

March 2012

Sentinel

Chicago Police Lieutenants Association



PRESIDENT'S MESSAGE BY MIKE RYAN

The first couple of months as president of the Chicago Police Lieutenant's association have proved to be very interesting times for our rank. The Department has decided that the expertise and experience that Lieutenants have applied while performing the duties and responsibilities of a Captain/Watch Commander, are easily accomplished by a Sergeant after about 6 hours of training. Not to mention, we will not be compensating Lts or Sgts for performing that function because *we have changed the name of that role*. Most Lieutenants can probably tell of some problem that they have encountered upon relieving a Sergeant as Watch Commander. It's unfortunate that the Sergeants we rely on most, we have had to ask to perform Watch Commander functions. Add to that the liability of running a Watch, very little training, and no compensation, the request becomes an unreasonable one. This name change has flattened the command structure of the Department at time when supervision should be at a

premium. Clear lines of command so that we all know what the mission is and who is in charge. What do we get? All the change and none of the planning. Many functions are not provided for in the name change game. Had the Lieutenants assigned as Watch Commander not filled in all the operational gaps and kept the ball rolling, the functional gridlock would surely have been substantial to our people, and the

public as well. Since those geniuses that came up with this idea won't thank you for keeping things going, I will *thank you*. All this to save a few bucks. By the way, has anyone noticed the savings from exempt salaries on the streamlining of the department? Oh that's right, "no one is getting hurt," at least not at that level. Hopefully, our grievance will clear much of this up. I can't think of a time, in 13 plus years as Lt, when the rank has been so blatantly devalued.



CONTRACT

We have begun to review the contract for the fast approaching expiration of our current agreement. The Board of the CPLA has discussed our representation, and after consultation with PBPA Director & Chief Legal Counsel Sean Smoot, it was decided to use the services of Tom Pleines (Law offices of Robert Kuzas) during our negotiations for the new agreement. The Board wishes to thank Marv Gittler

for his past service. The Board members are currently reviewing Articles 1 through 20 of our agreement. I encourage all of you to review the same Articles at this time too. If there are any issues you think should be addressed, please forward them to your Representative for review and submission at the appropriate time. Since many of us will see the same problems, it will be helpful to have the workload spread out amongst the Reps, so that redundancies can be eliminated. Since our financial package is traditionally decided by the FOPs compensation, I would ask that everyone think about other work condition benefits that impact our rank. Please pass along these ideas to your Representative. Our contract provides for the historical 6 Area structure, so forward you thoughts based on the traditional Chicago Model. Please take the time to review our agreement. If you can't find your copy, one can always be accessed at http://www.cpdits.com/lieutenants_agreement.pdf Keep up the great work, and watch out for your people.

Mike Ryan
President

Pension News

Congratulations to all the recent retirees.

Some recent numbers for the Pension Fund- As of March 2012, there were 12, 054 sworn CPD contributing to the Fund.

Retirees- year 2008-340, year 2009-262, year 2010-553, year 2011-475.

With the diminishing number of sworn officers on the CPD, the Pension Fund receives less contributions this does effect the Fund. Legislation was passed in Jan/2011 which created a new Tier for new hires, unfortunately there has only been one class of recruits, in Oct/2011, consisting of 49 recruits. The Fund and the Department need more officers.

The Market: So far it has been a good year for the Equity Markets, the DOW recently broke the 13,000 mark. The Fund is up about 6.5% for this year. We all hope the rally and the economy continue on the upward track. We have all seen how global events effect the Markets here and overseas. Investments that were once considered uncorrelated are now tied to each other. The Fund's CIO and our Pension Consultant continue to re-balance and adjust asset allocations to take advantage of Market changes.

We all have to be diligent as to any upcoming Legislation which may affect the Pension Fund. Check out the links on the Lieutenants Website. I will keep all up to date on any Legislation would may affect our Pension Fund.

Everyone's vote is important, get out and vote and urge others to do so.

Good luck to all current and future retirees.

James Maloney
Trustee Pension Fund

CTTV: To Approve or Release Without Charging?

Having had the opportunity to work as an Acting Watch Commander Station Supervisor in each and every district, I've noticed a citywide pattern in the typical criminal trespass to vehicle arrest that should be of concern to whoever is approving probable cause. The narrative of the arrest report more often than not reads something like this:

"Above arrestee placed into custody after he/she was observed to be a passenger in 1978 AMC Pacer that was subsequently reported stolen under R.D.#HV-123456. A/O spoke with the owner of said vehicle who related in essence that he/she never gave arrestee permission to be in their car."

To many supervisors, this is an acceptable arrest report narrative and probable cause is approved without question. Unfortunately, as will be discussed below, it is fatally flawed in that it lacks probable cause. As such, without more, the arrestee should be released without charging.

Under 720 ILCS 5/21-2, a person commits criminal trespass to vehicle when they "*knowingly* and without authority enter any part of or operates any vehicle, aircraft, watercraft or snowmobile." Thus, the arresting officer must establish both the elements of knowledge and lack of authority in order to properly articulate probable cause. While the narrative sufficiently shows that the arrestee lacked the vehicle owner's authority, it fails to establish the first requirement of knowledge.

According to 720 ILCS 5/4-5:

"A person knows, or acts knowingly or with knowledge of: (a) The nature or attendant circumstances of his or her conduct, described by the statute defining the offense, *when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist.* Knowledge of a material fact includes awareness of the substantial probability that the fact exists."

What does this mean in plain English? It means, for the purposes of the CTTV charge, that the arresting officer must show that the arrestee either knew or should have known that the vehicle was stolen. It is up to the arresting officer to establish this information through skillful questioning and document the arrestee's statement within his or her case report and arrest report narrative. Here is an example of just such a narrative:

"Above arrestee placed into custody after he/she was observed to be a passenger in 1978 AMC Pacer that was subsequently reported stolen under R.D.#HV-123456. Arrestee subsequently stated to A/O: "I knew the car was hot, but I didn't take it." A/O also spoke with the owner of said vehicle who related in essence that he/she never gave arrestee permission to be in their car.

With the addition of the arrestee's statement in the above example, his or her knowledge is established in accordance with 720 ILCS 5/4-5, and the arrest report should be approved. However, should the arresting officer be unable to obtain a statement or otherwise establish the arrestee's knowledge, he or she should be immediately released without charging if no other charges are applicable.

Kenneth Stoppa
At-Large Representative



Grievance Committee

After taking over the Chairmanship of the Grievance Committee, I have been busy trying to get the records in order. We had some 60 grievances which needed to be resolved. Most of them dealt with issues that were decided by an arbitrator. Several grievances were settled either by being withdrawn or by agreement with MLAS. Obviously the biggest one deals with the out of grade for Lieutenants who are still acting as Watch Commanders/ District Station Supervisors. This grievance is moving forward as we had our first meeting with the arbitrator and testimony was heard on March 9th. Unfortunately, the city was given a continuance to prepare for their testimony (they weren't ready, haven't heard that before), so the next date for this important grievance hasn't been decided. The Lieutenants who are acting as DSS still need to submit OOG slips for each day they are assigned and continue to document the duties they performed to prove that they acted up.

Some important reminders, when you file a grievance please forward a copy of the grievance to me either through police mail or as an attachment to an email. Sometimes I don't get a copy from MLAS and then have to try and figure out who filed the grievance as the numbers are sequential. If you need help filling out the grievance contact your representative, they are there to assist you. Additionally, the Grievance Committee consisting of Michael Dejanovich, Kenneth Stoppa and I are available to assist you. Please, keep all the documentation supporting your grievance and make copies of all emails and paperwork immediately. When the grievance comes up for review, I will ask for copies of your supporting documentation.

*Dean Stone
Vice-President
Grievance Committee Chairman*

KEN SULLIVAN AWARD

The Board of Directors recently created an award for Lieutenants who have performed above and beyond their duty for our Union. Someone who, like Ken Sullivan did, spends hours of their own time for the betterment of our rank; someone who knows things must get done and doesn't wait for someone else to do it. This award is named after past President Ken Sullivan.

Lt. Robert Weisskopf, outgoing President is this year's recipient of the Ken Sullivan Award.

**CONGRATULATIONS!!
BOB!!!**



Uniform Committee

After no uniform subcommittee meetings in nearly a year, the subcommittee has now met 3 months in a row. Several uniform/equipment issues were discovered during training for the NATO Summit. I hope that by the time you read this, these issues will have been addressed or are in the process of being addressed.

When the department started replacing old helmets in 1994, some people fell through the cracks and still have the '1968' style helmet manufactured by Buco. The Buco helmet does not meet current standards and needs to be replaced immediately. The department is currently in the process disseminating this information to everyone. By the time you read this hopefully this will be a moot point because all the Buco helmets will have been replaced.

Another issue, discovered in the run up to NATO, is the need to replace the face shields on helmets obtained prior to 2005. Helmets issued prior to that have a Plexiglas shield that does not meet current impact standards and will not close over an Avon respirator. Very shortly, the department will start to receive new polycarbonate face shields that are impact resistant and extend out far enough to allow the shield to be closed over the respirator. The department will conduct train-the-trainer classes to teach officers how to retrofit their helmets for the new face shield. This retrofit will be the responsibility of the individual officer after they have been shown how to do it by the department-trained officer. Contrary to what some are saying, the Seer brand helmet is designed for use both as a riot control and motorcycle helmet.

Another summit related issue has resulted in many questions and discussions among our members. As most of you know district tactical teams, gang/gun teams and saturation teams have been identified as Tier 1 personnel. Tier 1 personnel will be deployed when and where protests to the NATO Summit are anticipated to or do turn violent. As such, the department has required that Tier 1 police officers and sergeants have BDU's and riot control gear available. Lieutenants designated by their assignment as Tier 1 lieutenants, who will be acting as platoon leaders, will not be attired in BDU's or riot control gear.

Since this appeared to fly in the face of what Tier 1 personnel have been told during training, this issue was the topic of much discussion between your association and department administration. Your concerns were brought to the department's attention and the association was informed that Tier 1 lieutenants would be attired in the field uniform of the day for the summit.

Lastly, a draft order on appearance and uniform standards is going through staffing right now. This order will update and consolidate the numerous orders on this subject that I hope makes our different uniform configurations easier to understand. This resulted in several uniform directives being rescinded and reissued and causing much confusion among the troops. As far as I know, only a couple of items are no longer approved for new purchase and most of the uniform stores no longer offer them anyway.

That is all for now please stay safe, protect the troops during the upcoming summit, and have a safe and happy summer.

Paul Kusinski
Area 3 Representative

SENTINEL

Standing Watch for Chicago Police Lieutenants

Chicago Police
Lieutenants Association

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UPCOMING EVENTS

NEXT GENERAL MEMBERSHIP MEETING

12 June 2012
1800 hrs

1616 W. Pershing Rd.

