

COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

The War on Meth

Electronic PSE Tracking Comes to Illinois (NPLeX)

Leadership Challenge with Difficult Officers

N-DEx

New National Infrastructure for Sharing
Law Enforcement Incident Data

Remembering the Officers Killed by the Dillinger Gang

On Good Authority

Juvenile crisis intervention teams

Illinois Video Gaming Act

Authorized use of video gaming terminals in
specific establishments



Speaker Michael Madigan
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Speaker Michael Madigan, Rep. Lisa Dugan and ILACP President Pat O'Connor pose for a photo at the recent Legislative Reception where the two legislators were honored as recipients of the Public Official of the Year Award for 2009.

This is the fourth edition that has been produced in the new format that started with the Winter 2009 edition. As you read and enjoy this edition, you may realize that you may have something to contribute for the next issue.

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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Thinking about those who shared our lives ...

I recently had a request from a local group for a letter from the Illinois Chiefs in support of the renaming of the Harvey (Illinois) Metra Station to the "Officer Thomas Cook Station." Officer Cook was a Metra patrol officer who had been assigned to work a detail in the area of the Metra Electric Line station located in Harvey. While at that post on September 26, 2006, Officer Cook was ambushed in his vehicle and killed. He left behind his wife and two children along with many friends who have tried to support and comfort his family. As I wrote the letter, it occurred to me that I would doubt many of us have not been touched by the tragedy of losing a friend, a coworker, an acquaintance or just a neighboring officer whom we didn't even know very well, but after their passing we recall that moment of quiet reflection. It is not something that I would say many police officers dwell on, but for each of us, we stop for a moment and remember conversations we had that are now only memories.

At the conclusion of the installation dinner this year, I had a moment to speak with one of the Police Cross award families, and they thanked me for asking them to come and for spending time with them. The family was very nice and we spoke a bit about a mutual friend, then they left. Later I thought we should have done more to thank them, but what? I think in real terms, separation from those families is a normal healing process for both the family and the home agency, to some extent, but after listening to our training session with **Concerns of Police Survivors (COPS)** last year, I'm not sure it is always the best thing for us both. In their minds, their families will always be police families, and so too, most of us will always consider them that.

I encourage all departments to ensure they have put a line of duty protocol together (if they don't have one already) and designate one officer within their department as the protocol officer. The designated officer keeps the document alive and acts as a resource within the department should there be a tragedy. Many departments have this resource already, and the role has been expanded to coordination of all official uniformed events. No chief is an expert on everything, nor should they be the planning person during stressful times. This officer can coordinate within the region and plan events with surrounding departments, acting as a lead contact person for event planning or family communications.

I expect each agency will handle things in their own way, but keeping families on department holiday card lists, department newsletters or pension letters is a small touch that keeps them feeling that they belong. Using the website of COPS as a resource to train your officers, as well as remembering families during police memorial week, will let them know you have not forgotten them.

I will be discussing with the Board of Officers my wish to create an ad hoc "Protocol Committee" for our Association to assist agencies in planning events of all types — but most critically, when it involves the loss of an officer.

The Illinois COPS contact is:

Illinois COPS – Mark Hannan
P.O. Box 21, Normal, IL 61761

Phone: 312-961-8511

Email: Mark.hannon@nrc.gov

IllinoisCops@aol.com

Web: www.ilcops.org

As police chiefs and command officers, we set priorities within our agencies, remembering that our human side is not always the easiest thing to experience during these times. As I started to write this article, two names came to me: Officer Robert Riemann, Highland Park Police Department, and Officer Mike Healy, U.S. Postal Inspectors Service. We each have our own history and, as you think of yours, make sure you prepare your department and yourself.

Chief Patrick J. O'Connor, CPC
Moraine Valley Community College Police Department
President, Illinois Association of Chiefs of Police



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Greetings to Everyone!



As you all know, when the weather improves, everything at work seems to accelerate, and the same holds true for this Association. Our Winter Conference at Tinley Park was well attended and, judging from the feedback, was a great success. We had Governor Patrick Quinn present at Saturday's dinner, and Attorney General Lisa Madigan was our speaker at Sunday night's installation of our president, Patrick O'Connor, with more than 200 people in attendance. I would like to thank all the members who volunteered their time, efforts and equipment (projectors) to make the training not only effective and useful but economical as well.

Our 2010 membership drive is going well, considering the fact we did not do a mass mailing for renewals due to the need for us to update our member information including agency size and contact information. By reaching out via emails and phone calls, we were able to contact every member for renewals. Our focus will now shift to **RECRUITING NEW MEMBERS**. A strong Association helps you in many ways that you do not have to worry about

during your busy work schedule — from our lobbying efforts (where more members increase our effectiveness with elected officials) to training programs (where we are able to bring more targeted training to all our members throughout the State in cooperation with many different organizations and State agencies). Please help us, so we can better help you, by actively recruiting either new active members from law enforcement agencies or associate members representing local private companies with which you work to help you do your job.

This issue of COMMAND is loaded with useful information to not only help you but also make you aware of different programs that will further assist you and your staff to do a better job without costing you any money out of your budget. The two major programs discussed have similar acronyms but cover totally different areas of information sharing. **NPEX is the National Precursor Log exchange** that will, for the first time, provide real time data to local law enforcement which is gathered at every pharmacy in not only Illinois but also other states as well concerning sales of pseudoephedrine (PSE). All the major chain pharmacies either already send the data or plan to very soon, and the independents are in the process of enrolling. **N-DEX is the Law Enforcement National Data Exchange** which is the long-awaited "connect the dots" information that will allow LOCAL law enforcement to share arrest and incident reports from other LOCAL agencies in Illinois and across the country, regardless of the local RMS (Record Management System) used. Both of these programs will be valuable investigative tools available to both large and small agencies.

In closing, I would like to remind everyone to pay close attention to the email blasts and legislative alerts we send out on a regular basis. Many issues come up in legislative proposals that can have either a major negative impact on you and your department or, conversely, a major positive impact. Your direct contact with YOUR State elected legislators has a MAJOR effect and helps us to help you. When you see your local State Representative or Senator at any function, please mention to them that you are a member of the Illinois Association of Chiefs of Police. I'm sure it will be the start of a great conversation.

Respectfully,

Mark Wilkans
ILACP Office Manager



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LEGISLATIVE UPDATE

THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE IS CURRENTLY OPPOSED TO MEDICAL MARIJUANA LEGISLATION (SB1381), AND WE'VE BEEN JOINED BY THE FOLLOWING ORGANIZATIONS AND INDIVIDUALS REGARDING THIS POSITION:



By Laimutis A. "Limey"
Nargelenas, ILACP Lobbyist

Karel Ares – Executive Director –
Prevention First
Andrea Barthwell, M.D. – Two Dreams Outer
Banks – Illinois
Partners Providing
Marijuana Education,
Co-Chair

Tim Becker – Governmental Affairs Chief,
Illinois State Police

Peter Bensinger – Former Administrator, U.S. Drug Enforcement
Administration; Former Chairman of Illinois
Youth Commission

Deputy Chief Dave Chambers – Charleston Police Department

Phil Cline – Former Superintendent of Chicago Police – Illinois Partners
Providing Marijuana Education, Co-Chair

Tom Donohue – Former Executive Director of Chicago HIDTA
(High Intensity Drug Trafficking Area)

Gary Fields, Ph.D. – Former Superintendent Zion-Benton Township High
School District 126 – Educating Voices, Inc.

Chief R.T. Finney – Champaign Police Department – 1st Vice President,
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Association of Chiefs of Police

Lt. Dave Jocson – Illinois State Police

Judy Kreamer – President, Educating Voices, Inc.

Chief Russ Laine – Algonquin Police Department –
Parliamentarian, Illinois Association of Chiefs of Police

Commander Terry Lemming – Region 1 Commander, Illinois State Police
Donald Malec, MS, CAADC – Executive Director, National Council on
Alcoholism and Drug Dependence of Illinois

Anne Meyer – Former President, National Family Partnership –
Educating Voices, Inc.

Chief Patrick O'Connor – Moraine Valley Community College Police –
President, Illinois Association of Chiefs of Police

Margaret Polovchak – Director, Maine Community Youth Assistance
Foundation

Chief Robert Porter – Downers Grove Police Department – 3rd Vice
President, Illinois Association of Chiefs of Police

Ralph Rivera – Illinois Family Institute

Chief Eric Smith – Sherman Police Department – Immediate Past
President, Illinois Association of Chiefs of Police

Chief Tim Swanson – Momence/Grant Park Police Departments – 2nd Vice
President, Illinois Association of Chiefs of Police

Greg Sullivan – Executive Director, Illinois Sheriffs' Association

HEREIN IS THE LETTER CONTENT SENT TO MEMBERS OF THE ILLINOIS HOUSE OF REPRESENTATIVES ON BEHALF OF THE COALITION AGAINST MEDICAL CANNABIS:

Dear Representative:

We are writing to provide you with important information related to marijuana. The proposal to establish marijuana as medicine available in Illinois will not serve the best health interests of our citizens. The FDA has an established process for testing and approving medications. Smoked marijuana does not meet any of the criteria established for medications in this country. In fact, smoked marijuana has approximately 400 different chemicals, of which only a handful have been identified as having possible medical applications. The FDA has never approved a smoked substance as medicine. There are safer, less harmful delivery systems than smoking.

It is critically important that marijuana go through the medical testing process as do all other drugs. The process guarantees that drugs are standardized in chemical composition (potency and quality), formulation and dose, and assures the drug is manufactured using a quality-controlled process. The FDA process also provides doctors information about the drug's effectiveness, risks, benefits, dosages and interactions with other drugs. None of this has been done with cannabis. Let's leave medicine to the Surgeon General and the FDA.

Much of the current public perception about marijuana is not based in fact. We urge you to get factual, proven information about the many health risks of using cannabis. There is a great deal of misinformation being distributed with no basis in research or actual medical application. Marijuana use affects judgment, co-ordination and depth perception and causes accidents, work and school absenteeism and loss of attention, not to mention addiction, which is very well documented.

In addition, the Illinois bill denies municipalities any right to control dispensaries, including their location and number. The only limit set on dispensaries is they cannot be within 500 feet of a school. Property owners are denied the right to refuse to lease an apartment or house to a patient or caregiver growing marijuana, and commercial property owners cannot refuse to lease to a dispensary which will be growing and selling marijuana on the property. A medical marijuana dispensary store has no zoning limitations. Neighboring businesses and organizations would be exposed to a different set of buyers and potential street sellers of a drug that is illegal under federal law.

Also, the proposal is to allow each "caregiver" to have 6 plants for each "patient." Each plant can produce 2,270 joints a year, or over 13,000 joints per patient. That is 40 joints a day per patient. Even if someone smoked 6-8 joints a day, where will the rest of the marijuana go? As we have witnessed in other states, it will go to teenagers and adults with no medical condition who simply want to get high. In Los Angeles, marijuana has passed alcohol as the leading cause for treatment at public-funded treatment centers. In fact, after California allowed medical marijuana, 60% of those seeking treatment for marijuana addiction in Los Angeles were 18 years old or younger.

Illinois citizens deserve to be protected from ill-advised policies adopted against the advice of our nation's medical experts, in opposition to federal law, and in opposition to established research science. Our state Chamber of Commerce, the Illinois Sheriffs and Police organizations, educators, treatment professionals, parent groups and private citizens are concerned with public safety and health and urge you to get all the facts about marijuana from reliable sources.

Continues on page 8



Continued from page 7

LEGISLATIVE UPDATE (CONTINUED)

ILACP PRIMARY LEGISLATIVE INITIATIVES FOR THE 96TH GENERAL ASSEMBLY (TOP 6 OF A TOTAL 16)

ILACP SUPPORTS THIS LEGISLATION:

1) Eavesdropping – Undercover Controlled Substance And Cannabis Act

ILACP supports legislation that amends the State’s eavesdropping law to allow eavesdropping only in situations where police officers are working in an undercover capacity and investigating violations of the controlled substance and cannabis acts. The proposed legislation will greatly enhance the safety of police officers that work in the dangerous world of narcotics. This will also allow officers to be much more efficient while conducting drug investigations. The legislation will also protect the rights of those accused of crimes and prove or disprove allegations of police misconduct in that the words of both the accused and the police officer will be recorded and available for review by a judge or jury.

2) Police Pensions and Military Buyback

**SB3022, Sen. Mike Jacobs and Emil Jones III;
House Sponsor Rep. Dan Burke**

Amends the Downstate Police and Chicago Police Pension Code to allow officers to establish creditable service for up to two (2) years of military service before employment. (Passed Senate 51–0 and is now in the House.)

3) Automated Traffic Law Enforcement System (Red Light)

**SB935, Sen. John Cullerton and Sen. John Millner;
House Sponsors Rep. John D’Amico and Paul Froehlich**

This bill supports the use of Automated (Red Light) Traffic Law Enforcement systems by police. The ILACP opposes the following bills that ban or limit the use of automated Traffic Law Enforcement Systems: SB2466, SB2477, SB2979, HB4686, HB4692, HB5327, HB5746 and HB5184.

ILACP OPPOSES THIS LEGISLATION:

A) Medical Marijuana

HB2514, Rep. Lou Lang – SB1381, Sen. William Haine

Creates the Compassionate Use of Medical Cannabis Pilot Program Act. Provides that when a person has been diagnosed by a physician as having a debilitating medical condition, the person and the person’s primary caregiver may be issued a registry identification card by the Department of Public Health that permits the person or the person’s primary caregiver to legally possess no more than 7 dried cannabis plants and 2 ounces of dried usable cannabis. Amends the Cannabis Control Act to make conforming changes. Provides that the provisions of the Act are severable. Provides that the Act is repealed 3 years after its effective date. Repeals the research provisions of the Cannabis Control Act. Effective immediately.

B) Abolish Quotas – Minimum Performance Standards

HB6035, Rep. John Bradley

This bill provides that a county or municipality may not require a law enforcement officer to issue a specific number of citations or warnings in a designated period of time. Provides that an officer’s job cannot be evaluated on mandatory citations or warnings issued.

C) Police Vehicle Lights and Siren

HB5675, Rep. Ron Wait – Senate Sponsor, Sen. Kwame Raoul

Amends the Illinois Vehicle Code. Provides that the driver of a police vehicle must: (1) activate oscillating lights, rotating or flashing lights, sirens, or any combination of such lights or sirens during a high-speed vehicle response;

(2) use lights and sirens to warn pedestrians and other persons of his or her approach during an emergency response situation; and (3) drive with due regard for the safety of other persons and exercise due care when operating a police vehicle. Permits the driver of a police vehicle to use a covert approach when the situation dictates, but requires the driver to comply with all traffic laws if not utilizing lights and sirens as required by the Illinois Vehicle Code. Effective immediately.

Further amends the Illinois Vehicle Code. Provides that a law enforcement officer driving a police vehicle may exceed the posted speed limit without using sirens and activate oscillating, rotating, or flashing lights when the officer is attempting to determine the speed of another vehicle that the officer has a reasonable suspicion is exceeding the posted maximum speed limit, but in no event shall the officer be permitted to exceed 80 miles per hour.

ILLINOIS ASSOCIATION OF CHIEFS OF POLICE LEGISLATIVE INITIATIVES FOR THE ILLINOIS 96TH GENERAL ASSEMBLY

1. Eavesdropping – Undercover Controlled Substance and Cannabis Act
2. Eavesdropping – Uniformed Police Officer
3. Eavesdropping for Hostage Barricaded Situations
4. Exempt Age 35 Military
5. Police Chief Bill of Rights
6. Police Licensing
7. Police Pensions and Military Buyback
8. DUI Field Sobriety Testing
9. Police Officer Protection
10. Paramedic Blood Draw
11. Fight Crime Invest in Kids Illinois
12. Requiring an Individual to Provide Identification
13. Pawnshops
14. ILEAS Helicopter Fund
15. Homicide Investigator Training
16. Automated (Red Light) Traffic Law Enforcement System

THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE WILL OPPOSE BILLS THAT ATTEMPT TO ENACT LEGISLATION SUCH AS THE FOLLOWING:

- A. Medical marijuana laws that go beyond the existing statute
- B. Any attempt to prohibit police officers from utilizing non-lethal weapons such as “Taser”
- C. Any attempts to amend the agreed to Public Act 94-0997 Vehicle Code – Traffic Stop Study
- D. Police Promotion Act
- E. Public Labor–Manning Levels
- F. Police Vehicle Lights
- G. Abolish Quotas



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UNITED STATES SUPREME COURT UPDATE

By James P. Manak, ILACP Legal Advisor

COURT ADOPTS BRIGHT LINE RULE ON WHEN POLICE CAN RE-QUESTION A DEFENDANT AFTER AN INITIAL INVOCATION OF THE RIGHT TO COUNSEL

Maryland v. Shatzer (08-680, 2010).

<http://www.law.cornell.edu/supct/html/08-680.ZS.html>

A police officer attempted to question defendant in 2003 while he was incarcerated at a prison pursuant to a prior conviction, about allegations that he had sexually abused his son. Defendant exercised his right to have an attorney during the interrogation, so the officer terminated the interview. Defendant was released back into the general prison population, and the investigation was closed. Another detective reopened the investigation in 2006 and attempted to interrogate defendant, who was still in prison. Defendant waived his *Miranda* rights and made inculpatory statements. He was then convicted of sexual child abuse. The court below ruled that under *Edwards v. Arizona*, 451 U.S. 477 (1981) the defendant could not be interrogated the second time because of his invocation of the right to counsel in 2003.

Reversing, the United States Supreme Court ruled that since defendant experienced a “break” in *Miranda* custody lasting more than two weeks between the first and second attempts at interrogation, *Edwards* did not mandate suppression

of his 2006 statements. The Court ruled that if a defendant is released from *Miranda* custody he can be reapproached by the police for interrogation. The release back into the general prison population after the sex crime investigation constituted a “break” in *Miranda* custody.

The police, however, must wait at least 14 days after a break in *Miranda* custody before they can reapproach a defendant in order for the defendant to get back to a “normal” life, which in this case was a return to the general prison population. Thus the Court has adopted a 14-day “bright line” rule for a break in *Miranda* custody, after which the police can reapproach a suspect who has previously invoked his right to counsel. The 14-day rule adopted by the Court was strictly a policy decision, having no basis in precedent.

The majority opinion was written by Justice Scalia, with several concurring opinions by other Justices.

COURT CLARIFIES THE LANGUAGE OF *MIRANDA* WARNINGS

Florida v. Powell (No. 08-1175, 2010).

<http://www.law.cornell.edu/supct/html/08-1175.ZS.html>

In *Miranda* the Court held that an individual must be “clearly informed,” prior to custodial questioning, that he has, among other rights, “the right to consult with a lawyer and to have the lawyer with him during interrogation.” In this case the police read defendant his rights from their standard *Miranda* form, stating, *inter alia*: “You have the right to talk to a lawyer before answering any of our questions” and “[y]ou have the right to use any of these rights at any time you want during this interview.” Defendant then confessed. The court below ruled the advice defendant received was misleading because it suggested that he could consult with an attorney **only before** the police started to question him and did not convey his entitlement to counsel’s presence **throughout** the interrogation.

The Court reversed, holding that the advice satisfied *Miranda*. By informing defendant that he had “the right to talk to a lawyer before answering any of [their] questions,” the officers communicated that he could consult with a lawyer

before answering any particular question. And the statement that defendant had “the right to use any of [his] rights at any time [he] want[ed] during th[e] interview” confirmed that he could exercise his right to an attorney while the interrogation was underway. In combination, the two warnings reasonably conveyed the right to have an attorney present, not only at the outset of interrogation, but at all times. The Court declined to adopt or endorse any particular formulation of the *Miranda* warnings. The warnings are sufficient if they convey the essential rights required by *Miranda*, and reviewing courts are not required to “examine [them] as if construing a will or defining the terms of an easement. The inquiry is simply whether the warnings reasonably ‘conve[y] to [a suspect] his rights as required by *Miranda*.’”

Justice Ginsburg wrote the majority opinion, with one dissent and a partial dissent.

EDITOR’S NOTE: The warnings in this case did not conform to the Model Policy of the International Association of Chiefs of Police which states: *Miranda* warnings must **clearly inform** the person being questioned of the following:

1. The person has the right to remain silent.
2. Anything that the person says may be used against him in a court of law.
3. The person has the right to consult with an attorney **and to have an attorney present during questioning**. (emphasis added).
4. If the person cannot afford an attorney, one will be appointed to represent him.” See, “Interrogations and Confessions,” IACP Model Policy and Concepts & Issues Paper No. 58 (originally published in May 1996 and revised in April 2004).

PRACTICE POINTER: The best policy is still that of following the formula in the Model Policy.

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COURT CLARIFIES LIABILITY BASIS FOR EXCESSIVE FORCE CLAIMS BY PRISONERS

Wilkins v. Gaddy (08-10914, 2010).

<http://laws.lp.findlaw.com/us/000/8-10914.html>

In a Per Curiam opinion (by the Court, no listed author), the Court ruled in a 42 U.S.C. § 1983 action alleging excessive force by a correctional officer, that dismissal of a prisoner's complaint where the district court's approach was based on its determination that the prisoner's injuries were "de minimis" was at odds with precedent directing it to decide excessive force claims based on **the nature of the force, not the extent of the injury.**

"In *Hudson v. McMillian*, 503 U.S. 1, 4 (1992), this Court held that 'the use of excessive physical force against a prisoner may constitute cruel and unusual punishment [even] when the inmate does not suffer serious injury.' In this case, the District Court dismissed a prisoner's excessive force claim based entirely on its determination that his injuries were 'de minimis.' Because the District Court's approach, affirmed on appeal, is at odds with *Hudson's* direction to decide excessive force claims based on the nature of the force rather than the extent of the injury, the petition for certiorari is granted, and the judgment is reversed."

"Injury and force, however, are only imperfectly correlated, and it is the latter that ultimately counts. An inmate who is gratuitously beaten by guards does not lose his ability to pursue an excessive force claim merely because he has the good fortune to escape without serious injury. Accordingly, the Court concluded in *Hudson* that the supposedly 'minor' nature of the injuries 'provide[d] no basis for dismissal of [Hudson's] §1983 claim' because 'the blows directed at Hudson, which caused bruises, swelling, loosened teeth, and a cracked dental plate, are not de minimis for Eighth Amendment purposes.' 503 U.S., at 10.

"The allegations made by Wilkins in this case are quite similar to the facts in *Hudson*, and the District Court's analysis closely resembles the approach *Hudson* disavowed. Wilkins alleged that he was punched, kicked, kneed, choked, and body slammed 'maliciously and sadistically' and '[w]ithout any provocation.' Dismissing Wilkins' action sua sponte, the District Court did not hold that this purported assault, which allegedly left Wilkins with a bruised heel, back pain, and other injuries requiring medical treatment, involved de minimis force. Instead, the court concluded that Wilkins had failed to state a claim because 'he simply has not alleged that he suffered anything more than de minimis [sic] injury.' ..."

"The Fourth Circuit's strained reading of *Hudson* is not defensible. This Court's decision did not, as the Fourth Circuit would have it, merely serve to lower the injury threshold for excessive force claims from 'significant' to 'non de minimis' — whatever those ill-defined terms might mean. Instead, the Court aimed to shift the 'core judicial inquiry' from the extent of the injury to the nature of the force — specifically, whether it was nontrivial and 'was applied...maliciously and sadistically to cause harm.' 503 U.S., at 7. To conclude, as the District Court did here, that the absence of 'some arbitrary quantity of injury' requires automatic dismissal of an excessive force claim improperly bypasses this core inquiry...."

"[T]he District Court erred in dismissing Wilkins' complaint based on the supposedly de minimis nature of his injuries..."

SUPREME COURT TAKES APPEAL INVOLVING POLICE OFFICER WHOSE ALLEGEDLY SEXUALLY EXPLICIT TEXT MESSAGES WERE MONITORED BY DEPARTMENT

City of Ontario v. Quon, No. 08-1331 (2010).

<http://www.supremecourt.us/docket/08-1332.htm>

The police department in this case had a formal policy reserving the right to monitor "network activity including email and internet use," allowing "light personal communications" by employees but cautioning that they "should have no expectation of privacy." It did not directly address text messages.

Members of the department were given pagers and told they were responsible for charges in excess of 25,000 characters a month. Under an informal policy adopted by a police lieutenant, those who paid the excess charges themselves would not have their messages inspected.

The lieutenant eventually changed his mind and ordered transcripts of messages sent and received by the officer in this case. The officer and some

of the people with whom he messaged sued, alleging their Fourth Amendment rights had been violated. The Ninth Circuit Court of Appeals ruled that the department's formal policy had been overridden by the "operational reality" of the lieutenant's informal policy.

The City of Ontario's contention on appeal is that "It is not objectively reasonable to expect privacy in a message sent to someone else's workplace pager, let alone to a police officer's department-issued pager."

A decision is expected by June 2010.

For the status on pending Supreme Court cases during the Term of the Court that began in October, go to the Northwestern University Medill School of Journalism website "On the Docket" at: <http://docket.medill.northwestern.edu/> This website is updated during the Term of the Court, from October 2009 to June 2010.



James P. Manak
ILACP Legal Advisor

Mr. Manak is the publisher of Law Enforcement Legal Review, **which now features Internet links to full copies of all cases published in the Review.** You can visit the LELR website at: www.lelp.com for subscription information. He is also 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 since 1967. 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; and Case Commentaries and Briefs, formerly published by the National District Attorneys Association.



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LAW ENFORCEMENT LIABILITY TRAINING CASE

By Don Hays – Illinois Prosecutor Services, LLC

Ries v. City of Chicago, (1st Dist., No. 1-07-3085, November 25, 2009)

FACTS: A police officer is called to a grocery store parking lot to investigate a multicar accident. When the officer arrives at the scene, he parks his squad car and exits the vehicle, leaving the engine running, the key in the ignition and the Mars lights activated. Witnesses inform the officer that the suspect has caused an accident and is attempting to flee the scene. The officer puts the suspect in the back of his squad car, without first handcuffing him, and returns to talk to the witnesses. The officer's squad car does not have a protective barrier to keep detainees in the backseat, and the suspect jumps into the driver's seat of the car and flees the scene. Two police officers see the suspect fleeing in the stolen police car and begin pursuit. While fleeing the pursuing officers, the suspect hits multiple parked vehicles and then, a little over a mile from where the pursuit began, drives through a red light at a high rate of speed and strikes the plaintiffs' vehicle as they are stopped, waiting to make a left turn. Both plaintiffs suffer multiple injuries. The plaintiffs then file suit against the City of Chicago and the original officer alleging that the City, through the officer, engaged in willful and wanton conduct by failing to turn off the engine and remove the keys from the ignition of the squad car, properly restrain or handcuff the suspect, place the suspect in a squad car that had a protective divider, and lock or secure the vehicle's rear door. Additionally, the plaintiffs allege that the City, through its employees and agents, was liable for their injuries suffered as a result of the pursuit of the suspect. The trial court declares that the officer was immune from liability for his conduct but refuses to hold that the City was also immune. Following a jury trial, the City is found to be liable and a judgment of over 4.2 million dollars is entered against the City.

ISSUE: The issue in this case was whether or not the City was immune from liability.

ARGUMENTS: The City argued that the trial court erred in failing to find that it was immune from liability in this case. Conversely, the plaintiff argued that the trial court correctly determined that under the circumstances of this case, the City was not immune from liability and the trial court properly refused to grant the City's motion to dismiss this case.

FINDING: The appellate court agreed with the claims of the City and reversed the judgment entered by the trial court. The appellate court concluded that the trial court properly determined that the responding police officer was immune from liability because of his failure to secure his car and his prisoner did not constitute willful and wanton misconduct. Since the responding officer was not liable for his conduct in allowing the suspect to steal his police car, the City could not be held liable for that conduct. The pursuing police officers were not in control of the intersection where the suspect collided with the plaintiffs and thereby caused their injuries. Since the pursuing police were not in control of that intersection, they and the City were immune from liability for the injuries caused by the suspect's collision with the plaintiffs. Since the City was immune from all liability in this case, the trial court should have dismissed the plaintiffs' action against the City.

COMMENT: In this case there was no question but that the responding officer failed to properly secure his car and his potential suspect. That, however, was not the issue in this case. The issue was whether or not the conduct of the officer was sufficiently egregious so as to constitute willful misconduct on his part. Unless the officer's acts constituted willful misconduct, he or she would be immune from liability. If the officer was immune from liability, under Illinois law so would be the employer of the officer, the City.

QUIZ QUESTIONS FOR THE LAW ENFORCEMENT LIABILITY TRAINING CASE

Ries v. City of Chicago, (1st Dist., No. 1-07-3085, November 25, 2009)

- In Illinois, a public employee is not liable for his acts or omissions in the execution or enforcement of any law unless such acts or omissions on the part of the officer constitute a criminal offense.
 - True
 - False
- Can the employer of a police officer be held liable for the conduct of the police officer if that officer is immune from liability?
 - Yes
 - No
- In Illinois, can a police officer be held liable for his or her negligent conduct that causes injury while that officer is on duty but is not engaged in the enforcement or execution of a law?
 - Yes
 - No
- In Illinois, the Illinois Tort Immunity Act defines willful and wanton conduct as a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.
 - True
 - False

Continues on page 16



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QUIZ ANSWERS AND DISCUSSION FOR THIS TRAINING CASE

Ries v. City of Chicago, (1st Dist., No. 1-07-3085, November 25, 2009)

1. In Illinois, a public employee is not liable for his acts or omissions in the execution or enforcement of any law unless such acts or omissions on the part of the officer constitute a criminal offense.
 - b. False** The acts or omissions of a police officer committed during the execution or enforcement of any law need not constitute a criminal offense before that officer may be held liable for his or her conduct. If the conduct of the officer under such circumstances constitutes willful and wanton conduct, the officer may be held to be liable for any injuries caused by that conduct.
2. Can the employer of a police officer be held liable for the conduct of the police officer if that officer is immune from liability?
 - b. No** If the officer is held to be immune from liability, the Illinois Tort Immunity Act provides that the public employer that employs the officer is also immune from liability.
3. In Illinois, can a police officer be held liable for his or her negligent conduct that causes injury while that officer is on duty but is not engaged in the enforcement or execution of a law?
 - a. Yes** The negligent conduct of an officer who is on duty but who is not engaged in the enforcement or execution of a law may very well render that officer liable for any damages caused by that negligent conduct. If the officer is engaged in the execution or enforcement of any law, then the officer will only be held liable if his or her actions constitute willful and wanton conduct.
4. In Illinois, the Illinois Tort Immunity Act defines willful and wanton conduct as a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.
 - a. True** This is the definition of willful and wanton conduct as listed in the Illinois Tort Immunity Act.

Questions and discussions of this case and these questions can be directed to "the forum" on the law enforcement page of the website: www.illinoisprosecutorservices.com.

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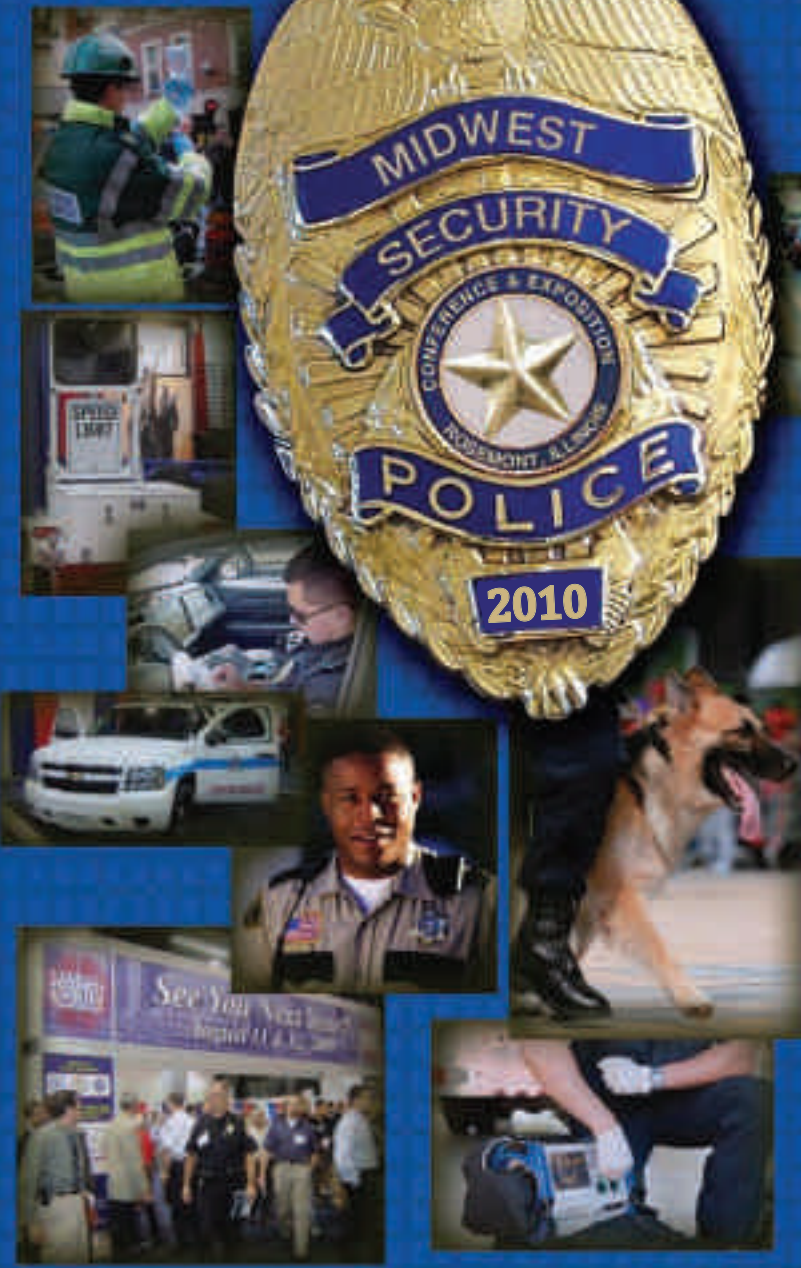
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THE WAR ON METH: ELECTRONIC PSE TRACKING COMES TO ILLINOIS

By Tom Murley, St. Louis County Police Department

The illegal manufacture and use of methamphetamine is a nationwide epidemic. Lives are destroyed by this dangerous drug on a daily basis, perhaps more in Missouri than in any other state.

According to the Missouri State Highway Patrol, Missouri again led the nation in 2009 in the number of methamphetamine labs seized by law enforcement with a total of 1,774. The St. Louis County Police Department's Methamphetamine Precursor Diversion Task Force handled their fair share of methamphetamine lab seizures associated with that number.

Pseudoephedrine (PSE), the key ingredient used to cook meth, is found in many over-the-counter medicines sold at pharmacies. Although federal law limits PSE purchases, our detectives have discovered the creative ways meth cooks get around the law to buy cold medicines at local pharmacies. Until 2008, there was no central database for law enforcement to monitor suspicious buying patterns at pharmacies. Detectives would spend hours or even days visiting store after store to review purchase logs.

In January 2008, all of that changed when our department received funding to launch an electronic tracking system known today as **NPLeX, the National Precursor Log Exchange**. This innovative system allows us to monitor and identify suspicious purchases at local pharmacies, enabling us to seek out suspects both known and unknown.

The NPLeX service is fast, convenient and easy to use. Customers must show a valid state driver's license or other valid government-issued identification, and register their name and address when purchasing products containing PSE. A computerized system, at the point of sale, monitors whether the buyer has reached the legal limit of 7.5 grams every 30 days or 3.6 grams in any 24-hour period. The sale will stop if over the limit.

Detectives can access all participating pharmacies' PSE log data at any time from the convenience of their PC. Since the transaction data is collected in real time, approved law enforcement can receive immediate e-mail notifications on individuals for investigative purposes.

Illinois is one of the first states to join the NPLeX network along with Missouri, Kentucky and Louisiana. Work is already underway to make this service available to both pharmacies and law enforcement by this summer. All pharmacies are expected to have the system up and run-

ning by June 1, 2010. Pharmacy chains currently contributing data to Illinois NPLeX include CVS, Walgreens, Schnucks, Osco Drugs, Shop 'n Save, Cub Pharmacy and Dierbergs. Other participating chains include Kroger, Meijer, ShopKo, Dominick's, Walmart, Sam's and Target.

The Illinois State Police will be managing the NPLeX program in Illinois. State, local and federal officers requesting NPLeX access can contact Special Agent Don Payton, Illinois State Police Statewide Meth Program Coordinator, via e-mail ISP_METH@isp.state.il.us or telephone, 217-558-0198.



Having worked with this program in recent years, we believe you will be happy with the outcome. In the two years prior to electronic tracking, the task force in St. Louis seized a total of 138 meth labs in St. Louis County. Since we began using this system in 2008, the number of meth lab seizures has dropped dramatically to only 59 in the past two years. The results are due to the drug task force identifying groups of individuals who are purchasing together in a cooperative effort to manufacture meth, an activity commonly known as "smurfing." We have presented numerous conspiracy cases to the United States Attorney's Office, leading to the dismantling of loosely knit organizations responsible for numerous labs seized over the last five years.

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THE WAR ON METH: ELECTRONIC PSE TRACKING COMES TO ILLINOIS

Continued from page 19

In 2008, the U.S. Attorney's Office Eastern District of Missouri Drug Task Force indicted 324 individuals on drug violations. Of those indictments, 101 of them, nearly 30 percent, were the result of investigations by the St. Louis County Police Department's Methamphetamine Precursor Diversion Task Force.

In 2009, another 97 individuals were indicted on charges of conspiracy to purchase PSE with the intent to manufacture meth. This accounted for 28 percent of the federal drug indictments for the Eastern District of Missouri. Our task force would not have been this successful without access to the e-tracking system.

Law enforcement agencies in other states have launched this e-tracking tool and have had great success at finding meth labs or stopping the illegal sale of PSE-based products. In Florida, narcotics detectives with the Santa Rosa County Sheriff's Office used NPLEx to conduct an exceedance check.

During interrogation, the offender admitted to making more than 80 PSE purchases at pharmacies over a three-month period. The sheriff's office was able to make four additional arrests on a charge of possession of a listed chemical with the intent to manufacture a controlled substance.

"This tool is my weapon of choice in the war against methamphetamine," said Detective Blake Weekley, clandestine laboratory investigator with the Santa Rosa County Sheriff's Office. "A large meth lab was seized, and all suspects face the prospect of long prison sentences."

The Escambia County (Florida) Sheriff's Office recently shut down a local meth lab and removed a 10-year-old child from the residence.

Authorities used e-tracking to connect five suspects for their role in supplying PSE to area meth cooks. Additional charges have been added for the manufacture of meth in the presence of a child less than 16 years of age.

"This has proven to be very useful in pointing law enforcement to violators," said Kurt Posey, a government analyst with the Florida Department of Law Enforcement. "More than 90 arrests can be attributed to this program in its first year in Florida."

The Kansas Bureau of Investigation, using the e-tracking system, tipped Bonner Springs police about two suspected "smurfers" at local pharmacies. Detectives, arriving at the suspects' address, found an active meth lab. The two were arrested, and the house was condemned because of the chemical damage.

"This system put two suspects on the radar screen who would have otherwise gone unnoticed," said Lt. Rick Schubert with the Boner Springs Police Department. "The end result was another meth lab seizure."

We hear of successes like these all of the time. I am excited to see that one of our neighbors has already taken the necessary steps to launch NPLEx statewide.

With the expansion of electronic tracking and its free access to law enforcement, we will continue to make progress against this very dangerous drug. I believe law enforcement professionals in other states will find that using e-tracking to track suspicious PSE purchases can be as effective as it has been here.

Sgt. Tom Murley is a 27-year veteran of the St. Louis County (Missouri) Police Department. He was assigned to the Bureau of Drug Enforcement from 1998 to 2009. During the years from October 2002 to November 2009, Sgt. Murley supervised the St. Louis County Methamphetamine Precursor Diversion Task Force. The task force consisted of detectives from St. Louis County along with other municipalities, as well as members from the Missouri State Highway Patrol. Under his leadership, the task force conducted 540 methamphetamine precursor diversion investigations. These investigations led to the arrest of 875 individuals, the seizure of 536 methamphetamine labs, and the seizure of over 235,000 pseudoephedrine pills. Sgt. Murley's other assignments within the department have included the Bureau of Tactical Operations and the General Assignment Unit. He is currently assigned as a sergeant in the Division of Patrol.



Sgt. Tom Murley



LEADERSHIP CHALLENGE WITH THE DIFFICULT OFFICERS

By Michael A. Campion, PhD, CPQ, HSSP

Thomas R. Campion, PhD

Consulting Police Psychologists with Campion, Barrow & Associates



Michael A. Campion

Departments are faced with issues of officers who generate excessive sick leave, citizen complaints, unnecessary use of force, inappropriate community behaviors, disabilities that result from on- and off-the-job injuries, refusal to perform, overly aggressive behaviors, alcohol abuse, disrespect to authority and “retirement” on-the-job. These officers tend to have difficulty enduring stress that most officers can cope with. Typically within an organization 10% of the work force generates 90% of the administrative difficulties. With this in mind, this article will focus on that 10%, knowing that 90% of the police work force is functioning successfully and providing a great service to their communities.



Thomas R. Campion

PREVENTION

Prevention is the best way to avoid difficult officers. The first point of prevention is hiring. Each department wants to hire the best and avoid the rest. The hiring process can look different from one department to the next; however, most have commonalities such as applications, interviews, polygraphs, backgrounds, post-offer psychological examinations and medical physicals. Each process provides a necessary component in the selection process, but

Once an officer is hired, the evaluation process still continues. The last two phases of the process are the academy and field training. The police academy should not be a rubber stamp but an important evaluation of the candidate in regards to job performance, ability to multitask, observation skills, ability to learn new material quickly, function with basic police skills and, most of all, the ability to consistently and effectively relate to others.

Even though much time, effort and expense have been placed in the officer prior to the field training, field training should not be an automatic pass as well. The field training program should expect the best from the officer and not accept less than standard performance. If each step of the hiring process is adequately considered, the probability of a good hiring increases exponentially.

Once the officer is on the job, performance evaluations are required to assist in addressing less-than-average performances and/or reinforce positive above-average performances and attitudes. Performance behaviors and attitudes should be documented for feedback and educational purposes. It's important to remember that an effective officer has an appropriate self-awareness and the desire to self-correct. Problems typically occur when this does not happen. Through self-correction, an officer can learn, improve and adapt better to the stress of the job, thereby being a better member of the department.

they are only worth the level of decision-making power given to them. Decisions should be made at each level to ensure that one part in the process does not appear to be overly rigorous. The level of expertise and thoroughness must also be considered to ensure that the information provided is useful, concise and accurate. A comprehensive and thorough background in conjunction with an expert polygrapher, psychologist and physician can bring a higher quality to the hiring process.

WHEN PROBLEMS OCCUR

It's important to be proactive by not ignoring the problem and the patterns of behaviors that are occurring. Problematic officers can decrease department morale and weaken confidence in the leadership if action is not taken. Leaders must make tough decisions and take the appropriate action. The toughest decision to make is when a pattern of behavior indicates that there is evidence the officer is not able to consistently perform the duties and has gone beyond the “occasional bad day” we all have. Many times, it's not one colossal problem but a series of behavior patterns that, if not dealt with, could lead to major problems that would jeopardize the safety of the officer, their fellow officers and/or citizens.

The wear-and-tear on the command staff and Chief can be great. The challenge is when to decide when an officer's behavior rises to the level that they cannot perform the job necessities of a licensed police officer. The leadership team must separate out the developmental career aspects of a police officer with the unacceptable conduct. Most officers in their career go through different phases, which can range in time and intensity. These phases include rookie phase, cynical with some personal disillusionment phase and occupational maturity.

The *rookie phase* is idealism that is coupled with a desire to help people and make a difference in society. As the officer moves into the *cynical*



WHEN PROBLEMS OCCUR (CONTINUED)

phase, there becomes a personal disillusionment that occurs once the officer comes to grip with the reality of policing. This typically occurs from the erosion of the idealism in the rookie phase. The officer faces the lack of support from the citizens and the enormity of the tasks at hand. The officer must cope with the lack of appreciation as well as departmental and community politics. As the officer moves to the *maturity phase*, he or she begins to realize differences have been made from their efforts in the lives of individuals and coworkers at work, along with a healthy acceptance that everyone can't be helped. The officer understands that without police presence, communities would suffer even more.

In deciding between whether the behavior is developmental or maladaptive, the supervising team will help the officer analyze his or her performance by asking questions or suggesting aspects to be examined more closely. The team provides constructive feedback about effective and ineffective behaviors exhibited by the officer. They need to be able to give specific recommendations that could improve the officer's performance.

The leadership team, led by the Chief, will have to do the difficult day-to-day supervision responsibilities which are heightened and tested with a difficult officer. The immediate supervisor of the problem officer will make it clear that there are issues that must be dealt with.

Communication skills and techniques that work best in dealing with officers, particularly problem officers, is to follow a three-point communication skills technique:

1. POSTURING

Stand at a nonconfrontational angle to the officer or sit forward in a chair. It's a nonconfronting position, but it is one that shows serious communication.

2. ACTIVE LISTENING

When talking to the officer, ask yourself, "Am I able to repeat the statements that the officer has made either in my mind or verbally, before I respond?" It is important to identify the problem specifically and to the point.

3. SET DIRECTIVES

After an interactive discussion, it's necessary to make a plan to rectify the problem. At the same time, let the officer know that there will be a follow-up to see how his or her actions have played out with regards to the area of concern. This, of course, is the remediation stage; if this does not produce results, then taking alternate actions should occur.

WHEN TRAINING DOESN'T WORK

Most behaviors can be remediated through further training and supervision. When training does not create a favorable response, additional steps can occur. The officer could be referred to an officer assistance program or additional training. If appropriate remediation efforts fail, then a *Fitness for Duty Evaluation* should be considered.

The Fitness for Duty Evaluation requires several steps that are essential in the process. The officer is informed as to the specifics of the Fitness for Duty Evaluation. Complete documentation of the pattern of behavior

or the remarkable incident is discussed with the officer. The officer then receives a specific order to attend the Fitness for Duty Evaluation.

There could be several outcome possibilities from the Fitness for Duty Evaluation. The officer may retain his or her position but will require successful completion of a necessary treatment activity, or he or she may be placed on light duty; however, all the recommendations must be within the department's ability to accommodate such recommendations. The ability to accommodate recommendations may differ depending on the size of the department and manpower availability.

The challenge of leadership is to act early and when needed. Lack of attention to problematic situations can decrease departmental morale. Research indicates that the most stressful aspect of police work is organizational stress. Handling and managing organizational stress can increase a positive work force, promoting teamwork and loyalty. It can also decrease turnover and abuse of benefit time. Overall, managing difficult officers is ultimately best for the officer, the department, coworkers and the public.

*For more information or if you have questions or comments,
the authors can be contacted at www.CampionBarrow.com or 800-292-3399.*



N-DEx: NEW NATIONAL INFRASTRUCTURE FOR SHARING LAW ENFORCEMENT INCIDENT DATA



FBI's N-DEx ANSWERS THE CALL FOR NATIONAL LAW ENFORCEMENT INCIDENT INFORMATION SHARING

The law enforcement community has a new tool in fighting crime and terrorism. The Federal Bureau of Investigation's (FBI) Law Enforcement National Data Exchange (N-DEx) is built to house incident/case reports, arrest reports, corrections and supervision data, and other relevant information from law enforcement and criminal justice agencies across the nation. The FBI, in close coordination with local and state law enforcement agencies, developed the N-DEx system as another national resource — this one designed to close a critical post-9/11 gap. While we have had NCIC since the late 1960s as the national clearinghouse of wanted persons, stolen cars, missing persons and an array of other critical information, we have not had a national system to share law enforcement incident and related data. This data includes reports and information critical to detectives and analysts whose job it is to “connect the dots” on criminal investigations. Its homeland security value is self-evident. When fully deployed, N-DEx will provide detectives, investigators, analysts and all of law enforcement the ability to search this information from jurisdictions across the country, not just across counties, the state or nearby states.

WHAT IS N-DEx?

The vision of N-DEx is to share complete, accurate, timely and useful information across jurisdictional boundaries and to provide new investigative tools that enhance the nation's ability to fight crime and terrorism.

At its core, N-DEx gathers law enforcement incident reports from jurisdictions around the country into a central national repository. Upon submission, those reports are compared against the incidents already on file to make connections to people, property, place and crime characteristics that the submitting agencies may not be aware of. The incidents are then stored in the N-DEx system and can be queried by investigators and analysts working on criminal cases. In addition, future incoming incidents are compared against those new incidents on file, in a continuing watch for unknown connections.

Of course, many state and regional systems already exist across the country and are providing these critical analytical and other functions to their users. These systems form a key resource for fighting crime and terrorism; however, they are scaled to the jurisdictional boundaries

of their members, and are not expected to fulfill a larger mission. As with other law enforcement information systems (NCIC — the National Crime Information Center, IAFIS — the Integrated Automated Fingerprint Identification System, III — the Interstate Identification System or national criminal history file, UCR — the Uniform Crime Reporting System, and others) the FBI has built the nationally scaled solution. Accordingly, one goal of N-DEx is to connect the regional systems whose members want to participate in the national program. In this manner, N-DEx is not in competition with the existing incident information sharing systems, but rather looks to form complementary strategic partnerships with them for a mutual benefit. This plan provides the regional systems' users with access to a larger population of data, and it provides a larger population of users with access to the regional systems' data.

Critical to the foundation of the N-DEx system was the understanding that it is designed to support law enforcement investigations, and that its core service is the correlation and search of law enforcement incidents from local agency records management systems (RMS).

THE BENEFITS OF N-DEx

The *Key Success Factor* for N-DEx has always been meeting the real-world needs of local law enforcement agency investigations.

While N-DEx is scaled nationally by definition, the system's greatest benefits will be realized regionally. Existing incident information-sharing projects have proven the value of exchanging law enforcement data regionally. Now N-DEx can bring that value to all agencies. As stated above, the N-DEx system emphasizes the importance of connecting to existing regional systems because they already work and are relevant to the day-to-day operations of law enforcement agencies. Connecting these systems to the single national system enhances their services to

their participating agencies and gives the benefit of their data to all other agencies in the country.

N-DEx also provides a significant value in giving groups of agencies the immediate ability to create “virtual regional information sharing systems.” In other words, the agencies in any geographic region can all link to one another simply by each submitting data to N-DEx. This capability brings the proven value of regional law enforcement information sharing to every agency in the country. This is an especially valuable service as neighboring states begin participating.



THE CAPABILITIES OF N-DEx

The N-DEx system capabilities are built upon “under the hood” services that process raw report data submitted from law enforcement agencies. Below are the key services (not all will be fully deployed until Increment III in late 2010):

SEARCH

The *Search* capability is the N-DEx system’s most prominent user-accessible capability. N-DEx will deploy a very familiar “Google-like” interface in its Increment III roll-out late in 2010. Early versions of this function operate very smoothly on a user-friendly screen, familiar to any casual Internet user. In addition, options allow results to be filtered, sorted and presented in a manner most relevant to the needs of the specific user. Officers, analysts and detectives should have no trouble sitting down and using N-DEx after just a short training module or on-the-job practice. The Search capability focuses on specific entities (people, property or places), crime characteristics and key words. There is also a free-text search that will scan structured fields and free-text records, such as narratives.

SUBSCRIPTION

The *Subscription* capability allows law enforcement investigators to register a search for future information about entities and subjects of interest. This functionality allows detectives to tell the N-DEx system to keep its eye out for a new submission with people, property, places or crime characteristics of interest. Over time, this will serve as a powerful investigative tool. Investigators may register for notification of future events about entities, such as inquiries by other agencies. That enables investigators to easily discover “who else is looking” for the same subjects or has interest in similar cases. This capability provides a key foundation for supporting case de-confliction and encouraging case collaboration.

NOTIFICATION

The *Notification* capability directs the N-DEx system to automatically deliver specific messages to identified users or groups of users. For example, a notification might be sent when a future RMS submission matches a subscription request or when a user hits on a “restricted” record and the Point of Contact is automatically notified.

VISUALIZATION

The *Visualization* capability provides charting/graphing/mapping tools to make it easier to see the relationships that exist within the large amounts of data that may match an inquiry or a submitted case. The Visualization allows users to navigate through these relationships in an easy, graphical manner. This is a widely accepted and appreciated feature, and analysts are familiar with its capabilities in almost all existing state and regional information-sharing systems.

ANALYTICAL/REPORTING

The *Analytical/Reporting* capability gives users the ability to create meaningful reports from the N-DEx data for analysis, distribution and sharing. The N-DEx system can generate valuable reports including graphical displays of data for use in predictive modeling, reporting, tracking and trending of crime for operational purposes. This tool is for investigative uses only and will not be used for statistical crime reporting or publication.

COLLABORATION

The *Collaboration* capability will allow users to locate others working on similar cases, to create investigative teams or task forces and to share case information in a secure environment.

THE RELATIONSHIP TO LOCAL RECORDS MANAGEMENT SYSTEMS

One goal of the N-DEx design is to not affect the operations of the local RMS, but just to take an extract of the data on a routine basis:

- Agencies do not need to change their records management practices to participate.
- They do not need to collect more data or encode it differently within their systems.
- They do need to work with their vendor or computer staff to “map” the data to the N-DEx system’s national standard format and create a program of routine export to the N-DEx file. Once that is done and operational, data submission should be largely automated and non-intrusive.

The N-DEx data submission standard allows for a wide range of data to be included, but agencies are free to control the level of data they submit, according to local requirements and policies. N-DEx also has a number of system functions that allow agencies to decide how to share the data. Agencies remain in control of their own data. For example, rules can be established that prevent juveniles or sex assault victims from being visible to other users.

THE RELATIONSHIP TO STATE AND REGIONAL INFORMATION SHARING SYSTEMS

This same data submission process is also followed for the regional or state law enforcement sharing systems. As stated above, the N-DEx goal is to complement these existing systems.

The FBI has created a national standard for submission of data to N-DEx, and that format is gaining momentum as a national standard for exchanging law enforcement incident information at any level. Success-

ful completion of the N-DEx implementation as one of the national CJIS systems will showcase a clear set of standards on the national landscape. Accordingly, N-DEx may have an effect on nationwide records system practices similar to the great benefit that implementation of the FBI’s IAFIS had on standardizing national AFIS and live-scan fingerprint activities.

Continues on page 26



Continued from page 25

THE RELATIONSHIP TO INTELLIGENCE SYSTEMS

N-DEX is established to fill a law enforcement records sharing gap; it is not designed to be an intelligence system. **It is specifically designed to not include intelligence data in any of its files.** In this manner N-DEX does not fall under the requirements of Title 28, Code of Federal Regulations, Part 23, which, of course, are highly restrictive and require significant records administration and resources from the contributors. Rather, N-DEX is

designed to simply aggregate the RMS and related data from local agencies into a searchable repository. For example, it will provide great value to Fusion Centers, Intelligence Analysts and other intelligence activities, but not fall under the definition of an intelligence system. This also means that agencies must be diligent in not including intelligence data in the information submitted to N-DEX.

N-DEX GOVERNANCE AND MANAGEMENT

As with NCIC and the other FBI “CJIS” Systems, N-DEX is under the governance of the CJIS Advisory Policy Board (APB). The APB has a successful 40-year history of managing NCIC under a “shared management” philosophy between the FBI, the state “CJIS Systems Agencies” (CSAs) and local agencies. In Illinois, the State Police is the CSA. Within each state, the “CJIS Systems Officer” (CSO — a person from within

the CSA) and a local representative participate in the Working Groups that work on all of the issues presented to the APB and its Subcommittees. In this manner the FBI has effectively shared management of these important national systems with the agencies who contribute almost all the data and are the main users of the systems. These agencies are able to control the ongoing use and management of the systems.

TIMELINE

N-DEX Increment I was deployed in the spring of 2008 and Increment II in June of 2009. When Increment III is delivered late in 2010, N-DEX will be fully deployed. The N-DEX system is still very much in the start-up mode, with 15 systems representing about 650 agencies having contributed approximately 70 million records. Those numbers will increase dramatically as new states and regional systems add records. The emphasis at present is on increasing data submission and encouraging agencies near jurisdictions which have submitted records to use the

system. Current users will benefit from the federal data on file as well as the state and regional systems’ data that has been submitted, mostly from Texas and southern California. Obviously, the value will increase as more states and jurisdictions submit data. The area around Illinois does appear poised to have a significant increase in data from surrounding states, at which time use by Illinois agencies will bear significant benefits.

HOW ILLINOIS AGENCIES WILL BE ABLE TO CONTRIBUTE DATA TO N-DEX

Right now, the FBI and Illinois State Police (ISP) are working on an interface from ICLEAR to N-DEX. That interface will also include the CLEAR data from Chicago PD. Accordingly, to participate in data submission,

Illinois agencies will submit data to ICLEAR or CLEAR. That data will be stored in ICLEAR and also submitted to N-DEX.

ACCESS TO N-DEX FOR ILLINOIS LAW ENFORCEMENT AT PRESENT

At this time, query access to N-DEX is available only through the FBI’s Law Enforcement Online (LEO) program. To obtain LEO access you must complete an application available at www.leo.gov. Applicants will be notified by the LEO Program Office when access has been granted to LEO and provided with “next steps” information. Next steps include completing a separate N-DEX application as well as an FBI Rules of

Behavior (FD-889) form. Both forms are available to you after login on the LEO site. The N-DEX Program Office will forward your application to ISP LEADS Administration for approval at the state level. Once approved (active LEADS certification is required), the N-DEX Authentication Office will send a “welcome letter” email. Online N-DEX training is also available through LEO.

CONCLUSION

The delivery of N-DEX is a watershed in the sharing of law enforcement incident and related information. The FBI has built the national infrastructure that allows us to share this information. As with NCIC and the other CJIS systems, N-DEX will succeed only as the local law enforcement agencies contribute their data and use the system in their daily operations. N-DEX is providing a key service. As Illinois and the other states participate, the benefits will be realized in a manner that makes a difference for all of law enforcement.

N-DEX Success Story - see page 29

David Gavin is an N-DEX Outreach Consultant for the International Association of Chiefs of Police (IACP). He previously worked 33 years for the Texas Department of Public Safety. For most of that time, he served as Assistant Chief, Administration Division, in charge of the Texas Crime Information Center, Criminal History Repository, AFIS, Sex Offender Registration and related programs. His education includes a master’s degree from the University of Texas at Austin.



David Gavin



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AN EXAMPLE OF N-DEX USE

(NAMES HAVE BEEN CHANGED FOR PUBLICATION)



A police department in Nevada received information that a person was selling narcotics at a city address. The male subject, identified only by the moniker “Peanut,” reportedly had handguns in the residence, which he shared with a female and another male. A search of available records, including the gang database, could not locate a match based upon the limited information.

The agency subpoenaed the power company records, which showed a female subscriber named Patricia Flowers at the address. The power company records also contained a reference to Christopher Majors as her husband. A local records check could not locate her husband by that name, and without a date of birth or other identifiers, other state records could not be queried.

A search through N-DEX on the female’s name returned a call for a service record from California. The Nevada PD had already received information that “Peanut” was a gang member and was possibly from California. The call for service record also showed a male associate named Edmund Vincent, with a date of birth.

The agency then queried N-DEX, NCIC and the Interstate Identification Index (III) using the name Edmund Vincent and the supplied date of birth. The results came back with an extensive criminal history as well as a felony warrant for possession of a stolen vehicle. The criminal history included attempted murder, sexual assault of a victim under 14 and resisting arrest with violence. His alias information showed a moniker of “Peanut” and an AKA of Christopher Majors. The record also had numerous tattoos listed, which matched the information already given to the police department by an informant.

Prepared with all this information rather than just the previous tip, the agency served the warrant on Edmund Vincent. He initially identified himself as Christopher Majors. A large quantity of narcotics and two handguns were located at the residence.

Without N-DEX capabilities, Peanut’s real identity, his criminal history and his warrant status would not have been immediately known. Ultimately, he admitted to the officers that he lied about his identity, because he knew he had a warrant and would probably go to prison for a very long time.



JANUARY 2010 WINTER ILACP

MEMORIES IN PICTURES



The Tinley Park Conference Center and Holiday Inn Select was a beautiful setting for training.



Our Host Chief, Michael O'Connell of Tinley Park, made the visit all the more enjoyable.



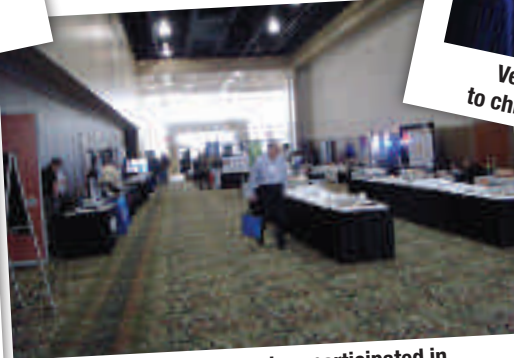
"Officer Joe" was among the Tinley Park Police on duty during the Training Conference.



ILACP staff and volunteers, Linda and Louis Kunz, man the Conference Registration Desk.



Vendor reps were readily available to talk to chiefs during breaks from training sessions.



Many tabletop vendors participated in making the Conference such a success.



Vendors distributed informational materials on many law enforcement products and services.



iyeTek owners Jeremy Vainavicz and Salman Anwar



ILACP Office Manager Mark Wilkans chats with Chief Doug Larsson in the Vendor Hall.



CONFERENCE AT TINLEY PARK



Attorney General Madigan and VIPs stand in honor of the color guard procession.



Governor Quinn greets Police Chief Pamela Church of Western Springs.



Incoming President Pat O'Connor and his parents were greeted by the Illinois Governor.



Tinley Park Police Chief, Michael O'Connell, and his wife, Barb, welcome Governor Pat Quinn.



Governor Quinn joins VP Swanson, President Smith and their families for a photograph.



Governor Quinn briefly addresses the Saturday evening dinner guests at the conference.



The ILACP Board of Officers pose for a photograph with the Governor.



Installation Banquet guests salute in preparation for the Pledge of Allegiance to the Flag.



"Wear Your Green" was the Saturday evening dinner theme to honor the Irish influence.



The Bagpipes & Drums enter the 2010 Winter Conference Installation Banquet.



The Emerald Society Bagpipes & Drums engage the Installation Banquet.



The Color Guard with Bagpipes & Drums exit the Banquet Dinner Hall.



STATE ASSOCIATION OF CHIEFS OF POLICE (SACOP) ON THE HILL

ILLINOIS CHIEFS ATTEND D.C. MEETINGS



Senator Richard Durbin and Chief Pat O'Connor discuss legislative initiatives during the SACOP meeting in Washington.



Chief Ronald D. Swan, Illinois State University Police Department, received the 2009 **Roy Wilkins Award** (the highest honor bestowed by the NAACP) at the **100 Century Celebration Bloomington-Normal Branch NAACP Freedom Fund Banquet**.



ILACP wishes to gratefully acknowledge each of the following booth sponsors that supported our Winter 2010 Training Conference in Tinley Park, Illinois.





“STRENGTH THROUGH COOPERATION”

HOW ILEAS HAS REPRESENTED THE LOCAL LAW ENFORCEMENT INTERESTS IN ILLINOIS

When the Pittsburgh (Pennsylvania) Police Department commanders learned that their city was going to host the G-20 Economic Summit, they had only four months to prepare. Pittsburgh commanders called various agencies for advice and assistance — the London Metropolitan Police, Washington D.C. Police, New York City Police and the Illinois Law Enforcement Alarm System (ILEAS). When the summit took place in September of 2009, ILEAS was the largest single-combined team on site, with 150 officers from 60 different agencies from Illinois.

ILEAS has come a long way since its post-9/11 birth. When it was created in 2002, there was no staff, only the beginning of a governing board and minimal participation by police and sheriffs. The laudable efforts of a few individuals — Sheriff Jim Olson, Deputy Chief Pete Smith, Chief Deputy Gary Stryker, Chicago Police Superintendent Terry Hillard, Illinois Terrorism Task Force Chair Mike Chamness — and the assistance of many others resulted in the creation of ILEAS and the formation of its first Governing Board. From those early days when only a few agencies were members, ILEAS now boasts a membership of over 900 law enforcement agencies, representing over 95% of the officers and deputies in Illinois.

ILEAS' EXCEPTIONAL STATUS

The unique aspect of ILEAS as a law enforcement group is its governance and role. ILEAS represents the interests of local agencies because it consists of and is overseen by local agencies. The Illinois Sheriffs' Association and the Illinois Association of Chiefs of Police as well as 16 elected chiefs and sheriffs dominate the ILEAS Governing Board. The Illinois State Police and the Chicago Police Department are also represented. Even though Homeland Security Grant funding is provided by the Illinois Terrorism Task Force, spending and investment priorities are established by ILEAS in the name of and for the benefit of local law enforcement.

From the early days when the organization was without staff, ILEAS has grown to a mature, well-regarded professional agency unlike any other law enforcement organization in the nation. ILEAS currently has 25 contractors on staff and has managed over \$100 million in grants for local law enforcement in Illinois. Under ILEAS' auspices, nine WMD Special Response Teams and seven Mobile Field Force Teams have been created. In total there are 822 officers from 245 different agencies represented on ILEAS teams. ILEAS has invested over \$25 million in creating, equipping, training and maintaining these special teams.

NATIONAL SCENE

Given its expertise, FEMA has reached out to involve ILEAS in law enforcement mutual aid on a national scale. Executive Director Jim Page is the current chair of the FEMA NIMS Law Enforcement Workgroup Patrol Task Force subcommittee. He is also a new member on the recently formed FEMA Preparedness Task Force. ILEAS has had unique experiences deploying over 550 officers to Louisiana for Hurricanes Katrina and Rita; to St. Paul, Minnesota, for the Republican National



ILEAS Training Center, Urbana



G-20 Economic Summit, Pittsburgh

Convention and most recently, to the G-20 Summit in Pittsburgh. As a result, FEMA and other states has expressed considerable interest in the ILEAS model. In 2008, ILEAS was audited by the Department of Homeland Security Auditor General. As a result of that audit, ILEAS was identified as a “best practices” organization for its oversight system of training, finances and inventory.

Given the motto of “Strength Through Cooperation,” ILEAS required these teams to be multijurisdictional. Many of these teams are now providing service to entire regions of the state where there had been no local support.

Every year since 2003, ILEAS has offered millions of dollars of equipment grants to local agencies. In the past, ILEAS has provided funds for physical security, training, HAZMAT equipment, radios and mobile data computers (MDCs). In fact, over the last four years, ILEAS has provided over 1,000 radios and 1,000 MDCs to local law enforcement. Additionally, 13 mobile command posts, nine armored vehicles and a host of other specialty vehicles have been provided at no cost to various agencies in Illinois. Agencies receiving this equipment must agree to maintain it and provide it during large state or regional emergencies if necessary.



MUTUAL AID

The primary reason for the formation of ILEAS was to develop and operate a statewide mutual aid plan. The first plan that ILEAS implemented was called the “car plan” or the “alarm plan.” It was based on the Northern Illinois Police Alarm System (NIPAS) car plan. Every chief and sheriff filled out a pre-plan on paper and it was distributed throughout the state and managed by Northwest Central Dispatch in Arlington Heights, with the Peoria Police Dispatch as backup. That system worked well for the first few years; however, through time problems started to develop. ILEAS experienced quick growth in membership, but those new agencies were often not reflected in the alarm cards at the time. It was cumbersome for a chief to be required to constantly upgrade his agency’s alarm card based on new membership. As a result, the alarm cards became stale. Additionally, agencies started requesting more than just officers and deputies. Requests for supervisors and equipment started coming in but were denied because they were not reflected on the alarm cards. The need to revamp the original system prompted a complete mutual aid review.

The new mutual aid system officially started on January 1, 2010. The new system is based on available resources. Every ILEAS member agency enters and updates the resources it possesses into an online database. This data includes number of officers, supervisors, types of vehicles, specialty equipment, translators, etc. When a crisis strikes an agency, the incident commander can call the ILEAS dispatch center and describe what type of assistance his/her agency needs. The telecommunicator then enters that request into the software which creates an alarm card “on the fly” for that specific incident. The telecommunicator can then start making the requests for the stricken agency — sending specific requests for what they need. So far, the software has worked very well and has overcome the problems with the previous static system. ILEAS has developed pocket cards for supervisors that outline a step-by-step process for getting emergency assistance from ILEAS along with a list of the available resources.

CURRENT PROJECTS

RADIATION DETECTORS

The State of Illinois is the first to deploy radiation detectors to public safety agencies in large numbers. ILEAS worked with the Terrorism Task Force Science and Technology Committee and nuclear scientists at the Argonne National Laboratory to develop a cell phone-sized radiation detector with a less than one second response time. ILEAS purchased 6,200 of these detectors for deployment in police and fire vehicles across the state. Working with the Illinois Emergency Management Agency Nuclear Safety Division, a “reach back” system of experts armed with advanced detectors was established to provide support in case an officer locates radioactive materials. Any agency interested in obtaining detectors should contact ILEAS.



REGIONAL PLANNING COORDINATORS

In October 2009, ILEAS started the Regional Planning Coordinator (RPC) program. Four recently retired senior police and sheriff’s commanders have been hired to act as liaisons to local agencies in the state. Each RPC is assigned approximately 60 law enforcement agencies to which they provide service. The RPCs present a familiar local “face” to police and sheriff agencies when they need homeland security assistance of any kind. They attend regional chiefs/sheriffs meetings, provide planning assistance to local agencies if necessary, and assist with NIMS compliance as well as with grant management. During emergencies, they can offer ILEAS support to the local law enforcement incident command and act as a liaison to the ILEAS desk at the State Emergency Operations Center in Springfield. The RPCs are also involved in assisting agencies as they set up and conduct exercises and complete their required inventory reports. Each RPC also feeds information back to the Board and the staff about the needs of local law enforcement so that new programs can be crafted to address those needs. There are currently three RPCs; by June 2010, there should be a total of ten covering the entire state.

WEBSITE

ILEAS has upgraded its website with new software and features. Currently, password access to agency data is available to chiefs, sheriffs and senior commanders. In the next few months, password access will be available for supervisors and officers. Based on a social networking model, the ILEAS website will offer opportunities for law enforcement at all levels to communicate in a secure fashion. Each ILEAS Region will have its own page monitored by the Regional Planning Coordinators and can be used by the ILEAS Regional Boards to get relevant information out to neighboring jurisdictions. ILEAS is also exploring the possibility of hosting agency websites for agencies that cannot afford their own.

INTELLIGENCE LIAISON OFFICERS

Working with the Statewide Terrorism and Intelligence center (STIC), ILEAS has obtained funding to develop an Intelligence Liaison Officer program. Thirty to sixty local law enforcement agencies in Illinois will be able to participate in this program. Participants will receive (at no cost) laptops, digital cameras, scanners and other similar equipment as well as advanced intelligence training from STIC. ILEAS plans to hire and assign to the STIC, on a daily basis, a contractor to represent local law enforcement and work with the participating agencies. The primary purpose of this program is to gather and disseminate intelligence more effectively. The Intelligence Liaison Officers will still work for their agencies and will not have to represent regional interests.

ILEAS TRAINING CENTER

In June of 2008, ILEAS opened the ILEAS Training Center in Urbana. Since then, there have been 210 events involving approximately 7,000 attendees. The use of the Center is increasing every month. The 13-acre 122,000-square-foot facility has offices for ILEAS contractors, an auditorium, two full-sized classrooms and several breakout/conference rooms. The facility is unique in that it also has 90,000 square feet of unused space that is heated and maintained for scenario-based training.

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Continued from page 35

CURRENT PROJECTS (CONTINUED)

The Center was previously a county-operated hospital with hundreds of rooms. The entire facility is configured for wireless cameras so that all scenario-based training can be video-recorded and/or monitored from any classroom. Training for SWAT teams, active shooters, crime scene processing, blood spatter, K-9 and searches, radiation source searches are examples of activities that have taken place at the Training Center.

GRANTS AND THE ILEAS FOUNDATION

ILEAS currently has nearly \$3 million for MDC grants. The grant process will start this summer and, like in the past, it will include an online application. ILEAS is also seeking other grants to provide much-needed equipment to local agencies. To that end, the ILEAS Foundation was formed in late 2009. The Foundation has a 501(c)(3) IRS charity foundation status; therefore, donations made to the Foundation are tax-deductible. The Foundation was formed to benefit local law enforcement by raising funds through private grants, donations and fundraising opportunities. The Homeland Security grants that ILEAS manages have strict rules and guidelines which govern what can — and cannot — be provided. Chemical agents and training ammunition for special teams, liability insurance for ILEAS, medical exams for special team members to comply with Department of Labor respirator regulation and training not listed in the DHS catalog are just some of the needs of law enforcement in Illinois and across the nation. In the coming year, everyone will hear more from the Foundation as it seeks funding opportunities and will provide grants to assist departments statewide.

THOMSON CORRECTIONAL CENTER

At the end of 2009, President Obama officially proposed that the Federal Bureau of Prisons purchase the Illinois Thomson Correctional Center in Carroll County to house not only 1,600 maximum security federal prisoners, but the approximately 100 terrorism detainees currently at Guantanamo Bay, Cuba. ILEAS was asked by the Illinois State Police to partner with them on a combined proposal for the needs of law enforcement if that plan actually occurs. After meeting with law enforcement officials in the Thomson area, a plan was developed and submitted to the State of Illinois. Shortly afterwards, ILEAS was asked to chair

a multi-disciplinary ad hoc group and develop a report on the needs of the entire first responder community. This group included the Illinois Medical Emergency Response Team (IMERT), Illinois National Guard, Mutual Aid Box Alarm System (MABAS) fire service and Emergency Managers. ILEAS authored the final report, which is now in the hands of Governor Quinn and the National Security Council. The report outlines the vulnerabilities, strengths and weaknesses in the area and throughout Illinois in handling this politically sensitive issue. It also requested several million dollars to shore up those regional resources. If the plan is approved and funds are made available, ILEAS will work with all its partners to manage and oversee funds provided to support law enforcement.



ASSOCIATION GRANT MANAGEMENT

As a means of supporting law enforcement programs, ILEAS has pursued the practice of managing grants for other public safety-related organizations in Illinois. One such organization is the Illinois Emergency Services Management Association (IESMA). IESMA represents local emergency managers and emergency services and disaster agencies in Illinois. IESMA also receives homeland security grants from the Terrorism Task Force, but IESMA did not have sufficient resources to oversee the details involved in managing them. IESMA received \$674,000 in 2008 and \$3.9 million in 2009. IESMA directs how the funds are to be expended and ILEAS “makes it happen.” ILEAS also receives funds from communications grants and recently received a grant for the newly formed Illinois Public Works Mutual Aid Network (IPWMAN). Out of the \$32 million FY 2010 budget recently adopted by the Terrorism Task Force, ILEAS is managing \$13,741,000 — 42% of the total budget. This strategy of grant diversification has provided ILEAS with the opportunity to grow and provide stability for staff and to continue to support law enforcement programs.

SUMMARY

ILEAS' significant growth demonstrates that there is a real need in Illinois for operational support of local law enforcement. By pursuing a strategy of grant diversification, excellent service to membership and professional fund management, ILEAS has been very successful in getting established and is preparing for a bright future. The “Strength Through Cooperation” philosophy permeates everything ILEAS does — constantly working with the Illinois Chiefs of Police Association, the Illinois Sheriffs' Association, the Chicago Police Department, the Illinois State Police, the Illinois Emergency Management Agency, the Illinois Terrorism Task Force and the U.S. Department of Homeland Security. Its reputation for professionalism has also garnered national attention. ILEAS exists and is dedicated to assist and support law enforcement in Illinois in any way possible. If any chief, sheriff or law enforcement commander in Illinois needs operational or homeland security assistance, help is only one phone call away!

Contributor

James Page

ILEAS Executive Director

Mr. Page has been the ILEAS executive director for over five years. He retired from the Urbana Police Department as an Assistant Chief of Police. Mr. Page has a master's degree in public administration and is a graduate of the FBI National Academy Session #164.



James Page
ILEAS Executive Director





REMEMBERING THE OFFICERS KILLED

By Deputy Chief Edward Urban, Algonquin Police Department

The rock group the Kinks immortalized the words, “[i]t’s a mixed up muddled up shook up world,” and any person who has served as a police officer will agree that those words ring true. No better example exists than the famous thug, bank robber and killer, the famed public enemy John Dillinger. Dillinger and his gang terrorized the Midwest in the 1930s by robbing banks, taking hostages and getting into shootouts with the police. Books have been written about the man and Hollywood has made movies. Dillinger has risen to be a folk hero.¹

But there’s one thing that seems to have been forgotten in this mixed-up world and that is the thirteen police officers who were killed (or are

suspected to have been murdered) at the hands of John Dillinger, his gang or his criminal associates. There are no books written or movies made about their stories; however, these men are the true heroes. Like all policemen they put on the uniform, pinned on a badge, strapped on the gun and went to work. The only difference is they’ve never returned home to their families. They’ve joined the ranks of those women and men who, when duty called, stepped in between the bad guy and the good guy and were killed in the line of duty. During National Police Week (May 9–15, 2010), many will recognize the service and sacrifice of our nation’s fallen officers; it is a fitting time for us to remember the following thirteen heroes.



SHERIFF JESSE L. SARBER of the Allen County (Ohio) Sheriff’s Department was shot by Harry Pierpont on October 12, 1933. Pierpont and other gang members ascended on the jail where Dillinger was a prisoner, intent on breaking him out. Sarber was shot in the abdomen and the bullet bore a path through his thigh, tearing his femoral artery. Pierpont and another gang member then pistol-whipped Sarber. Sarber died later that evening from blood clots on his brain caused by the pistol-whipping.²



DETECTIVE HENRY C. PERROW, 56 years old, of the San Antonio (Texas) Police Department, was shot and killed after he cornered Tommy Carroll in an alley. Carroll was in Texas on an errand for Baby Face Nelson to purchase guns.³



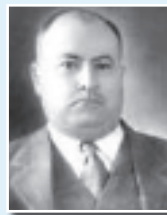
SERGEANT WILLIAM T. SHANLEY, a twenty-year veteran of the Chicago Police Department, went to 5320 Broadway, Tower Auto Rebuilders, in response to a tip that Dillinger gang member John Hamilton would be there. Shanley confronted Hamilton and asked to see his driver’s license. Hamilton reached into his jacket and produced a pistol. A struggle ensued for the gun and Shanley was shot in the chest. He was transported to Edgewater Hospital where he subsequently died.⁴



TROOPER EUGENE TEAGUE had been with the Indiana State Police for six months when he was killed by friendly fire on December 20, 1933, in Paris, Illinois. Teague was part of a contingent of Illinois and Indiana State Police Officers who cornered Dillinger gang member Ed Shouse. When Shouse tried to escape, gunfire erupted and Teague was killed in the confusion.⁵



PATROLMAN WILLIAM PATRICK O’MALLEY of the East Chicago (Indiana) Police Department, was killed during a bank robbery on January 15, 1934. The married, 43-year-old father of three daughters responded with other officers to an alarm at the bank where he encountered John Dillinger and his gang exiting with hostages. O’Malley fired four shots that hit Dillinger. Dillinger returned fire, hitting O’Malley with eight slugs, one of which entered his heart.⁶



UNDERSHERIFF CHARLES A. CAVANAGH was killed on the morning of March 16, 1934. Cavanagh and two other members of the St. Clair County (Michigan) Sheriff’s Department responded to Pearl Anderson’s store in Port Huron, Michigan, for an unruly man who refused to pay for cigarettes. The officers encountered Herbert Youngblood, a man whom John Dillinger had escaped with from the Lake County (Indiana) jail. Cavanagh searched the suspect and relieved him of one gun. Youngblood pulled another gun and shot Cavanagh through both lungs. The wounded Cavanagh returned fire and struck Youngblood. Both men died on the scene.⁷



SPECIAL AGENT W. CARTER BAUM, a four-year veteran of the Federal Bureau of Investigation, was shot and killed by Baby Face Nelson near Rhinelander, Wisconsin, on April 22, 1934. Federal agents and local police cornered John Dillinger and other gang members at the Little Bohemia Lodge. During a gunfight with the lawmen, Nelson fled the area. He was in the act of kidnapping several people and stealing their car when Special Agent Baum and other officers arrived on the scene. Nelson engaged them in a gunfight, fatally striking Baum in the neck.⁸



BY THE DILLINGER GANG



Harry Pierpont
Photo Courtesy of
Ohio Department of
Corrections



Tommy Carroll
Photo Courtesy of
<http://wcfcourier.com>



**Lester Joseph Gillis
(Baby Face Nelson)**
Photo Courtesy of
Federal Bureau of
Investigation (FBI)



John Hamilton
Photo Courtesy of
Federal Bureau of
Investigation (FBI)



Ed Shouse
Photo Courtesy of
<http://www.in.gov>



John Dillinger
Photo Courtesy of
Federal Bureau of
Investigation (FBI)



Herbert Youngblood
Photo Courtesy of
CORBIS



Homer Van Meter
Photo Courtesy of
Federal Bureau of
Investigation (FBI)



John Paul Chase
Photo Courtesy of
Federal Bureau of
Investigation (FBI)



PATROLMAN HOWARD C. WAGNER of the South Bend (Indiana) Police Department was on foot patrol on June 30, 1934. He was alerted by the sound of gunfire coming from the vicinity of the Merchant's National Bank. The patrolman ran toward the bank and was spotted by two Dillinger gang members, Baby Face Nelson and Homer Van Meter. Both criminals opened fire on the officer. One round struck Wagner in the abdomen and exited out his back, taking a kidney with it. The officer died of his wounds.⁹



SPECIAL AGENTS HERMAN E. HOLLIS and **SAMUEL P. COWLEY**, along with other agents of the Federal Bureau of Investigation, were involved in a manhunt for Baby Face Nelson on November 27, 1934. They encountered Nelson and associate John Paul Chase near Barrington, Illinois, and a gun battle ensued. Nelson's vehicle was disabled and, while he and the other occupants were abandoning it, Agents Hollis and Cowley pulled up to the area in their vehicle. Nelson and Chase exchanged fire with the agents and both were wounded, as was Nelson by return gunfire. Agent Hollis died at the scene and Agent Cowley succumbed to his injuries the next day. The wounded Nelson fled from the area and died later that evening.¹⁰



CHIEF OF POLICE FRANKLIN PIERCE CULP was on duty in Fostoria, Ohio, on May 3, 1934, when John Dillinger and associate Homer Van Meter were robbing the First National Bank. The 67-year-old lawman was alerted to the robbery by an escaping customer. Culp proceeded to the bank and entered through a side door where he encountered Van Meter. Culp, known as a good marksman, was unable to get a shot because there were bank employees between him and Van Meter. The robber, not restrained by the presence of the employees, fired on Culp. The round tore into Culp's chest and into his lung. Culp initially survived the injury, but he passed away on April 23, 1950, from the wound.¹¹



Two other officers of the East Chicago Police Department, **PATROLMAN FRANCIS LLOYD MULVIHILL** and **PATROLMAN MARTIN J. O'BRIEN**, were murdered on May 24, 1934. The grisly crime occurred in a rural area on the Old Gary Road, a locale known for stolen vehicle activity. Their bodies were discovered in an unmarked patrol car with their weapons still holstered. The nature of the bullet wounds indicated that they were shot at close range with a Thompson machine gun and a .38 caliber weapon. The crime left nine children fatherless. This murder was never solved, but Dillinger gang members were suspected to have had a hand in the crime.¹²

WE MAY NEVER BE ABLE TO CHANGE PEOPLE'S ATTITUDES ABOUT WHAT MAKES A HERO, BUT WHENEVER WE CAN, WE SHOULD TELL THE REST OF THIS STORY, THE FORGOTTEN STORY OF THE POLICE OFFICERS WHO DIED FIGHTING JOHN DILLINGER AND HIS GANG. MORE IMPORTANTLY, WE SHOULD NEVER FORGET THEIR SACRIFICE.

¹ James Gilbert, *Criminal Investigation*.

² Dary Matera, *John Dillinger: The Life and Death of America's First Celebrity Criminal*, (New York: Carroll and Graf Publishers, 2004) 104-07.

³ [http://en.wikipedia.org/wiki/Tommy_Carroll_\(criminal\)](http://en.wikipedia.org/wiki/Tommy_Carroll_(criminal)) accessed on February 16, 2010.

⁴ Dary Matera, *John Dillinger: The Life and Death of America's First Celebrity Criminal*, (New York: Carroll and Graf Publishers, 2004) 147-48.

⁵ *Ibid*, 149-50.

⁶ *Ibid*, 161-64.

⁷ <http://www.thetimesherald.com/article/20090628/OPINION02/906280313/Connell--Dillinger-saga-includes-ties-to-area> accessed on February 18, 2010.

⁸ Dary Matera, *John Dillinger: The Life and Death of America's First Celebrity Criminal*, (New York: Carroll and Graf Publishers, 2004) 273-4.

⁹ *Ibid*, 307-11.

¹⁰ <http://www.fbi.gov/libref/hallhonor/cowleyhollis.htm> accessed on February 18, 2010.

¹¹ Dary Matera, *John Dillinger: The Life and Death of America's First Celebrity Criminal*, (New York: Carroll and Graf Publishers, 2004) 285, and <http://www.odmp.org/officer/3686-chief-of-police-franklin-pierce-culp> accessed on February 18, 2010.

¹² Dary Matera, *John Dillinger: The Life and Death of America's First Celebrity Criminal*, (New York: Carroll and Graf Publishers, 2004) 288.



ON GOOD AUTHORITY

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

Juvenile crisis intervention teams: Innovative police strategy for justice system diversion

By Jack Cutrone, ICJIA Executive Director



Research suggests that street-level diversion programs provide law enforcement with the ability to effectively interact with individuals struggling with mental illness, and safely and securely steer them away from the criminal justice system and into appropriate mental health services. The Crisis Intervention Team (CIT) model provides an innovative option for law enforcement agencies looking to divert mentally ill juveniles in the community from the criminal justice system. The model combines training for specialized police officers in mental illness recognition, response, and de-escalation, and police and community partnerships that assist in delivery of mental health treatment.

Law enforcement personnel are often called upon to intervene with youth in crisis. National studies show that at least one in five children and adolescents have a mental health disorder. At least one in 10 have a serious emotional disturbance. Many end up interfacing with law enforcement as a result of behaviors that are related to their illness. Unfortunately, in most jurisdictions in Illinois and across the country, law enforcement is ill-equipped to intervene compassionately and effectively with youth in psychiatric crisis.

Recognizing the extent to which youth in mental health crisis end up involved with law enforcement, the Chicago Police Department Crisis Intervention Training Unit will implement the first juvenile CIT curriculum in the country.

The Illinois Criminal Justice Information Authority (ICJIA) designated \$250,000 in American Recovery and Reinvestment Act Justice Assistance Grant funding to NAMI of Greater Chicago and the Chicago Police Department for implementation of the CIT Advanced Juvenile Training Program. The juvenile-centered CIT program will train officers who have already participated in adult CIT training on effective responses to youth in mental health crisis. An evaluation of the program also will be conducted, partially by ICJIA researchers.

De-escalating the potential for violent encounters with mentally ill juveniles is the primary goal of the program. This facilitates safer outcomes for youth in crisis and responding officers when law enforcement must get involved, prevents future law enforcement-involved mental health crises, and helps break the steady flow of youth with mental illness into the juvenile justice system.

Program objectives include teaching officers basic signs and symptoms of adolescents in a mental health crisis and providing officers with the knowledge necessary to safely interface with crisis issues for youth ages 17 and younger. Officers also are trained in established field procedures to successfully engage difficult mental health events in youth.

This specialized training will provide police officers with skills necessary to address mental health issues in the adolescent population. The juvenile training sequence addresses behaviors that surface in the school



environment, in the community, and in families. Officers are trained to recognize signs and symptoms of adolescents in a mental health crisis, utilize de-escalation strategies when engaging juveniles in crisis, and develop intervention skills designed for adolescent mental health crisis situations. The curriculum strives to enhance officer safety and provide skills that can help minimize the use of force by first responders. Additionally, officers participate in role-playing exercises in which adolescent mental health crisis scenarios are depicted. This training gives officers valuable insight into nationally acceptable intervention strategies and the importance of community mental health partnerships.

A CIT pilot program was first implemented for adults in 2005 by the Chicago Police Department. The CIT model is a dynamic collaboration of law enforcement and community organizations committed to ensuring that individuals with mental health treatment needs are referred for appropriate services rather than ending up in the criminal justice system. CIT program components include:

- Training to help first responders better understand individuals experiencing psychiatric crisis, how to respond compassionately to a crisis, and designation of officers who have completed CIT training to respond to crisis situations.
- Collaboration between law enforcement and mental health service providers as an alternative to arrest and incarceration.
- Inclusion of people with mental illness and their families at every level of decisionmaking.¹

The CIT model has been extensively implemented and evaluated, and the Bureau of Justice Statistics estimates that 400 CIT programs exist across the country. Although each of these programs may have

adopted strategies based on information relevant to their jurisdiction's law enforcement structure and community needs, there are standard key elements or best practices that should be applied, including:

- Partnerships between law enforcement, advocates, and mental health service providers—bringing together a wide array of stakeholders in the community and professionals to identify core needs of the community.
- Community ownership, including planning, implementation and networking, and ensuring the partnership group is included in key decisions.
- Standardization of policies and procedures for responding to a mental health crisis.
- CIT leadership with a senior-level law enforcement official stewarding the development, implementation, and sustainability of the program.
- Curriculum, including standardized CIT training, with a core curriculum and expert presenters and teachers.
- Mental health receiving facility providing emergency services. Partners must operate under shared principles and procedures.
- Evaluation and research, including an external evaluator who can legitimize the training product and establish fidelity to the principles of the CIT model.
- In-service training, with continuing education credits for officers who become certified.
- Recognition and commendation for officers who become certified and effectively implement CIT principles and techniques in a crisis situation.
- Outreach, including promoting the CIT principles and techniques in bordering cities/counties to build momentum for the project and to promote safe and healthy communities.²

Psychiatric literature reinforces that youth and adults have different human service needs and respond to different intervention techniques. The inability of youth to explore childhood issues, treatment motivations, and perspectives on life and needs are just some of the characteristics that separate youth from adults.³ The CIT Advanced Juvenile Training Program will adapt the components of the adult CIT model to the needs of adolescents.

CIT models provide law enforcement with the tools necessary to enhance public safety while steering individuals with a mental illness away from criminal justice system involvement and into effective, immediate interventions. In addition, CIT offers a problem-solving approach to reducing the stigma of mental illness while promoting interaction between law enforcement and public citizens for the purpose of improving community health and justice.

National and local research on the program suggests the program results in reduced injuries to officers and subjects, reduced arrests, increased voluntary transports to hospitals, increased perceptions of police effectiveness, and improved attitudes toward law enforcement.⁴

The Chicago Police Department can supply more information about CIT programs and can provide CIT training for limited numbers of officers from other jurisdictions. Contact Lt. Jeff Murphy at (312) 745-5745 or Jeffrey.Murphy@chicagopolice.org.

¹ National Alliance for the Mentally Ill. (2009). *Supporting Schools and Communities in Breaking the Prison Pipeline: A Guide to Emerging and Promising Crisis Intervention Programs for Youth*, Washington, DC. Located at: www.nami.org/caac.

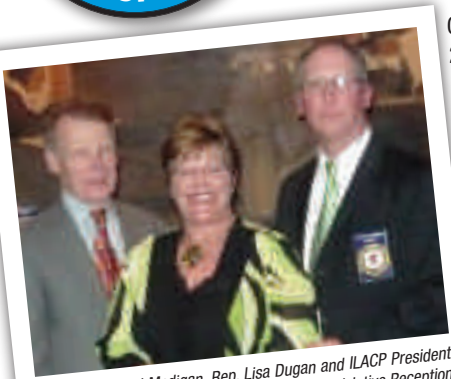
² Crisis Intervention Team Core Elements. The University of Memphis School of Urban Affairs and Public Policy Department of Criminology and Criminal Justice CIT Center, September 2007.

³ Treatment and Rehabilitation for Youth with Substance Abuse Concerns, Best Practices: Key Expert Perspectives. January 31, 2008. Canada's Drug Strategy Division, Health Canada. Retrieved on August 12, 2009 at: http://www.hc-sc.gc.ca/hc-ps/alt_formats/hecs-sesc/pdf/pubs/adp-apd/youth-jeunes/youth-jeunes-eng.pdf.

⁴ Compton, M. T., Bahora, M., Watson, A.C., & Oliva, J.R. (2008). *A comprehensive review of extant research on Crisis Intervention Team (CIT) programs*. *Journal of American Academy of Psychiatry and Law*. V 36; pp. 47-55.



ILACP PUBLIC OFFICIAL(S) OF THE YEAR AWARD



Speaker Michael Madigan, Rep. Lisa Dugan and ILACP President Pat O'Connor pose for a photo at the recent Legislative Reception where the two legislators were honored as recipients of the Public Official of the Year Award for 2009.

On Wednesday evening, April 21, 2010, the Public Official of the Year for 2009 awards were presented to Illinois House Speaker Michael Madigan and Representative Lisa Dugan. This recognition was made in connection with the ILACP Political Action Committee's Reception to honor members of the 96th General Assembly. Over 100 persons attended the event.

It is the policy of the Illinois Association of Chiefs of Police (ILACP) to recognize outstanding contributions made by prominent

officials that benefit this association, law enforcement, the criminal justice system and citizens of the state of Illinois. This recognition is called the Public Official of the Year Award.

STATE REPRESENTATIVE LISA DUGAN



State Representative
Lisa Dugan

Since taking office in 2003, State Representative Lisa Dugan has committed herself to being an involved, engaged, accessible and responsible advocate for the people of the 79th District. The 79th District includes portions of Kankakee, Iroquois and Will counties. Whether it is working on legislation in Springfield or helping local residents access state services and programs, Dugan remains devoted to responsive constituent service. She is a full-time, independent-minded Representative who puts community first.

Dugan knows that a quality education, from kindergarten through college, is key to our children's future and one of the top concerns of the community. She is working

with local parents, teachers and school officials to craft legislation that puts more dollars back in the classroom.

Dugan demonstrated her commitment to fiscal responsibility in her many roles as a community volunteer and as a member of the General Assembly. She will continue to watch over tax dollars closely. In times of economic distress and budget constraints, she will insist that we continue to invest in vital programs like health care and public safety while looking for more ways to make government more efficient and cutting bureaucratic red tape.

Nominees for this award must meet minimum criteria as set forth in policies of the ILACP. These include: any elected or appointed federal or state official from executive, judicial or legislative branches of government (could include staff as well as elected officials) will be eligible; nominees may be from any region of Illinois; nominees must have exhibited knowledge and understanding of law enforcement concerns as they relate to state or federal legislation; nominees must have demonstrated exceptional efforts by sponsoring and/or supporting legislation of importance to law enforcement in Illinois and in the best interest of the ILACP membership; nominees must have worked to find legislative solutions to law enforcement concerns where necessary, whether through negotiation or outspoken support.

Nominations shall be submitted by ILACP members by August of each year. The ILACP Legislative Committee members will review and recommend award recipients to the ILACP Board of Officers, who shall further review and make recommendations to the ILACP Executive Board for final approval. The selected recipient(s) shall be notified of the decision and a formal presentation shall be made early in the following year.

Dugan serves as chair of the Homeland Security and Emergency Preparedness Committee and as vice chair of the State Government Administration Committee, and is a member of the Agriculture and Conservation, Elementary and Secondary Education, Health Care Availability and Accessibility, Medicaid Reform – Family and Children, and Veterans Affairs committees. She also serves on the House Bipartisan Task Force on Budget Reform and Spending Reductions and the State Commission on the Elimination of Poverty.

Dugan began volunteering her time with other local leaders to launch the Bradley-Bourbonnais Chamber of Commerce. She joined the Chamber's staff in 1994 and served as the president/CEO from 1998 until becoming a member of the Illinois House in 2003. Her primary focus while leading the Chamber was to work with local businesses, labor and community leaders to promote economic development and increase dollars coming into the community. As the former head of an organization of nearly 500 businesses, Dugan knows how important it is to create a climate that encourages economic growth and job creation.

A union member, Dugan also understands the needs of working families. Before becoming a staff member at the Chamber, she worked as a union electrician with IBEW Local 176 in Joliet. She was the first woman from Kankakee County to become a certified union journeyman electrician, and she served on the advisory board of "Women in Non-Traditional Jobs." She is a strong voice for basic workplace protections like fair wages, dependable benefits and safe work conditions.

Dugan has made community service the foundation of her life. She has served on over 50 boards and community planning organizations around Kankakee

RECENT HONORS AND AWARDS

- Mass Transit Advocate Award – Illinois Downstate Caucus
- Shining Star Award – Illinois Public Transit Association
- Legislator of the Year Award – Illinois HomeCare Council
- Activator Friend of Agriculture Award – Illinois Farm Bureau
- Legislator HERO Award – IllinoisVictims.org
- Legislator of Year Award – Illinois Association of Community Action Agencies
- Outstanding Legislator Award – Associated Fire Fighters of Illinois
- Excellence in Public Service Award – Illinois Hospital Association
- Legislator of the Year Award – Life Services Network
- Legislator of the Year Award – Northern Illinois Alliance of Fire Protection Districts
- Honorary Fire Chief – Illinois Firefighters Association for Cornerstone Training Program
- Recognition Award – University of Illinois Fire Service Institute for Cornerstone Training Program



County and the surrounding region. Highlights include service to the Regional Planning Commission, Kankakee County United Way and the American Red Cross "Heroes Campaign." She is a member of the Bradley-Bourbonnais Rotary Club and Zonta, and is an honorary board member of the Duane Dean Behavioral Health Center. She also volunteered time to raise funds for many local nonprofit agencies including Harbor House, a domestic violence shelter; Options, an independent living center that advocates for persons with disabilities; Easter Seals; Victims Assistance and Pause for Patriotism.

In addition, in 2003 Dugan established a Community Service Scholarship Program to recognize students who have taken a pro-active role in their

community. The scholarship provides financial assistance, donated from the lawmaker's salary, to one senior from each high school in the 79th Representative District.

Lisa Dugan was born in Kankakee in 1955, one of six children of Len and Toni Scheppler. She attended East Ridge High School and married her husband, Jack, in 1979. They have two adult daughters, Danielle and Jaclyn; a grandson, Dugan; and a granddaughter, Abigail.

ILLINOIS HOUSE SPEAKER MICHAEL J. MADIGAN



Speaker Michael J. Madigan has throughout his time in the Legislature pursued a mandate to implement policies that benefit the working people of Illinois. A Democrat, Madigan is the longest-serving speaker in state history, having held the position continuously since 1983, except for 1995 and 1996.

Madigan has worked to build bipartisan consensus on difficult issues and is keenly conscious of his responsibility to ensure equitable treatment for all regions of the state. During his time leading the House, he has worked with governors and legislators to shape

policies that have fundamentally altered the state's course for the better. Madigan has been a driving force behind laws to expand health care access, improve education funding and standards, increase wages and benefits, strengthen civil rights, reduce crime, preserve the environment, strengthen the state's economy, build critical transportation infrastructure, reform government ethics and election campaign practices, and protect consumers. Above all, he has endeavored to make the government's daily workings and the legislative process more transparent and accountable to the citizens of the state.

Madigan was born April 19, 1942, in Chicago. After attending St. Ignatius College Prep and the University of Notre Dame, Madigan eventually graduated from Loyola University's Law School. He worked as a hearing officer on the Illinois Commerce Commission and in the City of Chicago's law department before becoming the youngest ward committeeman in the city in 1969. The following year, voters in the 22nd District chose him to be their delegate to the 1970 Constitutional Convention and their state representative, a post he has since been re-elected to every two years. He was elected House Democratic Leader in 1981 and 1995, and served as Majority Leader from 1977 through 1980. His work in the Legislature has been consistently marked with honors and distinctions from a wide range of civic, community, educational and business organizations.

Madigan became the chairman of the Democratic Party of Illinois in 1998 and is a member of the Democratic National Committee. Under his leadership, Democrats have won majorities in each chamber of the General Assembly, both U.S. Senate seats, and all statewide constitutional offices. In 1999, Madigan achieved the distinction of being one of the few lawmakers to serve alongside a child when his daughter, Lisa, was elected to the Illinois Senate from the 17th Dis-

trict. In 2002, voters chose Lisa Madigan to be the state's first female Attorney General.

Madigan and his wife, Shirley, are also the parents of daughters, Tiffany and Nicole, and a son, Andrew, and grandparents of two grand-daughters.





ILLINOIS VIDEO GAMING ACT

By Walter B. Stowe, Jr.

Enacted on July 13, 2009, the Video Gaming Act (VGA) legalizes the use of Video Gaming Terminals in establishments with valid liquor licenses such as bars, restaurants, truck stops, and fraternal and veterans organizations. The VGA was one of the most thoroughly reviewed solutions for capital funding and will supply approximately 30% of the funds needed for a \$31 billion capital plan that is estimated to create over 439,000 jobs throughout Illinois over the next five years.

For more than a decade, members of the General Assembly have studied video gaming in other states and held numerous hearings by various legislative committees on the matter. Other states that allow videogaming outside a casino or racetrack include Louisiana, Montana, Nevada, Oregon and South Dakota.

The basic provision of the **Video Gaming Act includes the authorization of video gambling machines in establishments with a pouring liquor license.** Each location is eligible for up to five machines, all of which must be located in an age-restricted area. Use of the video gambling machines is restricted to people 21 years or older, and establishments must ensure underage children cannot access the machines. Locations where minors are allowed may need to take extra steps to enforce these age restrictions. Any licensee who knowingly permits a person under the age of 21 to use or play a terminal is guilty of a business offense and can be fined up to \$5,000. In addition, that licensee risks disciplinary action by the Illinois Gaming Board (IGB).

Of the Net Terminal Income (all monies put into a terminal minus credits paid out to players), a 30% tax is imposed. Of that 30% tax, 25% goes to the State and 5% goes to the local government whose jurisdiction includes the establishment. The remaining 70% is split 50/50 between the terminal operator and the establishment. The Illinois Municipal League points to a study that estimates the net income per machine will be \$45,000 per year. From this estimate, a local municipality or county would raise \$11,250 annually per location with five machines.

There are several key provisions of the VGA that ensure the newly authorized machines are properly regulated and monitored. Just like the Illinois Lottery, which currently monitors over 7,500 terminals throughout the state, **each and every video gaming terminal must be connected to a State-managed central system.** The State will control and monitor the integrity of each terminal and the financial data from every business involved.

In addition to the direct monitoring of all transactions in real time by the State, all manufacturers, distributors, terminal operators, technicians, terminal handlers and establishments must be licensed by the IGB and submit to background checks by the IGB. **These applications for licensure are extremely thorough** and mirror the level of detail demanded by applications for casinos.

For example, no one can be licensed for any of the above positions if he or she has a background that poses a threat to the public interests of the State or the security or integrity of video gaming. This includes anyone with a criminal record or a history of questionable business practices and/or financial arrangements. Each licensee may only possess one type of license.

The Video Gaming Act will eliminate so-called “gray games” that currently operate across the state without any oversight. **The nearly 20,000 “games of amusement” licensed by the state, in addition to an estimated 40,000 unlicensed games throughout the state, will be outlawed.** It is a Class IV felony, under the provisions of the Act, for any person to own, operate, have in his possession, custody or under his control, or permit to be kept in any place, any device that is not licensed pursuant to the Act.

Much like the Illinois Department of Public Health monitors and regulates the Health Code in restaurants, the Illinois Gaming Board has jurisdiction over and must

supervise all gaming operations governed by the Act. The IGB currently enforces all rules and regulations at Illinois' nine casinos, and their investigative and enforcement units will now be in charge of video gaming terminals.

The Video Gaming Act also allows any municipality or county (with respect to any unincorporated area within that county) **to pass an ordinance banning video gaming.** Video gambling may also be prohibited by a referendum if approved by a majority of voters in that municipality or county. To date, of the more than 1200 local governments throughout Illinois, 74 municipalities and counties have opted out of video gambling.

These numerous safeguards and regulations outlined in the Video Gaming Act provide much needed regulatory clarity to an area of law enforcement that has recently been fairly difficult to enforce. As evidenced by the number of federal and local law enforcement agencies usually needed to successfully indict and convict someone for illegal gambling, current Illinois law makes the prosecution of these illegal activities challenging. The thousands of licensed and unlicensed “amusement-only” machines are extremely difficult to monitor, and to establish that illegal payouts occurred is even more challenging.

The simple possession of unlicensed machines will be a Class IV felony. No longer will local officers and prosecutors have to conduct lengthy investigations to determine whether illegal payouts are occurring. Moving forward, either the machine and operator are licensed, or they are not. If they are not licensed, they are per se illegal. Consequently, the enforcement of the Act should not increase the workload of local police agencies.

The Act also mandates that every video gaming terminal must be connected to a state-managed central system, just like the Illinois Lottery. The state will control and monitor the integrity of each terminal and the financial data from every transaction involved. This oversight is critical to combat illegal activity and maintain the integrity of the system. It will also ensure that appropriate taxes are collected by the state and local governments.

These two critical tools — clear standards for licensing and direct oversight of operations — will improve the ability for law enforcement officials to combat illegal gambling and organized crime influence. The elimination of so-called “gray games” will help police and other law enforcement officials to concentrate resources on other crime issues affecting local communities. The new legal framework will be an improvement over the status quo where illegal games are being operated in many communities with the proceeds going into the pockets of organized crime figures.

Gaming is a complex issue that raises questions that must be considered by local elected officials. However, fears of increased crime should not be at the heart of the debate. On the contrary, the Illinois Video Gaming Act should assist state officials in ensuring that the ownership, distribution and operation of video gaming terminals is not tainted by criminal associates and the proceeds of gambling in Illinois fund legitimate expenses of the state and local governments.

The regulatory framework contained in the Video Gaming Act allows the Illinois Gaming Board to control the timeline moving forward. The provisions outlined above include the basics about how this program will work. The IGB is still finalizing a number of rules and policies, and the program won't begin until the Board is completely ready to monitor and enforce the Act. It's difficult to estimate when the IGB will be ready, but it looks like machines won't be placed in local establishments until early 2011.

While this is just an overview of the provisions included in the Video Gaming Act, we are happy to answer any specific questions you have about video gambling and the Illinois Capital Plan. *Please feel free to contact us at 312-772-BTWI (2894) or email us at LawEnforcement@BacktoWorkIllinois.com.*



The nearly 20,000 “games of amusement” licensed by the state, in addition to an estimated 40,000 unlicensed games throughout the state, will be outlawed.



ILLINOIS VIDEO GAMING ACT LAW ENFORCEMENT ISSUES Q&A

1) How will the implementation of the Illinois Video Gaming Act affect my agency?

The most immediate effect should be that the “gray games” which might currently be operating in your jurisdiction will be illegal after August 1, 2010. Currently, many of those games, which are marked “For Amusement Only,” are being used for illegal gambling. For your agency to prove this, however, would entail conducting an investigation to prove they are being used for illegal gambling. Because this is a low-priority issue for most agencies, there has not been much enforcement, and the “gray games” are generating illegal monies. It is likely that the proceeds of some of these games are going into the pockets of organized crime figures. Under the Act, either the games will be licensed by the Illinois Gaming Board (IGB) and be legal, or the possession of them will be a Class IV felony under State law. This is very black and white, and enforcement should be much easier for your agency.

2) How will our officers determine whether games are licensed under the Act?

Unless the games and the establishment hold licenses issued by the Illinois Gaming Board, possession of the games will be illegal. While we cannot speak for the IGB, it is likely that they will establish a means for verification of the validity of a license, either by going online or by providing a telephone number for local law enforcement agencies.

3) How will the State ensure that it receives its share of the revenue from the operation of the games?

Every licensed game will be connected to a central monitoring system, much like Illinois Lottery terminals. Every transaction will be monitored by the central system, and the State’s share can be easily calculated by the system.

4) Who will provide training in the enforcement of the Act to local law enforcement agencies?

Again, while Back to Work Illinois cannot speak for the IGB, it is likely that they would provide such training. They are working to develop regulations for the

implementation of the Act and will have more information on this aspect of the VGA once the rules and policies are finalized.

5) Will my agency receive any of the proceeds from the revenue derived from the implementation of the Act?

Five percent of the Net Terminal Income (all of the monies put into a game minus the total amount paid out to players) goes to the local jurisdiction where the establishment operating the game is located. That money would go into the general fund of the jurisdiction, but it stands to reason that a portion of the proceeds would go to the funding of your agency. In addition, there is more than \$5.8 million in numerous projects submitted by law enforcement agencies throughout the State that are scheduled to be funded from the capital plan approved by the State legislature. Approximately one third of the funding for the capital plan is anticipated to come from the proceeds of the Illinois Video Gaming Act.

6) Will all of the current operators of “For Amusement Only” games be eligible for licensing by the Illinois Gaming Board? What are the criteria for the issuance of those licenses?

While the IGB is currently working to establish regulations for the implementation of the Act, it is likely that the criteria for licensing will be similar, if not identical, to the criteria used under the Riverboat Gaming Act. For example, no one will be licensed if he or she has a background that poses a threat to the public interests of the State or the security or integrity of video gaming. This includes anyone with a criminal record that includes a felony conviction or convictions for gambling-related crimes or has a reputation for engaging in questionable business practices and/or financial arrangements or has associated with known criminals. The IGB has broad discretion to determine the suitability of any applicant for a license.

WALTER B. STOWE, JR.

Former Associate Special Agent in charge of the Chicago FBI Field Office Regulatory and Law Enforcement Consultant for BWI

LawEnforcement@BackToWorkIllinois.com • 312-772-BTWI

After completing a 26-year career with the Federal Bureau of Investigation (FBI), Walt Stowe has spent eight years as a legal and regulatory expert in the gaming industry. Combining his law enforcement, legal and regulatory experience provides Mr. Stowe with a unique insight on the nature of gaming, gaming companies and potential challenges posed by criminal activity.

During his time with the FBI, Stowe served as a liaison between the FBI Director and Congress and gained extensive investigative experience conducting and supervising sophisticated Organized Crime, White Collar Crime and Violent Crime cases. Stowe also finished his FBI

career as Associate Special Agent in Charge of the FBI’s Chicago field office, which has provided him with a unique understanding of the region.

Since his retirement from the FBI, Stowe has worked in the private sector in legal affairs and gaming regulatory compliance, where he furthered his professional experience on the topic of video gaming. Working specifically in the areas of multijurisdictional gaming regulation, litigation, securities law and corporate governance, Mr. Stowe has help to guide several publicly traded and private companies in their legal and compliance issues.

Stowe now serves as a regulatory and law enforcement consultant for Back to Work Illinois.



Walter B. Stowe, Jr.

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Obtain a membership application or apply online from this website. (Any new member enrollment with dues payment received after October 1st will apply through the following calendar year.) If you have any questions, feel free to contact the ILACP Staff at 217-523-3765.

23 Reasons to Join the Illinois Association of Chiefs of Police

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Application for Membership (*New or Renewal)



I herewith present my application for membership in the Illinois Association of Chiefs of Police, promising if selected, to be governed by the Constitution and By-Laws of the Association. Incomplete applications will be RETURNED.

Full Name: _____ First Name (Nickname) for Nametags: _____
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U.S. Congressional District #: _____ IL Senate Legislative District #: _____ IL House District #: _____

Are you a member of the International Association of Chiefs of Police? Yes No Member ID #: _____

Are you a member of an Illinois Regional Association? Yes No If so, which one? _____

***** New Member's Sponsor: _____
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***ALL NEW applications for Active, Associate or Sustaining membership MUST be endorsed by an Active Member in good standing of this Association. Further, FINAL APPROVAL of membership shall be determined by the ILACP Membership Committee.**

NOTE: Applicants for Associate Membership shall, if so requested by the Membership Committee, provide documentation to indicate their qualifications for Membership by virtue of their training and experience in Police and other Law Enforcement activity, and other professional attainments in Police Science or Administration, or their legitimate special interest in Law Enforcement activity compatible with the goals of this Association.

By returning your completed application with payment, you agree to allow ILACP to send you communications via fax and/or email. Your information will not be used for the purposes of telemarketing or Internet Spam of any kind.

I AM APPLYING FOR THE FOLLOWING MEMBERSHIP TYPE: (Check applicable category below. For an explanation of membership types, consult Article III of the By-Laws on the website at www.ilchiefs.org.) Dues are renewable annually.

- Active - 1st member of agency = (1 to 10 sworn) \$100; or (11 to 99 sworn) \$200; or (100 or more sworn) \$300
- Active Other - 2nd/additional members of agency = (1 to 10 sworn) \$75 each; or (11 to 99 sworn) \$85 each; or (100 or more) \$95 each
- Associate - 1st member of agency/company = \$150; Associate Other - 2nd/additional members of any agency/company = \$100 each
- Retired Member**: Based on agency size (1 to 10 sworn officers) = \$100; or (11 or more sworn officers) \$200
- Retired Active Other Member** = Based on agency size (1 to 10 sworn) \$75 each; (11 to 99) \$85 each; (100 or more) \$95 each
- Life Associate Member = \$150 (option for our LIFE members in full-time but non-law enforcement employment)
- Sustaining (i.e. Business/Corporation) Membership = \$400 annually

**NOTE: Retired Membership classification is reserved for any Active Member who retired with less than 10 years of membership but who desires to attain Life Membership status. Retirees prior to 2010 remain at their former renewal rate. Prior Retirees were paying at \$85/\$135/\$200 amounts depending on fees at year of their retirement.

PAYMENT METHOD CHOICE:

Please use this signed application as your invoice. Reference it as **INVOICE NUMBER**, using 1st six characters of your LAST NAME, dash, 1st six characters of DEPARTMENT NAME, dash, 10 (i.e. jones-peoria-10). A copy of this completed form **MUST** accompany any check(s). If check covers multiple persons, attach copy of ALL individual member forms (regardless of whether NEW or RENEWALS).

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(This space for Office/Committee use only) Sponsor Check Membership Committee Mentor Assigned

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