

**MARCH 2019**  
Volume 29 Issue 1

# COMMAND

The Official Publication of the Illinois Association of Chiefs of Police



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# COMMAND

The Official Publication of the Illinois Association of Chiefs of Police  
426 S. Fifth Street, Springfield, IL 62701  
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Volume 29 Issue 1 • March 2019

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**On the Cover:** The entire College of Lake County Police Department is proud of being the first sworn community college PD in the nation to receive international and state-level accreditation. Led by Chief Tom Guenther, seated in the white shirt, the department has 19 sworn officers and 12 civilians. An inside look about the department's journey through the ILEAP assessment process begins on page 13.

★ ★ ★

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## 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:

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## FROM THE PRESIDENT CHIEF BRIAN FENGEL – BARTONVILLE PD

### HIGHLIGHTS OF PAST YEAR: *DOWNSTATE ENGAGEMENT, 10 SHARED PRINCIPLES, AND LEGISLATIVE PROWESS*



This marks my last article as your president. First and foremost, I would like to thank Ed Wojcicki, our executive director, for his outstanding commitment and dedication to moving this association forward in a positive direction. Second, I would like to thank the past and present board members who I have worked with over the years. They have been mentors, sounding boards and true leaders in this profession and have a passion for professional law enforcement. Additionally, I would like to thank the nearly fourteen hundred ILACP members

who have entrusted me with this role. Being your president has been a highlight of my 30-year law enforcement career.

We have continued to engage our downstate chiefs in making the association stronger and giving representation throughout the state. We scheduled a Board of Officers reception at the 19th Annual Southern Illinois Criminal Justice Summit in Effingham on February 26. This was the first time that our Board of Officers scheduled a meeting at this event, and we did so to listen to the concerns of southern Illinois law enforcement leaders. I hope the bonds grow stronger among all of us statewide in the years to come. I would like to thank the Southern Illinois Police Chiefs Association in our continued working relationship.

It has been an extremely busy year for the association. We have been working very hard and continuing our efforts in bringing the 10 Shared Principles – our agreement with the NAACP Illinois State Conference – up and down the state, so that we can bring law enforcement and the community closer together. Since 2016, a total of 320 people signed in to the nine World Café gatherings in Bloomington, College of Lake County, Hampton (Quad-Cities), University Park, Champaign, O'Fallon, Carbondale, Springfield, and Galesburg. I made a commitment to the state NAACP that we could continue this work throughout the communities we work and live in. As of today, 117 departments and one organization have adopted the 10 Shared Principles and to highlight our efforts, we are planning a World Café Summit to discuss how to take the next steps, go deeper into these principles, and continue implementing them. Some keys takeaways from these meetings are:

- Chiefs must take the initiative;
- We are community. Stop saying “us vs. them”;
- Police need to have internal dialogues;
- Build better relationships with the media with shared messages;
- Communication and relationships are critical;
- Legitimacy issues: Black communities wants good quality professional policing. The police response: So do we!
- Honest dialogue is needed;
- Change evaluations of officers;
- De-escalation is a two-way street, because everyone is accountable;
- Reduce barriers to hiring.

I am pleased to say that new Lt. Gov. Juliana Stratton, who was working in UIC's Center for Public Safety and Justice and was the facilitator for our first four World Cafes (Bloomington, Hampton, Grayslake, and Champaign), has agreed to facilitate our World Café Summit in Peoria. We would like to thank her for the time she has helped the organization and for her continued support. She has a critical role in the Pritzker Administration as the leader of the new Justice, Equity, and Opportunity Initiative.

As I have said in previous articles, legislative affairs are a priority for this association and during my year as president. In the General Assembly session that just ended, more than 9,600 bills were filed, and in the first month of this new session, nearly 6,000 bills were filed. That's overwhelming, but we have made great strides working with our law enforcement partners such as the Illinois State Police, Illinois Sheriffs' Association, and the Illinois State's Attorneys Association. Working with these organizations as a whole we have a louder voice than working on them by ourselves - working on bills that are important to us as law enforcement in general. I know sometimes it seems that we get inundated with bills that will affect us, but I can assure you that our Legislative Committee led by Chief Marc Maton of Lemont and our lobbyist, John Millner, are on top of these bills to fight for what we believe in and they put hundreds of hours in reading bills, going over bills and sending them out so we can review them. We have made great strides this year with the bills we have been following and will continue to follow. Plus, we have added a former Illinois Senate communications staffer, Sherrie Phipps, to our full-time staff to help track legislation. And for the first time, in February, our Legislative Committee conducted a simultaneous videoconference in O'Fallon while meeting in Oak Brook. We had good attendance in both locations. Thank you to everyone who participated. We will continue to do this as we move forward.

As an association, we continue to be fiscally responsible and we are constantly watching our finances. We have been and will continue to be financially responsible and viable in the future, as ILACP accountability is one of the main selling points to our members and prospective members. We continue to have a great report from our auditors, as we continue to enjoy diverse sources of revenue.

I would like to encourage all the departments throughout the state to get involved, be involved and help the association move our priorities forward. This association has helped me grow throughout my law enforcement career. I look forward to working with the incoming president, Chief Steve Stelter, in the coming year and servicing the ILACP any way I can. My goal is to give back to the association that has given so much to me. I appreciated your trust and support throughout my term and look forward to working with you in the future. I hope to see all of you at the April conference in Oak Brook. ■



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Lemont PD	U of I-Urbana PD
Macomb PD	West Chicago PD
Morton Grove PD	





## CANNABIS, FELONY THEFT TO \$2,000 AMONG TOP ISSUES

### LOBBY DAY SET FOR APRIL 10 IN SPRINGFIELD

By Ed Wojcicki

Executive Director, Illinois Association of Chiefs of Police



When our Legislative Committee met on February 15, it was the same day as the deadline for filing bills for the spring session of the Illinois General Assembly. Our committee chair, Chief Marc Maton of Lemont, led the discussion on reviewing bills and recommending our positions. Then the committee talked about which bills should be our priorities this session.

We came up with a **Top 5**, followed by other high-priority issues. The reason for a top five is that we cannot put 100 percent energy into a hundred bills. So as the chaos of a legislative session intensifies and we get pulled in many directions, we always keep focusing on the top priorities.

The Top 5 can change between February and May if additional critical issues pop up or one or more of the top five issues is resolved early.

#### TOP 5 ISSUES

##### HB 1614 – OPPOSE

This would raise the threshold for **felony theft** or retail felony theft from \$500 to \$2,000.

##### SB 7 – OPPOSE

This would legalize **recreational marijuana**. The exact language of the legalization bill is still a work in progress, and the ILACP Board of Officers has agreed to maintain strong opposition.

##### SB 120 – SUPPORT

**Public Duty Rule** codification. It provides that a local governmental entity and its employees owe no duty of care to individual members of the general public to provide governmental services. This is also supported by the Illinois Municipal League.

##### SB 239 – OPPOSE

This would increase the **age of a juvenile to 21**. Terrible idea for many reasons.

##### SB 1139 – SUPPORT

Extend **eavesdropping exemption** for law enforcement for five years; we would like to make it permanent and not have to keep extending this exemption.

#### OTHER HIGH-PRIORITY ISSUES

SB 243 – Our License Plate Reader bill. SUPPORT.

SB 1106-1112 – Pensions and pension consolidation. OPPOSE AS NOW WRITTEN.

SB 1216 – Penalties for acting in bad faith in response to FOIA. OPPOSE.

SB 1258 – Overdose reporting. SUPPORT.

HB 21, 40, and 186 – Terry stops

HB 152 – Police Disciplinary Complaint Act. OPPOSE.  
(we want it sent it to Commission on Police Professionalism first)

HB 217 – Prohibit criminal history in college admissions. OPPOSE.

HB 909 – Child Advocacy Center bill. SUPPORT.

HB 927 – Automatic expungement. OPPOSE.

HB 1613 – Extension of data collection. OPPOSE.

HB 1616 – Arrest and three phone calls. OPPOSE.

HB 2110 – Describes when use of lethal force is permissible. OPPOSE.

Our committee has reviewed dozens of other bills in addition to those, and those are the ones that have risen to the top. Other issues we are looking at include a

body camera rewrite and minor regulation of drones so that law enforcement can use them and train with them.

Because this is a fast-moving process, we will regularly provide new information in Legislative Updates via email and on our website. Go to <https://www.ilchiefs.org/2019-priority-bills>.

#### VIDEO OF THE MONTH

Watch for a new feature we're rolling out this year – a Video of the Month. If a picture is worth a thousand words, then a video can communicate a thousand times more effectively. People like good, short videos. Our staff member Sherrie Phipps will be putting those videos together and sharing them with members and posting them on social media. And they'll all be available on YouTube. So look for them on our website ([www.ilchiefs.org](http://www.ilchiefs.org)), social media, and YouTube.



ILACP recognized three people on February 15, 2019, for their assistance last fall in modifying the Illinois Juvenile Expungement Law. From left are attorney Jim Rhodes, former Downers Grove PD records manager Tracy Adams, attorney Jeff Stein, and Chief Marc Maton.

#### LOBBY DAY – APRIL 10

Our annual Lobby Day is set for April 10, 2019. We start with a briefing/updates at 10:30 a.m. at the Sangamo Club, 227 East Adams, Springfield, with plenty of free parking there, and just two blocks from the Capitol. We will have a fact sheet with our priorities. We will discuss these priorities – and other issues – and then have lunch before heading to the Capitol. We will provide you with specific, easy-to-follow instructions on what to do once you get to the Capitol. We need to be more visible to the legislature, and it's far better for your representatives to see you than to see our lobbyist or someone from an association office. They really care what you think; so please let them know, and let us know what tools we can give you to make the communication better.

As mentioned above, you can look on our website any time for our current positions on issues, along with a brief reason why. Go to the Legislative menu item on our home page, and then select the drop-down item called 2019 Priority Bills. This will be updated regularly.

On April 10, after spending time at the Capitol and the adjoining Stratton Building in downtown Springfield, we will gather at 5:30 p.m. for our Legislative Reception at the Abraham Lincoln Hotel, 701 East Adams Street. Enjoy the food and beverages, the camaraderie, and mingling with legislators.

You don't need to be an expert to do this. You just need to be yourself – a law enforcement leader in your community, which is what you are, and who legislators need to hear from.

The Top 5 list on this page can also become your fact sheet to share with officials in your own community, in their own offices. If we're all talking about the same bills throughout the state, the cumulative effect is very powerful. So know you're not doing this all by yourself. You're doing it for all of law enforcement in Illinois. ■

*Ed Wojcicki*



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Westchester Police Department,  
as ILACP's 71st President  
Friday evening, April 26, 2019



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## A CASE STUDY IN COMMUNITY POLICING

### O'Fallon Chief Eric Van Hook named Illinois Chief of the Year for 2019



**SPRINGFIELD** – O'Fallon Police Chief Eric Van Hook has been named the 2019 Chief of the Year by the Illinois Association of Chiefs of Police. The award is for leadership in his community, leadership in his own police department, and service to the association. ILACP is a 1,300-member organization representing more than 450 agencies in Illinois.

Van Hook will receive the award April 26 during the association's Annual Awards Banquet in Oak Brook, Illinois. He was selected by the association's Board of Officers from a strong pool of nominations from different parts of Illinois. "Chief Van Hook is highly regarded as a law enforcement leader in the Metro East

and now, throughout the state," said Ed Wojcicki, the ILACP Executive Director. "It was impressive to read letters of support from a diverse variety of O'Fallon community leaders. He is proactively addressing every major issue facing law enforcement today, including community policing, recruiting minorities, active shooter training in schools, officer wellness, and building relationships of trust. His leadership is as solid as it gets in Illinois law enforcement."

Van Hook has been the O'Fallon chief since 2013. He started his career in O'Fallon in 1990 and left for 15 months in 2012 to serve as police chief in neighboring Collinsville. Then he returned to O'Fallon and manages not only the police department, but also the City Fire Department and the Department of Emergency Medical Services. The O'Fallon Police Department has 50 full-time sworn officers and 31 civilians such as telecommunicators, records clerks, and Community Resource Officers.

#### Among Van Hook's accomplishments cited by the Illinois Chiefs:

- ★ Creating and/or promoting many opportunities for citizens to interact with police:
- ★ The Citizen Police Academy and Senior Citizen Police Academy, as well as a Youth Police Academy and Explorer Post.
- ★ Coffee with a Cop and Cones with a Cop (similar to Coffee with a Cop, but with ice cream); as well as Cops N Kids (Shop with a Cop), which is funded and facilitated by FOP Lodge 198.
- ★ Pop Up Bar B Ques, an innovative, well-received program that takes the O'Fallon Police Department into some of its underprivileged neighborhoods. The officers show up with a grill and cook hot dogs and burgers for the entire neighborhood. Officers and the chief serve dinner and interact with the residents by having conversations about their neighborhood or playing catch with the kids.
- ★ Night to Unite Event (formerly National Night Out).
- ★ Active shooter presentations and training for schools, businesses, and churches, and 911 Education classes in elementary schools.
- ★ Raising tens of thousands of dollars for Special Olympics Illinois and the Law Enforcement Torch Run by participating in the Polar Plunge, the Torch Run itself, and other fundraisers coordinated at the state and local levels, and developing great relationships with Special Olympics athletes.
- ★ Engaging in quarterly meetings with the local leaders of the NAACP and signing the Ten Shared Principles designed to build bridges between law enforcement and communities of color.

- ★ Assigning two members of his command staff to the Illinois Chiefs' Legislative Committee.
- ★ Service on regional law enforcement groups such as the Major Case Squad of Greater St. Louis, the Southern Illinois Law Enforcement Commission (SILEC), the Metropolitan Enforcement Group of Southern Illinois, and Southern Illinois Police Chiefs Association, where he served as president in 2017. He also has developed relationships with the nearby Scott Air Force Base and works with two nonprofits where he advises on the National Guard Youth Leadership Program.
- ★ Creating an officer wellness program that includes yoga classes and a forthcoming Peer to Peer counseling program.



Chief Van Hook participates in the Polar Plunge. He and the O'Fallon Police Department are huge supporters of the Special Olympics and Law Enforcement Torch Run.

"I have been to many SIPCA events in the past two years, and Eric always stands out as one of the great leaders," said ILACP Vice President Dan Ryan, chief of police in Leland Grove. "People throughout the state should be proud of the progressive law enforcement activities that are common in the Metro East area."

Gary Graham, the retired O'Fallon mayor who promoted Van Hook to chief, said of him: "Every once in a great while a person shows up in a community and makes a truly positive difference, the kind of difference that people note and talk about for years. ... Eric Van Hook is one of these people."

Van Hook has a bachelor's degree in criminal justice from Sterling College and a master's in human resource development from Webster University. He and his wife Laura have four children and three grandchildren. ■



The O'Fallon Police Department hosted a World Café with ILACP and local African American leaders on December 12, 2018. Chief Van Hook meets with NAACP leaders on a quarterly basis.

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# 3 KEYS TO LEADERSHIP

## One Chief's Perspective

By Chief Steven J. Vaccaro



Have you, as a current or prospective police chief, ever been asked how you manage your staff? Have you ever evaluated your own management or leadership style?

Six years ago, when I began interviewing for a chief of police position, each interview panel asked a very similar question regarding how I "managed" my people. In each case, I would ask in what context they were referring. The reply was analogous for each panel, and the clarifying question was simple: "What is your management style?"

My reply revolved around managing situations, not people. In clarifying my response, I described some of the situations that we as police chiefs often, or plausibly, could encounter. I explained that we regularly shift our management styles in order to manage situations, including everything from what we believe to be minor in nature in our individual organizational schemes, to situations that may have a long-lasting impact on our communities. The culmination of my response revolved around leading the organization through involvement and by example, and not by locking myself in to a certain management style or how my employees should be managed. Now, six years later, I have been asked about my perspective on leadership. With all of the great leaders that surround me in the Illinois Association of Chiefs of Police, what I have to offer is what I have learned from other leaders and from my own mentors. I often reflect on selected readings and the leadership principles that have I have been able use effectively. Although not all inclusive, three keys to successful public safety leadership, in my opinion, revolve around:

1. Visibility and engagement,
2. Employee development and empowerment, and
3. Putting round pegs into round holes.

### Visibility and engagement

First, involvement or "visibility" within the organization will have a marked influence in how you are perceived by others. In the 1960s, management guru Peter Drucker coined "Management by Walking Around," or MBWA. Then, the concept was famously practiced by the leaders of Hewlett Packard and popularized by Tom Peters and Bob Waterman in their best-seller, *In Search of Excellence* (1982).

The concept is not to simply be visible or walk through your facility for no other reason than to be seen. I have witnessed many "bosses" walk the hallways with no objective, no focus and certainly no engagement. The crux of MBWA is to communicate with and engage your staff. Engagement should ultimately include every employee. Ask questions

that will spur thought and solicit productive input. Openly accept inquiries and feedback. Challenge your employees in order to make them better service providers, but also to make them an integral part of your organization. Invite them to be part of a discussion or decision. The ability for you to be available and open to your staff does a great deal to dispel the myth that the chief makes independent and uninformed decisions from "the corner office." Do you want to take MBWA to the next level? Show your staff that you are a part of their team. Handle a walk-in complaint (but nothing too complicated – please). Show up on a crash and ask how you can help. Ask your staff questions involving their daily interactions. Show each employee that you are willing to do what you ask them to do by your actions – not by words alone. In the end, leadership is not telling people what to do.

### Employee development and empowerment

Second, being paramilitary in nature, we quite often direct our employees when they ask how they should address a specific situation. In some cases, we provide clear direction without further inquiry by us or explanation from them. Although difficult to believe, the majority in our profession are Type-A personalities. We like to shine; we like to thrive. We have a tendency to show others that we have the answers – and quickly. However, as leaders we are sometimes too eager to provide "the right way" for our employees rather than provoking thought and buy-in from them. This does nothing for employee development. This does not foster empowerment and buy-in. If our employees rely on us to provide answers to the easy questions, what happens when they are required to make a critical decision and you or their supervisor is not immediately available?

Employee development begins with what our parents always told us was not proper etiquette: answering a question with a question. We should be asking our employees what they think they should do; how they believe that they should proceed. Challenge them to come up with their own solutions and even if it is not the way that you would handle a situation (presuming that their proposal is not completely off the tracks), let them try it. There is much to be said about failing and learning from failure versus not trying at all and learning nothing.

"Failure is success in progress," Albert Einstein said. In the book *It's Your Ship; Management Techniques from the Best Damn Ship in the Navy*, Captain D. Michael Abrashoff shares his leadership transition and how employee development and empowerment led to the unparalleled success of his ship and crew. Let your employees be involved. Actively listen to their input. When they fall and skin their knees, pick them up and brush them off. Let them make their own decisions. Challenge each to develop solutions and alternate solutions. Involvement in the decision-making process will lead to better employee development, empowerment and a higher degree of confidence in making critical decisions should they be required to do so. Make your ship their ship.

### Identify what each one can offer

Finally, I recently had a discussion with a mentor and very close friend of mine regarding generational issues, officers who are less productive/



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motivated than we would like them to be and general staff shortcomings. I reverted to my early years as a sergeant, when most of us were judged by numbers on a sheet of paper. Somebody higher on my food chain judged our street officers by numbers each month. How many traffic stops were made? How many tickets were written? How many arrests were initiated? We had informal "challenges" to motivate our officers to see who could do the most (without regard to quality, I might add) and I am fairly confident that as supervisors, we all judged our employees solely by their production at one point in our careers. In my opinion, this resonated a huge failure on my part to lead.



Rikki Kirsch posted this on LinkedIn on January 11, 2019 and said: "Today was the day that I raced Steven Vaccaro at Accelerate indoor speedway. I had so much fun racing him and winning too."

One day I considered evaluating each individual for what I thought each had to offer to the organization. What I found was that each individual had a unique talent and the desire to do something different, but all had the potential to contribute to the organizational success in their own ways. One officer was traffic-oriented and averse to long resident

encounters and mountains of paperwork. Another disliked traffic and writing tickets but took great interest in handling the walk-in reports and mundane follow-ups (a people person with the gift of gab and excellent written communication skills). Others desired to shake the trees, develop informants and work longer term street investigations, which could not be done if they were required to end each month with a predetermined number in designated rating categories that were developed by somebody long before I came along.

This opened my eyes to the fact that every employee had something unique to offer to the success of the organization, and this is not limited to our sworn employees. It is our job as leaders to identify that something in each employee and allow them to use their unique talents to the benefit of our organizations and our residents. It is our job as leaders to use that something to develop each employee in a unique manner. It is our job as leaders to empower each employee and make them a part of our organizational success. It does not matter if your employee is full time, part time, sworn or civilian. Every individual has something unique to offer. It is our job as leaders to stop putting round pegs in square holes.

Do not discard your employee because you don't feel that he/she has anything to offer. Identify that unique talent and nurture it. The round peg should go in the round hole.

### Conclusion

As our law enforcement profession continues to evolve given societal pressures and expectations coupled with the mounting training mandates, we should not lose sight of the dire need to collaborate with those outside of our individual organizations. Do not limit yourself. Take MBWA to a different level by developing partnerships with stakeholders within and outside of your communities in order to develop positive outcomes for your organization. Establish a consistent working relationship with your business and community groups. Illustrate your desire to work as partners through involvement and transparency. Garner support from professional associations (don't just join – be active) such as the ILACP or your local chiefs' association. In times of need, whether for informational support or backing for a larger scale issue, these partnerships will prove invaluable.

There is so much that has been published about management and leadership -- about theory and application, and there will be much more beyond our years as law enforcement leaders. We cannot possibly absorb everything that the world has to offer. Nor can we apply it all. We can only use what we believe will be most effective in our own individual organizations and situations. In the end, the continuing success of our organizations will be directly related to our leadership abilities, our willingness to stay involved, and the successful development of the men and women who will one day assume our leadership positions. ■

**Steven J. Vaccaro is chief of police in Mokena and a Certified Police Chief.**





# Restorative Justice and Procedural Justice – Two Sides of the Community Policing Coin

By Kenneth Bouche and Robert Boehmer

## Terms to know as Governor Pritzker plans to make “restorative justice” a priority

Two days before his inauguration, now-Illinois Governor J.B. Pritzker published his stance on issues facing Illinoisans and how he and his administration were planning to solve them.<sup>1</sup> One issue – mass incarceration – was a central campaigning point for Governor Pritzker, who was ardent in his desire to implement restorative justice as a viable alternative to punitive justice. To assist in implementing restorative justice principles in Illinois, Governor Pritzker proposes the creation of the Office of Criminal Justice Reform and Economic Opportunity, an agency that will “focus on making sure the services people need are being delivered and prevent people from entering the system in the first place.”

His recently formed Restorative Justice and Safe Communities Committee, a 42-member panel that is advising the Pritzker administration in achieving the new office’s goals, places the governor one step closer to creating a “system that diverts youth and adults from incarceration in the first place, modernizes sentencing, encourages rehabilitation, and works to reduce gun violence and create economic opportunity.”<sup>2</sup> The Illinois Chiefs are proud to be represented on that committee by Chief Marc Maton of Lemont.

In 2018, the Illinois Association of Chiefs of Police (ILACP) reaffirmed its commitment to procedural justice – as one of the Ten Shared Principles with the Illinois NAACP – and the vital importance of incorporating fairness in processes, voice, transparency in actions, and impartiality in decision making.<sup>6</sup> Over the past several years, many Illinois police chiefs have focused significant attention, energy and effort implementing procedural justice programs. After the Governor’s announcement on Restorative

Justice, the question has been raised by police chiefs - how do these efforts match up with the Governor’s priorities?

### Restorative Justice: A Simple Definition

Discussions about the theory of restorative justice often veer off into other related topics, but the core definition is relatively simple: it is a process in which “all parties with a stake in a specific offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future.”<sup>3</sup> The goal is to bring together the whole community and the individuals affected to “put key decisions into the hands of those most affected by crime,

make justice more healing, and reduce the likelihood of future offenses.”<sup>4</sup> For example, an offender can be brought into a hearing with family, friends and community members to “reconnect the offender to their sense of responsibility to the community.”<sup>6</sup> The Illinois Juvenile Justice community has been implementing restorative justice practices for several years. This includes family group conferences, peace circles, community services and restitution and victim impact panels.<sup>5</sup> On the adult side, restorative justice programs focused on offenders returning to the community from prison,

require those returning offenders to take accountability for their actions and enter into agreements with the community that may focus on restitution, community service, and letters of apology. Repairing criminal harm done to the community by having the community repair itself is a crucial way to build a sense of responsibility that will hopefully have lasting impact on increasing recidivism and strengthening neighborhoods. Encouraging feelings of “responsibility to



ILACP 2017 Annual Conference

<sup>1</sup> Pritzker, J.B. (2019, January 12). *J.B. Pritzker: A new day for Illinois has arrived*. <https://www.sj-r.com/opinion/20190112/jb-pritzker-new-day-for-illinois-has-arrived>

<sup>2</sup> Press Release (2018, November 30). *Fox, Gordon-Booth, Kelly to co-chair Pritzker's Restorative Justice and Safe Communities Committee*. <https://capitolfax.com/2018/11/30/fox-gordon-booth-kelly-to-co-chair-pritzkers-restorative-justice-and-safe-communities-committee/>

<sup>3</sup> Marshall, T.F. (1999) *Restorative Justice: An Overview*. Great Britain: Home Office.

<sup>4</sup> Sharpe, S. (1998) *Restorative Justice: A Vision for Healing and Change*. Edmonton, Canada: Edmonton Victim Offender Mediation Society.

<sup>5</sup> *Illinois Balanced and Restorative Justice: Restorative Justice: History*. <http://www.ibarj.org/history.asp>.



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family, friends, and community will enhance commitment to self-regulatory actions...against future transgressions of the law.”<sup>5</sup>

Like restorative justice, **procedural justice** is also community-oriented in practice. While both theories, however, advocate community voice and involvement in justice-related matters, procedural justice places a greater emphasis on the idea of overall **fairness and respect** for people in all criminal justice encounters, especially those involving minority and protected class individuals. Some of the most significant negative discourse surrounding policing over the past several years has been driven by the perception that our minority communities are often treated differently by the police. In many communities this has drastically reduced public confidence in the police. The goal of procedural justice is to treat all people fairly, impartially and equitably in their encounters with the police, in a process that is transparent, understood and effective in providing a real voice to any individual or community during any type of police encounter.<sup>8</sup>

This process is designed to lead to a greater willingness on the part of the public to obey laws, “improving community perceptions of police legitimacy,”<sup>7</sup> and a decrease in crime rates. The first pillar of the President’s Task Force on 21st Century Policing is to “build and rebuild trust through **procedural justice**, transparency, accountability, and honest recognition of past and present obstacles.”<sup>8</sup> Procedural justice is crucial to the success of community policing, as is restorative justice. Whenever the community is involved and individuals feel as if their voices are heard in every step of the legal process, it is a step in the right direction for rebuilding the relationship between law enforcement and the communities they serve. Essentially, procedural justice is related to an individual’s sense of obligation and responsibility to authorities. Law enforcement officials can help to develop trust and increase this sense of obligation by engaging in procedural justice practices. Restorative justice is more focused on a person’s relationship with friends, family, victims and their community and their feelings of not wanting to disappoint those individuals and groups.

### Proactive Community Engagement Builds Trust

While procedural justice and restorative justice are not the same theory, they integrate key aspects of strengthening the community from within. Whether by advocating communal ownership of healing from crime or fostering a more transparent and fair criminal justice system, both procedural and restorative justice seek to encourage everyday compliance with the law through a better

understanding of individuals’ place in society as valuable community members. We see these components as equally valuable and vital to continual advancement in policing by giving greater voice to those who must drive how our communities are policed – the communities themselves. Both programs drive the latest advancement in community policing where police agencies work hand-in-hand with the community to develop policing strategies up front, including policies and practices that provide for community-focused policing that is consistent with community expectations of police service. This is what puts true meaning in a community’s voice.

### A Great Start for The Governor – A Great Opportunity for Illinois Policing

The new governor has made the advancement of restorative justice in Illinois a priority – for his administration and stakeholders across Illinois. Since this will be a statewide initiative, law enforcement agencies should consider their approaches to restorative justice and procedural justice as they relate

to holistic community policing. This presents a real opportunity for local law enforcement agencies to open new dialogues with the governor’s office and with their local communities to identify ways to better serve juveniles and returning offenders, including potentially implementing restorative justice techniques. Police chiefs should view this as a much-needed step toward healing law enforcement-community relations that have been fractured. ■



Hillard Heintze was a sponsor of the ILACP 2017 Annual Conference, where Ken Bouche explained collaborative reform as a luncheon speaker.



Kenneth Bouche



Robert Boehmer

Kenneth Bouche is the Chief Operating Officer of Hillard Heintze. Robert Boehmer is Vice President for Law Enforcement Consulting at Hillard Heintze. Both have been connected to ILACP for many years. You can learn more about the concepts in this article at [www.hillardheintze.com](http://www.hillardheintze.com). Search “community policing” to find their latest insights on restorative justice, procedural justice, and community policing.

<sup>5</sup> Tyler, T.R. (2006). Restorative Justice and Procedural Justice: Dealing with Rule Breaking. *Journal of Social Issues*, 62(2), 315-316.

<sup>7</sup> *Procedural Justice: National Initiative for Building Community Trust and Justice*. <https://trustandjustice.org/resources/intervention/procedural-justice>

<sup>8</sup> (2018, March 22). *Affirmation of Shared Principles*. <https://www.ilchiefs.org/shared-principles>





## AN INSIDE LOOK AT AN ILEAP ASSESSMENT; AT A “FIRST IN THE NATION” AGENCY IN ILLINOIS

By Lt. Jeff Hamer



The College of Lake County Police Department recently attained two accreditations: from the International Association of College Law Enforcement Accreditation (IACLEA) and also through the Illinois Law Enforcement Accreditation Program (ILEAP). How did they do it? This case study may serve as a guide for other agencies going through the ILEAP process, which allowed the CLC PD to become the first community college police department in the United States to have both state-level and international accreditation.

I am not only the ILEAP coordinator for the Illinois Association of Chiefs of Police, but also an ILEAP assessor. As the Lead Assessor for College of Lake County's initial Tier 1 assessment, my main goal was to assess the agency to see if CLC PD met the 67 ILEAP Standards. Once I began this assessment, I knew I wanted to share the experience with other accreditation managers and chiefs. Since the College of Lake County is an institution of higher learning, it stands to reason its police department would be a model for other agencies going through the process. Chief Tom Guenther and his staff were excited to allow his department to become this case study.

For those new to the accreditation process as a whole, the assessment is the agency's final step in earning accreditation. The assessment punctuates months and months of policy alignment with the ILEAP standards, review of procedures, auditing those procedures, and gathering proofs of compliance to the ILEAP standards.

### Step 1: Application and Self-Assessment

To understand the work that is put into the assessment, consider the whole process. The ILEAP process begins with an application to the Illinois Association of Chiefs of Police. Once payment of the ILEAP fees are made and the application is approved, the department may start the process. The procedure begins with a period of “self-assessment.”

The agency needs to designate an Accreditation Manager (AM) to oversee this process. My chief in Macomb designated me to do this

when I was a [RANK]. During self-assessment, the agency digests the standards and modifies its policies, written directives, and / or training manuals to adopt the ILEAP standards. The standards are divided into four general subject areas: Administration, Operations, Personnel, and Training. All are mandatory except for those that are “not applicable” by function. The two tiers are not based on size, but on how comprehensive the accreditation. Tier one has 67 standards and Tier 2 has 180 standards. The criteria, or standards, are policy development guidelines that represent a level of quality service delivery. The standards are developed by the ILEAP Accreditation Council, which include law enforcement, risk management, and legal professionals.

The self-assessment is complete when all pertinent policies have been revised to meet ILEAP standards. When the agency reaches this point, the Accreditation Manager creates paper files to host the written directives or uses Power DMS, a partner of the Illinois Chiefs, to manage the accreditation work electronically. CLC used paper files for the initial assessment but will migrate to Power DMS at a later date. Power DMS reduces the amount of time spent managing and working with the files. Power DMS also makes assessing the files more accurate while saving money on shipping files to assessors.

### Step 2: Review of Files by Assessors

After the self-assessment is complete, the agency grants assessors access to the files in order to complete a file review. The file review is done off site and gives the assessors the ability to verify many of the standards before the on-site assessment. This saves the host agency time and money during the assessment. Most assessments can be done in about two days with two assessors depending on the size of the department.

### Step 3: On-Site Assessment

The assessment consists of two days of department tours, vehicle inspection, staff interviews, ride-alongs, and an exit interview. Two



*Continued from page 13*

or more assessors will be assigned and they will work with the Accreditation Manager to have all aspects of the on-site assessment scheduled over a two-day time period. There is a two-hour public opinion phone-in session, but no public hearing. The exit interview is conducted at the conclusion of the on-site. The AM functions as host and leads the assessors on tours and to the vital areas of operations, evidence / property, investigations, community policing, and any other areas of interest within the department.



The assessment is the capstone to months of preparation and hard work by the agency. A successful assessment incorporates vehicle inspections of marked and unmarked patrol units and inspection of special use vehicles like SWAT trucks, side by side UTVs, or K9 squads. This inspection permits assessors to observe standards specific to patrol operations like use of camera, lights, and sirens. The assessors also interview patrol officers about standard specific patrol behavior such as searching the prisoner compartment, use of seat belts, and MDTs.

The department tour consists of a static display and visit to relevant areas of the department. The static display collects the agency's rules and regulations, policy manual, training manuals, and collective bargaining agreements and puts them in the assessor's workspace. Specialized gear is also on display at points during the tour. Specialized gear examples are mass arrest bags, less than lethal tools, SWAT apparatus, or K9 equipment. The ILEAP files, or access to a computer if using Power DMS, are made available to the assessors for review during the assessment.

The tour should highlight standard specific areas like Records, Investigations, Evidence / Property, Communications, and any other area where ILEAP standards could be observed. Most notably,

the Evidence Room would be inspected for standards in place. Often assessors will look for an entry log, extra security measures for valuable evidence, and removal of evidence that has been dispositioned as no longer evidence worthy. Assessors will also participate in an evidence audit. This audit is designed to test the function of evidence room procedures.



Property custodians can expect Assessors to inspect evidence for proper packaging, storage, and the ability to locate evidence based on case number or other factors.

During the tour at the on-site, assessors will interview people, usually those who operationalize what is in the ILEAP standards: patrol officers, records clerks, detectives, supervisors, CSOs, telecommunicators, IT support, and many more. Assessors engage the sworn and civilian personnel in small talk, and also ask questions designed to review their understanding of the standards and their work flow. Assessors are not trying to play "gotcha" with anyone and they don't expect people to quote standards by chapter and verse. The assessors are trying to gauge how accreditation has impacted the worker or how the standards are put into action by the different workers with which



The Assessment Team met with the college president, Dr. Lori Suddik, to discuss how accreditation helps CLC PD. From left are Officer Harry Bekiaris, Accreditation Manager Sgt. John Lawson, Dr. Suddik, Assessor Jeff Hamer and Assessor Sara Balmes.





Assessor Lt. Jeff Hamer answers a call during the public call-in session.

we have contact. Assessors frequently try to identify what makes the agency unique. Assessors ask about future issues facing the department as well as what the agency excels at in the scope of policing.

Assessors participate in ride-alongs with officers. The intent of the ride along is to see the standards in practice. Many times, this is done through interviews with the officers. During ride alongs, assessors ask about accreditation as a whole, work experience, knowledge of policies and standards in ILEAP. Assessors are looking for an appropriate level of understanding about standards specific to the person's position in the agency.

The assessment sets aside time for a public call-in session. This call-in session allows the community to add input about the department's pursuit of accreditation. The host department is expected to publicize the event through traditional and social media outlets.



Assessors Jeff Hamer and Sara Balmes discuss the high points of the CLC PD Assessment during the Exit Interview with Chief Tom Guenther.

The exit interview is the final part of the assessment. During this phase the chief, or CEO, and AM and any other staff members vital to the accreditation project are present for a summary of findings. The assessors brief the team on the strengths of the department. The assessors also recommend any cost saving plans or more efficient ways to handle procedures. Lastly, the assessors give a clear recommendation on accreditation status. As an assessor and ILEAP coordinator, I always stress the theme of helping agencies through the process. If something during the assessment was not quite meeting a standard, we will devise an action plan to follow to get the problem ironed out before leaving the assessment.

The CLC PD did an amazing job with their ILEAP on-site. The work their team put in was evident. CLC PD's commitment to excellence and education is evident.

#### Step 4: Assessor's Report and Accreditation

After we left, we prepared a detailed report of the process undertaken by the CLC PD, and we submitted it to the association's Professional Regulation Committee and then the ILEAP Accreditation Council, which is chaired by David Bradford, the director of the Center for Public Safety at Northwestern University. Bradford understands municipal law enforcement, as he retired as the Glen Carbon police chief and served as the ILACP President in 2008. He was instrumental in creating the ILEAP program and writing the original standards in his leadership role in Illinois law enforcement.

The Accreditation Council reviewed our report and sent word to the department and ILACP office that the college police department had earned Tier 1 accreditation. The association recognized this achievement by going to the college and presenting the Accreditation plaque to the chief and his department. ■



Lt. Jeff Hamer of the Macomb Police Department is the ILEAP Coordinator for the Illinois Association of Chiefs of Police and the accreditation manager for the Macomb Police Department. For information about ILEAP accreditation, please contact Lt. Hamer at [jhamer@macombpolice.com](mailto:jhamer@macombpolice.com).



# 5 TIPS

## RESPONDING TO MENTAL ILLNESS AND MEDICAL EMERGENCY CALLS

By Dale Anderson



Officers are beginning to dread being dispatched to mental illness and medical emergency calls -- for good reason. They are fraught with unpredictability, both within the context of who is the "victim" and how the officers will be treated by the court if they make any mistakes.

### **What Happens When Officers Get Hurt While Trying to Control a Mentally Ill Person?**

The case of *People v Jackson*, 82 NE3d 194 (2017) is a classic.

James Jackson called 911 asking for an ambulance. When paramedics arrived, Jackson refused to go with them because they were not an ambulance. When the paramedics showed Jackson the word "ambulance" on the vehicle, Jackson said that the men were not paramedics. During this period Jackson called 911 repeatedly asking for an ambulance, only to be told over and over by dispatch that the ambulance was already there.

Jackson began to get "agitated, nervous, irrational and very uncooperative." The paramedics, of course, reasonably inferred that Jackson was mentally ill. Jackson also smelled of marijuana, so the officers also wondered about drug consumption.

Jackson tried to get back into the building, but he forgot his keys. So he and the paramedics waited for the police to arrive. While waiting, Jackson became profane. When an officer arrived at the scene, the paramedics informed the officer that Jackson was either "mentally unstable or possibly under the influence of an unknown controlled substance."

When officers tried to control Jackson, Jackson punched and kicked them.

An officer tased Jackson about 10 times, but the Taser had "no effect whatsoever."

After struggling for several minutes, officers finally handcuffed Jackson and put him on a stretcher. Jackson was transported to the hospital where he continued to be "unhinged and screaming."

Jackson was charged with battery and resisting. A jury found him guilty. But the Illinois Appellate Court reversed, stating that the state failed to prove the mens rea -- that Jackson knew what he was doing. Jackson's girlfriend said that Jackson was experiencing a seizure, so he didn't know what he was doing. The paramedics said Jackson's actions were nothing like any seizure they had ever seen. The appellate court held that even if there had been no testimony by Jackson's girlfriend, there was no evidence that Jackson possessed the mens rea to be guilty of the crimes charged.

Normally, one would assume that a person who punches and kicks

officers knows what he is doing -- but apparently not the "mentally" ill. So the appellate court trumped the decision of the trial judge and jury (a jury which found specifically that Jackson did knowingly commit the crimes) and said, in effect, that there is no vindication for an officer who gets hurt in this situation. Under this premise, even if Jackson would have killed the officer (e.g., by kicking him in the head), Jackson could not have been convicted.

As pointed out by the dissenting judge in this case, and adding insult to injury to the officers, the majority opinion of the court criticized "the officers for not de-escalating the situation" while, according to the dissenting judge, offering "no suggestions what the officers should have done. Certainly, the paramedics and police officers could not simply have left the scene...."

So what is the rule -- or what should be the rule? Officers should not attempt to take custody of / put hands on (mentally ill) persons unless there is probable cause the person is a danger to himself or others. Even then, it is better to stand by and let paramedics do their jobs whenever possible.

Most importantly, don't expect any support from the courts if you get hurt by the mentally ill person.

But what about -- instead of the victim hurting the officer -- the officer hurts the "victim" during the encounter?

### **Mentally Ill -- or Medical Emergency -- "Victims" Who Get Hurt**

First, it is important to note that this section is not about being sued under common law where the standard of conduct for liability is wanton and willful.

This section is solely about being sued under 42 USC Section 1983 (hereinafter Section 1983) for constitutional violations.

Initially, every officer must understand that when officers, chiefs, et al are sued under Section 1983, they cannot use their departmental rules, ordinances or statutes to defend themselves, as the Constitution always trumps those. That is a very important threshold concept to remember. *United States v Brown*, \_\_\_ F3d \_\_\_ (7th Cir. 2017); *Scott v Edinburg*, 346 F3d 752 (7th Cir. 2003).

Liability is based solely on the case law. So any rules related to use of force when dealing with the mentally ill or medical emergency persons should have as their undergirding constitutional law case law.

### **Deadly Force**

Deadly force as related to the mentally ill traditionally often arose when a person (the victim) in a room said he would kill anybody who entered





the room. Officers would enter, and the victim would get killed or hurt. The United States Supreme Court case of *San Francisco v Sheehan*, 135 S Ct 1765 (2015) is a classic example. Sheehan, a mentally ill woman, had stopped taking her medication. She told various people who visited her that she had a knife and would kill anyone who entered her room.

Two officers arrived, entered Sheehan's room and told her that they wanted to help her. Sheehan grabbed a knife and told the officers that she was going to kill them. The officers retreated out of Sheehan's room. The officers decided to re-enter Sheehan's room. When they did, they pepper sprayed Sheehan. Sheehan attacked the officers, so the officers shot her.

Sheehan sued under Section 1983 for violation of her constitutional rights, alleging that the officers did not have exigent / emergency circumstances to enter the room and they used excessive force.

The 9th Circuit Court of Appeals ruled that summary judgment / qualified immunity was not appropriate primarily because there was "no need for immediate entry" and the officers "provoked" the response from Sheehan.

The United States Supreme Court ruled that if there was a constitutional violation, the officers here deserved qualified immunity because there was no case that would put them on notice that their conduct was unconstitutional.

The biggest, and most interesting, deadly force case related to shooting a mentally ill person recently is *Kisela v Hughes*. In that case Hughes apparently threatened to kill her roommate's dog if her roommate, Chadwick, did not repay a \$20 debt. The roommate went to the car to get the money. Sometime during this period, a neighbor called police because Hughes was hacking at a tree with a kitchen knife. When officers arrived at the scene, they saw Hughes with a knife in her hand, apparently confronting her roommate. The officers told Hughes to drop the knife. Chadwick told the officers to "take it easy." One officer, Kisela, shot Hughes four times. (As you read this, you must remember all the officers knew was what the neighbor told them and what they saw, with Hughes confronting Chadwick.)

The 9th Circuit refused to grant qualified immunity to Kisela.

But the Supreme Court held that the officer deserved qualified immunity.

Apparently, according to one of the dissenting United States Supreme Court justices, every judge who ruled in this case felt that Kisela violated Hughes' constitutional rights. But seven members of the Supreme Court thought that there was no case on point that would have put Kisela on notice of that fact of law.

A few important facts that the judges (who all felt this was a constitutional violation) failed to give sufficient weight to these important facts:

- The officer who shot Hughes had been told, basically, that Hughes was acting in an extremely bizarre manner, so he assumed that she was mentally ill (which she was).
- Hughes was holding the knife and could have stabbed Chadwick in a second.
- Hughes was oblivious to the officer's commands to drop the knife.

It appears that most appellate courts have been unduly harsh to officers in deadly force cases. The Supreme Court, on the other hand, has been extremely kind to officers, forcing the plaintiffs to find cases, favoring the plaintiff, that are factually almost identical to the one at bar in order to avoid granting the officer(s) qualified immunity.

Hughes is a great case for briefing discussion. Most officers who discuss the case say they wouldn't have shot Hughes. But most of them also say they think Kisela was justified in shooting her. Most citizens think the shooting was "wrong" because Chadwick told the officers to "take it easy" -- implying that the situation was under control. What do you think?

### Non-Deadly Force

Generally, when mentally ill persons are not armed and / or barricaded, officers do not find it necessary to use deadly force. Excessive force issues usually arise when officers use intermediate force (e.g. batons, Tasers or pepper spray).

These cases are controlled generally by the United States Supreme Court case of *Graham v Connor*, 490 US 386 (1989). The factors every judge and jury must consider in the calculus -- as to whether the officer exercised excessive force -- are these factors:

- **What was the crime (Was it serious or minor)?**
- **What was the threat to the officer?**
- **What was the resistance?**

Lower courts may add factors, but these three must be considered in every excessive force case if they are raised by the plaintiff's attorney.

Unfortunately, the United States Supreme Court has not decided any cases specifically on the issue of officers' use of intermediate force, so we must rely on the circuit court cases, especially those in the 7th Circuit Court of Appeals.

The problem is that in mental illness cases and medical emergency cases, usually there is no crime or threat. So before the case even begins in circumstances where someone got hurt, the officers have two



Dale Anderson provides training for the Illinois Chiefs Association at the New Lenox Police Department in August 2018. Other departments interested in hosting this training should contact Ed Wojcicki, ILACP executive director.



Continued from page 17

strikes against them. That makes it difficult, or nearly impossible, for the officer to win.

Probably the major case in this jurisdiction, the 7th Circuit Court of Appeals, is *Cyrus v Town of Mukwonago*, 624 F3d 856 (7th Cir 2010). In that case, a resident of Mukwonago, Wisconsin, called police to inform them that a person (Cyrus) was in the resident's partially built house. By the time an officer arrived, Cyrus was standing outside the front door of the house. The officer apparently knew that Cyrus was mentally ill. Cyrus told the officer that the officer was trespassing and needed to leave. The officer spent some time trying to coax Cyrus away from the house. But eventually, Cyrus turned to go back in the house. The officer then shot Cyrus with a Taser. Cyrus fell to the ground. At about this time, the officer's backup arrived. Cyrus got up, so the officer tased Cyrus again. Cyrus rolled down the driveway and ended up on his hands. The officer delivered dry stuns a number of times until the officers could get Cyrus' hands to cuff him. At that point Cyrus was dead.

The 7th Circuit, which has jurisdiction in Wisconsin, Illinois, and Indiana, ruled that:

- The crime was minor, at most a misdemeanor (probably *no mens rea* so no crime at all);
- The threat was non-existent;
- The resistance, as it existed, was minor – attempted retreating into the partially built house.

Based on the criteria the Court ruled that the officer did not deserve summary judgment / qualified immunity. (This case was discussed also at length in the June 2018 edition of Command magazine.)

*Estate of Corey Hill v Miracle*, 853 F3d 306 (6th Circuit 2017) is a case that has received national attention. In this case, Corey Hill was apparently experiencing extremely low blood sugar levels. He became combative when emergency personnel arrived, even ripping the IV out of his arm, causing blood to spurt and spray all over from the open vein. Hill then began to kick, swing and swear at the paramedics.

An officer arrived and told Hill to settle down or he would be tased. When Hill refused to comply, the officer drive-stun tased Hill on the thigh. Hill calmed down and became apologetic.

Subsequently, Hill claimed his worsening diabetic condition was precipitated by the Taser. Hill died soon thereafter.

The federal district court ruled that under the *Graham v Connor* criteria, the officer did not deserve summary judgment / qualified immunity, as there was no crime and no threat.

The 6th Circuit Court of Appeals reversed, holding that there needed to be new criteria when there is no crime involved in the use of force by the officer. The court implied that the *Graham v Connor* factors were designed for circumstances when the officers were dealing with a suspect who was a criminal.

The new criteria at the 6th Circuit, based in Cincinnati, are:

- Was there a medical emergency that rendered the person incapable of making a rational decision and that posed an immediate threat of serious harm?

## GET ONLINE TRAINING ON LEGAL ISSUES FOR YOUR OFFICERS EVERY MONTH

### Illinois Chiefs have partnership with CourtSmart

ILACP has a partnership with CourtSmart, an association consisting primarily of attorneys committed to helping officers understand the legal rules on the street and in court. CourtSmart's motto is that officers don't have to know the law as well as attorneys; officers have to know it better -- as officers must act and react at a moment's notice. Attorneys, meanwhile, can research the law for months, or even years, and later second-guess officers with judges and juries.

This partnership puts ILACP's endorsement on CourtSmart's training and encourages police departments throughout the state to consider what CourtSmart offers. The agreement was reached last year by the ILACP Board of Officers and Dale Anderson, an attorney who works with CourtSmart and has provided training in Illinois for many years.

The other three CourtSmart attorneys besides Anderson are Anthony A. Polse, Steven J. Scheller, and retired Chief Jim Volpe.

### THE PRICE PER OFFICER IS ONLY \$60 PER YEAR.

#### WHAT COURTSMART CAN DO FOR A POLICE DEPARTMENT

CourtSmart provides four comprehensive standardized approaches to ongoing learning and to professionalization:

1. Legal source books that are updated every year and available both in hard copy and e-book, which officers can use for educational and research purposes;
2. Monthly recent case updates that help officers keep up with the changes in the law, particularly constitutional law;
3. Quizzes on the monthly updates and possibly satisfying the state mandates, with the results of the quizzes available to supervisors selected by the department. If your officers answer seven out of ten questions correctly, they may be eligible to be certified for the legislative mandates, if your local Mobile Training Unit approves. ILACP is working on these relationships with the MTUs. "I must be transparent in saying that most MTUs have not yet certified this training to satisfy the mandates," ILACP Executive Director Ed Wojcicki said. "But we are reaching out to the MTUS, and we will be encouraging our members to contact their MTU directors to ask that this training be certified."
4. Questions answered by e-mail for officers as CourtSmart's time allows.

#### HOW TO SIGN UP

If you would like more information about beginning CourtSmart through the Association, contact Dale Anderson at [daa2000@aol.com](mailto:daa2000@aol.com) or call him at 815-861-0320. The website for CourtSmart is [www.leotrain.com](http://www.leotrain.com).



This is a sample Table of Contents from the monthly CourtSmart publication, January 2019. Notice how it deals with real-world current issues and questions.

"I can't overemphasize my belief that the CourtSmart program is an invaluable product. The aspect that it can satisfy mandated training requirements is value added. The mandated requirements do not provide the ongoing training that today's officers need and CourtSmart provides. We are a Chief's organization and we are marketing this to Chiefs to make their lives easier. If I sound a little rah rah on this, I am. I was a Dale Anderson / CourtSmart fan long before mandated training ever came out. From my perspective as a former Deputy Chief, the value and importance of the information provided by Dale reduces liability and improves officer confidence and productivity."

Ref. DC Ray Cordell, Chairman, ILACP Education and Programs Committee





- Was a degree of force necessary to ameliorate the immediate threat?
- Was the force use more than reasonably necessary under the circumstances?

Based on these new criteria, the court ruled that the officer deserved summary judgment / qualified immunity.

These new criteria are logical, but the 7th Circuit has not yet adopted them, so officers in the 7th Circuit (which includes Illinois) are still stuck with the *Graham v Connor* criteria.

### Law Enforcement -- Mental Illness and Drug or Alcohol Addiction

A person can be affected by both mental illness and addictions. Often no one knows which came first – the chicken or the egg. Can mental illness create an environment that tends to make the person self-medicate with drugs? Of course. Do some drugs and the adverse environment of drug use lead to mental illness? Some experts say so.

Professionals who deal with mental illness and / or addictions will admit that they cannot initially determine whether a person's conduct is the result of mental illness, drugs or alcohol – or a combination of all of them. How can an officer know this?

This problem is particularly acute for officers who injure persons who may be acting under the influence of drugs or mental illness. If the "victim" sues officers for injuries incurred, he / she is much more likely to win if it is a case of the officer hurting a mentally ill person than a person who is "on drugs." One respected attorney who represents officers put it this way, "in my opening statement, if I am defending an officer who hurts a mentally ill person, I am "one down" with the jury before I even start. On the other hand, "if I am defending an officer who injures a person on drugs, I am one up with the jury."

Courts are in conflict over whether officers may explain to juries the conclusions they may draw when forced to deal with a person whom they did not know may be either mentally ill or acting out on drugs.

### The End Game -- Mental Illness and the Revolving Door

One of the most vexing problems for officers in dealing with the mentally ill is that officers cannot force the mentally ill to be examined by mental health experts unless they are a danger to themselves or others. Even when officers do take a mentally ill person in custody as a danger to himself or others, the mentally ill person normally is returned to the streets the next day. Because of the tendency to "de-institutionalize" the mentally ill, there is little chance for improvement. Usually, these people end up in jail as there doesn't seem to be any place else to put them. Society's failure to "take care" of the mentally ill might be the worst problem – and one that officers have little control over. ■



Dale Anderson is one of four attorneys with CourtSmart, which offers online training and has been of service to Illinois police departments for many years. CourtSmart recently entered into a partnership agreement with the Illinois Association of Chiefs of Police. The other three attorneys are Anthony A. Polse, Steve Scheller, and Jim Volpe.

## 5 TRAINING TIPS

1. Chiefs and supervisors should advise officers to avoid getting involved in any activity that appears to be enforcement action when a mentally ill person is not a danger to himself or others, if at all feasible.
2. If mentally ill persons are barricaded / have a weapon, officers should resist the urge to rush in and confront the person unless someone is immediately threatened.
3. Officers should avoid getting themselves into situations where they have to use deadly force, e.g., entering a room where a mentally ill person is alone and has a weapon.
4. Officers generally should not use intermediate force (batons, Tasers, pepper spray) against a person unless the person presents an articulable threat – one they can state with specificity in their reports.
5. If one of your officers is sued under Section 1983 for use of force against a mentally ill person or a medical emergency victim, be sure to inform your attorney of the 6th Circuit case of *Estate of Corey Hill v Miracle*, as it is almost impossible to be granted summary judgment or prevail in front of a jury under the *Graham v Connor* criteria. It is crucial for every Illinois officer that the 7th Circuit adopt the 6th Circuit rule, and we will let you know if that happens. The 7th Circuit includes Illinois, whereas the 6th Circuit has jurisdiction in Ohio, Kentucky, Michigan, and Tennessee.



## COMMAND MAGAZINE

### GET TO KNOW 2 NEW CHIEFS



In the Spring 2014 issue of Command, the Illinois Association of Chiefs of Police debuted a new article featuring new police chiefs that have been appointed throughout the state. Every year, law enforcement agencies in Illinois experience retirement of police chiefs and new chiefs are appointed. Quite often, we are not aware of these appointments for some time. Even for those that we are aware of, we may not know a lot about the new chief.

This recurring article will give all members the opportunity to know about new chiefs appointments and to get to know more about them personally. We will continue to feature as many as we can in each edition of Command magazine, and we encourage our members to notify us when you are aware of new appointments. New chiefs will be sent a simple questionnaire to complete and return, along with a photo. Please take the time to call, send an e-mail, and welcome these new police chiefs! Also, please convey their contact information to ILACP Membership Committee Chair, John Tannahill, Chief of Police, Lake County Forest Preserve District, 847-968-3405 or jtannahill@lcfpd.org. Thank you.



#### **Craig A. Stone**

**Age:** 58

**Agency:** University of Illinois at Urbana-Champaign Police Department

**Years in Law Enforcement:** 34

**Date Appointed Chief:** 6-18-18

**E-mail contact:** castone@illinois.edu

**Phone:** 217-300-3493

**Family:** Wife, two sons and three grandchildren.

**Hobbies:** Reading, physical fitness, movies, sporting events, and traveling.

**Tell us about your agency: (#sworn/non-sworn, specialty units, population of community, etc)** Approximately 100 total personnel, which includes an authorized strength of 65 sworn personnel. University has approximately 49,000 students and 11,000 faculty/staff members.

**Tell us about your history in law enforcement:** Retired Lieutenant (patrol, inspections, internal affairs and homeland security) with 29 years of service with the Columbus (OH.) Division of Police, one year as Director of Public Safety/Chief of Police for Cleveland State University and three years as Chief of Police for The Ohio State University. In addition, I have served as a certified assessor/team lead assessor for the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) for 15 years.

**Are you a graduate of SPSC, FBINA, SPI, etc?** Graduate of the Southern Police Institute (SPI) 120th Administrative Officers Course, IACLEA Executive Development Institute, and the Ohio Association of Chiefs of Police, Police Executive Leadership College XXXV. I also obtained a master's degree in the Administration of Justice from the University of Louisville.

**What got you interested in a career in law enforcement?** A desire to make a difference and help people.

**When did you realize that you wanted to be a chief?** I informed my parents that I had been accepted into the police academy and would become a police officer. They responded in sync and stated "Are you crazy?" Once I convinced them that I was serious about a career in law enforcement, my father then stated "Well you better be a good cop!" I replied Yes sir and that one day I would be chief. It did not become an actual goal until making it my capstone project for my bachelor's degree in Organizational Leadership and then I worked towards attained the goal to become a chief.

**What are your plans/priorities for your agency?** Consistently evaluate/assess and improve our customer service delivery to the campus community, recruit and hire highly motivated and qualified police applicants, developing and mentoring staff for future promotions, enhance our community engagement with the campus community and community-at-large, maintaining accreditation with the Illinois Law Enforcement Accreditation Program (ILEAP), and seeking advanced CALEA accreditation.

**Are you a Certified Police Chief through the ILACP?** No

**If not, would you like to be?** Not sure if I have the time. Please send me info.

**Are you a member of the ILACP?** Yes

**If so, for how long?** 8-14-18

**What do you see as the greatest value of being a member of the Illinois Association of Chiefs of Police?** Networking with other public safety professionals.

**Are you interested in serving on a Committee?** Yes, Financial & Strategic Planning or Education & Programs.

**Any other information you would like members to know about you that we haven't asked?** No.

**Lastly, and most importantly:** CUBS \_\_\_ White Sox \_\_\_ Other: Bears



**Mike Swemline****Age:** 46**Agency:** Colona Police Department**Years in Law Enforcement:** 23**Date Appointed Chief:** 10/9/2017**E-mail contact:**

mswemline@colonapolice.illinois.gov

**Phone:** 309-792-1511**Family?** Wife: Christine, 3 kids: Kaltlyn (17) Courtney (14) Jacob (13) 2 Dogs**Hobbies:** Teaching Concealed Carry, Recreational Shooting, Hunting, Fishing**Tell us about your agency: (#sworn/non-sworn, specialty units, population of community, etc):** Mike Swemline is the Colona Chief of Police. He has served Colona since 1996, the City has a population of 5200. Chief Swemline leads a 24/7 department, which consists of:

- Ten (10) full-time officers, including two (3) sergeants
- Nine (9) part-time officers
- One (1) Animal Control Officer/Community Service Officer (ACO/CSO)
- One (1) administrative secretary.

The Colona Police Department takes great pride in the extensive training within the department. They have the following:

- Certified juvenile officer
- Firearms Instructor

- Certified bicycle patrol officers
- Emergency response officers
- Taser Instructor
- Forensic child abuse investigator.

**Tell us about your history in law enforcement:** 23 Years with Colona**Are you a graduate of SPSC, FBINA, SPI, etc?** No**What got you interested in a career in law enforcement?:** I truly wanted to make a difference, and help people by enforcing the laws.**When did you realize that you wanted to be a chief?** Early on in my career I had ambitions of becoming Chief.

What are your plans/priorities for your agency? I am trying to modernize a few things, get our radio system upgraded, improve morale, and make this agency one that people are happy to work at.

**Are you a Certified Police Chief through the ILACP?** No  
**If not, would you like to be?** Yes?**Are you a member of the ILACP?** Yes**If so, for how long?** New Member**What do you see as the greatest value of being a member of the Illinois Association of Chiefs of Police?** As an asset for resourcing.**Are you interested in serving on a Committee?** Not at this time.  
**Any other information you would like members to know about you that we haven't asked?** No**Lastly, and most importantly:** CUBS YES!! White Sox \_\_\_\_ Other: \_\_\_\_

## ILLINOIS LAW ENFORCEMENT TORCH RUN AWARDS HIGHEST HONORS



Chuck Mattmiller, Flame of Hope winner, with athletes of Special Olympics Illinois.

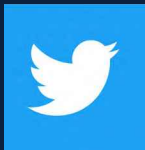
The Illinois Law Enforcement Torch Run for Special Olympics Illinois held its annual Kickoff Conference in Bloomington in February. What was a record breaking year with more than 300 attendees, including over 90 newcomers was capped off by the Flame of Hope award ceremony. The Flame of Hope award is the highest honor of recognition that Special Olympics Illinois presents annually to one individual and one department for their dedicated involvement in the Torch Run.

Charles "Chuck" Mattmiller of the Illinois Department of Corrections was awarded the individual award while the Oak Forest Police Department was awarded the departmental awards. IDOC was also awarded the top fundraising award, raising more than \$168,000 in 2018.

This individual and department exemplify the best of the Illinois LETR. Their unwavering and continuous dedication to the athletes of Special Olympics Illinois is the driving force behind the more than \$4.7 million that was raised in 2018. It's because of their efforts that our athletes are able to build courage, strength, and self-esteem through the platform of sports and competition. Congratulations again to Chuck, and the entire Oak Forest Police Department on their efforts. ■

**To learn more about the Illinois Law Enforcement Torch Run, visit [www.soill.org](http://www.soill.org).**

# GET SOCIAL WITH THE CHIEFS!



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Ed's Blog  
<http://www.illinoischiefsblog.com/>



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# 2 candidates for 3rd VP; voting will be April 22-25



Chief John Madden, Burr Ridge



Chief Lou Jogmen, Highland Park

## All voting will be by electronic ballot; how to cast your vote

1. Read their letters of candidacy on the ILACP website, [www.ilchiefs.org](http://www.ilchiefs.org).
2. All active members and Life Members are eligible to vote.
3. Voting opens at 12:01 a.m. Monday, April 22, 2019, and ends at 12 noon Thursday, April 25, 2019,.
4. On or about April 18, you will be sent a link to the Official Ballot in a special email blast to all members.
5. You must log in to the ILACP website to vote. You have a user name and password. In most cases, the user name is the same email address where you get the Weekly Bulletin from ILACP. If you haven't logged in for awhile, we recommend doing so in the near future so that you know your user name and password.
6. Clicking the link and logging in will take you to the Official Ballot. Select the candidate of your choice and cast your vote.
7. If you have any issues with voting, contact Carmen Kent at [ckent@ilchiefs.org](mailto:ckent@ilchiefs.org) or Sherrie Phipps at [sherrie@ilchiefs.org](mailto:sherrie@ilchiefs.org).



## WHY I'M RUNNING FOR VP AT LARGE FOR THE INTERNATIONAL CHIEFS

By Chief Kristen Ziman



I used to sneak into breakout sessions at the International Association of Chiefs of Police conference before I was a member. My aim is to make that sound more scandalous than it actually was. When I was a sergeant with the Aurora Police Department, I taught "Seven Habits for Highly Effective Police Officers," and I helped promote our classes for several years from the Franklin Covey booth at the vendor expo at the annual IACP conference. When there was a lull at our booth, I would stand in the

back of the room and sample the classes. Technically, my vendor lanyard didn't grant me access into the sessions, but no one tackled me. I was in awe of the vast array of topics and challenges in law enforcement, and even though I was hacking the content, I was inspired by the subject-matter experts, and I soaked up the material and the education.

I didn't become an official member of IACP until I was promoted to commander in 2010 and began attending conferences legitimately. It never occurred to me to participate in IACP in any other capacity than being a member and attending annual conferences. It wasn't until Chief Don DeLuca of Doral, Florida, became the IACP president in 2016 that an opportunity was presented to me. Chief DeLuca said he was appointing me to the IACP Board of Directors, and there was a moment where I needed to verify that he was actually talking to me! Once I realized he was, I eagerly accepted my new role, and it was an eye-opening experience.

Attending IACP conferences and benefiting from the networking and the content has always been the highlight of my professional career. But I admittedly never gave much thought about what goes into making the IACP conference the best in our industry. After joining the Board, it became clear that the IACP staff and Executive Board put a great deal of effort and heart not only into planning a conference that is relevant to the evolving challenges in law enforcement, but also to developing partnerships with people around the world so that we can better police our respective communities.

Whether it be legislative action items in Congress, international networking, or policy and training implications to police agencies in state, local, and tribal entities, the IACP is the gold standard. Becoming a member of the Board of Directors enlightened me to all that goes on

behind the scenes to further the mission and advance the science of police services.

Now that I have spent nearly three years actively involved in IACP on both the Community Policing Committee and the Board of Directors, I have decided to run for the Vice President at Large position on the Executive Board. I want to be even more immersed in promoting the work of the association and adding value to our noble profession.

I announced my candidacy at the end of last year - which comprised launching a campaign website and hiring a manager and treasurer. This being my first run for any office, I was looking forward to the challenge of a respectful race against my opponent. I learned, however, that the other candidate dropped out of the race, so I am running unopposed. While I'm ecstatic that I'll be sworn in at the IACP Conference in Chicago in October 2019, I'll admit that I'm a little disappointed, as I was looking forward to campaigning.

Despite the lack of an opponent, it is so important to me that I earn the support of my Illinois law enforcement family. I would have sought your formal endorsement for this office, and I still seek it.

I have been the police chief in Aurora for three years, and 2019 will mark my 26th year as a sworn officer. Every day I am reminded how lucky I am to be part of both a great police department and the Illinois Chiefs Association with all of you. As you serve your respective agencies, I look forward to supporting you in my impending role as IACP Vice President at Large. ■



Chief Kristen L. Ziman has been the Aurora Police Department chief of police since 2016. As an unopposed candidate, she will be sworn in as IACP Vice President at Large in October at the international conference in Chicago. Chief Ziman has written often for her local newspaper, is active on Twitter, and has a work-related blog at [www.kristenziman.com](http://www.kristenziman.com).



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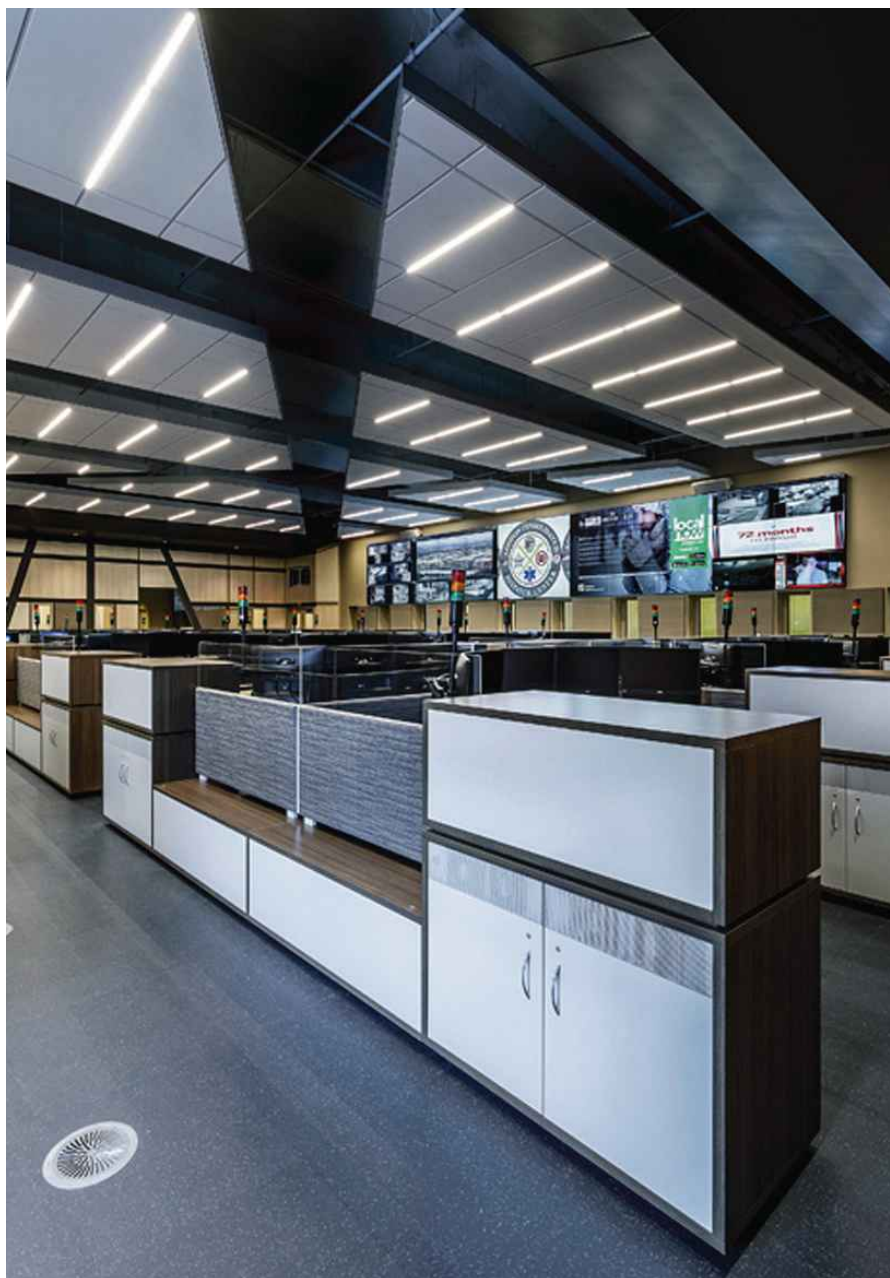
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