



CAMPAIGN ZERO

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POLICE UNION CONTRACTS AND POLICE BILL OF RIGHTS ANALYSIS

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OVERVIEW

Police union contracts and statewide Law Enforcement Officer’s Bill of Rights laws have created a system of protections for police officers that amount to an alternate justice system, creating significant legal and structural barriers to accountability, transparency, and fairness. Of at least 4,024 people killed by police since 2013, [only 85 of these cases](#) have led to an officer being charged with a crime. Only 6 cases have led to convictions – fewer than 0.2% of known police killings. Data from some of America’s largest police departments show that officers who commit misconduct rarely face administrative consequences, either.¹ It is not surprising that police officers are rarely, if ever, held responsible for their behavior, as the combination of provisions in police union contracts and Law Enforcement Officer’s Bill of Rights constitute de facto immunity from liability.

Collective bargaining agreements (i.e. contracts) are simply meant to allow due process: employees negotiate with an employer over matters of working conditions, compensation, benefits, and performance management as a group, thus increasing the employee’s collective bargaining power. These

agreements are meant to ensure that workers are treated fairly, with dignity and respect. They are not meant to deny other citizens fairness, dignity and respect.

But that is exactly what police union contracts have done.

Police unions across the country have used the collective bargaining process to circumvent basic tenets of accountability, transparency, and fairness. In short, as a result of these contracts police officers operate by a completely different set of rules. In many cases, the problematic clauses contained within these contracts appear harmless on the surface but, as our analysis shows, they impose severe restrictions on the ability of police departments and civilian oversight structures to hold officers accountable for police violence.

Part I of our report will detail [our analysis](#), conducted in collaboration with legal scholars, lawyers, and activists from around the country. Our findings demonstrate that police officers have access to an alternate justice system that allows them to act with impunity, one that is at odds with justice and simply unacceptable. Part II will present model contract language to equip citizens to directly influence the contract negotiation process with specific language to create a fairer police union contract.

“OF AT LEAST 4,024 PEOPLE KILLED BY POLICE SINCE 2013, ONLY 85 OF THESE CASES HAVE LED TO AN OFFICER BEING CHARGED WITH A CRIME.”

¹See data for [Chicago](#), [New York City](#), [Los Angeles](#), and [Cleveland](#).

APPROACH

This review is of the police union contracts of **81 of America's 100 largest cities*** and the police bill of rights in **all 14 states** with such legislation to identify the ways in which these policies make it more difficult to hold police accountable. Working with legal experts, advocates, and academics with an expertise in this area, six major areas are identified wherein these contracts and bills of rights contribute to making it more difficult to hold police accountable for misconduct:

- 1 Disqualifying misconduct complaints** that are submitted too many days after an incident occurs or if an investigation takes too long to complete
- 2 Preventing police officers from being interrogated immediately** after being involved in an incident or otherwise restricting how, when, or where they can be interrogated
- 3 Giving officers access to information that civilians do not get** prior to being interrogated
- 4 Limiting disciplinary consequences** for officers or limiting the capacity of civilian oversight structures and/or the media to hold police accountable.
- 5 Requiring cities to pay costs related to police misconduct** including by giving officers paid leave while under investigation, paying legal fees, and/or the cost of settlements
- 6 Preventing information on past misconduct** investigations from being recorded or retained in an officer's personnel file

Of the 81 cities' contracts we reviewed, **72** included at least one of these barriers to police accountability. **13 of the 14 states with police bills of rights** also included one of these types of policy provisions. **63 cities** and **12 states** have **three or more** provisions imposing barriers to accountability. Only Aurora, Boston, Chula Vista, Dallas, Denver, Fremont, Fresno, Long Beach, and Nashville did not contain problematic provisions in their police union contracts.

“OF THE 81 CITIES’ CONTRACTS WE REVIEWED, 72 INCLUDED AT LEAST ONE OF THESE BARRIERS TO POLICE ACCOUNTABILITY.”

ANALYSIS WITH EXAMPLES OF PROVISIONS

(For full analysis, see checkthepolice.org/review)

COLUMBUS POLICE UNION CONTRACT DISQUALIFIES CIVILIAN COMPLAINTS OF MISCONDUCT

In order for a citizen complaint (including an anonymous complaint) to be investigated, the complaint must be received by the City in writing or reduced to writing **within sixty (60) days** after the date of the alleged event giving rise to the complaint. Further, when an anonymous complaint is made against a member and no corroborative evidence is obtained from the information that either accompanies the complaint or that is reasonably obtainable from information provided in the complaint, the complaint shall be classified as not investigated and the accused member shall not be required to respond.

SOURCE: Columbus Police Union Contract, Section 8.12.A

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25 cities and **4 states** disqualify certain complaints from being investigated or resulting in discipline, for example if they are submitted too many days after an incident occurs or if an investigation takes too long to complete.

LOUISIANA POLICE BILL OF RIGHTS LETS OFFICERS WAIT 30 DAYS BEFORE BEING INTERROGATED

(4)(a) The police employee or law enforcement officer being questioned, whether as a target or as a witness in an administrative investigation, shall have the right to be represented by counsel, other representative, or both, of the police
(b) The police employee or law enforcement **officer shall be granted up to thirty days** to secure such representation, **during which time all questioning shall be suspended.**

SOURCE: Louisiana Statutes §2531 Section B.4(b)

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50 cities and **13 states** restrict interrogations by limiting how long an officer can be interrogated, who can interrogate them, the types of questions that can be asked, and when an interrogation can take place.

FLORIDA POLICE BILL OF RIGHTS LETS OFFICERS REVIEW ALL EVIDENCE AGAINST THEM BEFORE BEING INTERROGATED

the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and **all other existing evidence**, including, but not limited to, incident reports, GPS locator information, and **audio or video recordings** relating to the incident under investigation, **must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview** of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this

SOURCE: Florida Statute 112.532 Section 1.d

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41 cities and **9 states** give officers under investigation access to information that civilians suspects don't get, including **16 cities** that allow officers to review all evidence against them prior to being interrogated.

“25 CITIES AND 4 STATES DISQUALIFY CERTAIN COMPLAINTS FROM BEING INVESTIGATED OR RESULTING IN DISCIPLINE”

AUSTIN POLICE UNION CONTRACT BLOCKS CIVILIAN OVERSIGHT FROM HAVING SUBPOENA POWER

d) Except as specifically permitted in this Article, the Citizen Oversight process, regardless of its name or structure, shall not be used or permitted to gather evidence, contact or interview witnesses, or otherwise independently investigate a complaint of misconduct by an Officer. There shall be no legal or administrative requirement, including but not limited to subpoena power or an order from the City Manager or the Department, that an Officer appear before or present evidence to any individual, panel, committee, group, or forum of any type involved in Citizen Oversight. This provision has no application to any Independent Investigation authorized by the Chief of Police or the City Manager, regardless of whether the Independent

SOURCE: Austin Police Union Contract, Section 16.1.B(d)

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64 cities and 7 states limit disciplinary consequences for officers, for example preventing an officer's history of past misconduct from being considered in future cases, and/or limit the capacity of civilian oversight structures or the broader public to hold police accountable.

MINNEAPOLIS POLICE UNION CONTRACT PROTECTS PAY FOR OFFICERS WHO KILL

Work Day Defined for Leave Resulting From a Critical Incident.

Each day of the initial period of administrative leave (up to seven days for an Involved Officer (Critical Incident); and up to three days for a Witness Officer (Critical Incident) or an officer experiencing a Traumatic Incident) shall be considered a fully paid regularly scheduled "work day." The officer's schedule may be adjusted in order to avoid, to the extent possible, the administrative leave from creating an overtime obligation for excess hours in a payroll period. If the leave is extended beyond seven days (three days for a Witness Officer or an officer experiencing a Traumatic Incident), the period of the additional paid leave shall be scheduled such that the officer receives his/her regular pay, but no overtime pay.

SOURCE: Minneapolis Police Union Contract, Section 16.1.E

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40 cities and 3 states through their contracts and police bills of rights, require cities to pay costs related to police misconduct including by giving officers paid leave while under investigation, paying legal fees, and/or the cost of settlements.

CLEVELAND POLICE UNION CONTRACT ERASES OFFICER DISCIPLINE RECORDS

Verbal disciplinary warnings and disciplinary written reprimands shall be removed from a Police Officer's record after six (6) months, but all other disciplinary actions or penalties will be removed after two (2) years from the date the discipline was administered.

SOURCE: Cleveland Police Union Contract, Article 7, Section 10

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43 cities and 3 states erase records of misconduct, in some cases erasing records after 2 years or less.

* Freedom of Information Act Requests to the police departments of America's 100 largest cities (as per US Census population data) requesting their current police union contracts. Of these, we obtained 81 cities' contracts. Birmingham, Chesapeake, and San Bernardino refused to send us contracts, while the 16 remaining cities did not have police union contracts. Statewide police bill of rights legislation was obtained online for the 14 states that have such legislation.

“43 CITIES AND 3 STATES ERASE RECORDS OF MISCONDUCT, IN SOME CASES ERASING RECORDS AFTER 2 YEARS OR LESS.”

CONTRACT REVIEW

We reviewed police union contracts and police bill of rights legislation to examine how they make it more difficult to hold police accountable. Visit checkthepolice.org/review to view policy language and other details regarding these provisions.

	● No such language		● Problematic language			
Police Bills of Rights	Disqualifies complaints	Restricts/ Delays interrogations	Gives officers unfair access to information	Limits oversight/ discipline	Requires city pay for misconduct	Erases misconduct records
California	Problematic	Problematic	Problematic	No such language	Problematic	No such language
Delaware	No such language	Problematic	Problematic	Problematic	No such language	No such language
Florida	Problematic	Problematic	Problematic	Problematic	No such language	No such language
Illinois	No such language	Problematic	Problematic	No such language	No such language	No such language
Kentucky	Problematic	Problematic	No such language	Problematic	No such language	No such language
Louisiana	No such language	Problematic	Problematic	Problematic	No such language	Problematic
Maryland	Problematic	Problematic	Problematic	Problematic	No such language	Problematic
Minnesota	No such language	Problematic	Problematic	Problematic	No such language	No such language
Nevada	No such language	Problematic	Problematic	Problematic	Problematic	No such language
New Mexico	No such language	Problematic	Problematic	No such language	No such language	Problematic
Rhode Island	Problematic	Problematic	Problematic	Problematic	Problematic	No such language
Virginia	No such language	Problematic	No such language	No such language	No such language	No such language
West Virginia	No such language	Problematic	No such language	No such language	No such language	No such language
Police Union Contracts	Disqualifies complaints	Restricts/ Delays interrogations	Gives officers unfair access to information	Limits oversight/ discipline	Requires city pay for misconduct	Erases misconduct records
Albuquerque	No such language	Problematic	Problematic	Problematic	Problematic	Problematic
Anaheim	No such language	No such language	No such language	Problematic	Problematic	No such language
Anchorage	No such language	Problematic	Problematic	Problematic	Problematic	Problematic
Austin	Problematic	Problematic	Problematic	Problematic	Problematic	Problematic
Bakersfield	No such language	No such language	No such language	Problematic	No such language	No such language
Baltimore	No such language	Problematic	No such language	Problematic	Problematic	Problematic
Baton Rouge	No such language	Problematic	Problematic	No such language	Problematic	Problematic
Buffalo	Problematic	Problematic	Problematic	Problematic	Problematic	No such language
Chandler	No such language	Problematic	Problematic	Problematic	No such language	Problematic
Chicago	No such language	Problematic	Problematic	Problematic	Problematic	Problematic
Cincinnati	No such language	No such language	No such language	Problematic	No such language	Problematic
Cleveland	Problematic	Problematic	Problematic	Problematic	No such language	Problematic
Columbus	Problematic	Problematic	No such language	Problematic	Problematic	Problematic
Corpus Christi	No such language	Problematic	Problematic	Problematic	Problematic	No such language
Detroit	No such language	Problematic	Problematic	Problematic	Problematic	Problematic
El Paso	Problematic	Problematic	No such language	Problematic	Problematic	No such language
Fort Wayne	No such language	Problematic	Problematic	Problematic	No such language	No such language
Fort Worth	No such language	Problematic	No such language	Problematic	No such language	No such language
Glendale	Problematic	No such language	Problematic	Problematic	No such language	No such language
Henderson	No such language	Problematic	No such language	Problematic	No such language	Problematic
Hialeah	Problematic	Problematic	Problematic	Problematic	Problematic	Problematic
Honolulu	No such language	Problematic	Problematic	Problematic	No such language	Problematic
Houston	Problematic	Problematic	Problematic	Problematic	No such language	Problematic
Indianapolis	Problematic	No such language	Problematic	Problematic	No such language	No such language
Irvine	No such language	No such language	No such language	No such language	Problematic	Problematic
Jacksonville	No such language	Problematic	Problematic	Problematic	Problematic	Problematic

Police Union Contracts	Disqualifies complaints	Restricts/ Delays interrogations	Gives officers unfair access to information	Limits oversight/ discipline	Requires city pay for misconduct	Erases misconduct records
Jersey City	Orange	Orange	Orange	Orange	Orange	Orange
Kansas City	Orange	Orange	Orange	Orange	Orange	Orange
Laredo	Orange	Orange	Orange	Orange	Orange	Orange
Las Vegas	Orange	Orange	Orange	Orange	Orange	Orange
Lexington	Orange	Orange	Orange	Orange	Orange	Orange
Lincoln	Orange	Orange	Orange	Orange	Orange	Orange
Los Angeles	Orange	Orange	Orange	Orange	Orange	Orange
Louisville	Orange	Orange	Orange	Orange	Orange	Orange
Madison	Orange	Orange	Orange	Orange	Orange	Orange
Memphis	Orange	Orange	Orange	Orange	Orange	Orange
Mesa	Orange	Orange	Orange	Orange	Orange	Orange
Miami	Orange	Orange	Orange	Orange	Orange	Orange
Milwaukee	Orange	Orange	Orange	Orange	Orange	Orange
Minneapolis	Orange	Orange	Orange	Orange	Orange	Orange
New York	Orange	Orange	Orange	Orange	Orange	Orange
Newark	Orange	Orange	Orange	Orange	Orange	Orange
North Las Vegas	Orange	Orange	Orange	Orange	Orange	Orange
Oakland	Orange	Orange	Orange	Orange	Orange	Orange
Oklahoma City	Orange	Orange	Orange	Orange	Orange	Orange
Omaha	Orange	Orange	Orange	Orange	Orange	Orange
Orlando	Orange	Orange	Orange	Orange	Orange	Orange
Pittsburgh	Orange	Orange	Orange	Orange	Orange	Orange
Portland	Orange	Orange	Orange	Orange	Orange	Orange
Reno	Orange	Orange	Orange	Orange	Orange	Orange
Riverside	Orange	Orange	Orange	Orange	Orange	Orange
Rochester	Orange	Orange	Orange	Orange	Orange	Orange
Sacramento	Orange	Orange	Orange	Orange	Orange	Orange
San Antonio	Orange	Orange	Orange	Orange	Orange	Orange
San Diego	Orange	Orange	Orange	Orange	Orange	Orange
San Francisco	Orange	Orange	Orange	Orange	Orange	Orange
San Jose	Orange	Orange	Orange	Orange	Orange	Orange
Santa Ana	Orange	Orange	Orange	Orange	Orange	Orange
Seattle	Orange	Orange	Orange	Orange	Orange	Orange
Spokane	Orange	Orange	Orange	Orange	Orange	Orange
St. Louis	Orange	Orange	Orange	Orange	Orange	Orange
St. Paul	Orange	Orange	Orange	Orange	Orange	Orange
St. Petersburg	Orange	Orange	Orange	Orange	Orange	Orange
Stockton	Orange	Orange	Orange	Orange	Orange	Orange
Tampa	Orange	Orange	Orange	Orange	Orange	Orange
Toledo	Orange	Orange	Orange	Orange	Orange	Orange
Tucson	Orange	Orange	Orange	Orange	Orange	Orange
Tulsa	Orange	Orange	Orange	Orange	Orange	Orange
Washington D.C.	Orange	Orange	Orange	Orange	Orange	Orange
Wichita	Orange	Orange	Orange	Orange	Orange	Orange

*Birmingham, Chesapeake, and San Bernardino refused to send contracts. The remaining 16 cities do not have police union contracts.