FALL 2015
Volume 24 Issue 4

# COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

## BODY-WORN CAMERAS COME TO ILLINOIS

## NEW ILLINOIS LAW ENFORCEMENT REQUIREMENTS

## PLEA BARGAINING ISSUES

## MSPCE AND ITSC LUNCHEON HIGHLIGHTS

## TRAFFIC SAFETY ESSENTIAL FUNCTIONS

## CAMPUS LAW ENFORCEMENT

## MANAGING CRITICAL INCIDENTS

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- Conviction History Check
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- Examination Scoring and Reporting
- Candidate Notification
- Structured Interview
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    - Community & Public Relations
    - Management Concepts
    - Management – Training
    - Ethics
    - Communication

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# COMMAND

The Official Publication of the Illinois Association of Chiefs of Police
426 S. Fifth Street, Springfield, IL 62701
Phone (217) 523-3765 — Toll-Free (877) 244-3345 — Fax (217) 523-8352

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## Welcome to the ILACP's Fall 2015 COMMAND magazine.

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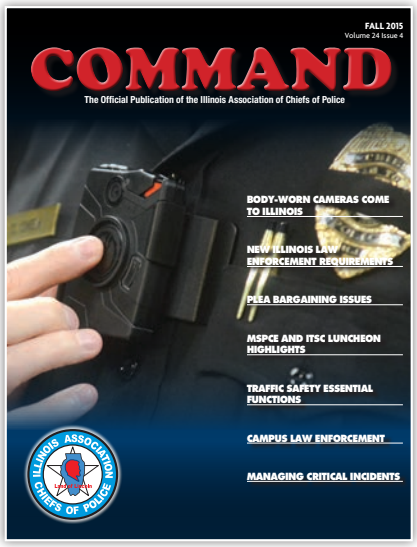


The ***COMMAND*** magazine is only as good as the contributors who share or write informative and educational materials for the readership. If you have any suggestions or articles for submission, or just have time to assist the staff in setting up magazine articles, please let us know.

ILACP is always seeking articles and relies upon members and non-members for their input. It starts with a phone call or an email, and then it becomes part of an excellent and growing publication.

On behalf of the staff here at ILACP, please enjoy this publication!

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- Funerals Protocol – John Konopek (Plainfield)
- Police Memorial – Steve Neubauer (Tinley Park)
- PR/Content Strategy – David Webb (Hanover Park)
- Psychological Services – Pam Church (Western Springs)
- Public & Private Police Liaison – Tony Ramos (Integra Security Alliance)

## Illinois Association of Chiefs of Police Mission Statement

**We promote the professional and personal development of our members through innovative services, training, and camaraderie.**

**We make a positive impact on the quality of life in the communities we serve through proactive leadership in:**

- Vision and Innovative Change
- Legislation
- Ethics and Integrity
- Professional Standards
- Knowledge and Information
- Dissemination
- Media Relations
- Community Partnerships

# PRESIDENT'S MESSAGE

The ILACP was busy in a lot of areas this fall. First, I am happy to report that there was a fabulous turnout at the Expo in Tinley Park on August 19th and 20th. We continue to enjoy and grow our partnerships with our friends in the private sector and the National Academy. Many thanks to everyone who helped make the Expo and training sessions a success.

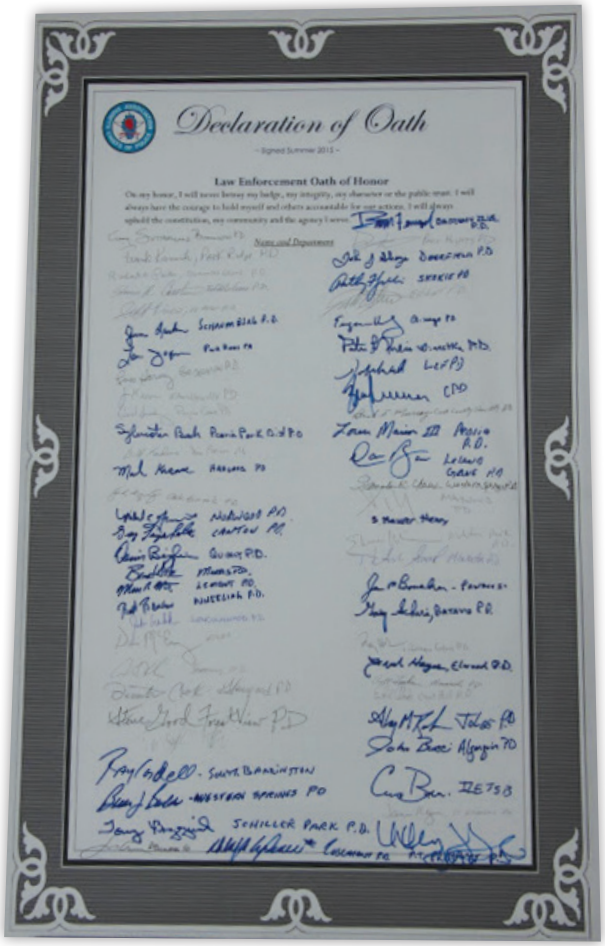
As you probably know, Senate Bill 1304 became Public Act 99-0352 on August 12th. This legislation will certainly have an impact on the way law enforcement operates over the next year. ILACP staff are currently reviewing the legislation to determine how best to provide training throughout the state. I feel that it is important for the ILACP to take the leadership in this area. I also believe that all Illinois law enforcement executives should become familiar with these changes and work together in their implementation. This legislation will no doubt present some challenges but I am confident that we will rise to the occasion.

There is also a lot of excitement within the Association as we plan for our 75th Anniversary. Please mark your calendars for the 75th Anniversary Gala to be held on October 1, 2016 at the Drury Lane in Oakbrook Terrace. There are a number of committees working to make this a night to remember. Please consider joining one of them and helping our Association celebrate our 75th!

Finally, I wanted the membership to know that we continue to work with the NAACP in an effort to strengthen our partnership. We have met over the past few months and are looking at ways in which we can make improvements to our community policing efforts. I am extremely encouraged about the progress we have made and look at this as another example of building partnerships in an effort to improve our capacity to serve. I continue to be honored to serve as your President and look forward to working together as we move Illinois law enforcement ahead in this 21st century. ■

Frank Kaminski

Chief Frank Kaminski
ILACP President and
Chief of Police, Park Ridge Police Department



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# FROM THE ILACP HEADQUARTERS

## The new law and upping our PR efforts

*By Ed Wojcicki*

*Executive Director, Illinois Association of Chiefs of Police*

**ONE OF THE BIGGEST ISSUES** facing us this fall, as we move into next year, is the implementation of the Police and Community Relations Improvement Act, which Governor Rauner signed in August. That is the law that allows for body cameras, bans chokeholds, and requires officers to issue stop receipts to pedestrians. It does a lot more, too.

We are responding in several ways:

1. **Stop receipt template:** Thanks to our Legislative Committee, we have come up with a template that you can use. Find it on our website at www.ilchiefs.org.
2. **Don Zoufal article:** This issue of Command magazine has a great summary of the law from the chair of our Legal Committee.
3. **Fact sheets:** We will be developing handouts and fact sheets, and making them available on our website so that you can get information you need quickly.
4. **Training sessions:** We are offering training sessions on this new law, and separate sessions just on the body-worn cameras rules, in locations throughout the state.

**PUBLIC RELATIONS COMMITTEE:** Your response this summer was terrific when we asked for volunteers to be on a new Public Relations/Content Strategy Committee. Chief Dave Webb of Hanover Park agreed to chair the committee, and we've met twice already. The committee's goals might seem obvious once you hear them, because all of us agree the association need to be more visible and our voice more audible. We can do a much better job if we brighten the spotlight and turn up the volume. The association is an advocate for our members individually, for our association organizationally, and for law enforcement collectively.

ILACP President Frank Kaminski with Illinois NAACP President George Mitchell at a private meeting this year in Evanston. They are leading efforts for a statewide dialogue on community policing between members of the two organizations.

The committee's goals are:

- Expand the promotion and awareness of association business, issues and training
- Respond quickly to issues that affect the association
- More easily send information in a mass notification manner across multiple platforms to reach a large number of people
- Increase the Association presence in the media

Thanks again to the dozen members who agreed to help with this public relations effort of spreading the association's gospel. It will take some time for it all to roll out, but you'll be noticing more visibility in the next few months. That's our plan, anyway.

**FACEBOOK, TWITTER, AND A BLOG:** We already have an association Facebook page, and I recently started a blog called "Fostering Safe Communities." We also put a lot of information on our website – probably a lot more there than you realize. So we're finding more ways to let you know it's there. Social media helps, and so does our weekly email Bulletin. They direct you to more information on topics of interest to you. Chiefs and their command staff have busy jobs, and that's why we're looking for more ways to get information to you as expediently as possible.

With that in mind, Deputy Chief Andy Johnson of Hanover Park created a Twitter account for us. You can follow us at #ILPoliceChiefs, and I recommend that you do so.

**AN NAACP SURPRISE:** President Frank Kaminski and a few other association leaders met August 28 with leaders of the NAACP Illinois Chapter at its westside Chicago branch. Perhaps the biggest surprise occurred after Dr. Laura Kunard gave a great presentation on community policing and procedural justice. President Frank Kaminski asked our NAACP colleagues if they were aware of those principles, and they basically said no, they were not, but they felt encouraged that police are talking about those topics. They want to know more about them and they want their members around the state to know. We discovered an important disconnect: We think we're promoting community policing but we're not explaining it enough.

So the association is in the process of contacting every regional NAACP chapter in Illinois – about 25 of them. We are working on a process to continue the conversations and collaborations with the NAACP by talking with their regional leaders about community policing. This dialogue with the NAACP is off to a great start. ■

Ed Wojcicki

Ed Wojcicki
Executive Director
Illinois Association of Chiefs of Police

The ILACP is pleased to offer advertising opportunities in connection with ***COMMAND*** magazine, which has been published since September 1991. We continue to offer up-to-date information about "what's happening" in the public safety arena to our members within the law enforcement executive leadership community and other interested parties. The Association strives to aggressively improve production and media relations with advertisers and sponsors, which will further provide excellent customer service and communications. It is not too late to get in front of the major decision makers of law enforcement in Illinois. We will be accepting ad placements on a continuing basis. Details to assist in your advertisement planning are provided below.

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| AD DESCRIPTION | VERTICAL DISPLAY WIDTH INCHES | VERTICAL DISPLAY HEIGHT INCHES | HORIZONTAL DISPLAY WIDTH INCHES | HORIZONTAL DISPLAY HEIGHT INCHES |
|---|---|---|---|---|
| COVERS | 8.75 | 11.25 | N/A | N/A |
| FULL PAGE | 8.75 | 11.25 | N/A | N/A |
| ½ PAGE | 3.75 | 10.5 | 8.0 | 5.0 |
| ¼ PAGE | 3.75 | 5.0 | 8.0 | 2.25 |
| BUSINESS CARD | N/A | N/A | 3.5 | 2.0 |

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# LEGISLATIVE UPDATE
## FROM THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE
## GOVERNOR VETOES MARIJUANA LAW

*By Laimutis "Limey" Nargelenas*
*Lobbyist for the Illinois Association of Chiefs of Police*

Recently members of the ILACP and the Illinois Sheriffs Association met with members of the Governors staff to request that he veto HB 218 and HB 3299, and if that was not possible to consider amended veto for sections of these bills. Please note that the Governor decided to amendatory veto portions of these bills as requested by the two law enforcement associations. The Illinois Association of Chiefs of Police wishes to thank Governor Rauner for standing behind law enforcement by using his amendatory veto of HB 218 and HB 3299. The ILACP continues to oppose HB 218. Now we wait to see what action the state legislature will take on these amendments.

### GOVERNOR RAUNER USED HIS AMENDATORY VETO ON HOUSE BILL 218.

HB218 reclassified the possession 15 grams of marijuana as a civil law violation with a fine of $55 - $125.

Governor Rauner amended HB218 by reducing the amount of marijuana decriminalized to 10 grams of marijuana and increasing the fine to a minimum of $100 and a maximum of $200.

#### Governor Rauner's Position

Some local governments in Illinois have decriminalized possession of small amounts of marijuana and their ordinances use 10 grams as the delineation between civil law and a misdemeanor. The increased fines are more in line with those of local ordinances.

HB218 established a standard for driving under the influence of marijuana to be 15 nanograms of THC per milliliter of blood (ng/mL)

Governor Rauner amended HB218 by reducing the standard for driving under the influence to 5 nanograms of THC per milliliter of blood (ng/mL).

#### Governor Rauner's Position

The Governor said, "We need more research and more time to understand the effects of cannabis on driving." Other states maintain zero levels of THC, and some states have established 5 or less nanograms of THC to be the standard for driving under the influence. No state has any level above 5 nanograms.

#### Statement from the Governor

*Veto Message for HB 218*

*August 14, 2015*

*To the Honorable Members of The Illinois House of Representatives,*

*99th General Assembly:*

*Today I return House Bill 218 with specific recommendations for change.*

*Together we have taken significant steps to reforming our criminal justice system. In February, I established the Illinois State Commission on Criminal Justice and Sentencing Reform to recommend amendments to State law to reduce the State's current prison population by 25% by 2025. The General Assembly passed legislation this session to shorten the length of juvenile aftercare (parole), eliminate mandatory life sentences for juveniles, protect victims of prostitution and trafficking, and shorten the waiting time for expungements, among other legislation. Our work is not done, but I thank the members of the General Assembly for being partners in this effort.*

*Although the possession of non-medical cannabis is and will remain illegal under Illinois law, criminal penalties for possession of small amounts of cannabis are too severe. Under current law, possession of up to 2.5 grams is a Class C misdemeanor, punishable by incarceration of up to 30 days; possession of up to 10 grams is a Class B misdemeanor, punishable by incarceration of up to 180 days; and possession of up to 30 grams is a Class A misdemeanor or Class 4 felony, depending on prior convictions, punishable by incarceration of up to one year. Even if jail time is avoided, a person convicted of possession is saddled with a criminal record that impedes future employment opportunities and increases recidivism.*

*The criminal prosecution of cannabis possession is also a drain on public resources. By classifying possession as a misdemeanor or felony, rather than as a civil law violation, our police, prosecutors, public defenders, and corrections officers spend significant time and tax-dollars to arrest, prosecute, and incarcerate offenders. In 2014 alone, police made 15,427 arrests for possession of up to 2.5 grams of cannabis; 11,920 arrests for possession of up to 10 grams of cannabis; and 5,496 arrests for possession of up to 30 grams of cannabis. The time and expense to arrest, prosecute, and in some cases incarcerate almost 33,000 persons per year for minor possession is a diversion of critical public resources that are needed elsewhere.*

*House Bill 218 would reclassify the possession of small quantities of cannabis as a civil law violation, rather than a misdemeanor. Possession would still be illegal and subject to a fine, but not a criminal offense. Consequently, the taxpayers would be spared the time and expense of arresting, prosecuting, and potentially incarcerating offenders, and the offender would avoid a criminal record. Possession of larger quantities of cannabis would continue to be a misdemeanor or felony, depending on the quantity.*

*I support the fundamental purposes of this bill. I thank the sponsors for their diligent and thoughtful work and the many Illinoisans and organizations who contributed to this legislation, while acknowledging that many still*

*Continued from page 7*

*have questions and concerns about its impact.*

*Recognizing that this legislation is a significant change in how our State handles illegal drug possession, any change must be made carefully and incrementally. I have particular concern about three metrics, each of which is addressed below, so am returning this bill with specific recommendations for change.*

***Delineation Among Violations***

*Current law delineates violations for possession of small amounts of cannabis as follows: up to 2.5 grams (Class C misdemeanor); up to 10 grams (Class B misdemeanor); and up to 30 grams (Class A misdemeanor or Class 4 felony).*

*House Bill 218 creates a new delineation at 15 grams. The bill would reclassify the first two classes of violation (possession of up to 10 grams) as a civil law violation, which I support for the reasons explained above. But the bill goes farther, by also classifying possession of up to 15 grams as a civil violation, while providing that possession of 15 to 30 grams would be a Class B misdemeanor. In other words, the bill would create a delineation at 15 grams, which does not exist under current law.*

*I recommend that the delineation remain at 10 grams, rather than be moved to 15 grams. Many local ordinances, from Cook County to Carbondale, already use 10 grams as the delineation between civil law violation and misdemeanor, having taken their cue from State law. In addition, the State reports arrest and incarceration data based on current statutory delineations, meaning that future comparisons to study the effect of House Bill 218 if it becomes law will be easier without changing the delineation.*

*Leaving the delineation at 10 grams will still accomplish the bill's fundamental purposes. As noted above, 83% of the arrests in 2014 for possession of up to 30 grams were for possession of less than 10 grams. Therefore, providing a civil law violation for possession of up to 10 grams will still dramatically reduce the number of arrests.*

***Penalty for Civil Law Violation***

*Under current law, a person convicted of possession of up to 10 grams of cannabis is subject to a fine of up $1,500, in addition to potential incarceration. House Bill 218 would reduce the fine to a minimum of $55 and a maximum of $125.*

*Although reducing the fine from $1,500 is reasonable, $55 to $125 is too low. I recommend that the fine be a minimum of $100 and a maximum of $200. That range would be more in line with fines under local ordinances, including Cook County ($200), Chicago ($250 to $500), Carbondale ($250 to $750), Evanston ($50 to $500), and Urbana ($300). That range would also be in line with California and New York, both of which impose minimum fines of $100.*

*In addition, House Bill 218 directs that $55 of the fine be distributed to certain sources, including the circuit clerk, law enforcement agency, the county for drug addiction services, the State's Attorney Appellate Prosecutor, and the State's Attorney. The remaining proceeds are then to be turned over to the law enforcement agency that issued the ticket; but because the minimum fine is $55, there may be no remainder to distribute. Imposing a minimum fine of $100 would ensure additional proceeds are available to local law enforcement agencies to ensure their costs are adequately covered.*

*Imposing a fine of $100 to $200 will still accomplish the bill's fundamental purposes. That range of fine is still a significant reduction from the current $1,500 fine.*

***Driving Under the Influence of Cannabis***

*House Bill 218 also establishes a standard for driving under the influence of cannabis. Under current law, a driver is presumed to be under the influence of cannabis if there is any trace of tetrahydrocannabinol (THC) detected in his or her blood, even if the usage occurred days or weeks earlier and the driver is no longer impaired. House Bill 218 would raise this limit from zero to 15 nanograms of THC per milliliter of blood (ng/mL). A driver would also continue to be guilty of driving under the influence if he or she exhibited other signs of impairment, regardless of the amount of THC detected.*

*Although I appreciate the need to update the limit above zero, the limit proposed in House Bill 218 is too high. The sponsors' intent was to establish a limit that would not jeopardize the safety of the driver or the public, would realistically reflect whether a driver was impaired, and would not exceed the equivalent limit for alcohol impairment. In light of this intent and the limitations on scientific research available to us, I believe that 5 ng/mL is the appropriate limit at this time.*

*As the sponsors of House Bill 218 acknowledged during the course of negotiation and debate, the science is limited and evolving. Both proponents and opponents have cited the work of European researchers on the causes and effects of cannabis-impaired driving. Dr. Jan Ramaekers opined that 5 ng/mL would cause approximately the same degree of impairment as our 0.08% standard for blood alcohol concentration. For that reason, both Colorado and Washington, where recreational cannabis was legalized, set the limit at 5 ng/mL, while Nevada set the limit at 2 ng/mL.*

*We need more research and more time to understand the effects of cannabis on driving. Equating impairment caused by cannabis to impairment caused by alcohol is neither so simple nor, given that cannabis remains illegal and the effects of cannabis are different than the effects of alcohol, appropriate. Until then, I cannot support a 15 ng/mL limit, which would be three times the limit in any other state.*

*Setting the limit at 5 ng/mL of whole blood will still accomplish the bill's fundamental purposes. That limit is a significant increase over the current zero-tolerance policy.*

***Incorporation of House Bill 3215***

*The General Assembly also passed House Bill 3215, which makes certain technical and other changes to House Bill 218 "[i]f and only if House Bill 218 of the 99th General Assembly becomes law in the form in which it passed the House on April 23, 2015".*

*The passage of House Bill 3215 was an integral part of the passage of House Bill 218. Unfortunately, because of the references in House Bill 3215 to "the form in which [House Bill 218] passed the House on April 23, 2015, House Bill 3215 will not take effect if the changes recommended here are accepted. Therefore, to ensure that the entire legislation – including both House Bill 3215 and House Bill 218 – becomes law, I also recommend that the changes included in House Bill 3215 be incorporated into House Bill 218.*

***Conclusion***

*I again thank the sponsors for their diligent and thoughtful work on House Bill 218. The changes recommended here still work towards the fundamental purposes of the bill: that possession of small amounts of cannabis be a civil law violation rather than a misdemeanor; that the fine for possession of small amounts of cannabis be reduced significantly; and that the limit for driving under the influence of cannabis be increased from zero.*

*Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return House Bill 218, entitled "AN ACT concerning transportation", with the following specific recommendations for change:*

*On page 111, line 11, by replacing "15" with "5"; and*

*On page 111, line 13, by replacing "25" with "10"; and*

*On page 114, line 14, by replacing "15" with "5"; and*

*On page 114, line 14, by replacing "25" with "10"; and*

*On page 114, line 19, by replacing "15" with "5"; and*

*On page 114, line 20, by replacing "25" with "10"; and*

*On page 181, line 14, by replacing "15" with "10"; and*

*On page 181, line 16, by replacing "$55" with "$100"; and*

*On page 181, line 17, by replacing "$125" with "$200"; and*

*On page 182, line 24, by replacing "15" with "10"; and*

*On page 185, line 20, by replacing "$55" with "$100"; and*

*On page 185, line 20, by replacing "$125" with "$200"; and*

*For the purpose of incorporating the changes included in House Bill 3215:*

*On page 6, by replacing line 22 with "the circuit court shall expunge, upon order of the court, or in the absence of a court order on or before"; and*

*On page 138, by replacing lines 1 through 5 with "(5.3) (blank);"; and*

*On page 138, by replacing lines 6 through 10 with "(5.5) (blank); or"; and*

*On page 138, by replacing line 14 with "consumption of cannabis listed in the Cannabis Control Act,"; and*

*On page 181, by replacing lines 18 through 21 with "clerk of the circuit court. Within 30 days after the deposit of the fine, the clerk shall distribute the"; and*

*On page 185, by replacing lines 21 through 24 with "be payable to the clerk of the circuit court. Within 30 days after the deposit of the fine, the clerk shall distribute the".*

*With these changes, House Bill 218 will have my approval. I respectfully request your concurrence.*

*Sincerely,*

*Bruce Rauner*

*GOVERNOR*

## GOVERNOR RAUNER USED HIS AMENDATORY VETO ON HOUSE BILL 3299.

HB3299 extended the four-year Medical Cannabis Pilot Program was due to expire 4 years after the first dispensary license was issued by the Department of Health.

HB3299 extended the date at least 19 months.

Governor Rauner, recognizing the delay that occurred during his transition, extended the expiration date by 120 days.

***Amendatory Veto***

The constitution allows the Governor to amend parts of a bill, and the bill is sent back for a vote on the parts amended. This is called an amendatory veto. They can vote to amend parts, and if the vote passes, the Governor signs it. If the legislators choose not to vote on the amendments, the bill dies. If the legislators choose to override the veto it requires a 3/5 vote. If the veto passes, the bill becomes law. If the legislators are unable to gather the needed votes required to override the veto, the entire bill dies.

## Statement from the Governor

*Veto Message for HB 3299*

*August 14, 2015*

*To the Honorable Members of The Illinois House of Representatives, 99th General Assembly:*

*Today I return House Bill 3299 with a specific recommendation for change.*

*The four-year Medical Cannabis Pilot Program expires January 1, 2018. House Bill 3299 would extend the expiration of the pilot program until the date which is four years after the first dispensary organization license is issued by the Department of Financial and Professional Regulation – an extension of at least nineteen months.*

*When the pilot program was first authorized, the General Assembly provided for a four-year period. That period included time both for setting up the program and issuing licenses and for operations. In other words, the pilot program never provided a full four years for operations.*

*The sponsors note, however, that the start of operations has been delayed because then-Governor Quinn declined to make licensing decisions during the final months of his term. The intent of House Bill 3299 is to remedy that delay and provide program participants with the time for operations intended when the program was first authorized.*

*For that reason, an extension of 120 days is appropriate. That extension would account for the delay caused in the final months of the prior administration. A further extension of at least nineteen months total, however, is inconsistent with the pilot program's initial authorizing statute. Moreover, given that no sale has yet occurred and we have not had an opportunity to evaluate the successes and failures of the pilot program, a further extension would be premature.*

*Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return House Bill 3299, entitled "AN ACT concerning health", with the following specific recommendation for change: On page 3, by replacing lines 20 through 22 with following: "Sec. 220. Repeal of Act. This Act is repealed on April 30, 2018*

*With this change, House Bill 3299 will have my approval. I respectfully request your concurrence.*

*Sincerely,*

*Bruce Rauner*

*GOVERNOR*

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# POLICE STATEMENTS CONCERNING THE EFFECT OF A CONFESSION: PLEA BARGAINING ISSUE

*By James P. Manak*

***People v. Neese*, No. 11-CF-351 (Ill.App. 2115)**

**http://www.illinoiscourts.gov/Opinions/AppellateCourt/2015/2nd District/2140368.pdf**

## SUMMARY

This case does not involve a typical interrogation issue, but a statement by an Illinois police officer to a defendant that raised an issue concerning plea-bargaining. The court ruled that statements to a police officer by a defendant, over the telephone, after the officer told the defendant that the officer "would consider" only charging the defendant with a misdemeanor if defendant came in and gave a full written confession, did not constitute statements during "plea negotiations" under a statute, and a trial court ruling suppressing them was error. The defendant had contended in a suppression motion that the statements were inadmissible because they were made during a plea discussion with the officer. The court outlined a two-part test for deciding whether particular statements by a defendant are plea-related and thus protected from being used as evidence against a defendant.

## FACTS AND PROCEDURAL HISTORY

Defendant was indicted in the circuit court of Boone County on one count of felony theft (720 ILCS 5/16 1(a)(1)(A) (West 2010)). The following facts were established at the hearing on defendant's motion to suppress. On December 1, 2011, Officer Paul Derry of the Belvidere police department spoke to defendant on the telephone regarding a theft of coins from an apartment building washing machine. During that conversation, defendant stated that he wanted to speak in person to Officer Derry and the complainant, Mike Thomas. Officer Derry told him that there was no need to do so, because Thomas had signed an "intent to prosecute form" and the decision to charge defendant was no longer up to Thomas. Officer Derry explained that it was up to the State's Attorney's office and the police department as to whether to charge defendant. He told defendant that he would speak to the State's Attorney's office and that, depending on what he was told, he would "decide where to go from there." Defendant told Officer Derry that he really wanted to speak to him with Thomas present. When Officer Derry repeated that that was not necessary, defendant responded that he was not willing to speak over the phone.

While still speaking to defendant on the phone, Officer Derry invited him to come to the police station. ***He told defendant that, if defendant would come in and give a full, written confession, then he would consider charging defendant only with a misdemeanor. According to Officer Derry, he did not guarantee to defendant what would happen; he "simply told him [he] would be willing to consider that."***

After defendant indicated that he was willing to come to the police station before 3 p.m. that day, Officer Derry asked him what he would say. **Defendant told him that he would write that he had taken coins from the washing machine.** When Officer Derry asked him whether the amount reported by Thomas as being taken was accurate, defendant said "no" and that he took only about $50 on each of 12 occasions. **Defendant never stated that he was willing to plead guilty or asked what his sentence might be if he provided a written statement. Nor did Officer Derry mention a possible guilty plea.**

Defendant never appeared, however, and, at approximately 3:55 p.m. on the same day, Officer Derry met with an assistant State's Attorney. Officer Derry reported defendant's statements regarding the theft of the coins and obtained authority to charge a felony. **Officer Derry did not tell the assistant State's Attorney that there had been any agreement with defendant to charge only a misdemeanor.**

In ruling on the motion to suppress, the trial court found that Officer Derry "made a specific offer that he would charge the defendant with a misdemeanor rather than a felony, and that defendant responded by accepting the offer and confessing to the crime." The court ruled that defendant's confession was "equivalent to an offer to plead guilty" and thus it granted the motion to suppress. After its motion to reconsider was denied, the State filed a certificate of impairment (see Ill. S. Ct. R. 604(a)(1) (eff. Feb. 6, 2013)) and a timely notice of appeal.

## THE COURT'S ANALYSIS

On appeal, the State contends that defendant's statements to Officer Derry were not made during the course of a plea discussion and that, therefore, Rule 402(f) did not bar the admission of those statements. Defendant argues that a plea discussion effectively existed, because he believed that he was engaged in a plea discussion and such belief was objectively reasonable under the circumstances.

When reviewing a trial court's ruling on a motion to suppress, we greatly defer to the court's factual findings and will not reverse those findings unless they are against the manifest weight of the evidence. *People v. Close*, 238 Ill. 2d 497, 504 (2010). However, we review de novo the ultimate decision to grant or deny the motion. *Close*, 238 Ill. 2d at 504.

**Rule 402(f) provides, in pertinent part, that if a plea discussion does not result in a guilty plea then any such plea discussion is**

*Continued from page 11*

**not admissible against the defendant in a criminal proceeding.** Ill. S. Ct. R. 402(f) (eff. July 1, 2012). [See also Ill. R. Evid. 410 (eff. Jan. 1, 2011) (which is consistent with Illinois Supreme Court Rule 402(f) (eff. July 1, 2012)).] **The purpose of Rule 402(f) is to encourage the negotiated disposition of criminal cases through elimination of the risk that the accused's statements or concessions made during the course of plea discussions could be used against him.** *People v. Rivera*, 2013 IL 112467, ¶ 18.

**However, not all statements made by a defendant in the hope of obtaining a concession constitute plea discussions. *Rivera*, 2013 IL 112467, ¶ 19. Indeed, there is a difference between a statement made during the course of a plea discussion and an otherwise independent admission, the latter of which is not excluded by Rule 402(f).** *Rivera*, 2013 IL 112467, ¶ 19. The determination is not a bright line rule but turns on the facts of each case. *Rivera*, 2013 IL 112467, ¶ 19. In deciding whether a statement was given during the course of a plea discussion, we may consider the nature of the statement, to whom the defendant made the statement, and what was said by the parties to the conversation. *Rivera*, 2013 IL 112467, ¶ 19. **Rule 402(f) was not intended to exclude as evidence mere offers to cooperate with the police, at least where such offers are not accompanied by the rudiments of the plea negotiation process.** *Rivera*, 2013 IL 112467, ¶ 23. One such rudiment, for example, would be the defendant's willingness to enter a guilty plea in return for concessions by the State. Rivera, 2013 IL 112467, ¶ 23.

Moreover, any person who voluntarily speaks to the police probably hopes to benefit therefrom. *Rivera*, 2103 IL 112467, ¶ 29. **Courts should resist an approach that characterizes every conversation between a defendant and the police as a plea negotiation.** *Rivera*, 2013 IL 112467, ¶ 29. Rather, courts should carefully recognize the investigative role the police perform as compared to the prosecutor. *Rivera*, 2013 IL 112467, ¶ 29. **Although Rule 402(f) was enacted to encourage plea negotiations, it was not designed to discourage legitimate interrogation techniques.** *Rivera*, 2013 IL 112467, ¶ 29. Those facing criminal prosecution often seek leniency, and thus not all attendant statements made in the hope of obtaining concessions are plea related statements under Rule 402(f). *Rivera*, 2013 IL 112467, ¶ 26

**The supreme court has recognized a two-part test for deciding whether particular statements are plea related. Rivera, 2013 IL 112467, ¶ 18. The court must consider first whether the defendant had a subjective expectation to negotiate a plea, and second whether any such expectation was objectively reasonable under the totality of the facts.** *Rivera*, 2013 IL 112467, ¶ 18. Where the defendant's subjective expectations are not explicit, the objective circumstances surrounding the statements take precedence in evaluating whether the statements are plea related. *Rivera*, 2013 IL 112467, ¶ 19. Although there is no required demarcation indicating the beginning of plea discussions, it must be clear that the defendant actually intended to plead guilty in exchange for a concession by the State, and such intent must be objectively reasonable. *Rivera*, 2013 IL 112467, ¶ 30.

In this case, we conclude that Rule 402(f) did not apply to the telephone conversation between Officer Derry and defendant. We do so for the following reasons.

Most importantly, under the two-part test set forth by our supreme court in *Rivera*, defendant's statements to Officer Derry were not plea related. **As to the first part of the test, there was no evidence that defendant subjectively expected that he was involved in any plea discussion.** Defendant never mentioned a plea or otherwise indicated that he expected to plead guilty. The only reasonable conclusion that can be drawn from defendant's comments is that he intended to provide a written statement in exchange for Officer Derry charging him with only a misdemeanor. **That alone is not evidence of an expectation of entering a guilty plea to that charge.** Therefore, the first part of the test was not satisfied.

**As to the second part of the test, even if defendant had a subjective expectation of negotiating a plea, it would not have been objectively reasonable under the totality of the facts. That is so because nothing about the conversation would have indicated to a reasonable person in defendant's position that Officer Derry had authority to engage in a plea discussion, to offer any plea deal, or to enter into a plea agreement.** Officer Derry certainly did not express any such authority. Indeed, Officer Derry never mentioned a plea during the conversation. Nor did he imply as much. **Although he told defendant that he had the authority to charge a misdemeanor, he came nowhere close to intimating that he had the authority to negotiate, offer, or accept a plea.** In fact, he told defendant that he needed to speak with the State's Attorney's office even before deciding how to charge defendant. That statement would not suggest to a reasonable person in defendant's position that Officer Derry was referring to a plea or that he was involved in a plea negotiation. **Therefore, any expectation by defendant of negotiating a plea would not have been objectively reasonable.**

Thus, the second part of the test was not met. For these reasons, the trial court's ruling that defendant's statements were inadmissible because they were made during a "plea discussion" between Officer Derry and defendant was error.

***In so ruling, we emphasize that this is the type of situation in which a court should resist characterizing a commonplace conversation between a police officer and a suspect as a plea negotiation.*** See *Rivera*, 2013 112467, ¶ 29. Clearly, Officer Derry was endeavoring to elicit information from defendant by expressing his willingness to consider charging defendant with a less serious offense. [To the extent that the trial court found that Officer Derry actually promised defendant that he would charge him with a misdemeanor, that finding was against the manifest weight of the evidence. See *Close*, 238 Ill. 2d at 504. Officer Derry's undisputed testimony established that he at most promised defendant that he was willing to consider a lesser charge in exchange for defendant's written statement.] **That was nothing more than an interrogation technique. If we were to interpret it as a plea negotiation, we effectively would blur the line between the investigative role of the police and the adjudicative role of the prosecutor.** Such a result would infect, with the limitations and requirements designed to apply to the plea negotiation process, what was simply a routine police investigation. That is precisely what our supreme court has cautioned against doing. See *Rivera*, 2013 IL 112467, ¶ 29.

Moreover, the purpose behind Rule 402(f) would not be served by applying it to the conversation between Officer Derry and defendant. As discussed, the purpose of the rule is to encourage the negotiated disposition of a criminal case. **The rule was not intended, however, to exclude from evidence mere offers to cooperate with the police that are unaccompanied by the rudiments of the plea negotiation process.** See *Rivera*, 2013 IL 112467, ¶ 23. There were no such rudiments present here. **As discussed, defendant has failed to show that the conversation with Officer Derry was any more than an effort by him to obtain a reduced charge in exchange for his cooperation.** Therefore, the application of Rule 402(f) would run afoul of the stated purpose of the rule.

Finally, defendant's reliance on *United States v. Melina*, 868 F. Supp. 1178 (D. Minn. 1994), is misplaced for two reasons. First, a federal district court case is not binding on this court. See *County of Du Page v. Lake Street Spa, Inc.*, 395 Ill. App. 3d 110, 122 (2009). Second, and more importantly, *Melina* is factually distinguishable from our case. In *Melina*, the prosecutor was actively involved in the investigative process and had expressly authorized the investigating officer to promise a lesser charge in exchange for the defendant's statement. *Melina*, 868 F. Supp. at 1183. Moreover, the defendant had refused to answer any questions until he received assurances from the prosecutor, one of which was as to the severity of the charge. *Melina*, 868 F. Supp. at 1181 82. Those facts are absent from our case. Therefore, *Melina* provides no support for defendant.

## THE COURT'S CONCLUSION

For all of these reasons, we conclude that the telephone conversation between Officer Derry and defendant did not constitute a plea discussion within the meaning of Rule 402(f).

## PRACTICE POINTER

The fact that a trial court and appellate court—with all the attendant cost and expense of an appeal—had to grapple with this issue should give pause to police officers. The need to be certain that they know the difference between plea negotiations, which are protected by statute in many states, and traditional interrogative techniques, is important. Interrogative techniques are a legitimate function of the police. In conducting such techniques it is advisable to avoid any reference or discussion about reducing charges if a defendant cooperates or confesses. If a defendant raises the issue, it should be made clear to the defendant that plea negotiations are not a police function. ■

*Mr. Manak is Amicus Advocate for Americans for Effective Law Enforcement; Adjunct Counsel at the Center for Public Safety, Northwestern University, Evanston, IL; Adjunct Professor of Law at John Marshall Law School, Chicago, IL; and has served as consultant to the National District Attorneys Association.*

*Mr. Manak is the present and former author/editor of several law enforcement publications, including* Criminal Law and Its Administration *(7th Ed. 2008), coauthored with the late professor Fred E. Inbau;* the Illinois Law of Criminal Investigation; *the* Law Enforcement Legal Defense Manual; *the* Law Enforcement Legal Review; *and* Case Commentaries and Briefs, *formerly published by the National District Attorneys Association.*

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# "SEEING IS BELIEVING"

## Body-Worn Cameras Come To Illinois

*By Donald Zoufal*

With Governor Rauner's signature on the "Law Enforcement Officer-Worn Camera Act" (the Act), Illinois has become one of the first states to regulate law enforcement use of Body-Worn Cameras (BWCs).[1] BWCs have recently grown in popularity as a potential tool to advance police and community relations. However, the implementation of these programs requires some careful consideration of the cost of a systemic change which will reverberate across the criminal justice system. Understanding the requirements of the new statute, the complete cost of a BWC program, and its effect on the larger criminal justice systems, is critical for any jurisdiction seeking to implement a BWC program.

### UNDERSTANDING THE NEW STATUTE
### THE PROVISIONS OF PA 099-0352

First and foremost, it should be noted that the Act does not compel jurisdictions to create a BWC program for law enforcement. It simply provides a set of rules applicable to jurisdictions that decide to implement a BWC program. It also provides for the formation of a grant program to assist jurisdictions implementing BWCs in the purchase of equipment and for officer training. The Act outlines requirements for equipment, retention, dissemination, and operational use of BWCs. It also provides for additional regulation by the Illinois Law Enforcement Training and Standards Board (ILETSB) of BWC use and training.

Like most every statute, the Act itself was a product of negotiation among multiple interest groups. The discussions on BWCs involved: law enforcement management groups, like the Illinois Association of Chiefs of Police, and the Illinois Sheriffs' Association; labor groups, like the Fraternal Order of Police and the Police Benevolent and Protective Association; civil rights groups, like the ACLU; and representatives for media, like the Illinois Press Association. Even commercial BWC equipment and systems were represented at the table. All groups had varying, often competing interests in the statute. No group got everything it wanted. The result is, unsurprisingly, a statute, that is sometimes less than completely clear on some issues. The following analysis outlines some of the major provisions on BWCs and highlights some of the unanswered questions with respect to those provisions.

### Equipment

With respect to equipment, the Act only sets forth a couple of requirements. These requirements grandfather any equipment purchased by a municipality after July 1, 2015. Interestingly they do not deal with issues like image quality. They apply only to length of recording capability and the ability of the camera to have a pre-event recording function. With respect to recording capability, the statute requires a camera be capable of recording for 10 hours (though the statute does not indicate how that is to be calculated).[2] With respect to pre-event recording, the statute requires that the camera be able to have a 30 second pre-event record (this means the camera would have to be capable of saving 30 seconds of data occurring before an officer pressed the record button on the camera). It is unclear exactly why these equipment standards were chosen, or even how they will be measured.

### Operational Issues

The Act specifically addresses some critical operational issues, and has authorized ILETSB to develop guidelines for issues not specifically addressed. Among those issues the Act addresses are:

- Turning the Camera Record On: it must be on at all times when responding to a call for service or performance of law enforcement functions. Exceptions to this rule include:
  - o Instances of exigent circumstances until it is practicable to turn the camera on.
  - o Instances in a patrol car equipped with an in-car camera system.
- Turning the Camera Record Off: The camera **must** be turned off
  - o When a victim requests—if possible or practicable the request should be recorded.
  - o When a witness to a crime requests-- if possible or practicable the request should be recorded.
  - o When an officer is interacting with a confidential informant.
- Turning the Camera Record Off: The camera **may** be turned off when an officer is performing a community caretaker function, but **must** be turned on if the officer believes an offense has been committed.
- Leaving the Camera On: When the officer cannot be determine if a victim also might be an offender-- but the officer needs to indicate that, if practicable, on the recording.
- Providing Notice of Recording: Where the subject has a reasonable expectation of privacy, notice must be provided on the recording;

[1] PL 099-0352 Article 10. Cited at *http://www.ilga.gov/legislation/publicacts/99/PDF/099-0352.pdf* (accessed August 31, 2015). The Act contains several provisions pertaining to law enforcement tool and activities as well as the use of BWC. Additional matters addressed by the Act include street stops, chokeholds, in-car camera programs, record keeping and finance provisions for law enforcement programs. Those other matters will be addressed in a separate article.

[2] Because recoding capability is, largely, a function of power usage and storage capacity, both could be extended if the image quality of the recording is reduced. Reducing the frame rate for recording would reduce the power and memory requirements, but it would also reduce the quality of image recorded.

*Continued from page 15*

where that is prevented by exigent circumstances it must be given as soon as practicable.

- Accessing and Reviewing Recordings: Limited to officers and supervisors in connection with report preparation – and that review has to be indicated in the report.
- Redacting, Labeling, Duplicating and Accessing Recordings: It is otherwise limited to personnel responsible for those functions.
- Maintaining Equipment and Documenting Malfunctions: Cameras must be maintained and malfunctions documented to supervisory personnel and reasonable efforts must be made to repair them.

## Retention

The Act does address the important issue of data retention in a relatively comprehensive fashion. Unless BWC data is flagged as specified in the statute, the data is to be destroyed after 90 days. Data may be flagged for the following reasons:

- a formal or informal complaint is filed
- the encounter resulted in a weapons discharge or use of force
- death or great bodily harm occurred to any person in the recording
- the encounter resulted in detention or arrest of any person (except in cases of minor traffic or business offenses)
- the officer is the subject of internal investigation or otherwise being investigated
- a determination by a supervisor, prosecutor, defendant, or court of evidentiary value in a criminal prosecution
- a request by the officer for official reasons

If an event is flagged, data retention is extended to a period of two years. If the data is used in connection with a criminal, civil, or administrative proceeding, it is to be retained until the final dispositions of those proceedings and an order of court. During any period of mandated retention, the video may not be altered.

## Use of Recordings

The Act specifies use of recordings:

- Limited use in connection with discipline of officers—only in the event of:
  - o formal or informal misconduct complaint
  - o use of force
  - o possibility of a formal investigation
- Use as Evidence—in any civil, criminal, or administrative proceeding
- Absence, Alterations or Destruction of Recording—where a preponderance of evidence shows that a recording was intentionally not captured or altered or destroyed, a finder of fact must consider the violation in weighing evidence.

## Disclosure of Recordings

The Act provides extensive guidance for the disclosure of body-worn camera recordings. Two categories of disclosure are outlined. One category concerns disclosure as mandated by Illinois Supreme Court Rules[3] or the Illinois Rules of Evidence.[4] Law enforcement agencies should be well acquainted with these rules. One caution in this regard is the ruling of the Illinois Supreme Court in *Illinois v. Kladis*:[5]

*Kladis* involved the failure of a department to provide the defense in-car recordings in connection with a misdemeanor DUI arrest. The *Kladis* Court held the failure of the department to preserve and produce the in-car tape in response to a discovery request would preclude the officer from providing testimony of anything that would have been captured on the tape. That sanction essentially precluded the state from presenting its case. Application of the reasoning in *Kladis* to body camera recordings would mean that department should expect that a failure to produce recordings, even in misdemeanor cases, would likely adversely impact prosecutions. Given the ruling in *Kladis,* jurisdictions would do well to anticipate discovery requests for recordings in all cases, even misdemeanors.

The second area of disclosure addressed in the Act involves requests pursuant to the Illinois Freedom of information Act (FOIA).[6] While the Acts start from the position that body camera recordings are generally exempt from disclosure, it goes on to create an expansive number of exceptions that essentially swallow the rule. The complex web of exceptions provide opportunities for any subject of a recording or an officer on the recording or their legal representatives. The Act also provides an exception requiring disclosure of flagged data where the data has been flagged for the following reasons:

- a formal or informal complaint is filed
- the encounter resulted in a weapons discharge or use of force
- death or great bodily harm occurred to any person in the recording
- the encounter resulted in detention or arrest of a person

Where there is a FOIA request for flagged recordings involving an interaction in which the subject (a victim or witness) had reasonable expectation of privacy, the department the recording is exempt from FOIA unless the department obtains written permission from the subject or his or her legal advisor. The department is obligated to seek that release.

[3] Cited at *http://www.illinoiscourts.gov/SUPREMECOURT/Rules/default.asp* (accessed August 31, 2015).
[4] Cited at *http://www.illinoiscourts.gov/supremecourt/evidence/evidence.asp* (accessed August 31, 2015).
[5] 2011 IL 110920. Cited at *http://www.illinoiscourts.gov/opinions/supremecourt/2011/December/110920.pdf* (accessed August 31, 2015).
[6] [1] 5 ILCS 140/1 et. seq.. Cited at *http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2* (accessed August 31, 2015). PL 099-0352 also contains provision in article 20 that specifically amend FOIA to exempt from disclosure anybody-worn cameras data which is exempted from disclosure by the Act. That change adds the provisions of 5 ILCS 140/7.5(B.B.).

In response to FOIA requests, departments are obligated to produce only those positions of body camera recordings that are actually responsive. Moreover, the department is also obligated to redact the recording to "… remove identification …" of any person who is not the officer, a subject of the encounter or involved in the encounter. The scope of that redaction effort is unspecified. It does not indicate if it applies solely to the images or includes sound and metadata information.

### Additional Requirements

The Act imposes on jurisdictions that employ body cameras some record keeping and reporting requirements. An annual report to ILETSB must include: basic information about the program; the number of cameras utilized; the existence and remediation of any technical issues; information on supervisory review processes; and detailed information about recordings utilized in any criminal or traffic proceeding. As to the latter category of data, it is not clear how the department is to obtain this data without tracking and evaluating every criminal prosecution in which a recording is provided to a prosecutor or defense counsel.

The Act also contains a provision that precludes officers from prohibiting or hindering individuals who are seeking to record an officer in the performance of his or her duties. The Act requires an agency's written policies outline criminal and disciplinary penalties for improper interference. It does, however, acknowledge the right of officers to take actions to ensure safety, control crime scenes, and protect evidence and investigations.

The Act also provides for a program of grant funding to assist departments in the purchase of cameras and in the training of their officers. Costs attendant on other requirements like: business process software; data storage; administration and maintenance, are not covered by the grant program.

## ASSESSING ADVANTAGES AND CHALLENGES OF BWC

Like the introduction of most new pieces of equipment, the body camera offers advantages, but also presents challenges. In deciding whether and how to implement a body cameras program, a department would be wise to consider both of those aspects before acting. Unfortunately, there is not a great deal of empirical evidence to support an assessment of many of the claims of positive benefit. However, the U.S. Department of Justice, Bureau of Justice Assistance, has created a "National Body-Worn Camera Toolkit"[7] as an on line resource center. There it has collected a great deal of resource information to assist jurisdictions looking to implement body cameras.

### Reviewing the Benefits

Anecdotal data gathered thus far by departments using body cameras suggest that the body cameras have served to reduce citizen complaints of misconduct. There is also some anecdotal evidence that suggests the cameras promote better behavior by both officers and subjects. These are certainly positive signs but until more detailed research can be conducted, the extent of this benefit cannot be fully assessed.

Also claimed, but unclear, are benefits in the area of cost reduction in civil litigation and in prosecutions. Several proponents of body cameras argue that the evidence they produce will strengthen positions in prosecutions and reduce liability attendant on frivolous civil claims. Certainly to the extent that officers are compliant with all department rules and policies both claims are likely true. However, where there are departures from policy and procedure, those will be documented as well. As with some of the other claims of positive benefit, the documentation of these claims lacks comprehensive research.

### Understanding the Cost

On the negative side of the ledger are certainly issues of cost and personnel resources. While there are grant programs that will provide funding for purchase of cameras, it is almost universally acknowledged that such costs are relatively small with respect to a BWC program implementation. Or significant are the costs attendant on the management and storage of the digital recordings. Also significant are the costs for maintenance and program administration.

Certainly some of the cost in establishing systems that can store and manage digital evidence is a cost that most agencies will eventually have to bear as law enforcement enters the digital age. With the proliferation of digital systems inside law enforcement, from computer aided dispatch to digital record systems to digitally collected evidence of the commission of crimes, there is a growing need to develop systems that can manage, track, secure, and produce this information for police, prosecutors, defense attorneys, and courts.

The introduction of BWC is just one of a growing number of sensors that provide information with potential evidentiary value. Sensors like sound detection for gunshots or social media monitoring are some other examples of digital media sources. Just in the area of visual sensors

[7] Cited at *https://www.bja.gov/bwc/* (accessed August 31, 2015).

*Continued from page 17*

alone, there are also a range of other digital inputs like interview room camera systems, in-car camera systems, and a range of government owned and operated camera systems. In addition to those visual sensors owned by government there is also a growing input from nongovernment systems, including camera networks established by businesses and individuals, as well as, smartphone stills and videos captured by citizens.

While BWCs may serve to provide a substantial amount of data to the existing digital footprint of most agencies, it is just one part of a larger picture. As agencies look to build their back ends to accommodate the demand of a substantial digital evidence sources that will affect many of their legal proceedings, there need to be an understanding that this is one piece of a much larger picture. The management of the BWC recordings should nest in the context of a larger system that will manage digital data relating to the full scope of the criminal justice process. The need to integrate such a program with several other digital platforms is a substantial and costly undertaking.

Agencies would also do well to understand that requirements for management of BWC recordings will likely require significant investment in personnel and other resources for complying with court ordered process and FOIA requests. While technology can certainly assist in expediting the process of identifying and copying responsive data in recordings, administrative overhead is still necessary to accomplish the tasks. New requirements like notification of subjects to seek permission to release data will take time and resources.

Similarly, redaction requirements imposed on agencies by the Act will likely impose significant cost and resource requirements on agencies. The redaction of images like faces will be difficult enough for agencies, though developments in technology may assist significantly in this process. Less clear is whether the audio must also be redacted to eliminate potentially identifying information. Additionally, there is the issue of redacting metadata information. Until the issue of redaction is clarified, calculation of its total cost cannot be precisely assessed. However, it is clear this will require new personnel and resources.

In addition to the cost of managing and disclosing BWC recordings, there are also additional costs for the maintenance of the equipment and the systems for the gathering and storing BWC recordings. Like any other piece of equipment the cameras need a maintenance program. The devices need to be issued, stored, and kept in good repair. This all adds cost. Additionally, the system that processes recordings into the data storage array needs to be maintained. That maintenance, along with the time required to upload data, also has cost.

Finally, there is the issue of data storage and security. This is a cost issue, but also has significant policy implications. Given the size and scope of data that BWC recordings represent, most vendors offering solutions and most jurisdictions looking to pursue them are focusing on cloud-based solutions for management and storage. While each jurisdiction needs to assess this structure in light of its own unique operational needs, it is likely the cost effective solution. However, the use of third party private entities to store and manage evidence is a relatively new phenomena and public officials need to carefully consider whether such critical government functions should so completely be placed in the hands of nongovernmental entities.

While the cost argument certainly favors cloud based solutions, there are important policy considerations for contracting an essential governmental function like evidence management to a third party. Security and integrity of data is critical. The system selected or developed internally must be sure to meet court imposed standards for admissibility of evidence and standards like those of the federal Criminal Justice information Systems if the information is to be shared or used in connection with any federally administered or funded criminal justice system or program. Ensuring the integrity of evidence which includes standards for physical and virtual security add cost.

One final area of cost revolves around reporting requirements for jurisdictions that operate BWCs. Most of the data collection requirements can be handled internally with relatively little cost for the organization. However, the requirement for tracking the use of BWC in connection with criminal proceedings is not something that most law enforcement agencies have the capability to accomplish. This data collection requirement will likely add additional cost.

## FINAL THOUGHTS

Community expectations for BWCs as a method of enhancing transparency are actively pushing many law enforcement agencies to consider this new technology. As the Act demonstrates, BWCs are seen as part of a larger imperative to enhance police accountability and strengthen confidence in the fairness of law enforcement measures. The overwhelming bipartisan approval of this measure is testament to a political climate that is seeking change in the relationship between law enforcement and many communities.

Arrayed against those pressures are law enforcement concerns over the implementation of BWC programs. Concerns raised by law enforcement officers, with respect to their privacy and fear of discipline for minor

failures to follow policy provide counter pressure. Also a pressure is the cost and personnel burden that implementation of a BWC portends. The implementation of this potentially disruptive technology requires: cautious movement in implementing policy; focus on a total system implementation; and involvement of a range of stakeholders.

### Cautious Movement

The weighing of costs and benefits is often a challenge task with respect to the introduction of new technology. Issues like community confidence are difficult to quantify. Information on benefits is frequently only anecdotal and unsupported by other research. This suggests a need to move cautiously with respect to the introduction of a new technology that can have significant cost. Certainly the costs around BWCs fit that bill.

Caution suggests that before BWCs are introduced there needs to be a clear understanding of expected benefits and anticipated costs. This is the case even when an agency is just seeking to engage in a pilot. Metrics should be identified to measure success or failure of a BWC program. Those metrics need to be reviewed regularly to ensure that the program is continuing to meet program expectations.

### Focus on Total System integration

The introduction of BWCs will interject significant new evidentiary material into the criminal justice system. However, it is only one element in a substantially larger system. As noted above, the digitization of law enforcement process is a growing phenomenon, as it is in many other aspects of society. The number of systems—dispatch and records—are becoming increasingly digitized. Movements like Next Generation 9-1-1 are examining how external digital data like texts and photos from the public can be brought into the criminal justice system from the inception of citizen calls for service. The array of sensor data and the amount of imagery from systems like in-car camera citywide camera networks and interview room video continues to grow.

BWC data needs to be viewed as a part of this larger digital ecosystem. To be sure, the BWC programs will add substantial content. It will require the expansion of back-end systems to accommodate the new data. As expansion occurs though, it would be wise to do it in the context of a larger more encompassing growth plan. To that end, thought should be given as to how to integrate existing and future inputs that can accommodate all the digital sources that will feed the 21st Century criminal justice process. Assistance by persons skilled at performing the task of digital system integration would be advisable.

### Inclusion of Multiple Stakeholders

As the drafting of the Act itself demonstrated, there are multiple groups of stakeholders who have an interest in BWC adoption. There are community groups who are looking to restore trust. There are law enforcement professionals and bargaining groups that are concerned about operational efficiency and effectiveness, cost and officer rights. There is also a whole criminal justice system of courts, prosecutors and defense counsel who will be affected by the introduction of new technology to gather evidence. All these groups have a rightful stake in how a BWC program is implemented.

As with many other programs in law enforcement, success is best achieved through an inclusive effort and the engagement of interested stakeholders. It makes little sense to streamline collection and processing of digital evidence by police departments, if prosecutors and courts are not willing to accept the evidence. Just as a department has to work to ensure that its information and collection integrate internally, thought has to be given to integrating the department's system into a larger criminal justice system. That type of system to system integration does not happen in the absence of engagement and cooperation.

Collaboration with internal stake holders is also critical. Use of BWCs, like any other enforcement tool requires engagement of the officers who must use those tools. Understanding their concerns and responding is significant for program success. BWC manufacturers offer a range of features for camera wear and performance—not just in the wear of the cameras, but in how they are activated and downloaded. Considering the views of officers in the selection and use of all aspects of these systems is critical to efficient and effective functions.

Last, but certainly not least, is the need for community engagement. Understanding and managing the expectations of the community and the advocacy groups that represent differing constituencies is important in the development of good policy. BWCs are just another tool for law enforcement. They are not a panacea, and all stakeholders would do well to understand that fact. ■

**ABOUT THE AUTHOR**

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He holds three degrees from the University of Illinois in law (J.D.), public administration (M.A.P.A.), and history and political science (B.A.). He also holds an M.A. in Security Studies focusing on Homeland Security from the U.S. Department of Homeland Security sponsored program though the Center for Homeland Defense and Security at the Naval Postgraduate School in Monterey, CA. He is accredited by the United Nations International Civil Aviation Organization as a Aviation Security Project Manger. He is also an ASIS Certified Protection Professional.

# NEW ILLINOIS LAW ENFORCEMENT REQUIREMENTS, POLICING IN THE WAKE OF PUBLIC ACT 099-0352

*By Donald Zoufal*

On August 12, 2015, Governor Bruce Rauner signed Public Act 099-0352.[1] The provisions of the PA 099-0352 offer a cornucopia of changes, large and small, for law enforcement operations across the state. Among the existing statutes touched by PA 099-0352 are: the Freedom of Information Act;[2] the State Police Act;[3] the Police Training Act;[4] the Illinois Vehicle Code;[5] the Criminal Code of 2012;[6] the Code of Criminal Procedure of 1963;[7] and the Unformed Peace Officers' Disciplinary Act.[8] It addresses: equipment issues like body-worn and in-car cameras; and police tactics from chokeholds to eavesdropping as well as introducing new training and reporting requirements. Provisions of PA 099-0352 also address issues such as funding for the Illinois State Police Crime Laboratory (ISPCL),[9] reporting and operation of the ISPCL,[10] and appointment of persons to act as States Attorneys.[11] This article will focus on those provisions of PA 099-0352 that are most likely to directly affect local law enforcement. With respect to the provisions of PA 099-0352, most of its provisions are effective on January 1, 2016.[12]

## OVERSIGHT AND REPORTING REQUIREMENTS

PA 099-0352 provides for the establishment of new oversight structures and procedures and reporting requirements regarding police operations.

### Police and Community Relations Improvement Act (PCRIA)

PA 099-0352 begins with the enactment of PCRIA. PCRIA imposes new requirements on all law enforcement agencies across the State in the investigations of any "officer-involved death."[13] This includes deaths resulting from the actions of on-duty officers or off-duty officers when they are acting within the scope of their law enforcement duties. It also includes deaths from motor vehicle accidents where the officer was involved in law enforcement activity related to an individual or the individual's vehicle.

Agencies are required to have a written policy for investigation of officer-involved deaths. Those policies must provide for investigation to be conducted by at least two investigators who are not employees of the agency.[14] At least one of those investigators must be certified by the Illinois Law Enforcement Training and Standards Board (ILETSB) as a Lead Homicide Investigator or possess other approved training. Where the death involves a motor vehicle accident, one Investigator must be an ILETSB certified Crash Reconstruction Specialist or possess other similar approved training. The reconstruction specialist may be employed by the law enforcement agency.

The investigations must be conducted expeditiously and results reported to the States Attorney of the county where the death occurred. If there is no prosecution of the officer, a public report must be released by the investigators. While an agency can conduct its own internal investigation it cannot interfere with the PICRA mandated investigation. Compensation for investigators can be addressed through an intergovernmental or interagency agreement.

### Uniform Crime Reporting Act (UCRA)

PA 099-0352 through UCRA enactment imposes requirements around crime reporting including monthly reporting. Reports must be submitted to the Illinois State Police (ISP) on a monthly basis in a manner and form prescribed by the ISP. New reporting requirements include reporting on the following:

- Arrest-related deaths—this includes information on the deceased, the officer, and weapons involved in the incident and a summary of the circumstances.[15]
- Law enforcement firearms discharges where there is a non-fatal injury—this applies to a discharge occurring within an officer's official duties or in the line of duty.[16]

Also required by UCRA is supplemental homicide reporting. This is to occur on a quarterly basis and includes incident-based information required by the ISP. The ISP is to report failure of an agency to comply with UCRA requirements on an annual basis to the ILETSB. The ILETSB can use an agency's compliance as a factor in the award of camera grant funds.

### Commission on Police Professionalism (CPP)

Section 20-140 of PA 099-0352 amends provisions of the Uniform Peace Officers' Disciplinary Act to create the CPP. The CPP will be comprised of legislators and rank-and-file law enforcement officers appointed by General Assembly leadership, a law enforcement officer from bargaining

[1] Cited at http://www.ilga.gov/legislation/publicacts/99/PDF/099-0352.pdf (accessed August 31, 2015).
[2] 5 ILCS 140/ *et. seq.* Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=85&ChapterID=2 (accessed September 4, 2015).
[3] 20 ILCS 2610. Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=346&ChapterID=5 (accessed September 4, 2015).
[4] 50 ILCS 705/2 *et. seq.* . Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=731&ChapterID=11 (accessed September 4, 2015).
[5] 625 ILCS 5/ *et. seq.* Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=49&ActID=1815 (accessed September 4, 2015).
[6] 720 ILCS 5/ *et. seq.* Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=53&ActID=1876 (accessed September 4, 2015).
[7] 725 ILCS 5/ *et. seq.* Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=54&ActID=1966 (accessed September 4, 2015).
[8] 50 ILCS 725/ *et. seq.* Cited at http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=736&ChapterID=11 (accessed September 4, 2015).
[9] Sections 20-126 to 129 concern amendment provisions of four sections of the tax code each providing the $500,000 in funds be reserved for ISPCL operations. The provisions apply to all taxes collected after 1 JUL 2015 and is effective August 12, 2015 (the date PA 099-0352 was signed by the Governor)
[10] PA 099-0352, Section 20-165
[11] PA 099-0352, Section 20-145
[12] The following are exceptions to the January 1, 2016 effective date: the provisions of Sections 20-126 to 20-129, which address the tax provisions (see note 9, supra) and the provisions of section 20-140 concerning the Commission on Police Professionalism, see infra, were effective upon the date of the Governor's signature, August 12, 2015. The provisions regarding the establishment of monthly reporting requirements for officer firearm discharge are not effective until January 1, 2017. Two other issues regarding effective dates bear note. While the effective date for the provisions of Article 10 (Sections 10-1 to 10-35) governing officer–worn cameras is January 1, 2016, there are equipment restrictions on cameras (on recording time and pre-event recording capability) which apply retroactively to any equipment purchased after July 1, 2015. There are also retroactive provisions that apply to the Sections 20-126 to 20-129 requiring inclusion of funds captures on or after July 1, 2015.

units appointed by the Governor, representatives from ISP and ILETSB, Directors of the ILACP and Sheriff's Association and Directors from the Bargaining organizations representing officers in the state, the Chicago Police Department and the ISP.

The CPP will review the following issues:

- The current training and certification of law enforcement officers
- The duties of various types of law enforcement officers, specifically including auxiliary officers
- The standards for issuance of badges, shields and police identification
- The issue of police licensure

The CPP will submit a report to the General Assembly on or before January 31, 2016 and will disband on February 1, 2016.

### Officer Professional Conduct Database (OPCD)

Section 20-130 of PA 099-0352 requires the creation of an OPCD. Law enforcement agencies are required to provide ILETSB with information when an officer is discharged based on a determination of willful violation of any agency policy, official misconduct, or violation of the law. The Agency must also report the resignations of an officer who has been served notice that he or she is under investigation for any activity that could be charged as a class two felony or greater. Reporting is required within thirty days of discharge or dismissal or the conclusion of a final appeal, or of resignation. It shall include a description of the violation.

Upon receipt of the information, the ILETSB must notify the officer and allow him or her the opportunity to provide a statement about the violation. The ILETSB is then required to maintain a database that contains the agency report and officer statement. Any Chief Administrative Officer or designee from a law enforcement agency is permitted to review the information. The database is intended to be a resource for chiefs, allowing them to identify applicants who may have a problematic history.

### Other Reporting Requirements

New reporting requirements are also added for jurisdictions that decide to utilize body-worn cameras and all pedestrian detentions. The reporting provisions for body-worn cameras are found in PA 099-0352 Section 10-25. The annual reporting requirements apply only to jurisdictions that utilize body-worn cameras. Their requirements are similar to those that currently exist for agencies that utilize grant funded in-car camera systems.

The reporting requirements for pedestrian detentions are found in Section 20-150 of PA 099-0352. The requirements apply to the detention of any pedestrian in a public place. A detention includes "… all frisks, searches, summons and arrests.[17] "The requirements do not apply to searches and inspections at facilities or events.[18]

The reporting requirements for each detention are substantially the same as those currently required for any traffic stop under the Traffic Stop Statistical Study (TSSS). In fact, the provisions for this regulation of pedestrian stops in public areas are addressed by amending the TSSS provisions of the Illinois Vehicle Code. Detention requires the preparation of a Uniform Pedestrian Stop Card recording at least the following:

- Officer's assessment of the race of the person stopped
- Reason for the stop
- Date and time
- Location
- Whether a protective pat down was conducted, the reasons and whether there was consent
- Whether contraband was found and type and the amount
- Whether a further search was conducted, the reasons and whether there was consent
- Whether contraband was found in a further search and type and the amount
- Disposition after the detention (summons, arrest, etc.)
- Name and badge number of the officer

The agency is required to enter a compilation of the information provided above into the database currently maintained by the Illinois Department of Transportation for motor vehicle stops. IDOT will provide a standardized law enforcement data compilation form for data entry. As with traffic data, the detention data must be entered twice annually; on March 1 for the period of the preceding July through December, and August 1 for period of the preceding January through June. The requirements of this data collection are scheduled to sunset with the TSSS on July 1, 2019.

## POLICE TACTICS

With respect to police tactics there are three significant major provisions:

### Chokeholds

Section 20-155 of PA 099-0352 amends the provisions of the Criminal Code of 2012 to prohibit police use of chokeholds except in circumstances where deadly force is justified. A chokehold is defined as an attempt to apply direct pressure with the intent to prevent intake of air. Contact with the neck that is not intended to reduce air intake is not a chokehold. A chokehold or any lesser contact with the neck is prohibited as a method to prevent the destruction of evidence.

### Exemption to Eavesdropping

Section 20-155 of PA 099-0352 amends the provisions of the Criminal Code of 2012 to afford an exemption to the offense of eavesdropping for any individual, not a law enforcement officer, who records a law enforcement officer in the performance of his or her duty in a public place. It would also apply to actions of a law enforcement officer in circumstances where there is no expectation of privacy. While an officer may not interfere with recording, he or she may take reasonably necessary actions to:

- Maintain safety and control
- Secure crime scenes

[13] PA 099-0352 Section 1-5
[14] This external employment requirement does not apply to the Illinois State Police.
[15] This information must also be reported on a quarterly basis to the Illinois Criminal Justice Authority.
[16] This non-fatal firearm discharge reporting is not effective until January 1, 2017.
[17] PA 099-0352, Section 20-150 which amends Section 11-212 by adding sub section (a) (7) (B-5).
[18] Stops to enforce the Fish and Aquatic Life Code, and the Herptiles-Herps Act are also exempted.

*Continued from page 21*

- Protect the integrity and confidentiality of investigations
- Protect public safety and order

### Detentions Involving Frisks and Searches

In addition to the reporting requirements for detentions in public places outlined above, Section 20-155 of PA 099-0352 amends the provisions of the Code of Criminal Procedure of 1963 and imposes additional requirements on officers where a person who is temporarily detained but not arrested is frisked or searched. Absent exigent circumstances or where such action is impractical or impossible, the officer is required to provide a person frisked or searched with a stop receipt. That receipt is to contain the reason for the stop and the officer's name and badge number.

## POLICE TRAINING

Section 20-130 of PA 099-0352 imposes additional training requirements for probationary police officer curriculum, and grants ILESTB the authority to establish requirements for in-service training and specifying certain training subjects.

### Probationary Officers

The following new subjects must be included in the curriculum for probationary police officers:

- Procedural justice
- Use of Control Tactics, in conjunction with arrest
- Temporary questioning, in conjunction with search and seizure
- Human rights
- Cultural competency, including implicit bias and racial and ethnic sensitivity
- Constitutional and proper use of law enforcement authority
- Disease of addiction training in conjunction with recognition of mental conditions
- Cultural perceptions and common myths of rape
- Trauma informed, victim centered, and victim sensitive interview techniques for rape cases

### In-Service Training

ILETSB is mandated to establish new minimum in-service training for officers. At minimum there must be annual training on updates in the law and use of force training. This must include scenario-based or similar training approved by ILETSB. At least once every three years officers must receive training on the following subjects:

- Constitutional and proper use of law enforcement authority
- Procedural justice
- Civil rights
- Human rights
- Cultural Competency

## EQUIPMENT ISSUES

PA 099-0352 addresses two specific areas of law enforcement camera usage, body-worn cameras and in-car cameras. The regulations on body-worn cameras are all completely new. With respect to in-car cameras there are some small but significant changes. In addition to outlining program requirements, PA 099-0352 also establishes grant-funding opportunities for agencies looking to deploy body-worn and in-car solutions.

### The Law Enforcement Officer-Worn Body Camera Act (the BCA)

Article 10 of PA 99-0352 enacts the BCA. It contains lengthy provisions regarding the subject of Body-Worn Cameras (BWCs). While the BCA does not mandate BWC use, it regulates law enforcement agencies that choose to use BWCs. Section 10-20 of the BCA authorizes the ILETSB to develop guidelines for use of BWCs . Those guidelines must be the basis for a written policy that must be adopted by any agency that seeks to deploy BWCS. Additionally, the written policy of the agency must include the specified provision of Section 10-20 (a) (1) through (11) which address: equipment; operating requirements; retention, use of recordings and disclosure of recordings and maintenance. Section 10-25 of the BCA imposes annual reporting requirements that are similar to those currently in existence for the State's grant funded in-car camera systems. However, these reporting requirements exist whether or not an agency using BWCs receives State grant funds. Section 10-30 makes it clear that BCA recordings are admissible as evidence. This Section also provides that where BWC recordings are improperly destroyed, altered or there is a willful omission in recording, adverse evidentiary conclusion can be made.

While some discrete equipment related provisions (recording time and preview recording) are retroactive to July 1, 2015, the rest of the provisions on BWCs do not become effective until January 1, 2016 and apply only to jurisdictions that decide to deploy BWCs. In addition to the provisions of the BCA in Article 10 of PA 099-0352, Article 20 amends the FOIA statute to provide an exemption for BWC recording.[19] It also amends the provisions of the Illinois State Police Act to allow ISP officers to use BWCs.[20]

### Amendment of the Law Enforcement Camera Grant Act (LECGA)

Section 20-135 of PA 099-0352 amends the provisions of the LECGA, which formerly only applied to in-car camera grants. The only real change in the program for in-car camera systems is an elimination of grant funding for the installation of the in-car systems. Grant funds can now only be used for purchase of the systems themselves and for training in the operation of the cameras. Installation cost now must be borne by the agency. With respect to BWCs, the LECGA provides funding for the purchase of cameras and associated technology as well as for training cost. LECGA funds cannot be used for costs like data storage, maintenance or system administration with respect to either BWCs or in-car systems. In making a determination with respect to award of grants, ILETSB may take into account a grant applicant's compliance with the State's Unified Crime Reporting Act.

With respect to in-car systems the LECGA imposes certain equipment and use requirements. It also specifies that the ILETSB promulgate a use

[19] This exemption to FOIA only applies if the disclosure is prohibited under the BCA. The provisions in the BCA provide a complex set of exemptions, which would allow for the production of BWC recordings in response to a FOIA request.

[20] While ISP employees are required to follow use guidelines set forth by the ILETSB in their use of BWCs, it is not clear if any of the other provisions of the BCA apply to ISP usage.

policy that must be adopted by grant recipients. Additionally, it imposes annual reporting requirements on grant recipients. These provisions do not apply to agencies who do not receive grants. As to grant recipients implementing BWC programs, the LECGA does impose requirements for promulgation of a written policy consistent with ILETSB guidelines and reporting requirements similar to those for in-car grant recipients. However, these requirements are the same as those under the BCA for any agency using BWCs.

## CONCLUSIONS

The adoption of PA 099-0352 has significant operational and fiscal implications for law enforcement in Illinois. Borne out of a public climate demanding increasing transparency and accountability in policing, the law increases oversight and imposes several new requirements for data collection and reporting. Also added are new training requirements. The message of these proposed reforms are that significant segments of the community have concerns over the way in which policing is conducted and in the way police and the community relate to each other.

In the face of these new requirements, which were passed by overwhelming bipartisan votes in the General Assembly, police will have to work smarter and more carefully. To be sure, these new requirements will add fiscal pressures. However, new technology solutions may offer a path forward, not just with respect to BWCs but with data collection and analysis as well. The opportunity now exists for creative solutions that can show and document the difficulties of law enforcement.

The new requirements of PA 099-0352 should cause law enforcement administrators to think about the larger picture of data analysis and how information can be collected and shaped to paint the complete picture of their operations. For example, the data collected on street stops needs to be related not only to demographics (as the statute requires) but to crime statistics and patterns in an area (which are not required for capture by the statute). While the requirements of the statute must be met, nothing prevents the capture and analysis of more data to help complete the picture.

Similarly, with respect to BWCs, while the provisions of the statute are not perfect, these devices do offer the prospect of educating the public to the significant challenges faced by law enforcement officers every day. Careful implementation of these programs can help to enhance public trust and confidence. While the requirements may raise fiscal concerns, applying a broader view that places a value on the intangibles of transparency and trust may help to offset those concerns. Overall, law enforcement administrators would do well to look carefully at this new statute and begin determining how resources can be marshaled and shifted to meet these new requirements and achieve the larger goal of improving relations with the community. ■


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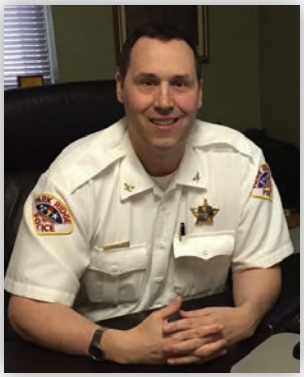
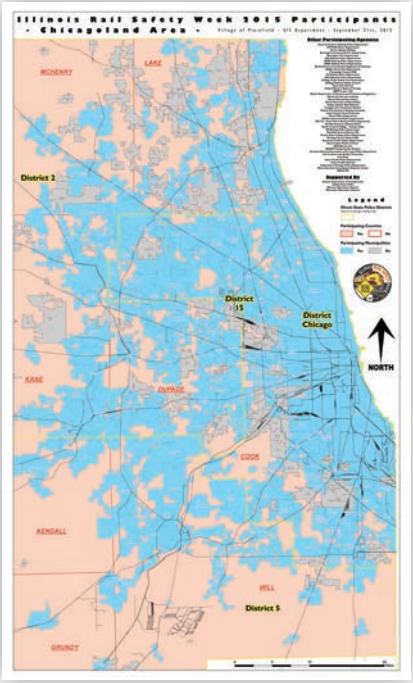
- ☆ Police & Citizen Awards Program
- ☆ Online Membership Directory
- ☆ Command Training Scholarships
- ☆ Life Memberships
- ☆ Tenure Pins
- ☆ Professional Voice for Legislative Issues

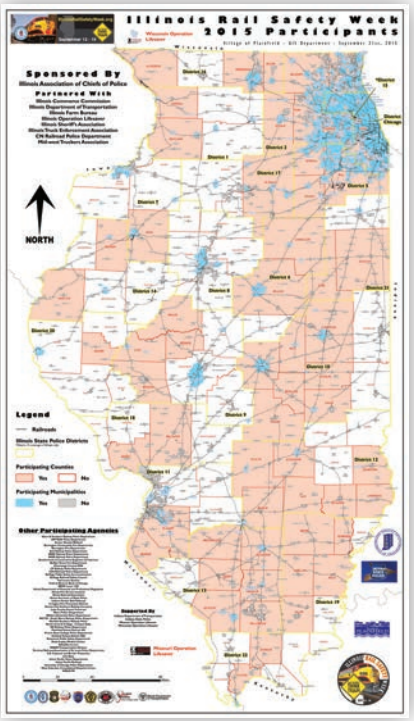
# TRAFFIC SAFETY CONTINUES TO BE ONE OF THE ESSENTIAL FUNCTIONS OF LAW ENFORCEMENT

*By Deputy Chief Louis Jogmen, Park Ridge Police Department, ILACP Traffic Safety Committee Chair*



Traffic safety continues to be one of the essential functions of law enforcement. In fact, traffic safety programs are a critical component of any effective, comprehensive law enforcement operation. That being said, many different issues compete for the attention of today's law enforcement executives. Violent crime, drugs and gang violence pervade some of our communities and certainly must be addressed. These crimes and their aftermath are well covered by the media and cause fear within the community. It is important for law enforcement executives to remember that research indicates more people are killed and injured as a result of traffic related incidents than from crime. As an example, the FBI reported that approximately 14,196 people were murdered in 2013. During that same year, the National Highway Traffic Safety Administration stated that 32,719 people lost their lives in motor vehicle crashes. These numbers do not paint the whole picture but do provide some perspective. Agencies who take the time to conduct citizen surveys learn that traffic safety is, consistently, one of the leading concerns for their residents. The International Association of Chiefs of Police (IACP), in their publication "Traffic Safety in the New Millennium: Strategies for Law Enforcement," identify that the economic loss to society is greater from traffic crashes than from any other crime. There is no panacea for executives who try to direct their resources in an effort to safeguard their communities. The fact remains, though, that Illinois law enforcement must strike a balance when deciding how best to direct the efforts of their staff. It is important to remember that departments with a proactive approach to traffic enforcement generally enjoy lower crime rates in addition to lower crash statistics. It is equally important for our public officials and law enforcement administrators to remember that traffic enforcement is not designed to generate revenue. The primary goals of traffic law enforcement should be changing driver behavior, enhancing safety on our roadways and decreasing injuries and deaths resulting from motor vehicle crashes. Effective traffic management systems that employ effective traffic safety strategies are crucial to the overall success of any law enforcement organization.




Traffic law enforcement has certainly been impacted by the recent national concern over police-community relations. This can be seen in the shift in legislation concerning alleged traffic quotas and by anecdotal evidence suggesting that some officers are anxious when conducting proactive enforcement in the current climate. The Illinois Association of Chiefs of Police (ILACP) Traffic Safety Committee is seeking to reassure our law enforcement community that a traffic safety program, when implemented correctly, can still support a community-policing model. As mentioned above, community surveys typically demonstrate that the vast majority of our residents support traffic enforcement and recognize that it is necessary. This enforcement, however, must be conducted professionally and without bias. In addition, law enforcement executives must realize that, given today's perceptions about the police, we are functioning in a collegial atmosphere. Illinois law enforcement must continue to work together and build on our partnerships. The work that we do individually will be viewed by the public as a representation of all law enforcement.

The ILACP Traffic Safety Committee continues to seek opportunities in which we can develop these partnerships throughout our state and can forward the traffic safety message. One example is our Illinois Rail Safety Week initiative. This program highlights the willingness of Illinois law enforcement to come together in an effort to address a specific traffic safety issue. 2015 was our second year and over 400 agencies participated in this effort. These numbers are even more impressive given the fact that staffing by each participating agency was done at the agency's cost. Unfortunately, there was no funding available to conduct educational/enforcement activities. This collaboration is certainly a testament to the strong partnerships we have developed in Illinois law enforcement.

After attending the 2015 Federal Motor Carrier Safety Administration (FMSCA) Large Truck and Bus Strategic Planning Session in January, members from the ILACP Traffic Safety Committee recognized the need for a systemic change in the way Illinois law enforcement addresses traffic violations committed by commercial motor vehicles. Throughout that meeting, it became clear that the FMSCA was committed to making progress in this area and wished to use members of the IACP's Division of State Associations of Chiefs of Police (SACOP) to develop an awareness campaign focusing on large truck and bus traffic enforcement. Based on the information presented by the FMSCA, the ILACP Traffic Committee recommended an increase in the level of engagement by street officers. Shortly after attending the session, the ILACP, in partnership with the Illinois Truck Enforcement Association (ITEA) and Illinois State Police (ISP) collaborated with the FMSCA to develop and implement an enhanced, statewide approach to traffic safety as it relates to commercial motor vehicles. This approach includes the identification of commercial motor vehicle traffic enforcement as a priority in 2015, the statewide delivery of the FMSCA's Large Truck and Bus Traffic Enforcement Training through the use of local law enforcement trainers, collaboration with the state's trucking associations and a commitment by Illinois law enforcement to participate in the 2015 Safe Driver Week in October. It is through these measures that Illinois law enforcement hopes to have an appreciable impact on the safety of our roadways.

| | |
|---|---|
| JANUARY | Occupant Restraint |
| FEBRUARY | Aggressive Drivers (in support of Aggressive Driving Awareness Month) |
| MARCH | Construction Zone/Scott's Law (in support of National Work Zone Awareness Month) |
| APRIL | Distracted Driving (in support of National Distracted Driving Month) |
| MAY | Motorcycle Safety (in support of National Motorcycle Safety Awareness Month) |
| JUNE | Pedestrian Safety (crosswalks, etc.) |
| JULY | Speed Awareness |
| AUGUST | Red Light/Stop Sign (in support of National Stop on Red Week) |
| SEPTEMBER | Railway Safety Violations (in support of Illinois Railway Safety Week) |
| OCTOBER | Commercial Motor Vehicle (in support of Operation Safe Driver Week) |
| NOVEMBER | Distracted Driving (Will rotate each year between Distracted, Impaired and Occupant Restraint.) |
| DECEMBER | Impaired Droving (in support of National Impaired Driving Month) |

Shortly thereafter, the ILACP formed a partnership with the ITEA. This partnership was crucial to the overall success of this endeavor. The ITEA had previously established relationships with the Illinois State Police (ISP) commercial vehicle enforcement division and with a number of trucking associations throughout the state. These relationships would prove valuable as the initiative was rolled out. First, it was important to establish that this training was limited in scope. In Illinois, only the state police have the authority to conduct full inspections of commercial motor vehicles. The ILACP and the ITEA wanted to make it clear to the ISP that this program, in no way, rose to the level of commercial vehicle inspections. Rather, the focus was on better preparing street officers to conduct traffic enforcement on commercial motor vehicles for violations such as speeding, occupant restraint and distracted driving. It was important to all involved that clear expectations were set from the beginning. Bryce Baker, the Executive Director of the ITEA summed it up when he said, "The Illinois Truck Enforcement Association is privileged to partner with the ILACP, the Illinois State Police and several carrier associations to bring authoritative training to police officers regarding the fair and reasonable enforcement of commercial motor vehicles violating traffic laws. The balance between safe operations and the vital economic need for trucking in Illinois is an attainable goal. Through this training program, police officers will not only take away a greater appreciation for the industry, but also the tools for a first class enforcement program."

Finally, the ILACP Traffic Safety Committee is planning to initiate a structured traffic safety awareness/enforcement campaign in 2016. This campaign is designed to engage law enforcement agencies throughout the state in an organized, coordinated traffic safety approach. The ILACP is asking every agency to use the attached table and to identify and target each specific traffic safety emphasis for the listed month. While there is no mandate to participate in this initiative, we are hopeful that our partner agencies will join us in supporting the awareness months listed and encourage their officers to focus on those areas of traffic safety identified each month. The Traffic Safety Committee will distribute relevant information preceding each month's campaign including specific violations, associated charges and educational information in an effort to simplify the process.

The ILACP is committed to improving the safety of the state's roadways. Our hope is that law enforcement agencies from across the state will become engaged, at some level, in a coordinated traffic safety campaign. We also hope that law enforcement executives in Illinois will continue to support and recognize that traffic safety programs are one component of an effective, comprehensive law enforcement operation. Leveraging resources to serve shared constituencies in cities, counties, and throughout the state can help improve the efficacy of our efforts aimed at addressing traffic safety and, ultimately, help to make our roadways safer. In addition, recognizing the benefits of partnerships will help us make progress on issues that previously seemed overwhelming. ■

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# INTERVIEW WITH THE CHIEF OF POLICE JERRY MITCHELL

## "Welcome to Peoria"

*By Chief Jerry Mitchell, Peoria, Illinois and*
*Dr. Marla Friedman, Board of Directors-Badge of Life*

**MWF:** In my experience, chiefs come from a variety of backgrounds. Do you remember what first attracted you to a career in law enforcement?

**JM:** While attending Bradley University, I was afforded the opportunity to intern with the Peoria Police Department. I really enjoyed the experience and my interest in law enforcement developed from there.

**MWF:** Do you have family members in the military or law enforcement?

**JM:** I do not.

**MWF:** So you were really taking a step out of your family's traditions to go the law enforcement route. Everyone remembers their favorite cop shows from their childhood; what were yours?

**JM:** Wow! A fun question! My favorites were Starsky and Hutch with Huggy Bear of course and Baretta.

**MWF:** I loved Baretta too. I was so disappointed when Robert Blake was indicted for murder. I think I believed too much in the character. I guess that's acting. What's your educational background?

**JM:** I graduated from Bradley University in Peoria in 1990 with a double major in Sociology and Criminal Justice.

**MWF:** Well you picked the perfect majors for the career you were about to embark on. Maybe your subconscious was a step ahead of you! What can you tell us about the City of Peoria?

**JM:** Peoria is a bigger city than most people think with a population of about 115,000. We are located in Central Illinois, almost half way between Chicago and St. Louis Missouri. Approximately 38% of the population is non-white. According to the census, women rule and that's true at my house, too!

We also have some claims to fame. We are the home to Caterpillar World Headquarters and the hometown of Richard Pryor. In addition to Bradley University, which has a strong academic reputation, we have a vibrant downtown riverfront area. We are also the home of the Peoria Chiefs baseball team, a class A affiliate of the St. Louis Cardinals. Personally, I'm a Chicago White Sox fan.

**MWF:** Hmmm… I'm a Northsider. Are you sure you didn't mean a Cubs fan? I'll let that slide. On the serious side, what kind of crime is most common in the city?

**JM:** Actually the most reported crime in Peoria is theft. The most reported item stolen, not surprisingly, is the cell phone.

**MWF:** Look at what is considered valuable now … a phone! Do you have any major unsolved homicides or missing persons cases?

**JM:** We do. There are several homicide cases that come to mind. In August of 2011, an 8-year-old boy was killed while he slept in his bed by a bullet that pierced the second story wall of his bedroom. Earlier this year, a 12-year-old-boy was shot and killed as he walked to a friend's house. Both cases remain open.

**MWF:** When children are injured or killed, the effect on the officer and the department can be devastating. A friend and colleague of mine, Dr. Anne Bisek, developed a program to help officers who are having difficulty dealing with the death of a child. She frequently is a keynote speaker on the topic and officers respond very positively to her trainings. Contact her at anne@doc911.net if needed.

**MWF:** What can you tell us about the make-up of your department?

**JM:** We have 224 officers and 28 civilian employees. The average age of a PPD officer is 40.5 years old. I mention that because the average age when I was hired was much closer to 48 years old. That was 25 years ago. We are a young department now. Our current set up is one chief, one assistant chief, three captains, eleven lieutenants, thirty-one sergeants, and one hundred and seventy seven officers.

**MWF:** What is your relationship to the community?

**JM:** That is really difficult to gauge and perhaps better answered by the community. However, we work hard everyday to make a difference. Peoria is a great place to live and raise a family. Our challenge, my challenge is to create a more positive relationship between the police department and the community we serve.

*Continued from page 27*

**MWF:** I think that would be echoed by most chiefs. How have recent negative law enforcement incidents effected how you deal with the community?

**JM:** It has made our work that much more important. I do not think there is a chief anywhere in this country that can predict when or where the next police/community related issue will happen, but it will happen. I task my team with this question: If you know that we will be involved in a police/community related issue on Saturday, does it matter what we do Monday through Friday? Mar, every day is Monday through Friday because inevitability, Saturday will come. So it does matter.

**MWF:** I like the way you challenge your department to think hypothetically and to realize that sometimes it's the luck of the draw, so let's be prepared everyday because you just never know. Have you had any backlash from the community?

**JM:** We are proud of the way our community has handled incidents in Ferguson, Baltimore, New York, etc. The community has held town hall type meetings to address their concerns, ideas, frustrations and experiences. We have also seen peaceful rallies across racial lines as well.

**MWF:** The department's protocol of having the town meetings is an excellent proactive approach. Catching things early always gives you more power in managing dangerous events. Still, how do you handle the press?

**JM:** With thick Central Illinois farm-worthy gloves! For the most part, our relationship with the local media has been good. I understand that they have a job to do and we try to balance the community's need for information with what we can legally disseminate or share without compromising an investigation.

**MWF:** That sounds like a workable relationship; you don't always see that in all cities. On another topic, do you have resources for your officers with mental health or addiction problems?

**JM:** We do. The City of Peoria provides resources and services for those in need.

**MWF:** That's good to hear. Would you be comfortable talking to your department about stress, PTSD, alcoholism and suicide?

**JM:** I would.

**MWF:** I think we need to sit and talk about the "Chiefs Lead The Way" program. You would be an excellent candidate! I'll check my schedule for a good time.

**MWF:** What kinds of training or continuing education are available to your officers?

**JM:** PPD officers receive yearly training in numerous disciplines, including: firearms, defensive tactics, CPR, crowd control, defensive driving, etc. I believe that officers will perform relative to the amount of training they have received. It is important that our high training standards, including at the recruit level, are not compromised due to budgetary issues or new State of Illinois mandates that can force out valuable training.

**MWF:** Chief, it has been an absolute pleasure interviewing you about your job and about the City of Peoria. Thank you for taking the time to talk with me, as I know how busy you are with all that you are responsible for.

**JM:** Mar, thank you for the opportunity and I look forward to speaking with you again soon. ■

**If you know of a Chief of Police in Central or Southern Illinois who would be a good candidate for the next "Interview With the Chief of Police," please contact Marla Friedman, Psy.D., via email at Booklight@att.net and 630-510-3966.**

# OUTSTANDING CITIZEN AWARDS

An Outstanding Citizen Award for 2014 was presented to Terri O'Neill-Borders of Lemont, IL by Lemont Chief Marc Maton and ILACP VP James Kruger, Chief of the Oak Brook PD.

Chief Greg Vesta of Wood Dale and ILACP President Frank Kaminski of the Park Ridge PD presented the Citizen Award Certificate to Drogos.

Wood Dale Police Department and the Illinois Association of Chiefs of Police honored Mr. Frank Drogos for his outstanding service as a citizen in their community in 2014.

ILACP President, Chief Frank Kaminski, presented a Police Medal of Valor Award certificate to Patrolman Shane Page of the Round Lake Heights Police Department for his heroic actions and extreme courage demonstrated in an incident during 2014. Officer Page was nominated by Police Chief John Roehlk.

The ILACP and the Metropolis Police Department honored two of their officers for outstanding law enforcement service in 2014. Sergeant Carl Manley and Officer Don Helm are shown with their families at the event to present them with the ILACP Life Saving Awards. On the far right is Metropolis Chief Harry Masse; to his left is ILACP VP Brian Fengel of the Bartonville Police Department, representing the Illinois Chiefs Association.

# 2015 MIDWEST SECURITY & POLICE CONFERENCE/EXPO

# AUGUST 18 & 19, 2015
# TINLEY PARK CONVENTION CENTER

# ILLINOIS TRAFFIC SAFETY CHALLENGE 2014-2015

## And the Winner is….

*By Scott Kristiansen, Director of the Illinois Traffic Safety Challenge*

The Illinois Traffic Safety Challenge Awards Luncheon was held on August 19, 2015, taking place during the Annual Police and Security Exposition (MSPCE) in Tinley Park, Illinois. Officers from all over the state came together to honor those agencies that were selected as having the best overall traffic safety programs in Illinois.

The Illinois Traffic Safety Challenge is an annual competition designed to recognize and reward the best overall traffic safety programs across the state. Similar sizes and types of agencies are judged on their local efforts to enforce laws and educate the public about the dangers of speeding and driving impaired as well as the importance of occupant protection. The winning safety programs combined officer training, public information and enforcement to reduce crashes and injuries within their jurisdictions.

The Challenge benefits drivers on the road, law enforcement, and civilians alike. It helps law enforcement come together through education, awareness, and high-visibility traffic enforcement to change the high-risk behaviors of motorists that lead to crashes. The program provides an incentive for law enforcement agencies to reach new heights and set comprehensive goals by identifying issues and developing programs to address those problems. Agencies can then share their successes.

In addition to the award recognitions, qualifying agencies are also eligible to win a fully equipped police vehicle, cargo trailer and thousands of dollars in equipment and education. This year we gave away almost $100,000.00 in equipment and training. Winners of this year's grand prizes were: 2015 Ford SUV – Kendall County Sheriff's Office; 14' Bravo Cargo Trailer – Downers Grove Police Department; $5000.00 Education Package from the Northwestern University School of Public Safety – Forest Park Police Department.

There's no denying that making the commitment to gather all of the data and information necessary to document your efforts in all of the target areas -- Policies and Procedures, Officer Training, Recognition, Public Information and Education, Enforcement and Effectiveness -- requires a good deal of work. The thing to consider when pondering whether or not the work justifies the possibility of reward is that even agencies that don't place in the top three in their category still take that critical step of examining everything that they do with an eye toward improving service to their community and the people traveling on Illinois' roadways.

New On-Line Application

In an effort to help make the application process easier, a new online application was introduced this year. While submitting a hard copy application is still an option, the new online format makes submitting an application as easy as pushing a button. Online applications comprised 56% of all of the applications received this year and 52% of the winning applications. You can find out more about the online application by going to the Challenge website at iltrafficchallenge.org and watching the tutorial video.

No article about the Challenge would be complete without thanking our sponsors, whose generosity and commitment to traffic safety help us to supplement our grant funding and make the quality and amount of prizes given away the highest possible.

| GOLD LEVEL | SILVER LEVEL | BRONZE LEVEL |
|---|---|---|
| IDOT – DTS | All Traffic Solutions | Ultra Strobe Communications |
| NHTSA Region 5 | Digital Ally | CMI |
| AAA Chicago | MPH | Kustom Signals |
| Whelen Engineering | Setina Manufacturing | |
| Laser Technologies, Inc. | Stop-Lite | |
| Northwestern University Center for Public Safety | Panasonic/CDS | |
| Suburban Accents | | |

Did you know that the Illinois Traffic Safety Challenge is the only program in the country -- state or national -- that gives every agency that makes the request a letter summarizing the judging team's commentary, good and otherwise? We pride ourselves on being the only program in the country that offers this service.

In addition to the feedback letters, "how-to" seminars are offered at no cost near the end of the year where judges spend about three hours going over the application step by step and offering examples of both what to do and what not to do. Agencies that take advantage of and use this information have a better chance of finishing in the money when their application makes it to the judging team.

Changing the way employees view the mission of traffic safety requires commitment, vision, and consistent actions on the part of an agency's leadership. Agency personnel must see that management is committed to making the changes required in policy, training, and other areas of the agency's operation. There must be a clearly communicated understanding of their traffic safety vision and what leadership expects to accomplish. Throughout the chain of command, actions must consistently reflect the value placed on saving lives through enforcement and education. There is no doubt that this year's participating agencies have made that commitment to traffic safety and saved countless lives this year.

The Challenge website is full of information on how to put together a winning application, special awards applications, sponsor information and video tutorials. For more information on the Illinois Traffic Safety Challenge go the Challenge website at iltrafficchallenge.org or contact Program Director Scott Kristiansen at (847) 456-2293 or kristiansenscott@aol.com

The Challenge is also on Twitter and regularly puts out Challenge and other traffic safety information. You can follow us at @ILTSchallenge. ■

# 2014-2015 Illinois Traffic Safety Challenge Winners

| Municipal 1-10 Sworn | Sheriff 1-25 Sworn |
|---|---|
| 1st – Atwood Police | No Entries |
| 2nd – Elwood Police | **Sheriff 26-50 Sworn** |
| 3rd – No Winner | 1st – Tazewell County Sheriff |
| **Municipal 11-25 Sworn** | 2nd – No Entries |
| 1st – Pingree Grove Police | 3rd – No Entries |
| 2nd – Hinsdale Police | **Sheriff 51-100 Sworn** |
| 3rd – Shorewood Police | 1st – Kendall County Sheriff |
| | |
| **Municipal 26-35 Sworn** | **Sheriff 101-250 Sworn** |
| 1st – Sterling Police | 1st – Winnebago County Sheriff |
| 2nd – No Winner | 2nd – No Winner |
| 3rd – No Winner | 3rd – No Winner |
| | |
| **Municipal 36-50 Sworn** | **Sheriff 251 +** |
| 1st – Forest Park Police | No Entries |
| 2nd – West Chicago Police | |
| 3rd – Lake in the Hills Police | |
| **Municipal 51-65 Sworn** | **State Police Districts** |
| 1st – Buffalo Grove Police | 1st – District Chicago |
| 2nd – Carol Stream Police | 2nd – District 2 |
| 3rd – Wheeling Police | 3rd – District 5 |
| | 3rd – District 15 |
| | |
| **Municipal 66-100 Sworn** | **Part-Time Only:** |
| 1st – Downers Grove Police | No Entries |
| 2nd – Crystal Lake Police | |
| 3rd – No Winner | |
| **Municipal 101 – 250 Sworn** | **College/Campus Police** |
| 1st – Arlington Heights Police | 1st – Benedictine University Police |
| 2nd – Evanston Police | |
| 3rd – Springfield Police | |
| **Municipal 251 + Sworn** | **Other Police – Park Dist/S.O.S. etc.** |
| 1st – No Winner | No Entries |
| 2nd – No Winner | |
| 3rd – No Winner | |
| **Multi-Jurisdiction Agencies** | **Championship Class** |
| No Entries | 1st – ISP District 14 |
| Bike/Pedestrian Safety: Grundy Co. Sheriff | 2nd – Grundy County Sheriff |
| Commercial Vehicle: Buffalo Grove Police | 3rd – Plainfield Police |
| Distracted Driving: Buffalo Grove Police | |
| Impaired Driving: Carol Stream Police | **Looking Beyond The Safety Belt Winners** |
| Occupant Protection: Carol Stream/Grundy Co | Municipal - None |
| Railroad Crossing Safety: Plainfield Police | County – Deputy Aaron P. Cory – Grundy Co. |
| Rookie of the Year: Rock Island Police | State Police – Trooper Ricardo Zarate – D5 |
| Speed Awareness: None | Chicago - None |
| Teen Driving: Tazewell County | IACP Judges Award: Arlington Heights Police |

# 2015 ILLINOIS TRAFFIC SAFETY CHALLENGE AWARDS LUNCHEON

Dwight Lockwood, Regional Program Manager, National Highway Traffic Administration—Region V

Chad Peterson, 1st Deputy Director, Illinois State Police, extended appreciation for the accomplishments to Illinois Traffic Safety.

Dan Kent and Steve Casstevens received 2015 Highway Safety Leadership Awards for their many years of service to the Traffic Safety Challenge program.

The Arlington Heights Police Department received the coveted Judges Award for 2014. Photo above includes members of the judging committee. Decision of the winner is confidential until the annual event.

Trailer awarded to second place Grand Prize Winning department: Downers Grove PD.

Grand Prize Ford Interceptor Package awarded to Kendall County Sheriff's Police. Third place $5,000 Education Credit to NUCPS went to Forest Park PD.

Among the event dignitaries was State Rep. Carol Sente (D-59 Vernon Hills).

The Tinley Park Police Color Guard presented colors at the Awards Luncheon and other events.

Law enforcement officers from across the state attended the annual awards luncheon.

Chief Steve Casstevens and the Buffalo Grove Police Department were awarded first place in their category.

Members of the Arlington Heights Police Department were pleased to be winners of the Judges Award.

The Grundy County Sheriff's Department received multiple awards.

Chief Carol Lussky receives award for the Pingree Grove Police Department.

Excitement mounted and winner of the First Place Grand Prize SUV was the Kendall County Sheriff's Department.

Chief Ron Potthoff and the Sterling Police Department were first place winner in their category.

Downers Grove Police Department was among the first place winners; Chief Bob Porter holds their award.

Chief John Konopek and the Plainfield Police received a Railroad Crossing Safety Award.

Chief Edward Sailer and the Carol Stream Police Department were among multiple award winners.

Chief James Black and the Crystal Lake Police were among the second place winners.

# WELCOME OUR NEWEST 2015 ILACP MEMBERS

*(Added since publication of Summer 2015 Command issue)*

**ACTIVE MEMBERS**

| City | Full Name | Title | Agency Name |
|---|---|---|---|
| Collinsville | Evans, StevenR. | Chief of Police | Collinsville Police Department |
| Chicago | Hunter, Michael | Director, Safety & Security | City Colleges of Chicago |
| Elmwood Park | Fagiano, Frank | Chief of Police | Elmwood Park Police Department |
| Island Lake | Sciarrone, Anthony P. | Chief of Police | Island Lake Police Department |
| Matteson | Jones, Michael B. | Chief of Police | Matteson Police Department |
| Mount Vernon | Deichman, Chris F. | Chief of Police | Mount Vernon Police Department |
| Normal | Petrilli, Stephen A. | Asst. Chief of Police | Normal Police Department |
| Orland Park | Guerra, Laura L. | Commander | Orland Park Police Department |
| Park Ridge | Mellema, Duane E. | Commander | Park Ridge Police Department |
| Sesser | White, Ryan S. | Chief of Police | Sesser Police Department |
| Streamwood | Heckermann, Constantino | Sergeant | Streamwood Police Department |
| Willow Springs | Kokkinis, Peter A. | Chief of Police | Willow Springs Police Department |

**ASSOCIATE MEMBERS**

| City | Full Name | Title | Agency Name |
|---|---|---|---|
| Chicago | Dr. Myra D. West | Licensed Clinical Psychologist | MD West Private Practice |
| North Aurora | Dr. Kristy McKiness | Executive Director | KM Institute LLC |
| Springfield | Noblet, Ashley C. | Law Enforcement Liaison | IDOT/Division of Traffic Safety/ILACP |


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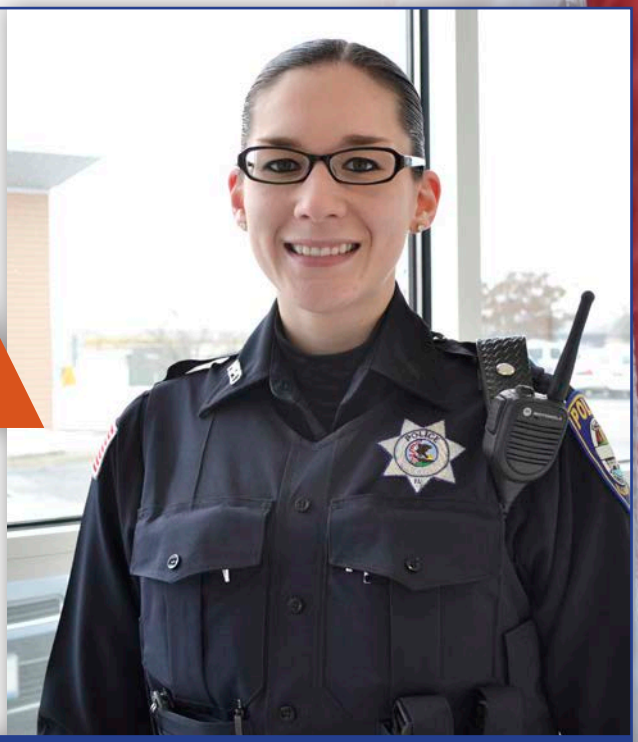

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# AN OVERVIEW OF CAMPUS LAW ENFORCEMENT

*by Chief Pat O'Connor CPC*

The first shots fired by Whitman from the tower's outer deck came at approximately 11:48 a.m. August 1st 1966. When the day ended, 16 were dead and 32 others were injured. This was the day that universities and colleges across the country recognized they were not the haven of safety and serenity as they had always been thought they were. In effect, they were an obvious target. Therefore, with the "Texas Tower" shootings incident at the University of Texas at Austin, schools started looking toward changes in their perceptions of Campus Police and what they should expect from those forces that served within them.

Historically, colleges and universities looked at campus law enforcement as a necessary evil. You need them to open buildings, deal with drunken students and find lost property; but they shouldn't really arrest people. With the advent of the 70's and the returning Vietnam Vets, we saw an influx of non-traditional students entering colleges and universities on the GI bill, some of those had suffered or still suffered from PTSD or other mental health conditions. The traditional campus security officer had neither the training nor the ability to deal with these more complex issues.

With this evolution of the student makeup of our universities, most schools relied on local police to augment their security departments. School administrators soon found that local police did not have the time or the patience to work with the vast array of student issues and for the most part, they were only called in for serious situations.

We have found that Universities and Colleges throughout the county spent the 80's and 90's evolving their police forces to units that were proactive models of "Community Policing on Steroids". Gone, was old Uncle Larry with his flashlight and key chain; more and more we saw an evolution of engaged forces who understood the needs of the institution and were a resource to students. As these forces evolved, we have seen the larger school units become accepted by their municipal brethren as partners in modern policing.

Campus policing today requires an understanding of federal Title IX, Clery, FERPA, Violence Against Women Act, and campus threat assessment concepts. They are at the forefront of reporting those students who are clear and present dangers to the campus and their communities. They have become a resource for staff, faculty and students dealing with domestic violence or stalking issues. They are the department of choice for many who feel uncomfortable walking into a large municipal department or Sheriff's office; but are still in

*Continued from page 37*

need of help. They are the officers you see in the halls or on patrol around campus, the ones you say Hi to each day as you walk into your buildings or work place.

College and University Administrations have felt the sting of Departments of Ed investigations when they have tried to suppress crime on campus reports and those enlightened school administrators recognize support for their campus police efforts are the best PR move a school can embrace.

The profile of campus officers in Illinois has changed over the years and many campuses are made up of very experienced veteran officers who have retired from other agencies with a mix of younger officers just starting their careers. In a report from the Bureau of Justice, campus police departments and their capabilities were described as "Campus law enforcement officers patrol colleges and universities, providing a quicker response time to incidents on campus than local police, and offer campus-specific services not necessarily available from local policing organizations"

Campus officers have to be able to deal many of the same day-to-day tasks a municipal officer would, while understanding that customer service is their primary function. As a campus officer, you are responsible for the safety of thousands of other people's kids; as well as all those persons who are your coworkers that depend on you for their safety each day.

I was hired as a campus chief after 34 years of municipal policing in several agencies; just between the Virginia Tech and Northern Illinois tragedies. I quickly learned the terms of FERPA and Threat Assessment team. I developed response policies, disaster plans and learned about required timely warnings, along with all the state and federal requirements we live with each day.

I had learned as a former municipal chief, how much I did not know about campus law enforcement only when I started as one. As I write this article, I realize what specialized world campus law enforcement has become. These officers have to have that special touch with staff and students, but still be able to turn on the switch in a moment's notice, becoming that tactical response guy that all expect them to be. While the pace in slower and crimes are less, the expectations get higher with each tragedy we see. The Secret Service in a report published in 2004 indicated most Active shooter situations last between 3 and 7 minutes; virtually no time for a local department to respond effectively.

At approximately 10:20 p.m., on April 18th, 2013 police received reports of shots fired on the MIT campus. A postdoctoral student working in Building 76 called the MIT Police to report loud noises, possibly gunshots. Just before that time, MIT Officer Sean A. Collier had stopped and checked out a suspicious occupied van. He was well aware of the chaos in Watertown, just miles away from the MIT campus. He took up a position to observe traffic moving through campus and just shortly after he parked, the two Tsarnaev brothers saw him and needed another gun. They snuck up behind his squad car and shot him point blank in the back of the head…within two hours one brother was dead and the other in custody. They were never able to get his weapon.

An email from Stephanie Birkhimer circulated on dormitory mailing lists: "I'm wearing black tomorrow in memory of the MIT officer who was killed tonight, and I invite you all to do the same. That could have easily been any one of us, and I'd like to show some respect to him for protecting us, and mourn the loss of a member of our community." Hundreds of students across the MIT campus did the same.

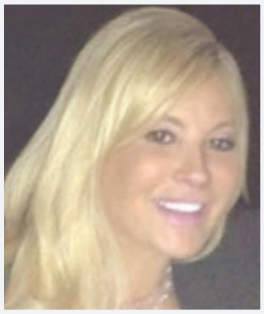
There are two Campus officers listed on the Illinois section of the Line of Duty Death web site. Each day we recognize more and more that the front lines of crime are drawing closer and closer. There have been a reported 36 school shootings in the US since Columbine in 1999. Most colleges and universities house the largest daytime populations within their respective communities. With the continued cuts to our mental health systems in the US and the ever-growing terror threats against our public institutions, campus administrators are dealing with problems they would have never thought they would face. Today, Campus Police Chiefs nationally plan for the "when" not the "if"... ■

**Written -May 2015 - for the IL Crime Commission Publication by Chief Pat O'Connor CPC, President of Illinois Campus Law Enforcement Administrators Association, Past President of Illinois Association of Chiefs of Police (2010-2011) and Illinois Campus Threat Assessment Trainer.**

# ASSISTING CHIEFS IN MAKING A DIFFERENCE FOR THEIR OFFICERS

## Managing Critical Incidents

*By Dr. Robin Kroll*



*Dr. Robin Kroll*
*Clinical Psychologist*

Officer O' Neil and his partner were patrolling their beat when they received report of a homeless individual causing a disturbance in front of a local business. Arriving at the scene, the officers approached the man. Assessing the situation, they determined that the individual was suffering from a mental illness. They searched his clothing and found only scraps of garbage and other meaningless items in his pockets. The man became hostile and a struggle ensued. The officers quickly gained control of the situation, cuffing the suspect and placing him in the back of the squad car before heading toward the station. Seconds later, Officer O'Neil noticed his partner's face had turned pale, with his eyes wide open and jaw dropped. Officer O'Neil turned to the back seat and, in disbelief, watched the man pull a gun from inside the back of his pants, clasp the weapon in his restrained hands, and position himself to take aim.

All Officer O'Neil saw was the flash of the muzzle. He and his partner jumped out of the squad car, which continued to roll until it hit a street pole. They returned fire. Officer O'Neil shot and killed the offender.

Disoriented by the commotion and ringing in his ears, and feeling dazed, Officer O'Neil sat on the curb as backup arrived. Something didn't feel right. His lower back throbbed. The pain worsened.

**He was shot.**

The ambulance took Officer O'Neil to the hospital. By the grace of God, the bullet had miraculously only grazed him. Although he was bruised, he was released the next day.

Up until this point, Officer O'Neil had a charmed 23-year law enforcement career. He had never taken a life. Officer O'Neil was a man of faith, and killing went against his belief system. He couldn't get over the fact that he had almost lost his life and that his children were very nearly fatherless. Officer O'Neil felt vulnerable for the first time….

Critical incidents can have a significant impact on officers. A critical incident is characterized as any event causing emotional distress according to the National Police Suicide Foundation.

Some of the most impactful critical incidents include the following:

- Events involving children
- Officer-involved shootings
- Suicide of a colleague
- Line-of-duty deaths
- Serious line-of-duty injuries
- Natural or man-made disasters and multiple casualty situations
- Accidental killings
- Prolonged incidents
- Receipt of personal threats, with concerns of retaliation
- Excessive (and often negative) media attention

**What should officers and police agencies should know about critical incidents?:**

Officers should know that it is normal to have emotional, psychological, and behavioral reactions following an incident. Fellow police officers and agencies need to support those involved in a critical incident by removing any stigma associated with seeing a qualified professional. It should be emphasized that attendance at debriefing or counseling sessions does not constitute disciplinary action. Rather, these measures are intended to assist officers through the experience, not punish them. In fact, research suggests that officers actually find it helpful to attend a debriefing or speak with a qualified clinician.

Officers should know that it is beneficial to utilize peer support or police chaplains, as these programs are set in place to be of assistance in times of need. Sharing feelings with family members will help in relating the officer's perspective and prompt more profound emotional support.

Officers should know that a wide range of reactions to an abnormal situation is normal. Physical, emotional, and behavioral reactions can include:

- Flashbacks of the event
- Sadness
- Fear
- Anger
- Low tolerance, agitation, negative emotional response (both to the public and their department)
- Becoming overly judgmental
- Guilt
- Insomnia
- Changes in appetite
- Sluggishness and inability to focus

*Continued from page 39*

- Increased absenteeism
- Loss of productivity
- Decay in personal care
- Feelings of hopelessness and helplessness

Officers should know to pay attention to proper sleep functioning. It is best not to self-isolate, but rather use positive support systems. Alcohol use should not be increased. When supporting a fellow officer involved in a critical incident, it is better to go out for coffee or a meal than the local cop bar.

Officers should know not to engage in activities that involve over-stimulation, such as large crowds, concerts, festivals, or even large family outings. Keeping surroundings calm will help reduce a heightened state of arousal. Remaining near healthy support systems and familiar, comfortable places is better than running off on vacation when officers don't feel like themselves. Healthy diet and exercise, as well as taking care of their bodies, will alleviate elevated stress for officers.

Officers should pay attention to delayed reactions from an incident - it happens. Special attention should be paid to anniversary reactions: officers sometimes don't even consciously recognize why they are struggling emotionally. If you know a fellow officer is struggling with an anniversary of a critical incident, lend them support and be mindful of their vulnerability to react. Don't call fellow officer names like "shooter" or "killer"- this can have a negative effect and cause unnecessary guilt or shame.

It's important to know that adequately addressing a critical incident can avoid more severe and chronic problems, such as PTSD.

### How can agencies help officers involved in a critical incident?

It is beneficial for agencies to have a protocol in place for officers involved in critical incidents. Preparations such as having a designated person or unit to come to the immediate aid of the officer will mitigate confusion during a crisis. Departments should maintain the proper, updated reading materials and handouts to provide the officer. This should include appropriate referrals and resources and other support systems such as EAP, Peer Support contacts, Police Chaplains, etc. Officers will find these useful when they return home and begin processing the event. Make certain the officers' personal information is updated, and that the agency has the appropriate family contacts on hand. Officers should be given time off of work following an incident - generally one week minimum is advisable.

### How can officers help themselves?

It is important to remember that we all have a gratitude list. Create a list of all the things in your life that you are grateful for. Make it the first thing you look at when you wake up and last thing you read before you close your eyes at night. Be patient - healing from an emotional experience can take time. It may take up to a month for your symptoms to subside. Do not set goals that are too overwhelming. Keep them short and manageable so you can experience success.

Keep in mind, the more you speak about your feelings, the faster you will heal. You spend your career coming to the aid of others, and you deserve to let others assist you…

"Anything that's human is mentionable, and anything that is mentionable can be more manageable. When we can talk about our feelings, they become less overwhelming, less upsetting, and less scary. The people we trust with that important talk can help us know that we are not alone."

– Fred Rogers of "Mr. Rogers' Neighborhood"

Be Safe ■

**Dr. Robin Kroll is a Clinical Psychologist in independent practice with offices that serve Chicago as well as suburbs in Cook and Lake Counties. Dr. Kroll is the Director of Interventions and specializes in Police and Public Safety. Her concentration includes working with police officers in individual, group, and family therapy for issues related to addiction, mood disorders, work related matters, and Post Traumatic Stress Disorder. Dr. Kroll speaks at police and public safety conferences and implements stress management workshops for law enforcement agencies. Dr. Robin Kroll's Brave Programs include PAD, a free dual diagnosis group program for officers with addiction and other co-occurring issues, and PEP (Police Exposure Program) for officers involved in a critical incident or who have PTSD.**

**Dr. Robin Kroll, Psy.D.**
Director of Law Enforcement Interventions
**BRAVE:** A program dedicated to officer wellness

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# Illinois Association of Chiefs of Police

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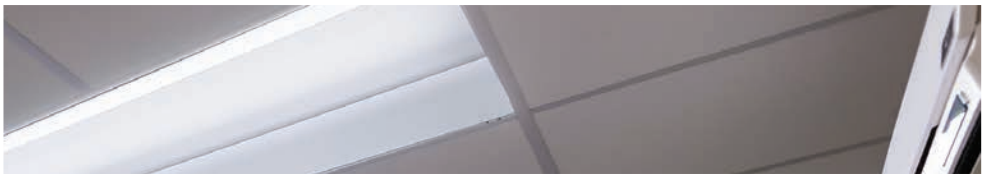

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