

COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

Legislative Update

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On Friday, September 10, 2010, the West Suburban Chiefs of Police Association celebrated its 50th Anniversary as a law enforcement organization. Chief Pamela Church of the Western Springs Police Department was installed as the President for 2010-2011. Many attended this special anniversary event, including various dignitaries. The new Board of Officers were sworn in by the Honorable Judge Patrick Rogers.

This is the fifth 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 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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PRESIDENT, ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

Fellow Members,

Since our last edition, our association has been very active on matters that significantly affect law enforcement within the State of Illinois. I have continued to visit regional associations and expect to see many more of you throughout the fall and winter months. As I meet with you, one of the overriding questions I am hearing is, "Where are we with pensions?"

As discussed at our legislative committee meeting on October 14, we are supporting maintenance of our current structure, but in practical terms nobody is supporting this in Springfield. Persons who are currently under pensions should be safe from any major changes, but judging on what we are seeing in the state pensions, I would think clarification of a two-tier system is forthcoming. Discussing future employee retirement ages, contributions, COLA and many other items most likely will be addressed in Veto or the Short session after the elections. Be aware that your managers and mayors are driving these discussions. This past legislative session was very busy for us and I expect the Veto session should be just as dicey. Thanks for all your help in phone calls, letters and personal conversations with your individual legislators. This impacts them more than you think. I expect discussions nationally on immigration to pick up after the elections; please make sure you know where your individual elected officials stand on these matters. I have been called by both local and national press as to our thoughts on the issue and the Illinois position.

Our website vendor search has been completed, and we are entering into an agreement to update the system and make it more user-friendly with a more robust members-only area. I would think we should see the changes beginning around the first of the year.

In closing, I know this has been a tough year financially for our members, but it's time to make sure you have made a donation to our PAC fund. This year we have made many inroads with our legislative agenda. The PAC can be funded only by donation and not by dues.

Our reception this year was attended by legislators from all over the state as well as the Speaker and his wife. The Governor was at our installation conference for the first time that most of us can remember. ILACP members are regularly called for their positions on bills by their local representatives. Please make every effort to submit a small donation to continue this work from which we all benefit. I hope you all have a safe and rewarding fall season.

Chief Patrick J. O'Connor, CPC
President, Illinois Association of Chiefs of Police, 2010
Moraine Valley Community College PD

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FROM THE ILACP HEADQUARTERS



Greetings to Everyone:

We have started working with our new database vendor to transfer all our membership data over and create a new and improved ILACP website. As part of that effort, we have been updating our membership files; as I write this, we are about to mail out over 300 letters to all our LIFE members asking them to complete an enclosed contact information form and email or fax it back to us. They can even call in the information. This will help us in starting out with an accurate database in the new system for 2011.

We have seen growth in several of our ILACP programs. We recently expanded our POST entry level testing and NFLST/NSLST first- and second-level supervisory testing to now include the NDST (National Dispatcher Selection Test). The CARFAX/Docview program is up and running in 137 Illinois agencies with several more in the process of joining. There are now more than 440 agencies in 34 states sharing critical data and enjoying a free and valuable investigative tool while providing a revenue source with reduced staff workload. The Voluntary Chiefs Certification program now has over 166 certified chiefs or certified eligible command staff in the program. This is mainly due to the tireless efforts of Dr. Steve Stanard and Chief Michael Holub of LaGrange P.D., whom I thank for their continuing work. Similar certification programs have begun, or are in the process of creation, in several other states.

SAVE THE DATES! We have already started work on two major conferences in 2011. Our Summer Training and Installation Conference will be held at the I-Hotel in Champaign on June 24–26, 2011. Chief Dan Martin and the entire training committee are currently working to provide you with the most relevant and up-to-date training possible. We have, for the first time ever, moved our hugely successful Midwest Police & Security EXPO to the great city of Peoria on August 23–24, 2011. We hope to break our record of providing more than 32.5 hours of FREE accredited training, which we accomplished at the 2010 EXPO.

I would like to remind all our members that with the general election now over and the year coming to a close, we must be extremely vigilant on the legislative front. We continue to educate legislators, the media and the public about the defects, problems and consequences of the current proposed legislation commonly referred to as the Medical Marijuana Bill. Proponents of this bill will have two sessions in January, before the new legislators take their seats, where this current bill could still be passed with a simple majority in the House. Our lobbyist "Limey" Nargelenas has been assisting Chiefs in arranging meetings with different groups who share our concerns with their local State Representative. Feel free to call Limey if you wish to do this. Please contact your State Representative, and if they are in favor or undecided, please share your concerns; I am sure it will be the start of a great conversation.

Respectfully,

Mark Wilkans
ILACP Office Manager



LEGISLATIVE UPDATE



By Limey Nargelenas
Lobbyist for the ILACP

The Legislative Committee of the Illinois Association of Chiefs of Police met in Springfield on Thursday, October 14, 2010, to review the status of current legislative initiatives and passage of corresponding bills, discuss new legislative issues and evaluate priority as we move closer to the end of this 96th General Assembly Legislative Session. The Board of Officers and I wish to again express a great thank you to the ILACP

<http://www.ilchiefs.org>. For purposes of brevity in this **COMMAND** magazine issue, we are listing herein the top eight.

1. Eavesdropping in Drug Cases
2. DUI Field Sobriety
3. Police Officer Protection
4. Statewide Authority to Use Red Light Cameras
5. Flash Suppressor Exemption for Law Enforcement
6. Requiring ID Upon Request
7. Sex Offender Registration on Campuses
8. Distracted Driving (support but not an initiative)

If you have any questions regarding the specifics of these issues, do not hesitate to contact me via email at lnargelenas@gmail.com or by phone at 217-553-6664. Details on the bills will be forthcoming to our membership in regular electronic Legislative Alerts.

Legislative Committee and to all the Association members who took time from their busy schedules to contact their legislators regarding bills of special importance to public safety.

Eight priorities have been determined, from a list of 18 total legislative initiatives. The full list and explanations are available on the Illinois Chiefs website:

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LEGISLATION SOUGHT



By Jesse White
Illinois Secretary of State

FOR TEXTING WHILE DRIVING AND BANNING CELL PHONES IN SCHOOL AND CONSTRUCTION ZONES

Distracted driving is one of the biggest culprits of automobile accidents today. Every day, a driver risks another person's life when they take their attention away from driving alertly to address a text message or phone call. In the five seconds it takes to look and read a single text message, a

preventable crash can happen. The National Highway Traffic Safety Administration estimates that at least 25 percent of police-reported crashes involve some form of driver inattention.

As a result, two important initiatives were passed into legislation at the beginning of this year to make our roads safer. Public Act 96-130 bans text messaging while driving. Public Act 96-131 bans cell phone use while driving in school and construction zones. I believe these two laws will serve as further warning to drivers that there are consequences to their negligent acts.

TEXT MESSAGING WHILE DRIVING

No driver has any business texting while driving. After serving as chairman of the state's Distracted Driving Task Force, I initiated legislation to ban texting while driving. While this law may not put a complete end to this reckless and potentially deadly form of distracted driving, the increased public awareness generated by the law coupled with the fear of a traffic ticket will at least make people think twice before jeopardizing themselves and everyone else on the road.

In this day and age of advanced technology, we are challenged with an addiction to staying connected at all times. However, there are instances in which we must detach from the "wired" mode in order to function properly. One of the most significant skill sets one can develop is driving cautiously and defensively. This means eliminating all distractions and delayed reactions to anything in the environment.

Drivers who are texting while operating a vehicle are to be ticketed for a moving violation that will go on their driving record. In addition, they will be summoned to paying fines and court costs to be determined by the presiding judge.

CELL PHONE USE IN SCHOOL AND CONSTRUCTION ZONES

Wherever children are present, drivers need to be responsible for being alert and cautious at all times. Similarly, we must respect those workers who earn their living by repairing our roads. They too need us to be considerate of their safety and do all we can to prevent them bodily harm. Drivers must take extra precaution in keeping our road workers and our students safe.

In 2009, 31 people were killed in construction zone crashes, including five construction workers. Driving through construction zones requires drivers to slow down and pay extra attention to their surroundings.

Drivers who violate this law will also face charges for a moving violation. Not only will it appear on their driving record, but they will be responsible for fines and court costs as well, based on their court judge's ruling.

The imminent danger of text messaging and cell phone use is that it affects a driver's senses mentally, visually and manually. According to the National Highway Traffic Safety Administration, using a cell phone while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. Therefore, texting while driving is comparatively as dangerous as drunk driving.

From 2004 to 2008, the reported number of distracted drivers involved in fatal crashes increased from 8% to 11%. The largest proportion of these drivers were reported to be ages 20 and under (16%). The second-largest group was ages 21-29 (12%). It is evident that with each new driver on the road, we must ensure the strictest surveillance to prevent further injuries and fatalities.

These laws went into effect January 1, 2010. I am confident that with our combined and concerted efforts to enforce these laws and the consequences for violators, we can reduce the number of crashes and fatalities that occur as a result of distracted driving. It is evident that great police work is being done throughout our state. Let's continue working together to make our streets safer for everyone to navigate. Lives will be saved as a result.





UNITED STATES SUPREME COURT UPDATE

By James P. Manak, ILACP Legal Advisor

LELR PUBLISHER JAMES P. MANAK FILES AMICUS CURIAE BRIEF IN KEY SEARCH AND SEIZURE CASE.

Note: All court opinions reported in *LELR* are now full-copy accessible. To view the full text of cases, sign in to Findlaw.com and use the Findlaw citation.

Kentucky v. King, No. 09-1272
Cert. Granted 9/28/2010

Police officers entered an apartment building in hot pursuit of a person who sold crack cocaine to an undercover informant. They heard a door slam but were not certain into which of two apartments the trafficker fled. A strong odor of marijuana emanated from one of the doors, which prompted the officers to believe the trafficker had fled into that apartment.

The officers knocked on the door. They then heard noises, which indicated that physical evidence was being destroyed. The officers entered the apartment and found large quantities of drugs.

The Kentucky Supreme Court held that this evidence should have been suppressed, ruling that (1) the exigent circumstances exception to the warrant requirement did not apply because the officers created the exigency by knocking on the door, and (2) the hot pursuit exception to the warrant requirement did not apply because the suspect was not aware he was being pursued.

The United States Supreme Court has granted the appeal of *Kentucky* limited to the question: “When does lawful police action impermissibly ‘create’ exigent circumstances which preclude warrantless entry; and which of the five tests currently being used by the United States Courts of Appeal is proper to determine when impermissibly created exigent circumstances exist?”

The lower court decision is *King v. Commonwealth*, 302 S.W.3d 649 (Ky. 2010). The Kentucky Supreme Court created their own test for determining when police create exigent circumstances and then cannot enter a residence without a warrant. The court pointed out that there was a split among the federal circuit courts of appeal on this issue. In fact, there are five distinct tests that the various circuits have been using to determine when police create exigent circumstances that bar warrantless entry. These tests are: The First and Seventh Circuits: Unreasonable delay in obtaining a warrant; the Sixth, Ninth, Tenth, Eleventh

and D.C. Circuits: Unreasonable delay in obtaining a warrant coupled with deliberate conduct in an attempt to evade the warrant requirement; the Third and Fifth Circuits: Bad faith and unreasonable police action; the Fourth and Eighth Circuits: Foreseeability of results of police action resulting in exigent circumstances; and the Second Circuit: Lawfulness of police conduct. The states vary to an even greater degree, many of which have done what Kentucky did in this case and grafted together hybrid tests, combining various portions of different federal circuit court tests, to create their own unique test.

Several of these tests restrict lawful police action and, as one can imagine, effectively negate the exigent circumstances exception. In the Third and Fifth Circuits, for example, exigent circumstances must exist prior to police arrival; otherwise it will be determined that police presence created any exigent circumstances that may arise. In the Fourth and Eighth Circuits, police may not rely on any exigencies if they were a foreseeable result of police action. However, given that police are trained to expect an illegal response, all reactions from suspects would be foreseeable. **These tests reward illegal action in response to a lawful knock on the door by police.** The tests are basically unusable, and these courts are, in reality, attempting to narrow and negate the exigent circumstances exception to the warrant requirement.

The brief filed by *LELR* publisher Manak in this case is on behalf of Americans for Effective Law Enforcement, the International Association of Chiefs of Police and the National Sheriffs’ Association. **Our position is that the exigent circumstances exception to the warrant requirement should be governed by the Reasonableness Clause of the Fourth Amendment.** We have asked the Court to adopt an objective reasonableness standard for law enforcement that looks at the totality of the circumstances to determine whether officers’ warrantless entries into premises pursuant to exigent circumstances is proper under the Fourth Amendment. **We are asking the Court to adopt a uniform rule that will apply to all jurisdictions under the Fourth Amendment so that officers—no matter what jurisdiction they are in—will have clear guidance for training and operational purposes.**

A decision of the Supreme Court is expected early in 2011, and *LELR* will, of course, explain the Court’s ruling and how it will affect law enforcement conduct training and policies in Illinois.



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.ilep.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.



CRIMINAL JUSTICE TRAINING CASE

By Don Hays, Illinois Prosecutor Services, LLC

McAllister v. Price, (7th Circuit; No. 10-1213; August 12, 2010)

This is a Law Enforcement Liability case. **ISSUE:** This case dealt with an alleged excessive use of force.

FACTS: The Plaintiff, who suffers from diabetes and who was wearing a medical alert necklace describing his condition, had his blood sugar level plummet while he was driving. This sent him into a severe hypoglycemic state during which he struck two other vehicles. The local chief of police was dispatched to the scene. The incident was described to him as a traffic accident involving a potentially intoxicated driver. The chief arrived on the scene shortly after the accident. The plaintiff was staring off into space and convulsing as the chief approached his car. The chief yelled for the plaintiff to turn off his engine. The chief then asked the plaintiff what was wrong with him, but plaintiff was unable to respond. The plaintiff appeared to be "lethargic and nonresponsive." Concerned that the plaintiff might attempt to flee the scene, the chief then forcibly removed the plaintiff from his car. According to a witness, the chief pulled the plaintiff out of the car by his left arm and then "threw" him to the ground by applying his knee to the plaintiff's lower back, with his full body weight behind it. Once the victim was on the ground, the chief handcuffed him. After being handcuffed, the plaintiff lay face first on the ground twitching intensely. The chief then told a witness that the plaintiff had "pissed me off." According to the chief, he was "angry" because he thought he was dealing with a drunk driver who had caused two collisions. A witness suggested that the chief check the plaintiff for a medical alert bracelet or necklace and the chief discovered the plaintiff's medical alert necklace. He then released the plaintiff from the handcuffs and was no longer angry and forceful. The handcuffs had caused the plaintiff's hands to bleed. The plaintiff suffered a broken hip and a bruised lung. He sued the chief in Federal Court. The chief moved for summary judgment, arguing that he acted reasonably under the circumstances and therefore the qualified immunity shielded him from liability. The district court found that there were genuine issues of material fact as to whether the chief used excessive force to remove the plaintiff from his vehicle, concluding that "no reasonable officer could have thought it was acceptable to forcibly remove a man from his car who was physically unable to obey commands, who was in the midst of convulsions, and to throw him to the ground with the full force of his body weight." The chief filed a notice of appeal.

ISSUE: Was the chief entitled to immunity from liability for his conduct during the arrest of the plaintiff?

ARGUMENTS: The chief argued that he was. The plaintiff argued that he was not.

FINDING: The Federal Court of Appeals affirmed the ruling of the district court.

REASONING: The appellate court ruled that given the extent of plaintiff's injuries and the evidence linking them to defendant's conduct, the district court did not err in concluding that plaintiff's injuries were relevant to determining whether defendant used excessive force. Further, the Court ruled that district court did not err in finding a genuine issue of material fact regarding plaintiff's diabetic condition. Additionally, the Court ruled that the evidence in this case was sufficient for a jury to conclude that defendant's use of force was excessive. Finally, the Court ruled that the chief's conduct, slamming an unresponsive, convulsing driver into the ground with force sufficient to break the driver's hip and place his knee on the driver's back with enough force to bruise his lung, goes beyond the bounds of the plaintiff's clearly established Fourth Amendment rights and thus deprives the defendant of qualified immunity.

CONCLUSION: This case will go to the jury (unless it is settled first).



Continues on page 11



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QUIZ QUESTIONS FOR THE TRAINING CASE

McAllister v. Price, (7th Circuit; No. 10-1213; August 12, 2010)

1. Claims that police officers used excessive force in seizing a person are evaluated under the Fourth Amendment's reasonableness standard. The dispositive question is whether, in light of the facts and circumstances that confronted the officer, the officer behaved in an "objectively reasonable" manner.
 - a. True
 - b. False
2. Is a jury allowed to consider the type of injury suffered by a plaintiff in order to determine whether or not the amount of force used by law enforcement was reasonable?
 - a. Yes
 - b. No
3. The United States Supreme Court has directed lower courts to consider three factors when considering whether or not an officer used reasonable force. Which one of the following is **not** one of these factors?
 - a. the severity of the crime at issue
 - b. whether the officer has previously been accused of using excessive force
 - c. whether the suspect poses an immediate threat to the safety of officers or others
 - d. whether the suspect is actively resisting arrest by flight
4. Can the police ever use force to remove a diabetic driver from his car?
 - a. Yes
 - b. No

QUIZ QUESTIONS, ANSWERS AND DISCUSSION FOR THE TRAINING CASE

McAllister v. Price, (7th Circuit; No. 10-1213; August 12, 2010)

1. Claims that police officers used excessive force in seizing a person are evaluated under the Fourth Amendment's reasonableness standard. The dispositive question is whether, in light of the facts and circumstances that confronted the officer (and not 20/20 hindsight), the officer behaved in an "objectively reasonable" manner.
 - a. True** This is the declaration of the Seventh Circuit Court of Appeals in the case of *Acevedo v. Canterbury*, 457 F.3d 721, 724 (7th Cir.2004).
2. Is a jury allowed to consider the type of injury suffered by a plaintiff in order to determine whether or not the amount of force used by law enforcement was reasonable?
 - a. Yes** This is the declaration of the Seventh Circuit Court of Appeals in the case of *Chelios v. Heavener*, 520 F.3d, 678, 690 (7th Cir.2008)
3. The United States Supreme Court has directed lower courts to consider three factors when considering whether or not an officer used reasonable force. Which one of the following is not one of these factors?
 - b. whether the officer has previously been accused of using excessive force** The other three considerations are listed in the United States Supreme Court case of *Graham v. Connor*, 490 U.S. 386, 396-97 (1989).
4. Can the police ever use force to remove a diabetic driver from his car?
 - a. Yes.** The Seventh Circuit Court of appeal has ruled in the case of *Smith v. Ball State Univ.*, 295 F.3d 763, 769 (7th Cir.2002), that under certain circumstances, force may be used to remove a diabetic driver from his car.

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.



CHALLENGE PRESENTED – CHALLENGE MET

ILLINOIS TRAFFIC SAFETY CHALLENGE PROGRAM

By Assistant Police Chief Steven Casstevens, Hoffman Estates Police Department

We all know that we are in tough economic times, and law enforcement executives find themselves attempting to continue many programs with fewer resources. Agencies have suffered reduced staffing levels and have been forced to cut DARE programs, reassign traffic officers to patrol functions and cut or reduce numerous other initiatives. Many agencies are going back to “core functions” of policing.

That being the case, many agencies feel that they can no longer “compete” in the Traffic Safety Challenge, believing that they just don’t have the time or the staffing. However, other agencies will tell you the opposite is true — they can’t do without it.

As co-directors of the Illinois Traffic Safety Challenge since its inception, Deputy Chief Paul Rizzo (Schaumburg Police Department) and I have continued to preach the traffic gospel: traffic enforcement leads to other things — namely, the detection of other crimes. A law enforcement agency can accomplish a great deal by emphasizing traffic enforcement and education. Reducing traffic crashes along with fatalities and injuries is just the tip of the iceberg. Every day, “routine” traffic stops result in the arrest of suspended and revoked drivers, impaired drivers, warrant arrests and numerous weapons and drug arrests. The bottom line: bad guys drive cars.

Top law enforcement agencies in the state were once again recognized for their efforts in highway safety. On August 11, the Illinois Traffic Safety Challenge awards were presented at the Stephens Convention Center in Rosemont, IL, in conjunction with the Midwest Police & Security Conference/Expo. Numerous agencies submitted applications outlining their 2009 efforts including policies, officer training, recognition, public information and education, enforcement and effectiveness. A team of 12 judges spent a great deal of time reviewing each submission to determine the top agencies in each category. Those winning agencies were:



Lt. Colonel Andthony Padilla, Colorado State Patrol, congratulates Challenge winners.



IDOT Division of Traffic Safety Director Mike Stout welcomes attendees.

Category	1st Place	2nd Place	3rd Place
Municipal 1-10 Sworn	East Hazel Crest, Pingree Grove (Tie)		
Municipal 11-25 Sworn	Glen Carbon	Clarendon Hills	Channahon, Barrington Hills (Tie)
Municipal 26-35 Sworn	Hickory Hills	Shorewood, Lake Zurich (Tie)	Sterling
Municipal 36-50 Sworn	Roselle	Woodstock	
Municipal 51-100 Sworn	Plainfield	Downers Grove	Addison
Municipal 101-250 Sworn	Naperville	Evanston	Palatine
Municipal 251+ Sworn	Joliet		
Sheriff 51-100 Sworn	Kendall County		
College/Campus Police	Harper College		
Part-Time Only Police	Prairie Grove		
Other Law Enforcement	Springfield Park District	Crystal Lake Park District	
State Police Districts	ISP District 12	ISP District 15	ISP District 21
Championship Class	Buffalo Grove	Western Springs	ISP District 9



SEVERAL SPECIAL CATEGORY AWARDS WERE ALSO PRESENTED:

Railroad Crossing Safety: Western Springs
Pedestrian/Bike Safety Award: Downers Grove
Speed Awareness Award: Buffalo Grove

Teen Driving Award: Buffalo Grove
Impaired Driving Award: Rockford
Rookie of the Year: Addison

The prestigious **Judges Award** winner for 2009–2010 was Illinois State Police District #12.

THE TRAFFIC SAFETY CHALLENGE AWARDS CEREMONY ENDED WITH A DRAWING FOR THREE GRAND PRIZES. THE PRIZES AND WINNING AGENCIES WERE:



2010 Dodge Charger Police Package: Springfield Park District Police



2010 Wells Cargo Traffic Safety Trailer: Pingree Grove Police



2010 Decatur Electronics Speed Trailer: Plainfield Police

The Traffic Safety Challenge could not possibly be as successful as it has become without the relationships formed with our corporate partners. This year's corporate partners are:

GOLD PARTNERS (\$10,000 or more)

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 NHTSA Region V
 Whelen Engineering

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All Traffic Solutions
 Intoximeters
 Northwestern University Center for Public Safety
 Suburban Accents

BRONZE PARTNERS (\$2500–\$4999)

Digital Ally
 MPH Industries
 Stalker Radar
 Ultra Strobe Communications

HONORARY PARTNERS* (\$1000–\$2499)

Blauer Manufacturing
 Kustom Signals
 Motorola
 Pro-Line Embroidery
 Spiewak

PARTNER (\$250–\$999)

D'Signs Printing, Signs and T-Shirts



TRAFFIC ENFORCEMENT BENEFITS ALL

By Officer Scott Sodaro, Traffic Coordinator, Hickory Hills Police Department

Early in 2007, I had just completed putting together our submission to the Illinois Traffic Safety Challenge. I had worked very hard on fulfilling the goals of the Challenge throughout the previous year, and as I handed a copy of the finished product to my sergeant, I said, "I don't know what else we can do that we haven't done already." I suppose he read something in my voice and he said, "Do you think that we should keep on doing this year after year? I mean, you keep busting your butt and coming up empty."

I replied, "Even if we didn't enter the Traffic Safety Challenge, I would STILL be doing everything that the Challenge asks us to do. It's the perfect template for any department that's serious about reducing the number of fatal and injury crashes in their city." I went on to point out that, as a direct result of our efforts to fulfill the stated goals on the Traffic Safety Challenge's application, we had helped to increase seat belt usage with drivers and passengers alike.



I had personally installed over 300 child safety seats in the years since I began taking an active interest in the goals of the Challenge. We had greatly reduced the number of injury accidents in our city and had forged alliances with other law enforcement agencies, our schools, our store owners and our citizens. As a result of our increased enforcement of the speed, occupant protection and impaired driving laws, we had also reduced other crime in our city.

So to answer his question, I said, "Yes. We should most definitely keep on with the Traffic Safety Challenge." He smiled and said, "Me too... I just wanted to see if you were still committed to the work that goes into it." That year, we won first place in the National Law Enforcement Challenge and third place in the Illinois Traffic Safety Challenge. Go figure!



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WHAT DOES THE FUTURE BRING?

*By John Tannahill, Chief of Ranger Police, Lake County Forest Preserve District, Lindenhurst
Chairman of the ILACP Juvenile Justice Committee*

ILACP JUVENILE JUSTICE COMMITTEE

The juvenile justice system operates according to the premise that youth are fundamentally different from adults, both in terms of level of responsibility and potential for rehabilitation. The treatment and successful reintegration of youth into society are the primary goals of the juvenile justice system, along with overall public safety (Lawyershop, 2010). We are all affected by juvenile crime and the frustrations faced with repeat offenders. In 2007, courts with juvenile jurisdiction handled an estimated 1,666,100 delinquency cases (OJJDP, 2010). This statistic is after a juvenile suspect has been sent into court and does not include the multiple times that the same juvenile has had contact with the system prior to being sent into the court system. We all face funding and manpower issues in our departments, and juvenile crime saps many of our resources. These facts require that the chiefs of police take an active role in shaping the juvenile justice system.

The Illinois Association of Chiefs of Police (ILACP) Juvenile Justice Committee has the opportunity to lead stakeholders in addressing issues and concerns of its constituents. The committee has not been as active as it could have been in leading the drive for more proactive and cohesive juvenile justice laws and procedures, and we would like to change this. The members of the committee have a unique opportunity to lead the diverse members of the system toward creative and successful diversion of juvenile crime. The committee can be the catalyst to open dialogue and build solid partnerships with juvenile officer associations, state's and defense attorneys, courts, diversion programs and corrections. The partnership with these entities will allow the ILACP to be on the ground floor of any legislative changes and allow members to have input in decisions from the beginning of the process through to fruition.

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jtannahill@lcpd.org

Chief Tannahill graduated from Conroe High School in Conroe, Texas, in 1976. He served in the United States Army for six years as a military police officer and received an honorable discharge in 1982, with the rank of Staff Sergeant (E-6). Chief Tannahill joined the Westmont (IL) Police Department in 1982 and served for 25 years in a variety of street and investigative assignments, rising to the rank of sergeant. In July 2007, he accepted the position as Chief of Ranger Police for the Lake County Forest Preserve District where he has built a department dedicated to community policing ideals and partnerships with internal and external stakeholders.

I have been asked by the ILACP leadership to bring the committee to its proper place in the juvenile justice system. I cannot do this alone. I require the assistance of a few good people who are willing to work with me on the committee, meet with other stakeholder groups and create a vision for the future. I have identified several goals that I feel are important to the success of the committee and the ILACP. These goals are not all-inclusive and are subject to change as ideas and directions dictate.

THE MAIN GOALS IDENTIFIED INCLUDE:

- Providing statewide leadership in promoting juvenile justice and child welfare systems coordination and integration
- Collecting, analyzing and disseminating information on practices and policies that promote positive youth development
- Advocating for the implementation of sound legislation, policies and procedures that contribute to juvenile justice system reform and improvement
- Providing input and assistance to implement appropriate and effective responses to reduce juvenile delinquency and victimization

The ILACP Juvenile Justice Committee **can make a difference** in the juvenile justice system with the assistance of a few dedicated members and partnerships with other concerned groups within the system. We should take our role as leaders seriously and provide an opportunity for the creation of a cohesive response to juvenile crime and delinquency. Members who are interested in joining the committee and working toward our goals, please contact me or a member of the Executive Board.

America's future will be determined by the home and the school. The child becomes largely what it is taught; hence we must watch what we teach it, and how we live before it.

..... Jane Addams

While raising a family and working full time as a police officer, Tannahill attended night school and earned a Bachelor of Science degree in criminal justice management from Aurora University and a master's degree in organizational development from Lewis University, and is presently pursuing an educational doctorate at Northern Illinois University. He is a graduate of Northwestern University School of Police Staff and Command and Executive Management Program.

Chief Tannahill is married and has two daughters. The older daughter is a third-year student at Elmhurst College majoring in music performance and education, and the other is a first-year student at Loyola University-Chicago majoring in forensic sciences.

Resources

Lawyershop. (2010). Juvenile Justice System. Retrieved on September 5, 2010 from <http://www.lawyershop.com/practice-areas/criminal-law/juvenile-law/>

Puzzanchera, C., Adams, B., Sickmund, M. (2010). Juvenile Court Statistics. Retrieved on September 5, 2010 from <http://www.ncjservehtp.org/ncjjwebsite/pdf/jcsreports/jcs2007.pdf>

ILACP Partners with CARFAX and DOCVIEW



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Please contact Kellee M. Remer at 248-535-4925 for an in person or online demo, and for more information on how to implement in your agency.



POLICE CHIEF HONORED BY THE AMERICAN LEGION

By Jane Michaels

La Grange Police Chief Michael Holub has been named Law Enforcement Officer of the Year for 2010 by American Legion posts throughout Illinois.

Holub received a plaque at the group's state convention in Springfield, held on July 16, recognizing his service to the community as well as his contributions in law enforcement.

"He's very deserving of the honor," said Barry Cicero, commander of the American Legion's 5th District, a west suburban regional group of posts. Cicero nominated Holub for the award.

"Now we're hoping he goes all the way for the national award," Cicero said.

As the honoree from Illinois, Holub will be considered with representatives from every state, and a national winner is expected to be selected in February 2011, Cicero said.

"I'm surprised and humbled by the honor," Holub said. "I'm a legion member myself, and it was nice to be honored in front of my peers."

In addition to serving as La Grange's chief since 2003, Holub was president in 2007 of the Illinois Chapter of the FBI National Academy Associates, a network of federally trained law enforcement officials.

Holub also has been recognized for volunteer work with the Illinois Committee for the Employer Support of the Guard and Reserve to promote understanding and support among employers of those serving in the National Guard and Reserve.

Holub, a military veteran, holds a bachelor's degree in criminal/social justice and a master's degree in law enforcement and justice administration. After becoming a police officer in 1974 in Stickney, he was named police chief in Palos Park in 1994 and River Forest in 1998.



Barry Cicero, commander of the American Legion's 5th District, congratulates La Grange Police Chief Michael Holub upon being named American Legion Law Enforcement Officer of the Year for Illinois.



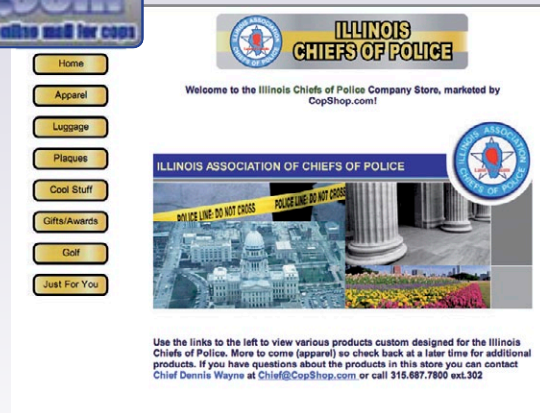
Illinois American Legion Commander William J. Flanagan (left) and Gary R. Keegan, Chairman of the Safety Law & Order Committee, present La Grange Police Chief Michael Holub with the Law Enforcement Officer of the Year Award.



ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

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R.T. Finney, Chief of Police

The Channahon Police Department
Tier I Accreditation
Ignacio (Joe) Pena, Chief of Police



WEST SUBURBAN CHIEFS OF POLICE ASSOCIATION CELEBRATES ITS 50TH ANNIVERSARY

How do you celebrate a 50th anniversary? You have a banquet! That's exactly what the West Suburban Chiefs of Police Association did on Friday evening, September 10, 2010, at the Crystal Sky Banquet Hall in McCook.

Well over a year ago, a committee was formed with the goal of commemorating the 50th anniversary of the Association. On that planning committee were past presidents Chief George Graves (ret.) and Chief Michael Holub. Also on the committee was Chief Pam Church, incoming president for 2010–2011.

The West Suburban Chiefs of Police Association was formed in 1960, as a police management organization representing the near west suburbs of Chicago. Although today it represents police departments which are mainly from Cook County, it initially included many DuPage County agencies such as Hinsdale, Oak Brook, Burr Ridge and Lombard. The first president was Charles F. Petersen, chief of the Western Springs Police Department.

Today the Association still promotes networking and training for its members and also serves to follow and promote legislation affecting the communities within the near west suburbs. Other members of the West Suburban Chiefs of Police Association include the Illinois State Police, Cook County Sheriff's Police and the FBI.

There are also dozens of associate members who support the West Suburban Chiefs of Police Association. Associate members are individuals who are known to be consistent advocates of law enforcement and who may desire to assist the association or representatives of commercial companies dealing in law enforcement supplies or services.

During the banquet, the members of the new Board of Officers were sworn into their respective position by the Honorable Judge Patrick Rogers.

In her remarks as the newly installed president, Chief Pamela Church noted that the West Suburban Chiefs of Police Association is one of 22 regional police chiefs associations in Illinois. She mentioned that as president in the 50th year of the Association, it is noteworthy that both

Continues on page 20



THE BOARD OF OFFICERS INSTALLED FOR 2010–2011 (L TO R):

Immediate Past President:

Chief Frank Wolfe, McCook Police Department

Secretary/Treasurer:

Chief Steve Stelter, Brookfield Police Department

President:

Chief Pamela Church, Western Springs Police Department

Vice President:

Chief Thomas Weitzel, Riverside Police Department

Sergeant at Arms:

Chief Anthony Garvey, North Riverside Police Department

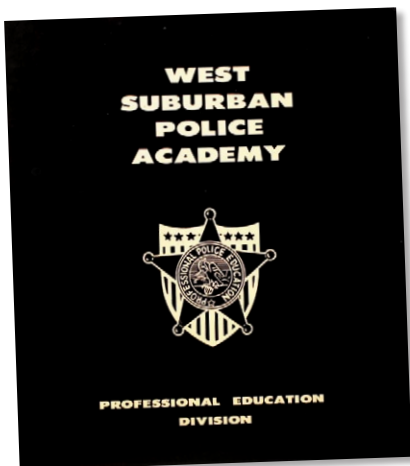


Continued from page 19

she and the very first president represented the Western Springs Police Department. Chief Church outlined some of her goals to include outreach to all of the membership, the continued interest and monitoring of legislative matters, the scholarship programs, and providing training on relevant and topical police issues. She also took a few moments to thank McCook Police Chief Frank Wolfe and presented him with a plaque acknowledging his year as president of the Association.

After dinner and following the installation of new officers, Chief Mike Holub served as the emcee for the evening's festivities.

Mike recognized the previous Association presidents from 1960–2009 with a special photo presentation. Part of the presentation also included its history.



Before the chiefs formally organized into an association, the West Suburban Police Academy existed. Classes were held in the evening from 7:00–9:30 p.m. The instructors were brought in from outside agencies to teach courses. The West Suburban Police Academy was able to attract instructors from the FBI Academy in Quantico, VA, to present a wide range of police leadership courses. "Specialist Training" programs were also provided for the area police officers. The courses and programs were all certified for

reimbursement by the Illinois State Training Board. Throughout the 1950s, '60s and '70s, more than 12,000 police supervisors and police officers attended the in-service programs provided by the West Suburban Police Academy.

In the first years as an association, the West Suburban Chiefs of Police conducted its monthly meetings at Lulu's Boudoir, located at Wolf Road and 22nd Street in Hillside. It is no longer in existence and when this meeting location was no longer available, the Association met for several years at Homer's Restaurant in Forest Park. Other meeting locations over the years include Frank Buresh's Lobster House in Brookfield, the Hillside Holiday Inn, Villa Brunetti Banquets in Franklin Park, and its current meeting location, Crystal Sky Banquets in McCook.

Two spin-off associations were recognized as being sponsored and supported by the West Suburban Chiefs of Police. They are the West Suburban Juvenile Officers Association (established in 1961) and the West Suburban Detectives Association (established in 1968). Chief Holub also highlighted the fact that five of the past presidents have

served as president of the Illinois Association of Chiefs of Police, one has served as deputy director of the Illinois Criminal Justice Information Authority, and one has served as president of the FBI National Academy Associates of Illinois.

Many of the past presidents were in attendance along with representatives of the DuPage County Chiefs of Police, the South Suburban Chiefs of Police, the Illinois Police Association, the FBI, the Illinois State Police, the Cook County Sheriff's Police, the Cook County Clerks Office, the U.S. Marshals Office and the U.S. Attorney's Office. This regional chief's group was pleased to have President Pat O'Connor, Vice President Bob Porter and Office Manager Mark Wilkans from the Illinois Association of Chiefs of Police in attendance. Municipal officials from several of the area communities also attended the banquet. Special guest was Army Colonel Alicia Tate-Nadeau, chief of staff of the Illinois National Guard.

All of the attendees received a window cling, which displays the association logo with the words "Proud Supporter" on it. They also received a special Challenge Coin, which was created specifically for the event. The coin features the logo of the Association on one side and a 50th Anniversary banner over a police star on the flip side.



The Association and Chief Pam Church also received congratulatory letters from the director of the FBI, Robert S. Mueller III, and from Illinois Attorney General Lisa Madigan. In addition, the White House made a phone call on behalf of the U.S. President wishing Chief Church and the West Suburban Chiefs of Police Association continued success as they begin the next 50 years of service to the community.

Since 1960, the West Suburban Chiefs of Police Association has earned the reputation of being a highly professional executive law enforcement organization. The Association has faced many critical challenges during the past 50 years and is proud of the fact that it has addressed those important issues in a clear, concise and unified voice. But it is especially proud of the fact that almost to a person their past presidents have served in significant leadership positions with the Illinois Association of Chiefs of Police, and several have also served a role with the International Association of Chiefs of Police. Chief Pam Church continues that tradition.

So while the evening celebrated 50 years of professionalism, the West Suburban Chiefs of Police look forward to serving with pride in the communities they represent and to continuing their leadership role within the law enforcement profession.

Contributions by:

Chief Michael Holub, La Grange Police Department

Chief George Graves (ret.), Downers Grove Police Department

Chief Pamela Church, Western Springs Police Department



PRE-FLIGHT INSTRUCTIONS

By Mark W. Field, Chief of Police, Wheaton Police Department

Since US Airways Flight 1549 made an unscheduled stop in the Hudson River on January 15, 2009, I have often wondered how many of the passengers wished that they had listened more intently and attentively to the pre-flight instructions.

I've asked flight attendants how many people actually pay attention to their routine instructions. Well, you already know their answer based upon your own observations — very, very few. Does anyone really need to know how to buckle and unbuckle a seat belt? When they point to the exits, does anybody look up to follow the attendant's animatronic hand signals?

Attendants implore, "Please take the safety card out of the seat pocket in front of you and follow along." But who really listens? I feel sorry for the flight attendants. (At least the younger ones are getting good practice at becoming future parents of teenagers.)

Sometimes I sense that the attendant is not even listening to herself.

Shouldn't we pay careful attention as she tells us where to find the flotation device in the "unlikely event of a water landing"? Not until the plane is going down will we suddenly start caring desperately. "Where's the flotation device?! How do you inflate the life vest?! Where are the exits?!"

Maybe we don't listen because we don't want to think about possible tragedy at that point. We can't imagine how a 450-ton metal tube containing thousands of pounds of highly explosive fuel can break through the drag of gravity and float safely above terra-way-too-firma. So we stuff our fear inside a ream of paperwork or the latest *Sky Mall* catalog or pretend that we're sleeping.

Maybe we think it's pointless to listen. After all, if there is a "sudden loss of cabin pressure" and "oxygen masks drop from the ceiling," who's going to be following the advice to "breathe normally"? Besides, we've been told countless times that air travel is safer than driving your car down the street.

At least the Southwest Airlines flight attendant on my recent flight was honest enough to put it this way: "Oxygen masks will drop from the ceiling. Once you all stop screaming uncontrollably, slip the oxygen mask over your head."

But no one, seemingly, listens — not until there's a real problem. Doesn't that frustrate a flight attendant? It would me.

I think that we as leaders share that same frustration. Here leaders are, day-in, day-out, giving police officers their flight instructions and safety demonstrations, but who's listening? (Maybe hearing, but not listening.)

Actually, the analogy needs to be shifted slightly. Chiefs and deputy chiefs are usually the ones who write the "pre-flight instructions," and we are expecting sergeants and lieutenants to be faithful in delivering them thoroughly.

The Federal Aviation Administration requires that flight attendants say the whole shtick, no matter how unnecessary or embarrassing it may seem — no matter how many aren't listening. But do we as leaders insist that the organizational flight attendants (the sergeant and lieutenants) deliver the whole message?

For example, the rows of officers filling our roll calls, like passengers on a commercial jet, need someone to remind them over and over again how we, as leaders, value their dedication and commitment, and care about their continued well-being.

Like flight attendants who may feel embarrassed to deliver a simplistic, repetitious warning ... sometimes we are reticent to talk openly about real threats.

We need someone to keep saying, "Remember, be careful on your approach to the vehicle on traffic stops." "Always park away from the bank alarm or domestic dispute." "Don't overdrive the call — if you don't get there, you can't help anyone." "What is the leading cause of line-of-duty deaths? Traffic crashes."

We all have an incorrigible habit of seeing only the natural dimension of our problems. We need someone to keep saying, "We have an enemy, someone out to do you in. Never, ever fail to take that enemy seriously."

We hesitate to say that part. Like flight attendants who may feel embarrassed to deliver a simplistic, repetitious warning that many people ignore, we may be reticent to talk openly about a real threat. So we may drop that part of the safety demonstration. After all, they've heard it hundreds of times. Reality check. A brother or sister police officer dies in the line of duty about every two days — oftentimes, and regrettably, because they violate the fundamentals.

But when an officer's complacency and haphazard approach to tactics are plummeting earthward toward a potentially disabling injury or even line-of-duty death, there's nothing he or she needs to hear more than how to keep themselves and their fellow officers safe.

In my considered opinion, if we, as leaders, did not say that part of the message, we're partly responsible for the person's demise.

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Let's get over our awkwardness and embarrassment and remain steadfast to deliver the whole message. Officers' lives depend on hearing that there is at least one suspect out there who schemes to bring them down.

Rather than feeling awkward or hesitant to cover what we *presume* or *assume* officers already know, we must believe that they, like all humans, become creatures of habit — both good and bad habits. We must presume that they have forgotten some tactical skills along the way or gotten rusty with training provided to them, 10, 15 or 20 years ago in basic police recruit training academy.

Oftentimes, I think that while technological advances have resulted in tremendous strides in law enforcement, we often become over-reliant on technology rather than getting our officers back to basics when we may feel embarrassed to talk this way.

Our job as leaders in our quest to create and maintain high-performance teams and winners is to strategically create internal, personal dissonance; disharmony; and dissatisfaction — all of which are the essence of motivation. People will never grow or learn if they feel comfortable or satisfied with the status quo. That growth and performance center around our emphasis as leaders on the fundamentals.

Cartoonist Walt Kelly, and creator of the Pogo comic strip, wrote, "We have met the enemy and he is us." Perhaps more than any other words written by Kelly, it perfectly sums up his attitude toward the foibles of mankind and the nature of the human condition.

Most likely you've heard this story before. It has become legendary. The Packer franchise had been losing for almost 10 straight years. It was at the bottom of the standings, and morale was sagging.

Enter Vince Lombardi as the new coach. He was charged with the challenge of turning this franchise around, and he was all pumped up about it. He began leading practices, inspiring, training, motivating. But at one point in a practice, he just got so frustrated with what was going on with the players that he blew the whistle.

"Everybody stop and gather around," he said. Then he knelt down, picked up the pigskin, and said, "Let's start at the beginning. This is a football. These are the yard markers. I'm the coach. You are the players." He went on, in the most elementary of ways, to explain the basics of football.

It's fundamentals. It's fundamentals. It's fundamentals. Like the game of football, the successes and failures of policing can always find roots in the fundamentals.

Let's equip our people to be well-prepared, both mentally and physically. Let's teach them how to be confident in their skills, knowledge and ability — that will shine through in their command presence.

We have a captive audience each duty day. Maybe not everyone will listen, but let's keep trying. "Ladies and gentlemen, may I have your attention please..."

Mark Field was appointed chief of police in 1996 and had served as deputy chief of police from 1991 until that time for the Wheaton (IL) Police Department. He has been a police officer for 33 years and formerly served as Chief of Administrative Services for the Kankakee County (IL) Sheriff's Police Department. He holds a master's degree in public administration from Governors State University and is a graduate of Southern Police Institute's 66th Administrative Officers Course. Since 2000, he has lectured in 26 states as an adjunct professor with the Northwestern University Center for Public Safety and College of DuPage. Previously, he was a graduate and undergraduate professor of public police at Governors State University as well as Kankakee Community College.



Mark E. Field
Chief of Police

Mr. Field is a former lieutenant in United States Naval Intelligence and has served at numerous duty stations throughout the world with the Naval Investigative Service and Naval Aviation, with extensive experience in the areas of counter-intelligence and counter-terrorism. His literary credits include over 20 published leadership and management articles in leading professional journals. His most recent articles, entitled "Velvet Covered Nights" and "A Leader's Great Challenge," appeared in Law and Order. Chief Field has lectured publicly and privately across the United States on the topics of leadership, ethics, human resources and personnel selection.

Mr. Field is the co-author of a published textbook entitled Police Officer Selection: A Handbook for Law Enforcement Administrators published by Charles Thomas Publishers of Springfield, IL.



ENHANCED POLICE RESPONSE TO VICTIMS

By Chief Raymond Rose, Deputy Chief Eric Guenther, Deputy Chief Michael O'Brien, Mundelein Police Department

THE NEXT LOGICAL STEP TO COMMUNITY POLICING

If your mother, wife or daughter was a victim of crime, would you want them being taken care of by members of your department? How would you want them to be treated?

Most law enforcement agencies have embraced community policing since the early '90s. It was seen as the future of law enforcement and "right thing to do." The next logical step to community policing is addressing the second part of the equation – assisting the victims of crime.

Crime victims account for a majority of the contacts police encounter each day, but since traditionally law enforcement views its role as detecting, finding and apprehending criminals, victims were involved in the process only to achieve those goals. Unfortunately, many crime victims felt left out of the process and in some instances felt re-victimized as a result of the response or lack of response they received from police officers.

There is a real connection between improving services to victims and achieving better results in the investigation and prosecution of crimes. Investing additional effort to assist crime victims can yield not only more well-served victims, but also victims and community members who are more willing to report crime and work with the police to solve problems. In this ever-changing world and society, law enforcement must adapt to meet the needs of their customers. The private sector knows that in order to stay viable and profitable, it must continuously adapt and change. In the public sector (especially in law enforcement), it is also of paramount importance — and the only way to both protect and serve our citizens and communities. Victims of all crimes need our assistance in an attempt to keep them from becoming victims again and, just as important, to assure that they do not feel re-victimized by the police response they received.

The **Enhancing Law Enforcement Response to Victims** initiative is designed to work in all law enforcement agencies regardless of size or budget. The initiative is so versatile that our agency even utilized it to bridge communication gaps with our Hispanic community. It focuses on four core areas: Leadership, Partnerships, Training and Performance Monitoring. Like other successful community-oriented initiatives, it provides guidelines and suggestions, but most of the processes are created by the organization, which makes it adaptable to any agency regardless of size, resources or areas of concern.

Departments need to be willing to let go of traditional policing practices. Even the most proactive departments stand to gain by employing this philosophy. Community policing focuses on obtaining information and

creating communication with citizens in an effort to prevent crime before it takes place. Yet even the best police department cannot stop every single crime from occurring and that is where this philosophy comes in: How does your agency treat victims and how can you prevent further victimization from taking place? Some departments may have a victim advocate/social worker who is charged with interacting and assisting crime victims. While these positions are beneficial, police officers in these departments should not limit their interaction with crime victims because someone else is designated for that task. First responders miss a key opportunity to provide valuable assistance when crime victims are at their most vulnerable — right after a crime has been committed. A more informed and involved police officer equates to better customer service and gives the officer a greater sense of job satisfaction.

We in law enforcement must address re-victimization on two levels: 1) Ensure crime victims are not re-victimized during their interaction with the criminal justice system and 2) Provide an educational component to empower crime victims on how not to be victimized again.

This change starts within the individual organization and must be accepted at every level of the agency in order for it to achieve the desired result, which is a new focus on how police provide service. Enhancing law enforcement's response to victims is the right thing to do.

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ENHANCED POLICE RESPONSE TO VICTIMS

THE NEXT LOGICAL STEP TO COMMUNITY POLICING

We became police officers to protect and serve individuals who cannot protect themselves. Victims need our care, protection and understanding; this "next step" in community policing fulfills those needs.

This community policing strategy is now being taught during basic training at the Illinois Police Training Institute (University of Illinois-Champaign), so the time is now to reinforce this philosophy with new recruits and develop your own program within your department.

Involving the community in this initiative empowers those we are sworn to protect, builds trust and strengthens partnerships. At the same time it educates and enhances your staff's ability to deal with the stressors of law enforcement and to provide the very best services to your citizens.

Making an effort to improve the way your staff interacts with victims of crime will strengthen your partnership with the community and provide the best quality service to those who are most vulnerable. Victims need our help and guidance so they are not re-victimized and, just as important, do not feel victimized through their interaction with the police.

We encourage your agency to begin making a positive difference in victim response now. A step-by-step implementation guide, document templates and materials are available at www.responsetovictims.org. You will find everything you need to put this program into action in your department and start making service to victims a priority in your community. All that you will have to provide is the leadership necessary to take this next logical step in community policing – Enhanced Police Response to Victims of Crime.



RAYMOND J. ROSE is currently chief of police with the Village of Mundelein and has held the position since 1992. Prior to his appointment he served with the Elk Grove Village Police Department for 24 years, achieving the rank of deputy chief.

During this period, Ray also found time to complete his education. He attained a master's degree in public administration from Northern Illinois University and was inducted into the Pi Alpha Alpha National Honor Society for Public Affairs and Administration.

He also attended the 59th nine-month Police Administration Training Program (P.A.T.P.) class at Northwestern University's Center for Public Safety and the 161st Session of the National FBI Academy at Quantico, VA. He attended the 15th Session of the Senior Management Institute for Police hosted by the Police Executive Research Forum and Harvard's Kennedy School of Government. Additionally, he attended the Northwestern Executive Management Program (EMP), the FBI MLEEDS (Midwest Law Enforcement Executive Development Seminar) and the FBI LEEDS course at Quantico.

Chief Rose has had articles published in several law enforcement magazines and recently co-authored a graduate-level textbook on public administration, *Managing Local Government*. He is past president of the Illinois Association of Chiefs of Police, Lake County Chiefs of Police Association, Board of Directors – Northern Illinois Crime Lab and NEMRT (Northeast Multi-Regional Training) Board and also serves as chairman of the Lake County Major Crime Task Force and secretary of the NIPAS (Northern Illinois Police Alarm System) Board. He is active in numerous other law enforcement-affiliated organizations at the local, state and national levels.



MICHAEL S. O'BRIEN is currently a deputy chief of support services with the Village of Mundelein and has been employed with the village since 1983.

During his career, Mike has served as a patrol officer, investigator, school resource officer, sergeant of investigations and patrol commander. He is a graduate of the Western Illinois University and Northwestern University's School of Police Staff and Command. He developed Mundelein's first

citizen police academy in 1996 and also served as the department's CALEA accreditation manager from 2001 to 2003.

O'Brien has been working as the Enhancing Law-Enforcement Response to Victims executive sponsor for Mundelein since 2006 and has co-authored articles on the topic of Enhanced Law-Enforcement Response to Victims that have appeared in law enforcement magazines and other publications.



ERIC J. GUENTHER is currently the deputy chief of operations with the Village of Mundelein and has been employed with the village since 1995.

During his career, Eric has served as a patrol officer, investigator, patrol sergeant and patrol division commander. He is a graduate of the University of Wisconsin-Platteville and has also attended the 204th class at Northwestern University's School of Police Staff and Command and the 242nd session of the FBI National Academy at Quantico, VA.

Guenther has been working as the Enhancing Law-Enforcement Response to Victims project liaison for Mundelein since 2006 and has co-authored articles on the topic of Enhanced Law-Enforcement Response to Victims that have appeared in law enforcement magazines and other publications.



ON GOOD AUTHORITY

By Jack Cutrone, Executive Director, Illinois Criminal Justice Information Authority

STRATEGIC PLANNING INITIATIVES



Jack Cutrone
Executive Director, ICJIA

Last fall, the Illinois Criminal Justice Information Authority initiated efforts to seek out proven and cost-effective strategies to enhance public safety. These efforts culminated in a two-day summit of nearly 250 local, state and national lawmakers, policymakers and criminal justice and mental health practitioners. *Smarter Solutions for Crime Reduction: The*

Illinois Criminal Justice Information Authority

Strategic Planning Initiative was held on September 22–23, 2010, at the Four Points by Sheraton Chicago O'Hare in Schiller Park. The event played a central role as we set out to develop a strategic plan for criminal justice policy, research and funding direction for the next several years.

In a time of tightening budgets and federal criminal justice funding uncertainties, we recognized a need for new and successful approaches. The event gave participants information on the latest policies, practices and programs in place at local, regional and national levels that are cost-effective and replicable. It also gave us a chance to collect information from practitioners on their most pressing issues.

It had been 10 years since the Authority hosted a planning effort, and while our knowledge about crime, its causes and its prevention has continued to evolve since then, some things remain the same.

The United States is one of the most highly industrialized nations of the world with one of the highest standards of living. Yet, among industrialized nations, our country has the highest rates of most types of violent crime. Moreover, that holds true even in comparison to nations that are most culturally similar to the United States, such as England. For every 100,000 people in the United States between 2004 and 2008, there was an average of 5.4 homicides per year. In comparison, England recorded 1.4 homicides per 100,000, less than one-third of the U.S. rate; Germany recorded .9, less than one-fifth the U.S. rate, and Japan recorded .5, less than one-tenth the U.S. rate. Illinois, unfortunately, had a rate higher than the United States as a whole, averaging 6.1 homicides per 100,000 in population.

The United States also has the highest incarceration rate among industrialized nations. In 2008, the U.S. reached a new high-water mark, incarcerating one out of every 100 persons in a jail or prison. Including those on probation or parole, one out of every 31 people in this country is under some form of correctional control. Illinois fares a little better comparatively in this area, with one out of 38 people in a justice sanction.

Today, the Illinois prison population stands at about 45,000. In 1970, there were about 7,200 people in IDOC. Today, we have more than six times that number in prison with most of that growth coming between 1970 and 1995. The IDOC budget for state fiscal year 2011 is \$1.135 billion. Ninety-five percent of those currently incarcerated will be released someday. Of them, more than 50 percent will be back within three years.

There are many who believe that we simply cannot afford to keep doing things the way that we have been doing them. We must continually challenge our assumptions. We must use our limited resources in the manner that is most productive of public safety and most cost-effective.

We certainly don't have all the answers, but we must use what we do know most effectively and remain open to new ideas.

The criminal justice system is one that is evidence-driven. If sufficient evidence points to a crime having been committed by someone, that person is arrested. If the prosecutor feels that there is enough evidence to constitute probable cause, then that person is charged. If the evidence is sufficient to prove that person's guilt beyond a reasonable doubt, that person is convicted and sentenced.

Nevertheless, the criminal justice system needs to pay attention to what the evidence says about the way it works. If the evidence says that certain policing practices are most effective to prevent crime, then those are the strategies that we should try to adopt in our own jurisdiction. If the evidence says that investing in certain ways in high crime communities is going to reduce crime, then we need to look at those investments. If the evidence says that the strongest sanctions should be reserved for those most at risk of committing future crimes, then we should reserve those sanctions for those who are at that risk level. If the evidence says that certain programs or sanctions will have no effect or will even increase the risk of re-offending for a low-risk offender, then we need to let that guide our sentencing. In addition, if the evidence says that there are effective tools which allow us to accurately determine the risk that an individual will commit future offenses, then those tools need to be adopted if we are to prevent recidivism, reduce crime and increase public safety. Finally, if the evidence of cost-benefit analyses says that certain programs are most cost-effective, then in these times of diminished resources, those are the programs we need to adopt.

The strategic plan will help promote proven best practices in preventing crime, ensuring community participation in public safety, utilizing justice reinvestment to reduce corrections spending and addressing drug abuse and mental illness in the criminal justice system

Last fall, Authority staff began surveying all facets of the criminal justice system—police and sheriffs, prosecutors, defense attorneys, courts, probation, service providers and criminal justice associations—to identify the issues those working in the field thought were most pressing.

Authority staff then went about the task of identifying programs and practices that have proven to be effective in those areas. Of particular interest were those that conserve resources and share information across disciplines and encourage collaboration, utilize evidence-based or promising practices, and promote professional development and training. These will be the hallmarks of the strategic plan that is eventually adopted.

At the summit, criminal justice experts and practitioners shared successful strategies utilizing evidence-based and best practices across multiple justice disciplines, and cross-jurisdictional partnerships to conserve resources and share information. Highlighted strategies included drug market intervention



programs in Rockford and Peoria, a Cincinnati initiative to reduce violence, Chicago Police Department's Crisis Intervention Teams and the Winnebago County Mental Health Court.

Cross-disciplinary breakout groups organized by jurisdiction size also met at during the event, with representation across the criminal justice and related health and human services system. These breakout groups discussed and began to determine the feasibility of utilizing strategies discussed at the event within their local environments and identify the tools necessary for success, including technical assistance, fiscal resources, policy or legislation, or technological infrastructure.

Post-summit participant workgroups will convene through December to help formulate a strategic plan that develops goals, objectives and action steps for program funding, legislation and policy development, and research. ICJIA will release its state strategic plan in July 2011.

In closing, allow me to put in a pitch for ICJIA. Most people think of us primarily as a funding source which administers federal grants. What many don't know is that our nationally recognized Research & Analysis Unit has a wealth of information available, not only about crime trends and data, but also about best practices, programs and policy. The criminal justice community is invited to tap into ICJIA's vast array of resources. As always, we look forward to continuing our partnership with the criminal justice community, the legislature and the general public to improve the administration of justice in Illinois.

For more information on ICJIA's strategic planning initiative, visit www.icjia.state.il.us/STRATEGY2010.



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TECHNOLOGY IS HERE TO STAY

By Yvette Heintzelman, Clark Baird Smith LLP

Earlier this year, the U.S. Supreme Court issued its decision in *City of Ontario v. Quon*,¹ examining the right of a public employer to search personal text messages of a police officer, which were found on the officer's City-issued pager. The case garnered a significant amount of attention for two reasons: 1) the Supreme Court's decision to review a "texting" case shows just how important technologies have become in daily life and 2) the City of Ontario had a policy in place intended to preserve its ability to monitor the use of its equipment, yet the technology created a unique legal issue worthy of clarification.

Not surprisingly, the *Ontario* case has left many employers wondering if they can, and are, adequately governing their employees' use and misuse of technology. Along the same lines, increased employee use of social networking sites such as Facebook, MySpace and Twitter has created more complicated issues, such as the public employer's ability to regulate its employees' access to these sites during work hours, the content of the information disclosed on these sites and how employee conduct (often off-duty) adversely affects the employer. This article identifies key considerations for employers in developing technology use and social networking policies in the wake of technology's increased prevalence in the workplace.

A SNAPSHOT OF KEY ISSUES FACING EMPLOYERS

The growth of technology has outpaced the legal authority examining the impact of that technology in the workplace. From IM and Twitter to MySpace and Facebook, current technology allows for communication of information to a mass audience in a nanosecond. Information sharing over the Internet has moved beyond email and even blogs to video sharing on YouTube. These technologies can be accessed and executed by anyone without the need for specialized expertise or equipment. The technologies leave a very public trail that can be pieced together to tell a detailed story of an individual's activities and thoughts.

The current atmosphere of online information sharing has even spawned a cottage tech industry of "online reputation management" companies, like Reputation Defender, that seek to limit the effect of information sharing online. While private use of the Internet has mushroomed, professional activities are also increasingly finding a home on the Internet, from police forums to legal forums dispensing free "advice."

Accordingly, the policy challenge presented to the public employer is to develop strong guidelines governing the use of the employer's technology and information in the workplace. Clearly, employers need to set boundaries between work and personal activities and develop guidelines that place employees on notice that personal activities that have a detrimental effect on departmental operations will result in disciplinary action. As the case law addressing specific technology issues in the workplace is still developing, the primary legal challenges in regulating employee use and misuse of technology tend to mirror legal considerations confronting employers in more traditional situations, as reflected in the U.S. Supreme Court's decision in *City of Ontario v. Quon*.

In *City of Ontario v. Quon*, the City obtained text messages sent by an officer over a City-owned pager to determine whether the officer's excessive texting was for business use or personal use. The officer objected to the City obtaining the text messages without a warrant under the Fourth Amendment. The Supreme Court did not make new law in deciding that case; instead it applied long-standing case authority addressing an employer's ability to conduct a warrantless search

in the workplace. The Court ruled that the search fell under the established exception to warrant requirements for a noninvestigatory, work-related search, or a search for the investigation of work-related misconduct. This theory was originally established by the Supreme Court in a case called *O'Connor v. Ortega*.² The Supreme Court reiterated the standards set forth in *Ortega* that such a search is reasonable and falls within the exception to the Fourth Amendment's warrant requirements. That exception provides that: 1) if the search is justified at its inception and 2) if the measures adopted are reasonably related to the objectives of the search and not excessively intrusive, then the search does not violate the Fourth Amendment. The Supreme Court found the City of Ontario's search to meet this parameter.

From the *City of Ontario v. Quon* decision, employers can extrapolate that a warrantless search of an employee's work computer likely raises the same constitutional considerations as a search of an employee's office or desk. However, courts are likely to apply a much different standard when judging the propriety of a public employee's off-duty online statements or speech. The First Amendment generally prohibits the government from regulating the content of private speech, protects individuals' rights to join and participate in a wide range of civic, political and religious associational activities and protects employees' speech on matters of public concern. In determining the scope of employers' right to regulate or limit employee speech, courts balance employer and employee rights and will weigh the negative impact on employer operations, especially on the area of public safety.

Responses to an employee's online speech must take into consideration the same First Amendment considerations as an employee's comments to a newspaper or the Village Board. Discipline for an employee's personal Facebook postings must take into consideration the same associational and privacy rights that surface in determining an employer's reach into any other kind of off-duty conduct.

The following technology use challenges highlight both application of these legal principles and policy considerations for departments to adopt in response.

TEXTING

Officer Quon, in the *City of Ontario v. Quon*, also engaged in conduct that raised a number of additional legal issues other than Fourth Amendment search and seizure, which the Supreme Court did not address but which are important for public employers everywhere. First, Officer Quon used employer property for his own personal use — he sent or received an average of 28 messages per work day, of which only three were related to police business. Yet, for the most part, an employer's resources should be reserved for business use only. A technology use policy, therefore, should set the expectation that employees will keep personal and professional use of technological resources separate, and will prohibit personal use of employer-owned resources on-duty. As further reinforcement against incidental personal use, the policy should place employees on notice that they use employer-owned resources for personal use "at their own risk" and that personal use is subject to the same conduct standards and monitoring as is business use.

Of course, the conduct that led to the search of the pager in *City of Ontario v. Quon* raises the question of when the officer was sending the text messages. In addition to business resources being reserved for business use, work time should be reserved for work activities. Any employer that encounters extensive



personal call, texts, emails or Internet use during working hours should be able to turn to a discipline policy, rule or order that incorporates “neglect of duty” or theft of employer time to correct the behavior. Such a rule or policy should be in addition to the general prohibition of employee personal use of employer resources.

PERSONAL ELECTRONIC DEVICES

To fully regulate in this area, employers need to take the additional step of implementing a policy limiting the use of personal cell phones, smart phones, computers and other personal technology devices that may accompany the employee at work during work hours. Employees should not use these personal devices in the course of performing their job duties nor should they use these personal devices for personal communications during work hours. Personal devices can cause many conflicts and concerns in the workplace (safety concerns if an employee operates a vehicle for work, distraction to other employees by cell phones ringing throughout the day, and even coverage under FOIA if personal devices are used to transact public business). Accordingly, employer policies should address both personal use of the employer’s equipment as well as the employee’s conduct of personal business during work hours.

MESSAGE CONTENT

Another issue that was not presented to the Supreme Court was the content of the officer’s text messages. The City’s investigation into the text messages found that many contained sexually explicit content. In this sense, the regulation of technology use is no different from the regulation of other workplace conduct. For example, an employer should not tolerate derogatory or sexually explicit e-mail or text messages sent on an employer’s computer or cell phone, in the same manner that it would not tolerate a derogatory comment made orally. Accordingly, a technology use policy must set forth that use of technology in violation of any other policy is also inappropriate and subject to discipline. A harassing e-mail sent to a co-worker can violate employers’ policies, regardless of whether that e-mail is sent from a home personal email account, on duty or off duty. Thus, in addition to a technology use policy, departments can rely on anti-harassment policies and general rules of appropriate conduct or prohibiting conduct unbecoming of an officer in response to an inappropriate use of technology.

THE STORED COMMUNICATIONS ACT

One final issue that the Supreme Court did not consider in *City of Ontario v. Quon* was the means through which the employer obtained the text messages from its third-party wireless provider. The Supreme Court did not address the extent to which the employer’s access of the officer’s text messages was lawful under the Stored Communications Act.³ The Stored Communications Act requires consent of one of the parties of the communication, the sender or the recipient, before disclosure of the message can be made. This is true regardless of whether the employer pays for the cost of the transmission. This legal issue is bound to develop further and may become a significant source of concern for departments. One strategy to address the issue of access to information, and the issue of monitoring and appropriate use, is to obtain a signed “User Agreement” that is issued to employees at the time they are assigned an employer-owned device. Such an agreement should spell out the limitations on personal use, the lack of any expectation of privacy and the notice of the right of the public employer to monitor use, and it should contain consent to access any messages stored on the device or by a third-party provider.

WHEN MYSPACE BECOMES OURSPACE

Perhaps even more troubling to departments than the misuse of employer time and resources is the threat posed by employees’ off-duty conduct. *The Detroit Free Press* reported last month that an officer was disciplined after using his personal cell phone to take and post on his Facebook page a picture of two

goats on the roof of a building — the picture was of a crime scene. He had been dispatched to respond to the goat sighting, and keeping goats is illegal within the city limits. While this transgression may seem minor, it is a prime example of the need to maintain the confidentiality of departmental affairs in the online arena. Clearly, public employers should prepare written policies providing that information that is limited to officers and investigators must not be disclosed on the Internet, Facebook, MySpace or officer-sponsored “blogs” without written permission of the chief. In addition, the written policy must make it clear that information officers receive pursuant to execution of their duties must be kept confidential unless and until such information is disclosed to the public via official channels, subpoena or Freedom of Information Act request. From a management perspective, the repercussions for law enforcement and a department’s public relations can be seriously affected when an officer posts a picture of goats, weapons, dead bodies or other crime scene details.

The same principles hold true when officers participate in online professional forums. An officer who posts details about an investigation or law enforcement techniques online may compromise departmental operations. The Internet remains an audience of unknown individuals, hackers and imposters. Chain of command and confidentiality policies must extend to employees’ interactions in police forums or other webpages, even when such participation is in an official capacity. Any regulation may and most likely should take the further step of requiring express approval before posting or distributing online comments, images or information that relate to departmental operations.

PUBLICATION OF THE EMPLOYEE’S “OWN INFORMATION”

While employers have the tools to manage and control the employer’s information, perhaps the more damaging conduct arises from employees’ own information. Any search online for “police” or “officer” and Facebook is bound to turn up dozens of new stories of officers who resigned or were under investigation for posting pictures of themselves or fellow officers in uniform or in a squad car engaged in any variety of inappropriate conduct — with underage individuals, with alcohol, asleep, etc. These situations generally fall squarely under existing conduct rules and should consequently be treated no differently than if the department learned of the inappropriate conduct through a citizen complaint or other means. If anything, the potential public access to the information should warrant an immediate investigation, prompt corrective action and any follow-up measures to respond to publicity arising out of the disclosure or publication of such information.

REGULATION OF OFF-DUTY CONDUCT RAISES CERTAIN CONSTITUTIONAL ISSUES

Employers must beware, from a policy standpoint, that they are limited in the extent to which they may dictate employees’ off-duty activities based on constitutionally protected associational rights, as well as privacy rights. Employers must avoid attempts to restrict the content of employees’ online statements or action, and instead focus on implementing rules and standards that will allow the employer to respond when behavior affects the ability of departmental operations or impairs the integrity of the department. Thus, any policy should place employees on notice that off-duty activities which have a detrimental impact, disparage or otherwise place the department in a compromising or unflattering light may be subject to discipline. Thus, rather than trying to itemize the prohibited conduct and thereby try to sidestep the constitutional issues, the regulations focus on the effect of the conduct on the department.



Continued from page 29

THE NEED FOR TRAINING

Public safety departments should also consider implementing ongoing training regarding the potential consequences of online behavior. In March 2009, the *New York*

Times reported on the story of an officer who took the witness stand in a trial over a felony weapon possession count and a misdemeanor resisting arrest count. The story was not about the accused defendant, but rather about the officer's online persona — a bodybuilding officer who commented on how to rough up an arrestee in response to a YouTube video. He also cited the movie *Training Day* as an "inspiration" on his Facebook page. The information was mined from the Internet by the defense attorney, and the accused was acquitted of the felony charge. While certain specific comments the officer made may have provided grounds for a charge based on conduct unbecoming, the detrimental effects came more from the picture the defense attorney made out of comments that arguably are beyond the reach of any regulation under the First Amendment.

In these instances, the most powerful tool to curb the detrimental effects of employees' personal speech may be the employees themselves. The officer in the *New York Times* article apparently was sufficiently chastened by his experience to make changes in his online behavior — to mask his identity and self-monitor the tone and content of his comments. The damage, however, was done. The accused was acquitted. Training that highlights the potential damage not just to the department but also to the individual officer's reputation and possible career development from online activity may be enough for most officers to self-monitor their conduct. In addressing situations that arise from an employee's personal online speech, employers should carefully review the nature of the comments, the effect on departmental operations and the relation to existing conduct rules in determining what action may lawfully be taken in light of employees' First Amendment rights.

PUBLICLY AIRING DIRTY LAUNDRY

Employers must be aware of other limits on their ability to control or respond to employees' online activity. An increasingly common area of conflict surfaces when employees take their everyday complaints and gripes about their work to the Internet. Inevitably, these comments find their way back to the supervisor who may have been the source of the action that triggered the complaints. The first instinct, and second and third, for many supervisors is to discipline the employee. Again, employers must carefully consider the nature and context of the comments and scrutinize the legal protection afforded to such comments before any discipline is imposed.

In general, the legal standard to take disciplinary action against personal comments expressing opinions about the workplace or individuals in the workplace is very high. It is not enough that comments about a Chief are rude or personally offensive. In order to discipline an employee, particularly a represented employee, the conduct must almost rise to the level of defamation before it can support disciplinary action. Obviously, such comments may have First Amendment protection. Moreover, even if the First Amendment is not implicated, employers must be particularly aware in this context, as well, of latent legal liabilities in employees' gripes. Comments about pay or other working conditions may constitute protected, concerted activity under labor laws, and disciplinary action could expose an employer to unfair labor practice charges under a state's labor relations acts. Employee comments may also be covered by whistleblower protections or serve to place employees on notice of potential harassment or discrimination in the workplace, triggering an obligation to investigate the complaint. This is one area where regulation of employees' online activity is largely beyond the reach of regulation but where follow-up action may certainly be warranted when comments are brought to the employer's attention.

SO, WHAT DO YOU DO?

Clearly, there is no "one size fits all" response to employees' online activity. Employers can place themselves in the best position to respond to the many challenges presented by employees' online use, by establishing boundaries between employees' business and personal use of technology; by regulating the use of employer-owned technology resources; by extending existing confidentiality, chain of command and conduct rules and policies to all online activity of employees; by training employees on the adverse effects their conduct may have on the department and their own careers; and by responding promptly to changes in technology and challenges in use of technology as they arise.

In short, draft and publish a comprehensive policy or set of policies, have them reviewed and approved by counsel and then update them every three years, at least.

¹ U.S. Supreme Court, Case No. 08-1332, (June 17, 2010). Specifically, Quon and several other employees filed a 42 U.S.C. § 1983 action against the City of Ontario police department, city, chief of police and internal affairs officer. They alleged Fourth Amendment violations in relation to the police department's review of text messages made by an employee on a city-issued text-message pager. While the city did not have an official text-messaging privacy policy, it did have a general "Computer Usage, Internet and E-mail Policy."

² 480 U.S. 709 (March 31, 1987)

³ 18 U.S.C. § 2701 *et seq.*

Yvette Heintzelman is a partner at Clark Baird Smith LLP. She has extensive experience litigating claims in both federal and state courts and in various state and local administrative agencies. Her litigation experience includes representing municipal and private employers in state and federal litigation as well as in grievance arbitrations and before the Illinois Labor Relation Board, local Pension Boards and local Boards of Fire and Police Commissioners. She has particular expertise

representing Public Safety Departments in disciplinary matters interpreting the Peace Officers Disciplinary Act and the Firefighters Disciplinary Act and associated agreements, laws and regulations. Most importantly, public sector and private sector employers rely on Yvette to help them avoid litigation through a proactive approach to responding and resolving various employment issues. She works with her clients to establish human resources policies and procedures necessary to comply with constantly evolving labor and employment law as well as conform to the employer's method of operations.



Special thanks to Abby Rogers for her assistance in preparing this article. Abby is an associate with Clark Baird Smith LLP. She has worked as a labor and employment attorney since 1998. Abby focuses her practice on general labor matters and counseling clients in all aspects of the employment relationship.



OFFICER-INVOLVED SHOOTING GUIDELINES

In the Summer 2010 Issue of Command, the South Suburban Association of Chiefs of Police Line of Duty Death Protocol was presented as a tool to deal with the traumatic loss of a fallen officer. The focus of this article, the second of a two-part series on Trauma and Law Enforcement, is an invaluable resource from The International Association of Chiefs of Police. The IACP's Police Psychological Services Section ratified their Officer-Involved Shooting Guidelines in October 2009. These Guidelines, while developed for officer-involved shootings, may be applied to various traumatic events that the field of law enforcement may encounter, in order to address mental health needs and promote emotional well-being among officers.

The following guidelines are intended to coincide with general protocol and procedures involved with officer-involved shootings. While some of the guidelines may seem like general practice of law enforcement agencies, please note the special attention paid to the psychological aspects of each item.

**Ratified by the IACP Police Psychological Services Section
Denver, Colorado, 2009**

1. PURPOSE

These guidelines were developed to provide information and recommendations to public safety agencies and mental health providers for the purpose of constructively supporting officers involved in shootings and other use-of-force incidents that may trigger the investigative process. Many of these recommendations can also be applied to other potentially distressing critical incidents. The field experience of members of the IACP Police Psychological Services Section, along with scientific research, suggests that following these guidelines can reduce the probability of long-lasting psychological problems resulting from such incidents. These guidelines are not meant to be a rigid protocol and may be adapted according to agency size and funding, as well as applicable state and local laws.

The Guidelines are separated into the following sections:

2) Pre-Incident Preparation

3) At the Scene and Immediately Following

4) Investigative Period

5) Post-Shooting Interventions

2. PRE-INCIDENT PREPARATION

- 2.1. Officers and administrations should be made aware of the emotional, psychological and behavioral residuals often associated with officer-involved shootings. Agencies are encouraged to train all agency personnel in posttraumatic reactions and appropriate ways to respond to employees who have been involved in a potentially traumatic incident, providing handouts whenever possible. Trainings should include what to expect personally, departmentally and legally after a shooting or other significant use-of-force incident.
- 2.2. Prior to any shooting incident, it is strongly recommended that the agency establish a working relationship with one or more trained, qualified, licensed mental health professionals experienced in the law enforcement culture as well as in providing post-shooting intervention. The department should notify this mental health resource as soon as possible following an officer-involved shooting, so that a post-shooting intervention can be facilitated.
- 2.3. All officers should be asked to complete a form indicating the names and contact numbers of family members and significant others whom they would like to be notified in the event that they are injured on duty and are unable to contact them personally. Officers should also identify

two or three fellow officers, in order of preference, who they have chosen to contact their family and significant others. This information should be routinely reviewed by all officers on an annual basis. Officers should be assured that the information they place on the document is safe from review by unauthorized personnel, and is readily available at the time of an incident.

3. AT THE SCENE AND IMMEDIATELY FOLLOWING

- 3.1. Immediately after an incident, provide physical first aid and communicate emotional support and reassurance to involved officers and other personnel. This support should be focused on calming physical and emotional stress and supporting the officers' sense of safety.
- 3.2. Involved officers should be encouraged to step immediately away from the scene and any media attention and be sensitively transitioned to a safe and supportive environment. Instead of driving themselves, they should be provided with transportation. If returning immediately to the department is not practical, they should be allowed to choose another appropriately private and safe remote location. Above all, officers should not be isolated. Instead, they should be accompanied by supportive peers and supervisors who can assist them in following agency policies regarding talking about the incident before the initial investigative interviews. If officers themselves have an immediate need to talk about the incident, they should be encouraged to do so solely with individuals with whom they have legally privileged confidentiality. Consider both the officers' preferences and the integrity of the investigation when deciding if and when the officers are to return to the scene.
- 3.3. Following a shooting incident, officers may feel vulnerable if unarmed, especially when they are in uniform. If an officer's firearm has been taken as evidence, a replacement weapon should be immediately provided as a sign of support, confidence and trust unless there is an objective basis for questioning the officer's fitness for duty. In addition to replacing the officer's weapon, it is recommended that a peer (ideally trained in peer support; see IACP PPSS Peer Support Guidelines, or has previously gone through an officer-involved shooting while employed with the agency) be assigned to the officer immediately following the incident to provide support and security. Officers should be kept informed of when their weapon is likely to be returned.
- 3.4. Officers should be provided with the opportunity to contact their family members as soon as possible. It is best for the officers themselves to contact their families. It is therefore prudent that no contact be made with family members before the officers have had this opportunity.

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If this opportunity is significantly delayed, or officers are injured and unable to call themselves, then individuals who preferably know the families and have been previously chosen by the officers should call as soon as possible. Offers to call other support people such as friends, family members, chaplains, etc., should be made to ensure that the family has their support system mobilized. Family members who wish to be with injured officers should be offered transportation in lieu of driving themselves.

- 3.4.1. Officers not involved in the incident, but on-duty, should attempt to contact their families and advise them that a shooting incident has occurred, but that they were not involved.
- 3.5. The investigative process and concerns over legal and administrative consequences are often the most stressful parts of an officer-involved shooting for involved personnel. During the first few hours, a designated peer, union representative and/or supervisor should explain to officers what is likely to happen administratively and the reasons behind the required administrative actions. A written summary of administrative and investigative procedures should be provided to all officers during their initial training and again within the first few hours after a shooting incident. During this potentially emotional and confusing time, officers may also wish to consult legal advisers of their choice for further education. Within the initial two days, educate involved officers on the protocol of the investigation as well as any potential actions by the media, grand jury or review board. It is preferable that these steps be taken prior to any formal investigative interviews. It is equally important that over time, officers be made aware of the progress of the investigation.
- 3.6. It would be helpful to provide officers and their significant others with written information that reviews physical and psychological reactions to shooting incidents. Topics covered should include what to expect, how to support each other, coping strategies and whom to contact for further assistance. These may be the same handouts provided to newly hired officers (see Guideline 2.1).

4. INVESTIGATIVE PERIOD

- 4.1. Shootings and other use-of-force incidents can result in heightened physical and emotional reactions for the participants. It is recommended that officers involved in such incidents be given a minimum three days leave, either administrative or through regular days off, in order to marshal their natural coping skills to manage the emotional impact of the incident prior to return to duty or the preparation of a use-of-force or incident report. Those who were present at the scene but did not discharge their weapons may also be emotionally impacted by the incident and may benefit from a period of administrative leave. It is important that officers and the public understand that administrative leave is a routine procedure and not a disciplinary suspension.
- 4.2. While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, it is suggested that they have some recovery time before providing a full formal statement. Depending on the nature of the incident and the emotional status of the officers, this can range from a few hours to several days. Officers will often benefit from at least one night's sleep prior to being interviewed. Officers who have been afforded these opportunities are likely to provide more coherent and accurate statements. Providing a secure setting, insulated from the press and curious coworkers, is important during the interview process.
- 4.3. During the course of a post-shooting investigation, potential legal and emotional difficulties may arise for officers involved in subsequent critical incidents. When appropriate, it is recommended that officers and agencies work together in considering temporary duty assignments, if available, that will lessen the likelihood that officers will be involved in subsequent use-of-force incidents during on-going investigations.
- 4.4. If officers have published home telephone numbers, it may be advisable to have friends or voicemail screen telephone calls to prevent any harassing or threatening calls from reaching officers or family members.
- 4.5. Talking with peers who have had similar experiences can be quite helpful for officers involved in significant use-of-force incidents. Often these personnel respond immediately on-scene to provide support and psychological first aid. Peer support personnel may also be an asset by participating in group interventions in conjunction with a mental health professional and in providing follow-up support. Family members of officers involved in shootings may also benefit from peer support particularly from the family members of those who have previously been involved in shootings or other life-threatening events. The formation and administrative backing of peer support and outreach teams for officers and family members may prove to be a wise investment prior to an officer-involved shooting. Peer support should only be ancillary to intervention by a mental health professional and should never take its place. (Please see IACP PPSS Peer Support Guidelines for information concerning the development and use of Peer Support teams.)
- 4.6. Personal concern and support for officers involved in significant use-of-force incidents, communicated from high-ranking administrators, can provide an extra measure of reassurance and comfort. The administrator does not have to comment on the situation or make further statements regarding legal or departmental resolution, but can show concern and empathy for the officers during this stressful experience. These contacts, whether in person or via telephone, should be made as soon as possible after the incident.
- 4.7. As soon as is practical, a designated and informed person should brief the officers' supervisors and team, followed by the agency as a whole, about the shooting. Efforts should be taken to make sure distributed information is accurate. This practice will reduce the number of questions asked and criticisms of those involved, and will also help to quell any rumors that may have arisen. Further, agencies should make every effort to expedite the completion of administrative and criminal investigations, keep the officers informed and notify them of the outcomes as soon as possible.
- 4.8. Significant use-of-force investigations are complex events involving an array of law enforcement and other government agencies. Continued communication between all parties throughout the course of an investigation protects involved officers by mitigating misunderstandings and conflict among the many different interests.
- 4.9. Members of the community, including the media, may benefit from education regarding procedures and protocols related to police use of force. It is recommended that police agencies assist the community in these efforts by providing information about factors involved in police use of force such as officer safety issues and pertinent laws.



- 4.10. Lengthy investigations can cause distress to officers. Agencies should make every effort to expedite the completion of administrative and criminal investigations. While investigations are pending, supervisors should maintain regular contact with officers and keep them apprised of any pertinent developments.

5. POST-SHOOTING INTERVENTIONS

- 5.1. Post-shooting interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel. Care should be taken in selecting a mental health professional to ensure that he or she is well versed in the law enforcement culture and has knowledge and experience in the treatment of traumatized individuals.
- 5.2. Some officers would choose not to participate in the post-shooting interventions provided by qualified mental health professionals, yet when required to attend, they often find it helpful. In addition, some may be unaware of the potential impact of the incident and choose not to attend. For these reasons, it is recommended that officers be required to attend one individual post-shooting intervention so they can, at a minimum, be provided with basic education and coping skills to better manage their reactions. While officers may be required to attend at least one mandatory session, this does not mean that it should be mandatory for them to discuss the event or how they feel with the mental health professional. Any participation beyond attendance should be voluntary on the part of the officers.
- 5.3. After a life-threatening incident, officers frequently are most concerned about how they reacted physiologically and emotionally, and whether these reactions were "normal." Post-shooting interventions should be primarily educative as this reassurance reduces worry, anxiety and negative self-assessment. Much of the time the normalization and education provided during the post-shooting intervention affords sufficient support to facilitate individual coping mechanisms. If not adequately addressed, however, these reactions may lead to more severe and chronic problems requiring treatment services.
- 5.4. The initial post-shooting intervention should occur within one week after the shooting incident. The initial goal should be to reduce stress, assess and "normalize" any problematic post-incident reactions and provide education regarding stress reduction and self-care. Particular attention should be paid to maintaining sleep functioning, accessing social support, and minimizing or abstaining from alcohol use.
- 5.5. It is recommended that officers not be required to return to work immediately following a post-shooting intervention session.
- 5.6. A single contact with a mental health professional may prove to be inadequate for officers who have been severely affected by an event. In addition, a subset of officers may experience delayed onset of problems. The mental health professional should informally assess, for the sole purpose of voluntary referral, which officers may need additional or alternative types of support to further their recovery process. Follow-up sessions should be made available to every involved officer and, if appropriate, referrals may be offered for further treatment and/or to peer support or chaplaincy programs.
- 5.7. Because delayed reactions may occur, all officers receiving an initial post-shooting intervention should receive follow-up contact by the mental health professional, either via phone or email sometime within the first four months post-incident. In addition, contact should be made prior to the first anniversary of the incident.
- 5.8. It should be made clear that the individual post-shooting intervention is a confidential and legally privileged communication between the mental health professional and the officers involved. No information about the content of these sessions should be released without the officer's written authorization.
- 5.9. Life-threatening use-of-force incidents also have the potential to emotionally impact an officer's significant others, who often can provide valuable support to officers following these incidents. Therefore, it can be beneficial for all concerned to include significant others in the psychological debriefing process. It is recommended that consideration be given to inviting significant others to accompany officers to individual post-shooting interventions. If significant others are invited, officers may have specific preferences about individual versus joint sessions, and mental health providers should give serious consideration to such preferences. The decision to conduct individual debriefings followed by joint debriefings, or joint debriefings alone, should be decided by the officer and mental health provider.
- 5.10. It should be made clear to all involved personnel, supervisors and the community at large that an officer's fitness-for-duty should not be brought into question by virtue of their involvement in a shooting incident. Post-shooting psychological interventions are separate and distinct from any fitness-for-duty assessments or administrative or investigative procedures that may follow. This does not preclude a supervisor from requesting a formal fitness-for-duty evaluation based upon objective concerns about an officer's ability to perform his or her duties. However, the mere fact of being involved in a shooting does not necessitate such an evaluation prior to return to duty. (Please see *IACP PPSS Psychological Fitness-for-Duty Evaluation Guidelines* for information concerning the criteria and procedures for these evaluations.)
- 5.11. If a fitness-for-duty evaluation is requested, it should not be conducted by the mental health professional who provided the post-shooting intervention. However, as part of the post-shooting intervention, the mental health professional can assist officers in making decisions concerning returning to duty. Officers maintain the right to privilege and confidentiality regarding such communications unless otherwise waived (e.g., in the context of a workers' compensation claim).
- 5.12. Group psychological interventions may be beneficial following incidents involving multiple personnel. All officers directly involved in the shooting incident should receive an initial individual intervention prior to the group session. Participants should be limited to persons who were involved in the event and attendance should be strictly voluntary. Additional individual counseling referrals should be available for those needing or wanting further assistance.
- 5.13. Group sessions should be jointly facilitated by one or more mental health professionals experienced in working with law enforcement and trained peer support personnel. The confidentiality of group sessions should be respected, and some states provide a degree of legal privilege to sanctioned peer support groups. Regardless of local laws, when information is processed in group settings, the risk of a breach

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of confidentiality is greater than in individual sessions conducted by licensed mental health professionals with whom officers have legal privilege. Although it is recommended that attendance at group sessions be voluntary, if attendance is mandated, any participation should be at the discretion of each officer (see Guideline 5.2).

- 5.14. Agencies should consider the impact of use-of-force incidents on all other involved emergency service personnel (including dispatchers) and provide appropriate interventions consistent with these Guidelines.

A PTSD reaction is often described as “a normal reaction to an abnormal event.” This relationship should be stressed to law enforcement officers as a natural and normal relationship between PTSD and the law enforcement profession. When presented in this manner, law enforcement personnel may be more open to discussing it and, perhaps, less likely to fear losing their job or being labeled as having a mental health issue.

Some research suggests that the preparation and training that occurs prior to a traumatic or use-of-force event may help officers cope with the incident and

may decrease the development of posttraumatic symptomatology. Trainings and interventions described in these guidelines have been implemented in member agencies of the South Suburban Association of Chiefs of Police. Again, the key is to be prepared for when traumatic events occur. Separate trainings should be provided for administrative, service and support staff, as well as additional training for family and significant others. Educating significant people in the lives of law enforcement personnel can assist in the identification of potential trauma symptoms and reactions, which may result in the acquisition of necessary mental health services in a more timely manner.

Some towns in the South Suburban Association of Chiefs of Police are currently utilizing a team of professionals following an Officer-Involved Shooting. The team consists of a police chief/attorney who specializes in use-of-force incidents, an attorney who specializes in officer-involved post-shooting incidents and a psychologist who specializes in trauma. This multidisciplinary team is activated immediately following the incident and works in accordance with the Illinois State Police Public Integrity Unit. Some police agencies have created general orders incorporating these guidelines.

For additional information on the procedures utilized in Southern Cook County, or for questions to, or references from, the Chiefs of Police who have utilized and/or implemented these procedures, please contact Dr. West at mdwestpsyd@gmail.com.

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Dr. West is a licensed clinical psychologist specializing in trauma. She is an associate member of the International Association of Chiefs of Police (IACP) and the South Suburban Association of Chiefs of Police (SSACOP). She is a member of the SSACOP Line of Duty Death Committee and is a consultant to the South Suburban Emergency Response Team (SSERT).

The complete Officer-Involved Shooting Guidelines documentation from the International Association of Chiefs of Police (IACP) is available at:
http://theiacp.org/psych_services_section/pdfs/Psych-OfficerInvolvedShooting.pdf.



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December 6 - 10	Instructor Development Program for Public Safety (Academy Leadership Associates)
December 15 - 16	Enhanced Threat & Risk Assessment (Texas Engineering Extension Service)
February 8 - 9	Best Practices Grant Writing for Public Safety Agencies (First Responder Grants)
February 10 - 11	Grants Management Training (First Responder Grants)
March 15 - 17	Tactical Planning for WMD Incidents (LSU/National Center for Biomedical Research & Training)
March 29 - 31	Radiological/Nuclear Responder Operations (New Mexico Tech/Energetic Materials Research & Testing)
March 30 - 31	Threat & Risk Assessment (Texas Engineering Extension Service)
April 1	Animal Cruelty Awareness (HK9 Tactical)
May 10 - 13	Basic Tactics for Warrants (Northeast Counterdrug Training Center)
June 2 - 3	Use of Force Against Dangerous Animals (HK9 Tactical)



NURSING HOMES: AN EXPANDED ROLE FOR LAW ENFORCEMENT IN ILLINOIS

IDENTIFIED OFFENDER PROGRAM

By Deputy Director Jack S. Garcia, Illinois State Police, Division of Internal Investigation

In most states, nursing homes are seldom a source for crime problems for state and local law enforcement. Except for the occasional theft or missing person report, the impression most police executives have of nursing care facilities is a place of safety. However, in many ways the circumstances are quite different in Illinois. Today, for a number of reasons it is not uncommon to find registered sex offenders, those convicted of violent crimes, drug offenders, mentally ill persons, parolees and even some fugitives in nursing homes.¹

Nursing homes have been prominent in the news recently. They have been a source of violent crime and patient abuse. In fact, over the course of the last year, the Illinois Attorney General's Office and law enforcement have been conducting sweeps of certain nursing homes for residents wanted on outstanding warrants.²

While Illinois long ago instituted a law requiring a criminal background check for nursing home employees, in 2006 a law was passed to require criminal background checks and risk assessments for persons admitted to nursing homes in Illinois with certain convictions.³ As a result of additional legislation recently signed into law, the level of scrutiny for new admissions to nursing homes has increased substantially.⁴

According to the Illinois Department of Public Health (IDPH), the agency responsible for licensing and regulating nursing homes, there are approximately 1,200 facilities statewide⁵ with approximately 350 in Will and Cook Counties alone. As a result of the new nursing home reform legislation, the Illinois State Police (ISP) performs criminal history reviews and limited investigations of those being admitted into nursing homes with certain identified convictions. The results of the investigations are then shared with a forensic psychologist on contract with IDPH who completes a risk assessment.

Under the new law, the ISP is responsible for disseminating the risk assessment, along with related information, to designated stakeholders. This includes ISP responsibility of notifying the chief of police of the municipality in which the facility is located.⁶ The purpose of this information

is to better inform law enforcement officials about these residents who have been deemed an "identified offender" under the law, and to provide insight on the risk assessment that was conducted. However, the new law does not specify what, if any, action should be taken.

For the short term, ISP will mail a hardcopy of the report to local law enforcement. This notification

by the ISP should not be taken lightly for a number of reasons. The contents of this report will contain criminal history information that needs to be handled accordingly, and for many nursing home residents, the report may also contain mental health information that is protected by law. In addition, virtually all the reports received by local law enforcement will contain information protected under the Health Information Portability and Protection Act of 1996 (HIPAA). Finally, the contents of these reports may prove to be quite useful should criminal activity arise in the future at or near the nursing home. For all these reasons and more, it is recommended the law enforcement executive carefully consider how such reports will be accessed, stored and disposed of in accordance with federal and state laws.

The ISP has assumed the investigative responsibility of the Program from a contractual vendor and has dedicated personnel and resources to the Program in an effort to safeguard nursing home patients, staff and the public.

Recently, the ISP met with representatives of the Illinois Association of Chiefs of Police and the Illinois Sheriffs' Association to provide detailed information on this issue. Should you have any questions, please contact your association, or Lieutenant Colonel Brendan Heffner, Illinois State Police, at 217-782-5423, or by email at Brendan_Heffner@isp.state.il.us.

¹ U.S. GAO Report <http://www.gao.gov/new.items/d06326.pdf>; March, 2006; "Illinois Nursing Homes Mix Felons, Seniors," *Chicago Tribune* September 29, 2009; "Dangerous Neighborhoods: Nursing Homes Admit Mentally Ill Felons," <http://www.chicagobreakingnews.com/2009/11/uptown-edgewater-nursing-homes-admit-mentally-ill-felons.html>, November 30, 2009;

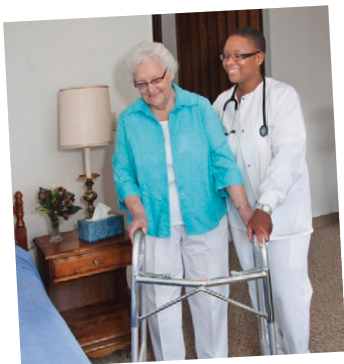
² "Raids Target Felons in Nursing Homes," <http://www.chicagobreakingnews.com/2009/12/raids-target-felons-at-nursing-homes.html>, December 22, 2009; "Nursing Home Raid Nets 8 Arrests," http://articles.chicagotribune.com/2010-01-27/news/ct-met-nursing-home-raids-20100126_1_rainbow-beach-care-center-warrant-sweeps-fugitives, January 27, 2010; "Fugitive Found in E. St. Louis Nursing Home Inspection," http://www.stltoday.com/news/state-and-regional/illinois/article_23c74e89-8604-58a4-bb41-2db264274bfe.html, June 25, 2010; "Five Fugitives Found Living in Local Nursing Home," <http://www.centralillinois-newscenter.com/news/local/Five-Fugitives-Found-Living-in-Local-Nursing-Home-97973744.html>, July 15, 2010; "Arrests Made at Rockford Nursing Homes," <http://www.wifr.com/news/headlines/100305229.html>, August 9, 2010; "Operation Guardian Eyeballs Nursing Homes," http://www.thesouthern.com/news/local/article_acb0453a-b262-11df-b9ca-001cc4c002e0.html, August 28, 2010

³ 225 ILCS 46; 77 Ill Adm Code 955.

⁴ Public Act 96-1372, <http://www.ilga.gov/legislation/publicacts/96/PDF/096-1372.pdf>.

⁵ <http://www.idph.state.il.us/healthca/nursinghometestjava.htm>

⁶ 210 ILCS 45/2-201.6 (e)(2).





LIFE AFTER A LAW ENFORCEMENT CAREER

You have done well in your law enforcement career.

You have held supervisory, command and/or executive level positions, and have proven yourself as a true leader and manager. You have successfully addressed any number of situations, some of which may have involved life and death circumstances, and you have not only survived, but in many cases you have thrived due to the experience.

With all the preparation that you have made to fulfill your career aspirations, have you prepared (or even given any thought to) the inevitable: life after you complete your law enforcement career? If you choose to retire, never work again and enjoy all of the benefits you have earned, congratulations! But if you decide to continue working, you need to take a very realistic view of just what types of positions you are prepared to pursue based on your law enforcement experiences, education and training. If you have decided to remain in the law enforcement profession, perhaps as a chief of police, you already know that you are prepared. Many law enforcement executives, however, seek positions in the corporate world and wonder if they are viable candidates for these positions.

Well, we have some great news for you! Based on our own experiences after retirement, we can assure you that if you have successfully completed a career as a law enforcement professional, you are eminently qualified to enter the corporate world. Between the two authors, we have a total of over 60 years of law enforcement experience at the federal, state and municipal levels, as well as over 15 years of corporate and business experience. None of the successes that either of us has been fortunate enough to experience on the corporate or business side would have been possible had it not been for the background that our law enforcement careers provided us. Rest assured that your own career has provided you with some of that same background.

Why are we so confident that your background has prepared you well? While some may object to the phrase, "The Business of Police Management," the reality of managing police resources includes several standard business concepts and philosophies. When you get right down to basics, business management involves four fundamental activities: Planning, Organizing, Implementation (also known as Actuation) and Follow-up/Control. These activities, which are addressed daily in the corporate or business world, are also addressed regularly by police administrators.

In addition, corporate and business executives are expected to handle a variety of "crisis situations." When dealing with business professionals, it has struck us that many of these so-called "crises" would be something that most police supervisors would handle routinely. When you are used to dealing with situations that could easily result in someone getting killed or seriously injured such as arrests, pursuits, search warrant executions or managing undercover personnel, you (rightfully) gain the confidence to handle any situation. Anything that doesn't involve life and death is usually viewed as "not that big a deal."

SITUATIONAL ANALYSIS

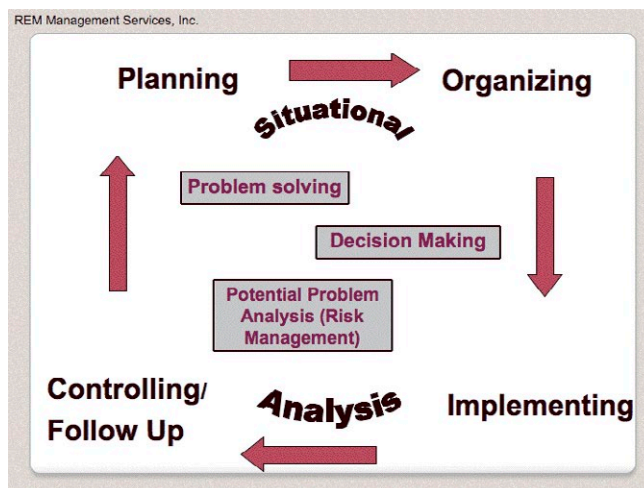
Situational analysis is defined as "an awareness of what is happening around you that enables you to understand how information, people,

events and your own actions and biases can affect your goals, objectives and decision making, both now and in the near future." This is critically important in both the law enforcement and the corporate culture, in that a lack of situational analysis can lead to mistakes, such as improper prioritization of tasks and erroneous decision making.

Some of the other management activities that are addressed daily in the business and corporate world relate directly to situational analysis: problem-solving, decision-making and potential problem analysis. Those of us who have completed law enforcement careers, particularly in command positions, have done all of these things hundreds of times. The following will illustrate how the functions of the law enforcement manager relate directly to the role of the corporate or business executive.

- 1. POLICE OPERATIONS:** Most of the responsibilities of operations supervisors/commanders involve **PROBLEM SOLVING**, dealing with the past (handling something that has already occurred, maybe one minute ago or last week). While some situations we face require proactive responses, more time is used now to handle reactive responses, handling situations that have already occurred and mitigating issues.
- 2. POLICE ADMINISTRATION:** Community relations, human resource management, training, IT responsibilities, budgets, labor relations, media/press activities, legal issues...many of these functions involve **DECISION MAKING**, dealing with the present and deciding a course of action.
- 3. POLICE EXECUTIVE:** Planning, organizing, implementing, follow-up. This is often associated with developing, maintaining or changing the organization culture. It requires **POTENTIAL PROBLEM ANALYSIS**, looking into the future to determine strategy and risk management.

The chart below outlines the convergence of two management philosophies: Situational Analysis and Planning-Organizing-Implementing-Follow-up.





The above model combines two management practices into one concept and provides the opportunity for you as a manager to plan, organize, implement and follow up on issues as you simultaneously solve problems, make decisions or analyze potential problems. These are business management concepts you probably use every day, without even thinking about using them, to determine your actions.

As a police manager, you ARE prepared for the corporate world. You know how to resolve conflict; make decisions; lead; hire, promote and discipline personnel. You can handle the media. You can respond to politicians. You know how to handle crises.

CAREERS IN PRIVATE OR CORPORATE SECURITY

Many law enforcement command personnel, when nearing the end of their career, become interested in the field of private or corporate security. Considering the events of 9/11, the emergence of international terrorism and the increases in domestic crime, it would appear that the emphasis on security will continue to grow dramatically.

If you choose to move into corporate security, you are prepared to some extent already. Security executives are expected to understand and implement traditional business concepts and responsibilities. Security executives are expected to provide excellent customer service. Security executives bring value to their organizations through problem prevention by planning for crises (both small and large). Security executives know how to manage resources. You have already been doing these things and much more for many years of your law enforcement career.

While networking is very important during your law enforcement career, we can assure you that it is equally important, if not more so, in your post-law enforcement life. Toward that end, if you aspire to a second career in the field of corporate or private security, you can lay the groundwork for your plans while still active in law enforcement.

One way of gaining contacts that can educate you on what the corporate or private security industry is really all about is to join and become active in organizations involving security professionals. The American Society for Industrial Security (ASIS) is such an organization. Don't let the word "industrial" fool you; this organization includes members from corporate, retail, hospital, educational and industrial security, and all other types of security entities. ASIS is an international group, with chapters in most major cities.

On the state level, you should seriously consider joining the Illinois Security Chiefs Association, www.securitychiefs.org, several years before retiring. This would give you an opportunity to meet security directors and others in the security field and begin networking with them. Educational opportunities, including some excellent training programs, are also available through this association.

Still not convinced? Think about the following general categories of activities and responsibilities that are routinely addressed by corporate or private security professionals:

1. SECURITY POLICY & STRATEGY:

- A. Developing policies, procedures, process
- B. Educating your subordinates, peers and other executives
- C. Developing professional standards
- D. Protecting critical systems
- E. Inspecting facilities and process
- F. Supervising intrusion management (access control)

2. BACKGROUND INVESTIGATIONS: employees, contractors/consultants, suppliers

3. INTERNAL INVESTIGATIONS

4. COMPETITIVE INTELLIGENCE: investigate counterfeit programs; ensure that supplies and deliveries can continue operations especially in a crisis

5. ELECTRONIC SECURITY

- A. Cameras, access control (doors, windows, offices)
- B. Computer security

6. EXECUTIVE SECURITY

- A. Protecting executives who travel to other countries
- B. Contacting them via notification systems especially during a crisis
- C. Drivers/chauffeurs in specific situations

7. CRITICAL INCIDENT MANAGEMENT

- A. Emergency response plans
- B. Evacuation plans
- C. Business continuity plans

8. TRAINING: training for all personnel, not just security

9. FEDERAL/STATE COMPLIANCE

- A. Reputation consequence: avoiding bad publicity
- B. Promoting compliance to avoid fines

10. EVENT MANAGEMENT

- A. Shareholders' meeting
- B. Sponsored events
- C. Business meetings

While the goal of law enforcement is to "serve and protect the public" within your jurisdiction, the goals of corporate or private security include those things and more. Security executives concentrate most of their time and effort on the following:

- Maintaining the reputation of their organization
- Assuring the uninterrupted reliability of technical infrastructure
- Protection of physical and financial assets
- Ensuring safety and security of employees
- Maintaining and improving shareholder confidence
- Creating a "passion for excellence" for themselves and their staff
- Caring for the people for whom they are responsible

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Is there anything above that you cannot do? The answer of course is “no”; you have been doing these types of things for years.

A good rule of thumb for retirement is this: “Don’t leave before you’re ready to go, but once you’re ready, don’t hesitate to leave.” You will know when it is time to move on, and you will know what “second career” is the

best fit for you. Don’t make the mistake of waiting until six months before you think you might retire to start planning. Start thinking about it now, and start learning about whatever type of position you might choose. Get your networking up and running for your “second career” and make sure that it is something that you will enjoy doing. After all, you’ve earned it.

Laurence P. Mulcrone
Principal

Daniel S. McDevitt
Principal

REM Management Services, Inc (www.REM-inc.com) is owned by Laurence Mulcrone and Daniel McDevitt and is a management consulting and training corporation.

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Daniel S. McDevitt is a retired Illinois State Police captain, retired police chief from two communities and a retired U.S. Navy lieutenant commander. He develops and teaches management courses internationally for the Department of State and the Department of Defense.

Both Mr. Mulcrone and Mr. McDevitt have published several articles, as well as three books on law enforcement and management.

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INCOME STRATEGIES FOR RETIREMENT

Will I have enough money in retirement? It's a question more and more Americans are asking. Baby Boomers in particular wonder if they'll be able to live comfortably and securely when they leave the workaday world. The good news is that you may be able to retire with confidence and enough assets—if you get organized. That means thinking about what you want retirement to be, reviewing your current investments and benefits, and taking maximum advantage of some investment vehicles designed to provide retirement income. As with so many things, the key is to set clear goals and then pursue them.

"People who are getting ready for retirement are more financially responsible than their counterparts who are not planning for retirement," says David Karr, a CPA with the accounting firm of David E. Karr and Associates, LLC, in Rockville, Md. "People who spend less than they make and take maximum advantage of the opportunities presented them to save for retirement, these people understand that life is not all about today. If you want a nice retirement life, you need to start planning as early as possible."

Setting retirement goals is not just about dollars and sense. It's also about drawing on your values and hopes to create a satisfying life. For some, that may mean continuing to work past age 65, or even starting a new career. Others, of course, may be ready to stop laboring and start relaxing, volunteering, traveling or pursuing a pastime.

Because each individual's idea of the perfect retirement is different, everybody will have different financial needs. Try to determine what yours will be based on your vision of being retired. Don't accept the conventional wisdom that says all of us will require 60 to 80% of our income when we stop working. Instead, try to estimate a budget for your specific vision of retirement.

Start by noting what you spend on the basics: food, shelter, clothing, health care and transportation. Include expenses for raising children and the mortgage, if it still needs to be paid off. Also, if you keep working, account for any income you anticipate. Add costs for travel, hobbies, entertaining, donations and a second home, if that's something you've worked toward attaining. Think about what might happen to your taxes and apply that information accordingly. While admittedly imprecise, this estimate should be a fair starting place for creating a retirement budget.

As you look ahead, be sure to consider that, realistically, you may be retired for a long time, and your finances need to reflect that fact.

"If you retire at 65, you have a life expectancy of another 20 to 25 years. That's a long, long time not to have a regular check coming in," Karr says.

Once you have a sense of your financial needs, look at the benefits you're confident you'll receive. Make sure you know what you'll get from your employer. This typically will take only a quick visit to the human resources department.

"Make sure you talk to well-informed people. Make sure they know what they're talking about. Get all the facts. Sometimes there are gross misunderstandings about what you'll get. You want to focus too on when you get benefits," Karr says.

Also, review your savings and investments. Then check on your Social Security benefits. Once a year, Social Security sends a statement of these. If you don't have one, then use the benefit calculators at the Social Security website — www.ssa.gov.

When you know your goals and estimated expenses and income, you can create a written retirement plan that covers investments held in retirement and nonretirement accounts. As you do, it's a good idea to look at several sources of income that you can use to save and invest.

Begin by considering using an Individual Retirement Account. Two types particularly deserve attention — traditional IRAs and Roth IRAs. Traditional IRAs tend to work best for people who believe they'll be in a lower tax bracket during retirement and meet the criteria for making tax-deductible contributions. Earnings and contributions are taxable as ordinary income when withdrawn, and withdrawals prior to age 59 1/2 may trigger a federal 10% penalty. Payments from the account must begin when the investor reaches age 70 1/2.

The Roth IRA generally appeals to people who want tax-deferred earnings, are OK with the idea of making after-tax contributions now in exchange for tax-free distributions in retirement and who expect to be in the same or a higher tax bracket when they retire.¹ Holders of Roth IRAs often use them because they also may need access to their savings. The Roth IRA requires no minimum distribution during the investor's lifetime. With both IRAs, investors make periodic contributions and direct how the money will be invested.

Besides IRAs, annuities² also may have a place in your portfolio. An annuity is a contract between you and an insurance company in which the insurer agrees to make periodic payments to you, beginning either immediately or at some future date. Annuities are designed to be long-term investments used for retirement. They have contract limitations, fees and charges that include, but are not limited to, mortality and expense risk charges, sales and surrender charges, administrative fees and charges for optional benefits. There are limitations on the amount of funds that may be withdrawn without a charge, and withdrawals reduce annuity contract benefits and values. Additionally, withdrawals of earnings are subject to ordinary income tax, and a federal 10% penalty may apply to withdrawals taken prior to age 59 1/2.

Annuities have two basic forms — fixed and variable. Fixed annuities appeal to conservative investors because they deliver a fixed payment at a regular interval. On the other hand, variable annuities generally offer a range of investment options, and the value of your investment will vary depending on the performance of the investment options you choose, which may directly affect the payments you are able to receive.

Ultimately, proper planning may help you get the retirement you desire, if you know what you want and what your options are — and pursue both with resolve and clarity.

Planning Decisions:

- Your vision and goals for retirement
- How an annuity might help strengthen your retirement plan
- Whether a traditional IRA or Roth IRA makes sense for you

¹ For Roth IRAs, qualified distributions are federally tax-free, provided a Roth account has been open for at least five tax years and the owner has reached age 59½ or meets other requirements. Qualified Roth IRA distributions are not subject to state and local taxation in most states.

² Insurance products are offered through nonbank insurance agency affiliates of Wachovia and are underwritten by unaffiliated insurance companies.

This article was written by Wells Fargo Advisors and provided courtesy of Richard Barrett, Managing Director, and Jessie Barrett, CFP® Senior Vice President, in Hinsdale, IL at 630-734-8901.

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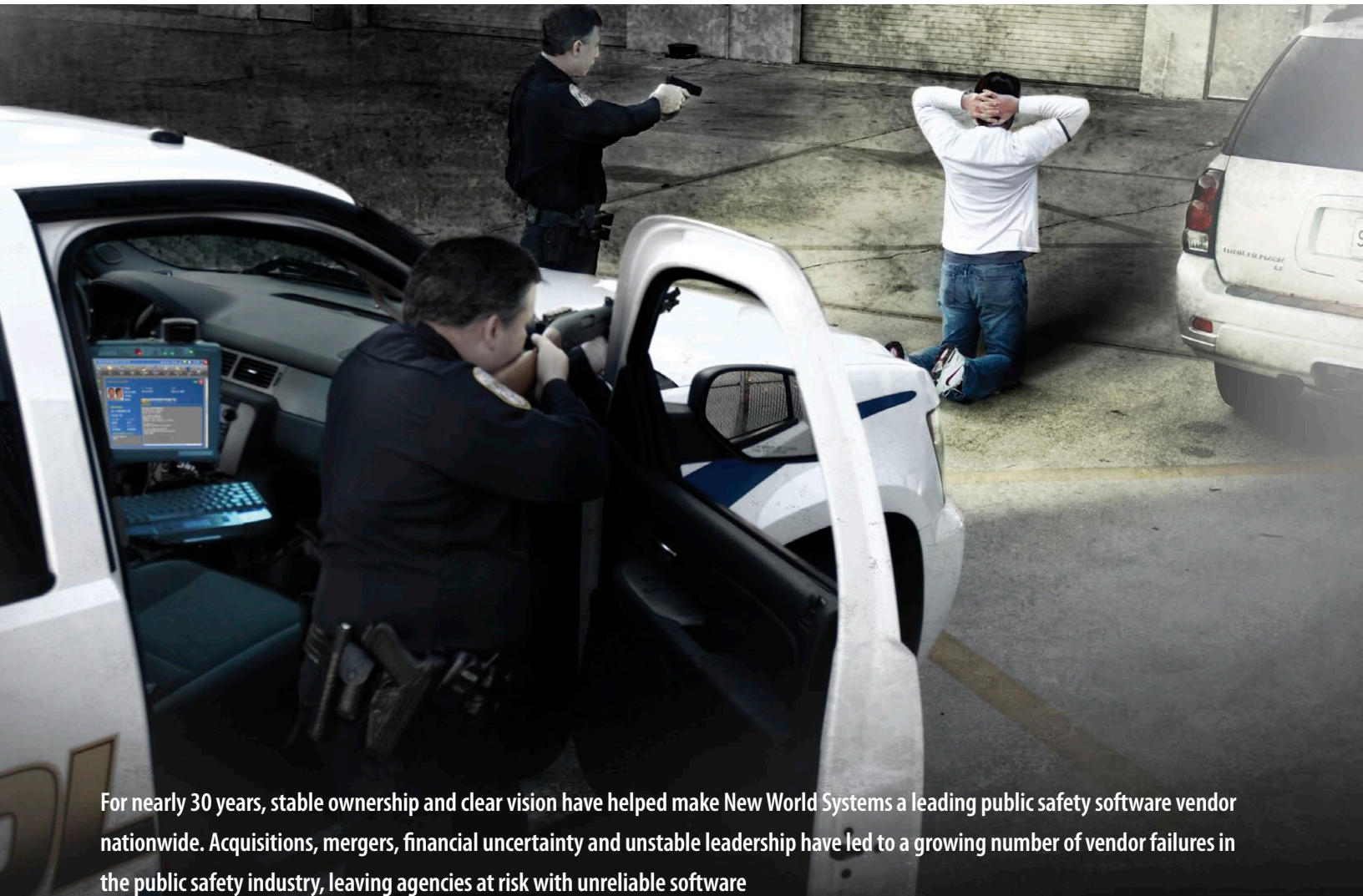
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