation of the CPRB, provided any Ordinance adopted is consistent with the provisions set forth herein and/or the Collective Bargaining Agreement. It is not intended to serve as a precedent regarding future collective bargaining rights between the parties. Moreover, neither party is waiving its position or rights regarding whether the CPRB issues discussed and/or negotiated during the negotiations were mandatory subjects of bargaining. Further, neither party waives any rights under the United States Constitution or the Illinois Constitution of 1970 which the parties would ordinarily enjoy absent the execution of this Side Letter.

Executed this 27th day of September, 2011.

/s/ Laurel Lunt Prussing  
For the City of Urbana

/s/ Sylvia Morgan  
For Urbana Lodge # 70 of the Fraternal  
Order of Police

/s/ Richard V. Stewart, Jr.  
For The Illinois Fraternal Order of Police Labor  
Council