

# COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

## 75<sup>th</sup> Anniversary Celebration



**SAFETY IS A WINNER IN TRAFFIC SAFETY CHALLENGE**

**LEADERSHIP IN LAW ENFORCEMENT FROM A BLACK CHIEF'S PERSPECTIVE**

**ILACP MEMBERS MARCH IN ILLINOIS STATE FAIR PARADE**

**MSPCE HIGHLIGHTS**

**ILLINOIS TRAFFIC SAFETY CHALLENGE AWARDS LUNCH HIGHLIGHTS**

**ILACP CELEBRATES ITS 75TH ANNIVERSARY**

**FINDINGS ON BODY WORN CAMERAS SURVEY**



# Illinois Association of Chiefs of Police

is proud to offer

## POLICE CHIEF CERTIFICATION

**GOAL:** The primary goal of the ILACP Voluntary Police Chief Certification (VPCC) Program is to contribute substantially to enhance police chief professionalism in the State of Illinois. This certification and re-certification process will allow for continuous professional growth and educational development. The Program is open to chiefs, deputy chiefs, commanders and all executive command staff personnel. If an individual is not a chief upon attaining Certification, the title of Certified Eligible is awarded. This Program offers an opportunity for candidates to demonstrate a higher level of competence in their profession.

**ELIGIBILITY:** Requirements are categorized into three groupings.

- Professional Experience
- Education and Professional Development
- Community and Professional Membership Activities

### THE PROCESS:

- Application Submission and Review
- Conviction History Check
- Certification Examination \*
- Examination Scoring and Reporting
- Candidate Notification
- Structured Interview
  - Leadership
  - Community & Public Relations
  - Management Concepts
  - Management - Training
  - Ethics
  - Communication

*\*Practice exams are regularly offered and can be taken even before filing an application.*

It is important to realize that the goal has remained the same since its inception: we are not testing police chiefs so that we can find employment for them, but rather to allow them to strive to learn more and be more professional at what they do. Any law enforcement executive desirous of attaining the Police Chief Certification should contact the ILACP Executive Director for a confidential application and the guidelines of the process. Study guide may be requested later, after eligibility has been confirmed.

**TO APPLY:** Submit completed application along with payment to the Illinois Association of Chiefs of Police  
426 South Fifth Street, Springfield, IL 62701-1824

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# ILACP

## Certified Police Chief

### CPC

# COMMAND

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



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Welcome to the ILACP's November 2016 COMMAND magazine.

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**On the Cover:** The ILACP's 75th Anniversary Gala was held on Saturday, October 1, 2016 at the Drury Lane in Oakbrook Terrace, IL. Cover photo includes 22 past presidents and three executive directors who were in attendance for the event. Highlights are provided within this issue. You may view our video on YouTube featuring interviews with past presidents and details about our top five accomplishments (<https://www.youtube.com/watch?v=HlzFqjCKDDA>).



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# ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

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### PERSONNEL COMMITTEE

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- Deputy Chiefs – Roy Bethge (Buffalo Grove)  
Duane Mellema (Park Ridge)
- Funerals Protocol – John Konopek (Plainfield)
- Police Memorial – Steve Neubauer (Tinley Park)
- PR/Content Strategy – Andrew Johnson  
(Hanover Park)



## Illinois Association of Chiefs of Police Mission Statement

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

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

Vision and Innovative Change  
Legislation  
Ethics and Integrity  
Professional Standards

Knowledge and Information  
Dissemination  
Media Relations  
Community Partnerships



## PRESIDENT'S MESSAGE

### INDIVIDUALS, IMAGE, AND INTEGRITY – WHAT SHAPES YOUR AGENCY'S PUBLIC PERCEPTION?



Over the last two years, professional policing has faced an exceptional series of challenges in regards to public opinion, perception of legitimacy, constitutional policing, and the concept of procedural justice. The demands from the public, from our citizens, and from the media for agencies to extend and more fully integrate themselves with communities have been met in a variety of innovative and compelling ways.

We have all witnessed the increase in community outreach and the revitalization of real community policing concepts across the country. Departments are approaching neighborhoods in grass-roots efforts; some agencies have purchased ice cream trucks, they hold "Coffee With A Cop" events, have returned to officers out on foot patrol, or are holding community-based roundtables in a sincere effort to open dialogue with a population who self-identifies as alienated or disenfranchised.

These are all important efforts and valuable tools to utilize in the face of the constantly changing landscape of public perception. However, we need to remember that the true face of American policing is your individual officer, your first line supervisor on the street, and your watch commander, who can make or break your agency's image.

As a law enforcement leader, you can have an inspirational mission statement, access to excellent training and continuing education, positive reinforcement for high performers, and a great relationship with the community or the media, but you are only one critical incident away from a social media or public relations disaster and the breakdown of trust that likely took a great deal of time and effort to build.

As we have seen time after time, a picture (or in today's world, a video) is worth a thousand words. Officers are forced to operate in a fish bowl, under unrelenting scrutiny and incessant re-examination of their actions after the fact. In addition to supporting them and providing them with the assurance that we will champion their appropriate actions, it is more critical than ever that we reinforce the concept of personal responsibility to our officers.

It is the individual officer on a traffic stop, the responding unit on a domestic, or the supervisor managing the citizen complaint that speaks directly to your community. Have you ever eaten at a restaurant and had a bad meal or terrible service? You probably told ten people about that meal and the entire negative occurrence. You base your perception of that restaurant on that one bad encounter. However, you have consistently eaten at one of your favorite restaurants and never mentioned the continued positive experience. It only takes one rude, dismissive, or offensive encounter to cement a negative perception of policing or to portray an assault on individual dignity towards the person or an entire class of people. Worst case scenarios escalate quickly, the media presses for immediacy in explanation and response, and very frequently the context of the situation is lost to sound bites and edited video. It only takes a moment in time or a lapse in judgment to devastate an agency or even a career.

There are many examples of outstanding policing we have seen circulated recently; officers on video pulling victims from a burning vehicle, a cop buying shoes for a homeless person, an officer responding to a shoplifting complaint only to end up buying the person's groceries because they had no food in the house. This kind of integrity, whether instilled or intrinsic, should be the badge of honor we wear. We should consistently expect excellence from our men and women, we should set clear expectations for honesty and distinction among our ranks, and we should always emphasize and recognize those who reliably demonstrate and communicate their expressions of personal responsibility.

Studies have shown that most citizens will encounter a police officer as a result of a traffic stop. Officers across our country make millions of these encounters every day. This is where community policing starts, with the boots on the ground of your police department. This is where citizens will make a decision of how they perceive your agency. This is why we must continue to stress professional traffic stops to our officers. We must remind them every day that they are representing our agencies with every speeding ticket, every verbal warning and every suspicious vehicle check. They are the true heartbeat of community policing. ■

#### Steven R. Casstevens

Chief of Police

Buffalo Grove, Illinois Police Department



# Illinois Association of Chiefs of Police



## ASSESSMENT & MANAGEMENT CONSULTING SERVICES

The ILLINOIS ASSOCIATION OF CHIEFS OF POLICE embodies a tradition of job-related knowledge and experience based upon more than 60 years of interaction with municipal governments throughout the State of Illinois.

Our Association has valuable resources for assisting your community in the selection of a professional police administrator who has a pre-determined ability to succeed in providing your Police Department with ethically sound management. The exercise of command accountability, and the ability and willingness to establish provisions for effective external relations with the citizens of your community.

### ASSESSMENT CENTER TESTING ADVANTAGES

- ★ Exercises reflect current issues in law enforcement
- ★ Exercises simulate actual on-the-job situations
- ★ Simulations identify candidate strengths and weaknesses
- ★ Provides information unattainable from written tests
- ★ Process is highly defensible as a selection strategy

The ILACP Assessment Center (AC) Process incorporates group and individual exercises aimed at diagnosing the candidate's managerial, functional, and professional skills and competencies. Outcomes of the AC Process include a quantitative profile of skills and competency levels, as well as the identification of training needs. Assessors are experienced law enforcement professionals. The AC Process requires three (3) assessors, and a fourth member can be used as the role player if the client is unable to provide one. We recommend use of four (4) exercises; we are able to administer the process to a maximum of five (5) candidates per day.

For a breakdown of costs or other additional information about this helpful service available through the Illinois Association of Chiefs of Police, please contact Executive Director Ed Wojcicki at 217-523-3765.

**Illinois Association of Chiefs of Police**  
426 S. 5th St, Springfield, IL 62701 – 217/523-3765; FAX 217/523-8352  
E-MAIL [ilacp@ilchiefs.org](mailto:ilacp@ilchiefs.org); WEBSITE <http://www.ilchiefs.org>



## MEMBER SURVEY: WHAT YOU'RE CONCERNED ABOUT

By Ed Wojcicki

Executive Director, Illinois Association of Chiefs of Police



**MEMBER SURVEY:** We conducted a survey of members late this summer, our first since 2012, and the preliminary results are in. Thanks to all of you who responded. Here are the **top issues** identified as most significant in your departments:

1. Funding
2. Staffing levels
3. Post-Ferguson perceptions of police
4. Collective bargaining
5. Screening/hiring/recruitment
6. Morale in entire department (but not morale in command staff)

And here is your list of the **association services** that are most valuable to you. All of these were listed by more than 70 percent of the respondents:

1. Legislative Alert updates
2. E-mail alerts and broadcast messages on urgent matters
3. Professional networking
4. Lobbying
5. Online access to policies, rules and ordinances
6. Weekly Bulletin, an electronic newsletter
7. Online training and education
8. Special Olympics Torch Run support
9. Job openings posted online
10. Regional training conferences

What this tells me is that you want and appreciate, as much as anything, timely **communication** on issues that are critical to you. It's always about better communication, isn't it? My response is that we will focus most on what our members want, with emphasis on training and legislative issues. I pay close attention to what you're talking about, what you're grumbling about, and what questions you're asking about new laws and circumstances affecting the profession. The more the association addresses your daily concerns and major questions, the more we can enhance your personal and professional lives.

Thanks to all who took the time to respond. I'll have a more detailed report at the December 7 Executive Board meeting, and we'll share all the results with all the members.



Past President 1996, Don Slazinik, O'Fallon PD Retired (left) visits with Retired Chief Don Cundiff, Hoffman Estates PD, and his wife, Kathy, during the Gala Reception hour.

**75th ANNIVERSARY:** Sometimes, events exceed expectations. This happened on October 1 in Oakbrook Terrace when about 260 people gathered for our 75th Anniversary Gala. The highlight for many was having 22 past presidents and two previous executive directors there. The camaraderie was awesome to witness. People were telling me they hadn't seen so-and-so in 20 years, or 10 years. It was a great reunion and a wonderful celebration of the association's accomplishments.

I've written publicly about those top five accomplishments all over the state this year and I have them inscribed on a big poster in my office – "Top 5 ILACP Historical Accomplishments":

1. Professional development and training
2. Legislative advocacy and policy making
3. Leadership in the International Association of Chiefs of Police
4. Special Olympics advocacy and fundraising
5. Traffic safety advocacy, including the Traffic Safety Challenge

This list is worth repeating in the context of our membership survey because the top of the "accomplishments" list closely resembles what our members have identified as our most important services. That's as it should be, but please, never hesitate to let me know how else I can be of service.

**FINALLY, THIS NOVEMBER** marks my second anniversary as executive director. It is an honor for me to serve those of you in law enforcement leadership in Illinois. It's an honor to support the noblest profession. Here's to the next 25 years and a new set of accomplishments! ■

*Ed Wojcicki*



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For more information about these testing products and services or to place an order, please call the **ILACP at (217) 523-3765**



## JOIN THE ILLINOIS CHIEFS FOR 2017

Online Application and Easy-Pay

Membership Dues Registration at

[http://www.ilchiefs.org/JOIN THE CHIEFS](http://www.ilchiefs.org/JOIN_THE_CHIEFS)



## Important Reasons To Join the ILACP

- ☆ Training Conferences
- ☆ Rising Shields Awards
- ☆ Assessment Centers
- ☆ Department Accreditation Program (ILEAP)
- ☆ COMMAND Magazine
- ☆ Networking
- ☆ Legislative Updates
- ☆ International Police Chiefs Conference Block Housing
- ☆ Website [www.ilchiefs.org](http://www.ilchiefs.org)
- ☆ Voluntary Police Chief Certification Program
- ☆ Traffic Safety Challenge Program
- ☆ Police Officer Selection Tests Discount
- ☆ Midwest Security & Police Conference/Expo
- ☆ Police & Citizen Awards Program
- ☆ Online Membership Directory
- ☆ Command Training Scholarships
- ☆ Life Memberships
- ☆ Tenure Pins
- ☆ Professional Voice for Legislative Issues





## SECRETARY OF STATE JESSE WHITE REPORTS CENTRAL ISSUANCE PROCESS FOR DRIVER'S LICENSES AND STATE IDENTIFICATION CARDS IS RUNNING SMOOTHLY



Jesse White, Secretary of State

My office is proud to report that Illinois' transition to the central issuance process has been running smoothly since we began the program in June of this year. Upon entering our facilities to renew their driver's licenses and/or identification cards (DL/ID), motorists are informed about the newly designed cards and change in the issuing process. In addition, once customers are up for renewal, they receive a brochure and letter in the mail informing them of the new procedure.

During the wait period, the applicant's information is sent to a centralized facility in Illinois for fraud checks. Upon clearance, a secure, high-quality, permanent DL/ID card is mailed to the applicant within 15 business days. We are pleased to find that customers have responded well to the program and report that they are receiving their new DL/IDs in less than 15 business days.

For air travel, applicants must keep their temporary DL/ID in addition to their old DL/ID cards with them. Current Illinois DL/IDs will be accepted as primary forms of identification to board commercial airplanes for domestic travel until January 22, 2018, according to DHS.

All of our Driver Services facilities are utilizing the central issuance process. Since late June, 589,136 cards have been issued to applicants applying for DL/ID renewals. In that time, approximately 500 fraud alerts have been reported as a result of our increased security measures and the new card design. I am confident that this improved process will help to ensure that identity theft and fraud are significantly reduced.

As law enforcement officers, I salute your commitment to ensuring our roads are the safest possible. Thank you for your service. ■

Illinoisans who come in to renew their DL/ID receive a temporary, secure paper document, which is valid for 45 days, upon leaving our facilities. Temporary DLs/IDs are valid for driving and/or identification purposes, and feature a photo as well as basic information of the owner. Our facilities return old IDs/DLs with a hole punched in them. The changes further enhance our security efforts to protect Illinoisans from fraud and identity theft, and bring Illinois closer to compliance with the REAL ID Act, a federal mandate by the Department of Homeland Security (DHS).

### IMPORTANT FEATURES:

- 1** Larger photo with a smaller ghost photo to ensure that the person's appearance is clear.
- 2** Security design comprised of many different patterns, lines and images.
- 3** Laser perforation in the shape of Illinois, which when held up to the light is used to authenticate the driver's license/ID card quickly.
- 4** Portrait of Lincoln and the Great Seal of the State of Illinois on the front of the driver's license/ID card.
- 5** Ultraviolet feature on the back of the card duplicates the person's photo and birth date.





## UPDATE ON INTERROGATION LAW

### PEOPLE V. BUSCHAUER

By James P. Manak

***People v. Buschauer*, 2016 IL App (1st) 142766 (Ill. App. 2016).**

**<http://www.illinoiscourts.gov/Opinions/AppellateCourt/2016/1stDistrict/1142766.pdf>**

#### SUMMARY

In this case the court set forth the factors used to determine whether a defendant has been subjected to “custodial interrogation” within the meaning of *Miranda*. The factors for determining this include: 1. location, time, length, mood, and mode of questioning; 2. number of interrogators present during the interrogation; 3. presence or absence of family and friends of the accused; 4. *indicia* of formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting; 5. manner by which the accused arrived at the place of questioning; and 6. age, intelligence, and mental makeup of the accused.

It noted that after a court considers these factors, the next step is to determine whether on the facts, a reasonable person, innocent of the crime under investigation, would have believed he was free to leave the presence of the police. Factors for this include: 1. the intent of the interrogator; 2. the understanding of the person being interrogated; 3. whether the person was informed that he or she could leave or was under arrest; 4. the probability of restraint if the person attempted to leave; 5. the length of the interrogation; and 6. whether the person was Mirandized by the interrogator.

Considering these factors against the facts of defendant’s interrogation, **which lasted over 13 hours**, the court concluded that the defendant was not “in custody” within the meaning of *Miranda* and his incriminating statements were admissible at trial.

#### FACTS AND PROCEDURAL HISTORY

On an early morning in February 2000, defendant Frank Buschauer’s wife died at their home in the master bathroom. At 2:30 a.m., Buschauer called 911 after allegedly finding his wife unresponsive in the whirlpool bathtub. About five minutes later, a South Barrington police officer arrived and was met by Buschauer who brought him upstairs to the bathroom. **A week later, Illinois State Police officers interviewed Buschauer for**

**13 hours at the Hoffman Estates police station. During the morning, Buschauer gave inconsistent answers, and after a lunch break, he was read his *Miranda* rights (*Miranda v Arizona*, 384 U.S. 436 (1966)) and signed a waiver indicating he understood the warnings. He continued to answer questions throughout the afternoon and evening. In the early evening he signed a voluntary consent to search his home.**

Buschauer agreed to return to the Hoffman Estates police station the following morning. He showed up, and told the officers he did not want to speak to them further.

Years later, in 2013, Buschauer was arrested for his wife’s murder. The defense filed motions to suppress Buschauer’s statements and exclude evidence seized from his home. After a two-day hearing, the trial court ruled that the totality of the circumstances demonstrated Buschauer was “arrested” without probable cause while at the police station in March 2000, and granted Buschauer’s motions to suppress.

The State challenges the trial court’s ruling on the motions to suppress as erroneous as a matter of law. In the alternative, the State argues that if Buschauer was “seized” in violation of the fourth amendment (U.S. Const., amend. IV), probable cause existed to arrest him, and, thus, he was not detained illegally.

**We reverse. The trial court’s finding was against the manifest weight of the evidence in that a reasonable person in Buschauer’s situation would have felt free to leave at any point during the questioning.**

At 2:25 a.m. on February 28, 2000, Buschauer made a 911 call to the South Barrington police. Officer Bryant Haniszewski

responded. Buschauer met Haniszewski at the front door, and said that his wife had drowned in the bathtub. Buschauer took Haniszewski to the second floor master bathroom where Cynthia Hrisco, Buschauer’s wife, was lying on the floor next to the whirlpool tub still full of hot water and running. Haniszewski touched the body; it felt hot. Buschauer told Haniszewski that he had pulled his wife from the tub after reaching under the foamy water and feeling her body.

On March 1, Detective Daniel Kaepflinger of the South Barrington Police Department interviewed Hrisco’s friend, Deborah Kram. She said that for the past two years the couple had been arguing about issues involving the building of their home. When they talked about the house, Buschauer





would “blow up.” Hrisco described her husband to Kram as a “Jekyll and Hyde and would go off.” On one occasion he grabbed her around her neck, threatened her, and told her he should never have married. Four days before she died, Hrisco told Kram that she was afraid of Buschauer. On March 4, another friend of Hrisco’s, Cheryl Kolweier, told police that Hrisco had marital difficulties. Hrisco said that during an argument about the Barrington house, Buschauer threatened to kill her.

On March 4, two South Barrington police officers interviewed Dr. Nancy Jones of the Cook County Medical Examiner’s office. Dr. Jones did not conduct the autopsy, but reviewed the results. Dr. Jones opined that Hrisco had injuries inconsistent with accidental drowning. Hrisco had a hemorrhage in her neck that would have occurred at or near the time of death and indicated either strangulation or being hit with a blunt object. She also had petechial hemorrhaging under the scalp which was more consistent with asphyxiation than drowning. The lividity that was present indicated she would have been face down at the time of death. Dr. Jones described Hrisco’s death as “very suspicious.”

### March 2000 Interview and Search

**On March 6, 2000, Buschauer voluntarily drove to the South Barrington police station, left his car, and rode with Detective Kaepplinger to the Hoffman Estates police station for an interview.** (Buschauer had been told the day before that he would be taken for questioning to the Hoffman Estates station, a larger facility.) Buschauer sat in the front passenger seat with the doors unlocked. When they arrived, Kaepplinger left Buschauer in the lobby for several minutes to find Special Agents Cindy Tencza and Peter Zeman of the Illinois State Police.

**Tencza and Zeman interviewed Buschauer in an unlocked interview room for over 13 hours. During that time they took several short breaks and, also, lunch and dinner breaks.** During the morning, Buschauer told Tencza and Zeman that Hrisco had gone upstairs to take a bath around 9 p.m. A half hour later, he went to bed. Although the bathroom door was closed, he heard Hrisco getting into the tub and could hear the whirlpool running. He slept until 2:30 a.m. when he heard cries from his infant son. The whirlpool was still running so he went into the bathroom and, at first, did not see Hrisco. The water was foamy. He reached under the water and felt Hrisco’s body, which was facedown. He pulled her out of the tub, placing her facedown on the floor. He then called 911.

After a break in the interview, Buschauer told the investigators that he and Hrisco had recently been arguing about the cost of building their home and structural problems that they had discovered. Buschauer said he found Hrisco faceup but a short time later, he again said that she was facing down. He could not explain why none of the objects around the tub were disturbed when he pulled her out.

After a break for lunch, the interview resumed at 12:30 p.m. Zeman

advised Buschauer of his Miranda rights from a preprinted form. Buschauer signed the waiver form, indicating he understood his rights. During the afternoon, he made statements that he could have killed Hrisco but did not remember doing so. He offered to take a “truth serum” and a polygraph test.

At about 6:35 p.m., Buschauer signed a voluntary consent to search his home. He provided the garage door code. South Barrington police officers searched the kitchen, dining room, first floor office, and the master bedroom for 40 minutes. Police seized two handwritten letters from the kitchen counter and seven pages obtained from the desktop computer. The interview concluded at 10:30 p.m. Buschauer promised to return the next morning, and Kaepplinger drove Buschauer back to the South Barrington police station.

**The following morning Buschauer returned to the Hoffman Estates police station, accompanied by his sister. Buschauer told Tencza and Zeman that he did not want to talk to them without an attorney.**

### April 2013 Arrest

In June or July 2000, the death investigation concluded. A decade later, the South Barrington police department reopened the investigation. In July 2011, the department had the Jacuzzi bathtub removed from the residence for an “ongoing death investigation.” Sometime between 2010 and 2013 (when Buschauer was arrested), the investigators used a GPS tracking device on Buschauer’s cars. By this time Buschauer had sold the Barrington home and moved with his son to Lake Geneva, Wisconsin.

On April 24, 2013, Buschauer was picked up in Walworth County, Wisconsin, interviewed, and gave a statement at the Walworth County sheriff’s office. That afternoon, Buschauer was formally arrested and charged with murder.

### Pretrial Motions

**The defense filed a motion to suppress Buschauer’s March 6, 2000 statements;** a motion to suppress evidence seized on March 6 from Buschauer’s home; **and a motion to suppress Buschauer’s April 24, 2013 statements.** After a two-day hearing, the trial court granted the motion to suppress the statements and evidence from the March 6 interrogation and ruled that the April 2013 statement would be admitted.

**The trial court weighed the custodial factors listed in *People v. Braggs*, 209 Ill. 2d 492, 506-07 (2004), ruling Buschauer was under arrest and subjected to a custodial interrogation when he left the South Barrington police station in the police car.** According to the trial court, only one Braggs factor favored a finding of noncustody—the absence of a formal arrest. The trial court found that Buschauer’s age, intelligence, mental makeup, and the mode of the interrogation were neutral. ***But the trial court found Buschauer would not have felt free to leave based on (i) the location of the interview (the Hoffman Estates police station); (ii) duration (13 hours); (iii) mood (“focused,***



Continued from page 9

*persistent, and unrelenting*"); (iv) *police presence (two State Police officers)*; (v) *the absence of family and friends*; and (vi) *the police attitude of subjectively viewing Buschauer as a suspect*. Therefore, the trial court granted the defense's motion to suppress the statements and evidence obtained in March 2000.

### THE COURT'S ANALYSIS

The State contends that Buschauer voluntarily made the statements at the Hoffman Estates police station and voluntarily consented to the search of his home. According to the State, the trial court's conclusion that Buschauer had been "arrested" without probable cause was contrary to the manifest weight of the evidence.

We apply a two-part standard in reviewing the trial court's ruling on a motion to suppress a defendant's statement. On findings of fact and credibility assessments, we defer to the trial court and reverse only if its decision is against the manifest weight of the evidence. *People v. Slater*, 228 Ill. 2d 137, 149 (2008). On the legal challenge to the trial court's ruling, we review de novo, and reverse only if the trial court improperly applied the law to the facts. *Id.*

**Whether a person is in custody, and thus whether Miranda warnings are required, involves two discrete inquiries: (i) a full assessment of the circumstances at the interrogation; and (ii) given the circumstances, whether a reasonable person would believe he or she was free to leave the interrogation.** *People v. Schoening*, 333 Ill. App. 3d 28, 32 (2002) (relevant inquiry is whether under circumstances a reasonable person would have felt he or she was not at liberty to leave). A custodial interrogation involves "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Miranda v. Arizona*, 384 U.S. 436, 444 (1966); *Rhode Island v. Innis*, 446 U.S. 291, 301 (1980) (noting interrogation is police practice reasonably likely to elicit incriminating response from suspect). "If the police wish to interrogate a suspect without first informing him of his *Miranda* rights, they must ensure that they do not do so in a custodial setting." *People v. Griffin*, 385 Ill. App. 3d 202, 213 (2008).

In *People v. Slater*, 228 Ill. 2d 137, 150 (2008), the Illinois Supreme Court identified **several factors relevant to objectively assessing the circumstances at the interrogation:**

1. **Location, time, length, mood, and mode of questioning;**
2. **Number of police officers present during interrogation;**
3. **Presence or absence of family and friends of the accused;**
4. **Indicia of formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting;**
5. **Manner by which accused arrived at the place of questioning; and**
6. **Age, intelligence, and mental makeup of the accused.**

**After considering and weighing these factors, the court moves to the second inquiry—an objective determination as to whether a reasonable person, innocent of wrongdoing, would have believed he or she was free to end the questioning and leave. *Id.* Indicia include: (i) the intent of the officer; (ii) the understanding of the accused; (iii) the accused being informed either that he or she could leave or was under arrest; (iv) the probability of restraint of accused had he or she attempted to leave; (v) length of time of interrogation; and (vi) the giving of Miranda warnings. *People v. Lopez*, 229 Ill. 2d 322, 346 (2008).**

We note the trial court made no pronouncements on credibility of the witnesses, all of whom were presented by the State. (Buschauer did not testify or call any witnesses on his behalf.) Thus, the evidence at the hearing is neither contradicted nor refuted.

**The circumstances of the interview—the location, time, length, mood, and mode of the questioning—might, at first glance, seem somewhat coercive. A day-long interview in a police station is more formal and potentially uncomfortable than a short discussion at a neutral location.** See, e.g., *People v. Slater*, 228 Ill. 2d 137, 156 (2008) (distinguishing between questioning outside of police offices with at police offices which "would likely present a more foreboding, intimidating and adversarial environment"). But the timing of this interview was 9:30 a.m. until late evening with multiple breaks including for lunch and dinner. **Although stretching several hours, no overnight or extended uninterrupted periods of time occurred.**

Two Illinois State Police investigators conducted the interviews. The trial court discerned this as "focused, persistent and unrelenting" and accusatory in mood. The trial court further perceived the "two officers [were present], presumably one on each side of the defendant, in close quarters in an interview room with no windows and a closed door." But to the contrary, **the testimony indicated the mood and mode of questioning was not confrontational and followed a logical progression from the initial questioning through the precautionary reading of *Miranda* rights. The record indicates the tone as "conversational."** We find the presumption expressed in the trial court's order unsupported by the evidence. Nothing in the record indicates the positions of the investigators in the interview room, the room's size, whether the room had windows, or whether the door was always open or closed.

The trial court viewed the location of the interview as inherently coercive because Buschauer was "isolated from his car and dependent on the police for a ride." But to regard this as inherently coercive does not make it so and ignores Kaepflinger's testimony that he asked Buschauer to come to the South Barrington police station the next morning and that he would be taken to the Hoffman Estates police station for questioning.

Buschauer rode in the front passenger seat in the unlocked police car. **While it is unrealistic to assume that Buschauer could have just gotten out and walked away, it is also unlikely that any individual**



**“in custody” would be seated in the front passenger seat next to an officer.** In addition, although no family or friend was present, Buschauer’s sister was at his home shortly after he found his wife’s body and accompanied him the morning after the questioning, which would indicate she was reasonably close and available.

The trial court viewed the age, intelligence, and mental makeup of Buschauer as a neutral factor. We disagree. Buschauer’s background contrasts sharply with many individuals in similar circumstances. He had neither youth nor limited intelligence, nor was he suffering from mental issues that would indicate a failure to appreciate the situation. The record contains no testimony regarding Buschauer’s understanding of his situation while at the police station. Indeed, **despite his wife having recently drowned under mysterious circumstances, he agreed to come in for questioning and remained after receiving the *Miranda* warnings. He did not invoke a right to remain silent nor did he ask to leave or even call anyone.**

The trial court recognized, and we agree, that there were no indicia of a formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting. This factor, too, weighs in favor of a finding of no custody.

After Buschauer signed a *Miranda* waiver, the discussion continued to center around the facts of Hrisco’s death and the possibility of an accidental drowning. The trial court’s order pointed out that Buschauer “was ‘presented with the possibility that perhaps [he] killed his wife.’” Buschauer “emphatically” denied this, and the trial court noted that the rest of the afternoon and evening, “and into the night,” Buschauer was presented with different scenarios and continued to reject them. During the post-*Miranda* questioning, Buschauer asked to be given truth serum and to take a polygraph. Focus on Buschauer as a suspect emerged after the statements he made during the morning when Buschauer spoke of his marital difficulties and the arguments over the house. Buschauer also gave inconsistent descriptions of the position of Hrisco’s body in the bathtub. He had no explanation for the items undisturbed on the tub ledge, even though he said he pulled her lifeless body onto the floor. After making these statements, the investigators testified that Buschauer received his *Miranda* rights as a precaution and he then signed a written waiver of those rights.

**Simply giving *Miranda* warnings as a precautionary measure does not transform an investigative interrogation into a custodial interrogation.** *People v. Willoughby*, 250 Ill. App. 3d 699, 716-17 (1993). Tencza testified that Buschauer was free to leave, would not have been prevented from doing so, was never formally arrested, and was given *Miranda* warnings as a precaution. And after agreeing to return in the morning, Buschauer was driven to his car and allowed to go home.

#### THE COURT’S CONCLUSION ON THE MIRANDA ISSUE

**Examining the factors of the intent of the officers; the understanding of the defendant; whether the defendant was told he was free to**

**leave or that he was under arrest; whether the defendant would have been restrained if he had attempted to leave; the length of the interrogation; and whether *Miranda* warnings were given, we find that a reasonable individual, innocent of wrongdoing, would have felt free to leave.**

\*\*\*

**We hold Buschauer was not “in custody” while at the Hoffman Estates police station, and, therefore, his statements and the evidence obtained incident to the search of his home are admissible.**

Reversed and remanded.

#### PRACTICE POINTER

The court in this case exploded one misconception that some interrogators may have, *i.e.*, that giving *Miranda* warnings as a precautionary matter automatically turns an investigative interrogation into custodial interrogation. It does not. Therefore, the interrogator who gives the warnings as a precaution has not turned the setting into a “custodial interrogation” by that fact alone. **This point is important because the interrogator who gives the warnings is more likely to produce an *admissible* confession or statement than one who does not.** ■



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

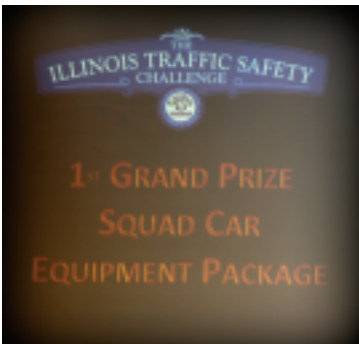
*Mr. Manak is the present and former author/editor of several law enforcement publications, including Criminal Law and Its Administration (7th Ed. 2008), coauthored with the late professor Fred E. Inbau; the Illinois Law of Criminal Investigation; the Law Enforcement Legal Defense Manual; the Law Enforcement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



**2016 ILLINOIS TRAFFIC SAFETY CHALLENGE AWARDS LUNCHEON  
WEDNESDAY, AUGUST 17, 2016  
TINLEY PARK CONVENTION CENTER**



Tinley Park Police Honor Guard



Darin Jones, Regional Administrator  
NHTSA, Region 5



Paul Rizzo receives 2016 Highway Safety Leadership Award from Brian Cooper, Ed Wojcicki, and Darin Jones



Beth Mosher,  
Director of Public Affairs, AAA—Chicago

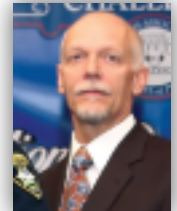


Chief Jim Black and officers of the Crystal Lake Police Department

**HIGHWAY SAFETY LEADERSHIP AWARD WINNERS**



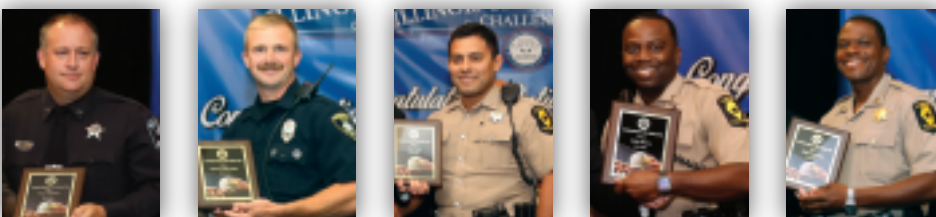
Special Agent Eric Graf,  
CN Railroad



D/C Paul Rizzo (ret.)  
Schaumburg Police Dept.

Congratulations to all of our 2015/16 Illinois Traffic Safety Challenge winners, Looking Beyond winners, and Highway Safety Leadership Award winners. Congratulations to the Lake Zurich PD who won this year's Grand Prize, Squad Car Equipment package; Evanston PD, who won the Northwestern University Education package (second grand prize), and the Carol Stream PD who won the All Traffic Solution Speed Sign (third grand prize). Congratulations to the Arlington Heights PD for winning 1st place in the 2016 International Association of Chiefs of Police Law Enforcement Challenge 101-350 category, and the Clayton J. Hall Memorial award for the most comprehensive traffic safety program in the nation. Congratulations also goes out to the Buffalo Grove PD who won the special Municipal - Commercial Vehicle Award. Event photos are available online via <http://www.illtrafficchallenge.org/> and <http://www.illinoislel.org/> for your perusal.

**2016 LOOKING BEYOND THE SAFETY BELT AWARD WINNERS**



**[Left to Right]**  
Officer Gary Mitchell, Bartlett PD;  
Officer Chance Warnisher, Springfield PD;  
Trooper Alex Pinto, Illinois State Police;  
Trooper Ricky Burns, Illinois State Police;  
Trooper Edsel Gonzalez, Illinois State Police



## SAFETY A “WINNER” IN TRAFFIC SAFETY CHALLENGE

On August 17, 2016 the Illinois Traffic Safety Challenge Awards Luncheon was held during the Annual Midwest Police and Security Exposition in Tinley Park Illinois. Officers from all over the state came together to honor those agencies that were selected as having the best overall traffic safety programs in Illinois.

Celebrating its twenty-second year, the Illinois Traffic Safety Challenge program promotes professionalism in traffic safety by encouraging agencies to share best practices and programs with each other. The awards are based on entries prepared by the participating agencies that highlight their traffic safety education and enforcement activities in occupant protection, impaired driving and speed over the past calendar year. Judges award points to the agencies in the six areas that comprise a comprehensive traffic safety program: policies, training of officers, public information and education, enforcement, problem identification and an evaluation of the outcomes of the agency's efforts. Police agencies across Illinois utilized a wide variety of programs to increase safety in their communities and impact issues ranging from child passenger safety to impaired driving campaigns.

This year's award winners were recognized on a state level and two agencies also received national recognition. The International Association of Chiefs of Police announced national award recognitions to the Buffalo Grove Police Department who won the municipal Commercial Vehicle Safety award and the Arlington Heights Police Department who won first place in the 101-350 category and was also awarded the Clayton J. Hall Memorial award for the most comprehensive traffic safety program in the country!

### Looking Beyond the Safety Belt Award

Five Looking Beyond the Safety Belt Awards were also given to two municipal and three State Troopers. This award recognizes law enforcement officers whose observations during a traffic stop based solely on a safety belt violation; resulted in the discovery of evidence of a crime and/or apprehension of criminals. This years winners were Officer Gary Mitchell – Bartlett PD, Officer Chance Warnisher – Springfield PD, Trooper Alex Pinto D-Chicago, Trooper Ricky Burns D-Chicago and Trooper Edsel Gonzalez D-21.

### Highway Safety Leadership Award

Illinois highest individual traffic safety award recognition is the Illinois Highway Safety Leader award. Winners are recognized for their outstanding service to the citizens of Illinois and for demonstrating a career long dedication and a strong commitment to traffic safety. This years awards went to retired Deputy Chief Paul Rizzo and Special Agent Eric Graf of the CN Railroad.

### New On-Line Application

While submitting a hard copy application is still an option, the new on-line format makes submitting an application as easy as pushing a button. On-line applications comprised 70% of all of the applications received this year and 75% of the winning applications. You can find out more about the on-line application by going to the Challenge website at [iltrafficchallenge.org](http://iltrafficchallenge.org) and watching the tutorial video.

This year we gave away almost \$100,000.00 in equipment and training. Winners of this years grand prizes were: Squad Car Equipment Package valued at \$25,000.00 – Lake Zurich Police Department, \$5,000.00 Education Package from the Northwestern University School of Public Safety – Evanston Police Department and All Traffic Solutions Speed Sign valued at \$6,000.00 – Carol Stream Police Department.

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

### GOLD LEVEL

AAA Chicago  
Whelen Engineering  
Northwestern University  
Center for Public Safety

### SILVER LEVEL

All Traffic Solutions  
Stalker  
Setina Manufacturing  
Kustom Signals

### BRONZE LEVEL

Ultra Strobe Communications  
Dell  
Suburban Accents  
Panasonic  
Decatur Electronics  
Minuteman Press/Naperville Havis

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

### Challenge Website

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



The Challenge is also on Twitter and regularly puts out Challenge and other traffic safety information. You can follow us at [@ILTSChallenge](#)

### 2015/16 Illinois Traffic Safety Challenge Winners:

- ★ Category 1-10 Officers
- ★ Category 11-25 Officers
- ★ Category 26-35 Officers
- ★ Category 36-50 Officers
- ★ Category 51-65 Officers
- ★ Category 66-100 Officers
- ★ Category 101-250 Officers
- ★ Category 250+ Officers
- ★ Category State Police Patrol Districts
- ★ Category Universities
- ★ Category Multi-Jurisdictional
- ★ Championship Category

- ★ Special Category Awards:
- ★ Rookie of the Year
- ★ Occupant Protection
- ★ Impaired Driving
- ★ Speed Awareness
- ★ Distracted Driving
- ★ Teen Driving
- ★ Bicycle / Pedestrian Award
- ★ Commercial Motor Vehicle
- ★ Judges Award

*As NHTSA Region 5 Administrator John Balsler stated, "Lives are saved every day by law enforcement officers who work to reduce the frequency and severity of crashes on Illinois Roadways." There is no doubt that this year's participating agencies have made a commitment to traffic safety and saved countless lives. ■*

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\*All rates are stated as an Annual Percentage Rate (APR). Rates quoted are for individuals with excellent credit. Individuals with less than excellent credit may be offered higher rates. Fixed loan rate of 2.99% equals payments of \$17.96 for 60 months for each \$1,000 borrowed. Rates are accurate as of 06/01/2016.

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## 2015-2016 Illinois Traffic Safety Challenge Winners



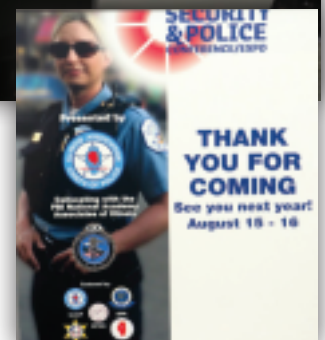
<b>Municipal 1-10 Sworn</b>		<b>Sheriff 1-25 Sworn</b>	
1 <sup>st</sup> – Elwood Police		No Entries	
2 <sup>nd</sup> – East Hazel Crest Police		<b>Sheriff 26-50 Sworn</b>	
3 <sup>rd</sup> – No Winner		1 <sup>st</sup> – Grundy County Sheriff	
<b>Municipal 11-25 Sworn</b>		2 <sup>nd</sup> – No Entries	
1 <sup>st</sup> – Chatham Police (Tie)		3 <sup>rd</sup> – No Entries	
1 <sup>st</sup> – Shorewood Police (Tie)		<b>Sheriff 51-100 Sworn</b>	
2 <sup>nd</sup> – Hinsdale Police		1 <sup>st</sup> – No Entries	
3 <sup>rd</sup> – Clarendon Hills Police			
<b>Municipal 26-35 Sworn</b>		<b>Sheriff 101-250 Sworn</b>	
1 <sup>st</sup> – Lake Zurich Police		1 <sup>st</sup> – Lake County Sheriff	
2 <sup>nd</sup> – Macomb Police		2 <sup>nd</sup> – No Winner	
3 <sup>rd</sup> – No Winner		3 <sup>rd</sup> – No Winner	
<b>Municipal 36-50 Sworn</b>		<b>Sheriff 251 +</b>	
1 <sup>st</sup> – Lake in the Hills Police		No Entries	
2 <sup>nd</sup> – Algonquin Police			
3 <sup>rd</sup> – Woodstock Police			
<b>Municipal 51-65 Sworn</b>		<b>State Police Districts</b>	
1 <sup>st</sup> – Carol Stream Police		1 <sup>st</sup> - District 5	
2 <sup>nd</sup> – Wheeling Police		2 <sup>nd</sup> - District 15	
3 <sup>rd</sup> – Bartlett Police		3 <sup>rd</sup> - District 2	
<b>Municipal 66-100 Sworn</b>		<b>Part-Time Only:</b>	
1 <sup>st</sup> – Crystal Lake Police		1 <sup>st</sup> - Prairie Grove Police	
2 <sup>nd</sup> – Quincy Police		2 <sup>nd</sup> - No Entries	
3 <sup>rd</sup> – No Winner		3 <sup>rd</sup> – No Entries	
<b>Municipal 101 – 250 Sworn</b>		<b>College/Campus Police</b>	
1 <sup>st</sup> – Evanston Police		No Entries	
2 <sup>nd</sup> – Naperville Police			
3 <sup>rd</sup> – Elgin Police			
<b>Municipal 251 + Sworn</b>		<b>Other Police – Park Dist/S.O.S. etc.</b>	
1 <sup>st</sup> - Springfield Police		No Entries	
2 <sup>nd</sup> - No Winner			
3 <sup>rd</sup> - No Winner			
<b>Multi-Jurisdiction Agencies</b>		<b>Championship Class</b>	
No Entries		1 <sup>st</sup> – Arlington Heights Police	
Bike/Pedestrian Safety: Arlington Hts. Police		2 <sup>nd</sup> – Buffalo Grove Police	
Commercial Vehicle: ISP District 15		3 <sup>rd</sup> – Downers Grove Police	
Distracted Driving: Arlington Hts. Police			
Impaired Driving: Carol Stream Police		<b>Looking Beyond The Safety Belt Winners</b>	
Occupant Protection: Carol Stream Police		Municipal – Ofc. Gary Mitchell Bartlett PD	
Railroad Crossing Safety: Macomb Police		Municipal – Ofc. Chance Warnisher – Springfield PD	
Rookie of the Year: Macomb Police		State Police - Trp. Alex Pinto & Ricky Burns D-Chicago	
Speed Awareness: Atwood		State Police – Trp. Edsel Gonzalez D-21	
Teen Driving: Tazewell County		IACP Judges Award: Grundy County Sheriff	



## 2016 MIDWEST SECURITY & POLICE CONFERENCE/EXPO



ILACP President Steve Casstevens at Ribbon Cutting for this year's opening ceremonies.





## 2016 MIDWEST SECURITY & POLICE CONFERENCE/EXPO



Police Chief and ILACP Past President Pat O'Connor presented "Active Shooter: The Campus and Municipal Response."



An Expo breakout session presentation "Capturing Truth: Complete Video Evidence Management Solution" was given by Mr. Chris Moore of Digital Ally.



Frequent training speaker is ILACP Law Committee chair Don Zoufal led "Social Media in Law Enforcement" session.



Teresa Haley, IL President of NAACP, led a panel discussion "NAACP to Illinois Law Enforcement: Let's Chat."



Chief Mitchell Davis (Hazel Crest PD) led training on "Leadership in Law Enforcement from a Black Chief's Perspective."



Past Presidents Joe Pena (Channahon) and Frank Kaminski (Park Ridge).



Attorney Christopher Cooper presented "Do and Don'ts for Chiefs in Police Board Disciplinary Proceedings."



## ILACP MARCHES IN ILLINOIS STATE FAIR PARADE



**75 Years of  
Keeping  
Illinois  
Communities  
Safe.**



**Left Photo:** ILACP 1st Vice president, Chief Jim Kruger of the Oak Brook Police Department, is interviewed by a local Springfield TV reporter as she covers the State Fair activities and newest participants in the annual parade.

(Photos herein were taken by Krista Kolis, ILACP Projects Director.)

As part of our 75th Anniversary observance this year, members of our Association walked in the mile-long Illinois State Fair twilight parade on Thursday evening, August 11, in Springfield.

It was a great time for everyone. We used this event to especially recognize the role of central Illinois leaders in our Association's 75-year history.

The ILACP members were delighted by the citizens who showed their support for law enforcement leaders as we walked by to extend greetings and to distribute badge stickers to the young and young at heart.





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## LEADERSHIP IN LAW ENFORCEMENT'S RESPONSIBILITY ON BIAS; FROM A BLACK CHIEF'S PERSPECTIVE

*By Chief Mitchell R. Davis III*

As leaders in law enforcement, it is our responsibility to constantly seek to improve not just our departments, but our profession as a whole. We must serve as critical thinkers that propose solutions to challenges we know that need to be addressed within our profession. The first step in solving a problem is to first acknowledge that in fact the problem actually exists. In times such as the ones that we are recently faced with, our profession is being forced once again to acknowledge that our relationship with communities of color is sometimes strained, and in many instances broken. While many police departments have great relationships with their communities of color, its members can often relate to mistreatment as a result of the life experiences that they, or people that they know, may have had with law enforcement.



Have you ever noticed how the mention of race in 'mixed' company makes so many people uneasy? It is equally interesting how people that are courageous enough to pose questions about race are sometimes looked at as militants, rebel rousers, or even racists themselves. Taking both of these things into consideration, one can understand why issues concerning race often go untouched. While I know firsthand that most law enforcement officers and leaders do a tremendous job of treating their citizens, coworkers, and employees with the utmost respect and courtesy, there are those that don't. Bias does exist, good and bad, and it exists in all of us. As leaders in our profession, we are charged with detecting and addressing negative biases of all kinds within our organizations. Any good leader is already addressing explicit biases, but we must all begin to identify and address implicit biases, both within ourselves and within those that we lead.

Many implicit biases are the result of lack of information or misinformation. Being an effective critical thinker requires doing our best to obtain true understanding of both sides of any equation. As it pertains to bias, when understanding is obtained we can then move to a position of being able to feel empathy. Sincerely seeking to not simply learn about, but to truly understand the components that comprise a respective culture is essential to constructive communication and meaningful progress towards combating bias. Gaining understanding provides the opportunity for insight.

Law enforcement has long had a 'do as I say and don't ask any questions' relationship with many communities and individuals of color. This mentality has often been the catalyst for the strain that is felt between law enforcement and communities of color. That relationship has long been the norm for people of color. In many instances we feel 'policed' by

the police, while we see others regularly receiving services from the police. While most may agree that those who willfully break the law receive the treatment that comes with those choices, it is the treatment and experiences that law enforcement has directed towards the 'everyday' person of color that shapes our view of the relationship. Here are a few of my personal encounters.

Prior to becoming a police officer, I was a computer programmer. After leaving a barber shop on the west side of Chicago, wearing a suit and driving my sports car, I was stopped by a patrol car and asked numerous questions as to why I was in the area. I even had to go so far as to produce my work identification to confirm that I worked where I said. At no point during the stop was I ever informed that I violated a traffic law. For me, it was never a question as to why I was in that area; I had family there, and my barber was there.

On another occasion, I was stopped in a suburban community that was predominately white. I was again dressed in a suit and driving my sports car. I was the coordinator of the golf outing for the corporation that I was employed by at the time. I had an appointment to visit with the golf course administration to finalize plans for the outing. I had never been to this golf course before and was driving the perimeter, which was in a neighborhood, looking for the entrance. I was stopped by a patrol unit from the community and asked "the question" again, "what are you doing around here?" Again, no violation was ever mentioned and I had to provide verification as to who I was and where I worked.

In another instance, after having been a police officer for several years, I was stopped one evening by a patrol officer who was well known for his mistreatment of people of color. He berated and cursed me in front of my wife, and this particular encounter actually escalated to the point that we nearly came to blows. Not that it should have mattered, but this all happened even with him knowing that I was a police officer. He was an officer from an adjoining town, and actually stopped me in the town in which I worked at the time. God only knows what may have happened if a supervisor from my department hadn't responded to the scene.

Just a few months ago, I sat in a training class where I was the only person of color. Not that it should have mattered, but the class had already gone through introductions, and everyone knew that I was a police chief. During the first break, several officers began to talk, and a group of officers started to openly have a discussion about an area of Chicago that is known for its violence. The officers went on to discuss how none of the people that live in that area of town were worth



Continued from page 19

anything, and actually went so far as to say that more guns should be given to the community so that more people could be killed to eliminate the problem. Little did they know that a 77-year old relative of mine had been an unintended murder victim in that very area of 'worthless' people just a couple of months earlier.

The allocated space for this article could not accommodate the countless stories of inappropriate racially motivated contacts and conversations that I have been exposed to, both personally and professionally. This is often our norm as African-American men, and this is often the norm for people of color as a community. Also, I must honestly point out that not all of my negative encounters with law enforcement have been at the hands of white officers. There are officers of color that have conformed to 'policing' people of color. Some may have conformed in order to 'fit in'. Others may have succumbed to the 'power' that comes with being a police officer. As a police chief, I once had to deal with an African-American officer that mistreated black citizens because he felt as though, "I'm the police, so you'd better do as I say!" Ironically, this same black officer came to me a short time earlier asking for assistance with a situation where he claimed to have been subjected to mistreatment due to race by white officers from another department. Implicit bias is not always between white and black. Implicit bias can be the result of many sources, and can be between various types of people. Unchecked negative implicit biases inevitably result in bad police officers – of any color.

As critical thinking leaders in law enforcement who sincerely seek to repair and maintain relationships with communities of color, we must first acknowledge that equitable treatment does not always exist with the police. Then, we as leaders must seek to understand, and then instill that understanding into those in which we lead. We must seek to lead with empathy for all people and communities that we serve, and police only those that warrant policing. Most men of color have been faced with situations of belittlement, humiliation, or simply being made to feel 'less than'. Most white men will never experience this. It is our responsibility as black leaders in our profession to assist our colleagues in law enforcement leadership in gaining understanding, so that those that truly do seek to grow to a point of empathy can do so. I honestly believe that the acquisition of empathy will ignite the sustained passion that is going to be necessary for long-term positive change. Starting the discussion will prayerfully lead to communication within the law enforcement community, with hopes of expanding to all communities. Healthy communication is the foundation of any good relationship. Bridging the gap between law enforcement and communities of color has to begin with communication. Law enforcement is a noble profession that I am honored to have committed the last 25 years of my life to, and it is the responsibility of the good leaders in law enforcement to lead positive change for all. To quote Edmond Burke: "*The only thing necessary for the triumph of evil is for good men to do nothing.*" Doing nothing is not an option! ■

### Chief Mitchell R. Davis III, M.S.C.J. Biography

- 25 years in law enforcement
- Chief of Police for the Village of Hazel Crest, IL
- Began law enforcement career in 1991 with the Park Forest Police Department and completed basic police training at the Chicago Police Academy
- Previously Chief of Police for the Village of Dixmoor, IL
- Previously Chief of Police for the Village of Robbins, IL
- Bachelor of Arts Degree from Governors State University in Interdisciplinary Studies, with a Minor in Criminal Justice
- Master of Science Degree in Criminal Justice from the University of Cincinnati
- Graduate of Northwestern University's *School of Police Staff and Command* Class #182
- Graduate of Illinois Law Enforcement Training and Standards Board Executive Institute's *Police Executive Role in the 21st Century* Class #218
- **National Organization of Black Law Enforcement Executives (NOBLE)** Chicago Metropolitan Chapter - *Past President and Current Executive Board Member*
- **South Suburban Association of Chiefs of Police** – *Current Executive Board Member*
- **NBC 5 Community Action Board** – *Current Board Member*
- **Cook County Gun Violence Task Force** – *Current Board Member*
- **Southland Juvenile Justice Council** – *Current Council Chairman*
- **E-Com Consolidated Dispatch Center** – *Current Executive Board Member*
- **Illinois Association of Chiefs of Police** – *Current Member*
- **International Association of Chiefs of Police** – *Current Member*
- Life-skills instructor for the Nike Corporation for 13 years to professional basketball prospects
- Developed and taught classes on '*DUI and Drug Awareness*', '*Conflict Resolution and Communication Skills*', '*Dealing with the Police*', '*Campus Safety*', '*Goal Setting*', and several other topics
- Guest presenter at Governors State University for over 10 years to student teachers on the topics of '*Gang Awareness*' and '*Dealing with Problem Students and Their Parents*'
- Certified facilitator for NOBLE's '*The Law and Your Community*'
- Worked as a Police Liaison Officer for 25 years at south suburban Chicago high schools
- Guest presenter at Governors State University for over 10 years on the topics of '*Gang Awareness*' and '*Dealing with Problem Students and Their Parents*' for the Teacher Certification and Masters programs
- Was published in Issue 16.1 of the Illinois Training and Standards Board Executive Institute's '*Law Enforcement Executive Forum*'. Article entitled, "*The Reality That Creates the Perception: An African-American Law Enforcement Executive's View of the Relationship Between Law Enforcement and the African-American Community*".
- Recently presented for the Illinois Association of Chiefs of Police Training Conference on the topic of '*Leadership in Law Enforcement from a Black Chief's Perspective*'.



# JOIN THE CHIEFS FOR 2017



## Application for Membership NEW RENEW

Online: Click "Join/Renew" Option at [www.ilchiefs.org](http://www.ilchiefs.org)

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

Full Name: \_\_\_\_\_ First name (Nickname) for Nametags: \_\_\_\_\_  
(first) (middle) (last)

Title/Rank: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Private E-Mail: \_\_\_\_\_

Name of Agency/Business: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Home Phone: (\_\_\_\_\_) \_\_\_\_\_ Business Phone: (\_\_\_\_\_) \_\_\_\_\_ Cellular: (\_\_\_\_\_) \_\_\_\_\_  
(area code) (area code) (area code)

Office Address: \_\_\_\_\_ FAX #: (\_\_\_\_\_) \_\_\_\_\_  
(number/street) (city & state) (zip + four)

Home Address: \_\_\_\_\_ County: \_\_\_\_\_  
(number/street) (city & state) (zip + four)

This year the ILACP is offering an additional membership benefit at no extra cost to your agency. If you would like to have an **Administrative Contact** who shall receive all of our weekly Bulletins, Legislative Alerts and other Special Email messages, please provide:

- 1.) **full name of the administrative contact** \_\_\_\_\_
- 2.) **their email address** \_\_\_\_\_ You will be listed as the "sponsor" of this additional email contact.

**\* New Member's Sponsor:** \_\_\_\_\_  
(IL Chief's Association Member's Name) (Title) (Agency)

**\*ALL NEW Applications for Active, Associate or Sustaining membership MUST be endorsed by an Active Member in good standing of this Association. Further, FINAL APPROVAL of membership shall be determined by the ILACP Membership Committee. Dues are renewable annually.**

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

By returning your completed application with payment, you agree to allow ILACP to send your communications via fax (217.523.8352) and/or email ([ilacp@ilchiefs.org](mailto:ilacp@ilchiefs.org)). Your information will not be used for the purposes of telemarketing or Internet Spam of any kind.

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

- Active** - 1<sup>st</sup> member of agency =  (1 to 10 sworn) \$110; or  (11 to 99 sworn) \$220; or  (100 or more sworn) \$330
- Active Other** - 2<sup>nd</sup>/add'l members of agency =  (1 to 10 sworn) \$85 each; or  (11 to 99 sworn) \$95 each; or  (100 or more) \$105 each
- Associate** - 1<sup>st</sup> member of agency/company =  \$170      **Associate Other** - 2<sup>nd</sup>/additional members of any agency/company =  \$110 each
- Sustaining or Business/Corporation Member** =  \$500 Persons and Corporations known to be consistent advocates of law enforcement who may desire to lend their aid to the forces engaged in that pursuit, may apply for sustaining membership.
- Life Associate Member** =  \$170 (**RENEWAL** option only for our LIFE members in full-time but non-law enforcement employment)
- Life Associate Other Member** =  \$110 (**RENEW** option only for our LIFE members in full-time, 2<sup>nd</sup> add'l member, non-law enforcement employment)

**NOTE:** Any current Retired Active Member should contact the ILACP Headquarters to verify their correct Dues Renewal Amount. (The Retired Active classification is reserved for any Active Member who retired from law enforcement with less than 10 years of membership but who desires to attain Life Membership status.)

### PAYMENT METHOD CHOICE:

Please use this signed application as your invoice. Reference it as **INVOICE NUMBER**, using 1<sup>st</sup> six characters of your LAST NAME, dash, 1<sup>st</sup> six characters of DEPARTMENT NAME, dash, 17 (i.e. jones-peoria-17). A copy of this completed form **MUST** also accompany any check(s). If check covers multiple persons, attach copy of ALL individual member forms (**regardless of whether NEW or RENEWALS**).

**INVOICE NUMBER:** \_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

- Payment Enclosed with Check, payable to Illinois Association of Chiefs of Police.
- Please Charge My: VISA  / MASTERCARD  DISCOVER  Card # \_\_\_\_\_ Exp. Date: \_\_\_\_\_ 3Digit ID: \_\_\_\_\_
- Name on Credit Card: \_\_\_\_\_ (only VISA, MasterCard or DISCOVER accepted by ILACP)
- Billing Address: \_\_\_\_\_

Contributions or gifts to the Illinois Association of Chiefs of Police are not deductible as charitable contributions for federal income tax purposes. However, dues payments may be deductible by members as an ordinary and necessary business expense, when applicable.

## Excerpts from ILACP Constitution & By-Laws

### ARTICLE III – CLASSES OF MEMBERSHIP

#### Section 1. ACTIVE MEMBERS

The following persons shall be eligible for active membership:

- a. Commissioners, Superintendents, Chiefs, Directors and Sheriffs having actual supervision of and receiving salaries from any legally constituted state, county, or municipal police department of any political subdivision or governmental jurisdiction of this state, having authority to adopt and enforce police regulations under the Constitution and the laws of the State of Illinois.
- b. Executive assistants, Executive heads, Assistant Chiefs, Deputy Chiefs, and Division, District or Bureau commanding officers, all of such persons having command authority, and including legal advisors who are employed full time by the same governmental unit, when their application is approved by the Chief Executive of the department. This approval by the Chief Executive of the department must be renewed annually.
- c. The executive head or commanding officer of federal law enforcement agencies stationed within this state; and division or bureau commanding officers of such department only when recommended for such membership by the commanding officer of such departments annually.
- d. The chief executive officers of railroad police systems that maintain offices within this State; chief executive officers of university police departments with statutory authority; and division or bureau commanding officers of such departments only when approved for such membership by the chief executive of these departments. This approval by the chief executive of these departments must be renewed annually.
- e. All applicants for active membership must be recommended by an active member in good standing.

#### Section 2. ASSOCIATE MEMBERS

- a. Any person not eligible for active membership, but qualified by training and experience in police or other law enforcement activity, or by other professional attainments in police science or administration, or persons who have a legitimate special interest in law enforcement activity compatible with the goals of the Illinois Association of Chiefs of Police shall be eligible for associate membership in this Association. Associate members shall have all the privileges of active membership except:
  1. Associate members shall not hold office;
- b. All applications for associate membership shall be recommended by an active member who possesses knowledge of the qualifications and the character of the applicant.

#### Section 3A. RETIRED MEMBERS

- a. Any person who has been honorably retired as an active member and who was an active member upon retirement, but who does not qualify in length of time of **membership** for life membership, may retain membership as a retired member.
- b. A retired member shall be required to pay dues as determined by the Executive Board, is eligible to vote, but may not hold elected office.
- c. A retired member, upon attaining the years necessary for life membership, may apply for life membership.

#### Section 5. SUSTAINING MEMBERS

- a. Persons and Corporations known to be consistent advocates of law enforcement, who may desire to lend their aid to the forces engaged in that pursuit, may apply for sustaining membership.
- b. Corporations applying for membership shall designate one person to be representative of that membership.
- c. The corporation and representative(s) must be approved by the Executive Board and represent the quality and character required by the Association.
- d. Sustaining membership remains with the Corporation upon termination of the representative.
- e. All applicants shall be recommended by any member who possesses knowledge of the qualifications and character of the applicant.
- f. Sustaining members or their representatives shall have all the rights and privileges of active membership except that of voting or of holding office.

#### Dues

- The annual dues for all membership classifications are determined by the Executive Board and reviewed on an annual basis. Article III, Section 7.
- Current dues structure is posted on the ILACP website.
- Dues shall be payable to the Illinois Association of Chiefs of Police on January 1st of each calendar year. New members joining after **September 30th** of any calendar year shall pay the total dues amount for the current year and shall be credited membership for the following calendar year.

#### Important Reasons To Join The Illinois Chiefs Association

- Training Conferences
- Assessment Centers
- COMMAND Magazine
- Weekly Email Bulletins
- Linebacker "Interim Chief" Program
- Networking
- Legislative Email Updates
- Rising Shields Awards
- International Police Chiefs Conference Block Housing
  - Website [www.ilchiefs.org](http://www.ilchiefs.org)
- Positions Available Posted Online
- Voluntary Police Chief Certification Program
  - Traffic Safety Challenge Program
- Police Officer Selection Tests Discount
- Midwest Security & Police Conference/Expo
  - Police & Citizen Awards Program
- Online Membership Directory
- Command Training Scholarships
- Life Memberships
- Tenure Pins
- Professional Voice for Legislative Issues

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

**(NOTE: For a review of all membership classifications, see Article III of the By-Laws)**



## LETR THANKS ILACP FOR SUPPORT IN 2016



The Law Enforcement Torch Run for Special Olympics Illinois would like to thank the Illinois Association of Chiefs of Police for their continued support in 2016. Because of your efforts and dedication to our mission, we are able to continue to transform the lives of more than 22,000 Special Olympics Illinois athletes across the state. We invite you to save the date for our 2017 LETR Kickoff Conference, scheduled for Friday, Feb. 3 at the Doubletree Hotel in Bloomington. A variety of sessions will be offered, covering topics from fundraising best practices to increasing community involvement. This is also a unique opportunity to network with Torch Run officers throughout the state! There is no fee to attend and lunch will be provided.

Registration for the 2017 Kickoff Conference will open in mid-December.

**For more information, contact Sandy Nash,**  
Senior Director of Development Torch Run Special Olympics Illinois  
605 East Willow | Normal, IL 61761  
P: 309-888-2562 - F: 309-888-2570 - C: 618-974-9010  
[www.soill.org](http://www.soill.org)





## COMMAND MAGAZINE NEW CHIEFS ARTICLE



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

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



### **Martin (Marty) Gainer**

**Age:** 64

**Agency:** Forest Preserve District of DuPage County

**Years in Law Enforcement:** 26

**Date Appointed Chief:** 24 June 2016

**E-mail contact:**  
[mgainer@dupageforest.org](mailto:mgainer@dupageforest.org)

**Phone:** 630-933-7094

**Family?** Married to Marianne, a 40-year RN, have three adult daughters and we have two cats.

**Hobbies:** I am an avid golfer, motorcyclist; my wife and I love to travel

**Tell us about your agency:** The department has 24 sworn officers including supervisory personnel. We also have 4 civilian members of a support staff. The officers are responsible for patrolling 26,000 acres of forest preserve property. We have many lakes and ponds for fishing and non-motorized recreational boating, a working farm, an equestrian center, dog walking properties and many miles of trails which are used for walking, running and bicycling. In addition, the district offers natural resources educational programs. Our officers do a great job across a large amount of property and multiple programs.

**Tell us about your history in law enforcement:** I spent over 25 years with the Chicago Police Department, working in a variety of assignments including patrol as an officer and supervisor, narcotics investigations, technical services and community policing.

**Are you a graduate of SPSC, FBINA, SPI, etc.?** No

**What got you interested in a career in law enforcement?** I come from a

police family. The list of my family who currently serve or have served in various areas of law enforcement is lengthy, but for this forum I will say that I am particularly proud of the fact that there has been a member of the Gainer family serving as a Chicago Police Officer in an unbroken line since 1907 when my grandfather became an officer. 109 years of service. Law enforcement is our family business.

**When did you realize that you wanted to be a chief?** In all honesty, a Chief position was never really on my radar. This opportunity presented itself, and I applied and was accepted.

**What are your plans/priorities for your agency?** This is a good, professional department. I'd like to introduce more technological systems in order to increase efficiency in an already efficient department. We strive to make the Forest Preserve a safe and welcoming environment so that our customers/users can enjoy their visits to the preserves and can feel safe and protected as they do so.

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

**If not, would you like to be?** I may be interested depending upon what becoming certified entails.

**Are you a member of the ILACP?** Yes, I joined in September of this year.

**What do you see as the greatest value of being a member of the Illinois Association of Chiefs of Police?** The chance to network with my peers and to learn what does and does not work in various law enforcement agencies.

**Are you interested in serving on an ILACP Committee?** Not at this time

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

**Lastly, and most importantly:** **CUBS** XXXX (diehard season ticket holder) **White Sox** \_\_\_ **Other:** \_\_\_



**Tracy Chapman****Age:** 36**Agency:** Forest Preserve District of Will County Police Department**Years in Law Enforcement:** 11 1/2**Date Appointed Chief:** June 29, 2016**E-mail contact:**

tchapman@fpdwc.org

**Phone:** 815-722-9377**Family?** I have been married to my husband Rich Chapman since July of

2014. We have a blended family and have 3 children, Madison 8, Jessika 11 and Aiden 13. We have 3 pets, a cat Broccoli, a rescue dog Tucker and Rosie the Bloodhound. Rosie worked as my K9 partner from 2005-2011, when she retired due to arthritis. Rosie will be 13 in September and is looking to be one of the oldest bloodhounds. I have 2 sisters, Allison and Lisa, and one brother, Roger. My husband has 2 sisters, Tracy and Jodi.

**Hobbies:** I play on a coed slow pitch softball team in the summer and a women's volleyball team in the fall. I play softball with mostly other police officers and volleyball with my sisters, Allison and Lisa, and my close friends. I also coach and play for a 16" Forest Preserve softball team for the Guns and Hoses Charity softball tournament that occurs every August. We have a very close family and enjoy hanging with my parents, Roger and Linda Phillips, and swimming at my in-law's, Rick and Shirley Chapman. Combined my husband and I have a total of 19 nieces and nephews, and we enjoy watching them play the many sports they are involved in. We have several state contenders in the group.

**Tell us about your agency:** We currently have 11 full-time officers, 17 part-time officers, and 6 civilian positions. The civilians consist of 1 administrative assistant, 1 full-time Community Service Officer and 4 part-time CSOs. After 2 years of employment with us, all full-time officers are certified Field Training Officers, Juvenile Officers, Basic Investigators, and obtain a 32-40 hour course elective certification, such as K9 handler, evidence technician, ATV instructor, etc. We currently have over 22,000 acres of property including 137 miles of trails to patrol. Rosie the bloodhound was donated to the department in 2005 by Canine for Kids. Rosie is a live scent man-trailing dog. After Rosie the Bloodhound's retirement in 2011, we got a new K9, Jullo. Jullo is a German Shepherd and was obtained in 2013 and assigned to MPO K9 handler Dean Klier. Jullo is a dual purpose K9 that is fully trained in the detection of narcotics, article search, and tracking. Our officers patrol in various ways, such as bicycle, ATV, boat, vehicle, snowmobile, and on foot. We have a Master Firearms Instructor that conducts all of our firearms qualifications internally as well as assists the Sheriff's Department with qualifications. This same officer runs our Deer Management program during the winter months.

**Tell us about your history in law enforcement:** I was hired by the Forest Preserve District of Will County in December of 2004. I always wanted to be a police officer and initially I intended for this to be a starter

department for my long career. But after being here and enjoying the environment, the cross between municipal policing and conservation law, I knew this would be the place I would retire from. I was the first K9 handler in 2005, then the first Master Patrol Officer in 2008. I was also the first from this department to attend the Northwestern University School of Police Staff and Command in 2010.

**Are you a graduate of SPSC, FBINA, SPI, etc.?** I attended the Northwestern University School of Police Staff and Command in the beginning of 2010. I was awarded the Franklin M. Kreml Leadership award. This award was voted on by my peers of 44 other police and fire professionals and is given as recognition of high ethical and professional values. I was honored to have received this award, and it meant more that my peers were the ones that voted on the recipient.

**What got you interested in a career in law enforcement?** My dad was in the Army. He was a paratrooper with the 101st in Vietnam. His bravery and dedication to our safety made me want to be in the public safety field. I have always wanted to be a police officer. As I excelled in sports growing up and I could hold my own, I knew that I could excel at this too. I have an uncle that is retired from Joliet and a brother in law that currently works there. I now have a cousin that is a Joliet Fireman, my husband's brother in law is a Bolingbrook officer, and I have other cousins testing at departments. It is becoming a family affair for sure.

**When did you realize that you wanted to be a chief?** I always envisioned myself becoming a supervisor. That was always a goal even before I got hired. At some point I knew it would happen, but I definitely did not think it would happen 4 years in. Our department was making a lot of changes; people were leaving, retiring or moving on. In 2009, Bob Murphy was appointed Chief from his current Sergeant's position. I knew then that my path was taking a faster route than originally anticipated. At that point I was promoted from Master Patrol Officer to Lieutenant. Chief Murphy spent the last 7 years preparing myself and Lt. Barrios to take over the department.

**What are your plans/priorities for your agency?** Update. Update. Update. Although myself and Lt Barrios have spent the last 7 years updating this department with the previous Chief Murphy, there is always work to be done. General Orders, Field Training Manuals, you name it we will be updating it. We recently went from 12 full-time officers to now 11. A major goal is to not lose another full-time slot, as it is necessary for public safety.

**Are you a Certified Police Chief through the ILACP? No If not, would you like to be?** Yes

**Are you a member of the ILACP? Yes If so, for how long?** Since September 2016

**What do you see as the greatest value of being a member of the Illinois Association of Chiefs of Police?** Networking. I believe that you cannot put a price on networking between professionals that are working the same issues. Why reinvent the wheel when I can take a look at someone else's wheel, and they can look at mine.

**Are you interested in serving on a Committee?** Not at this time. I am currently the President of IPLEA (Illinois Park Law Enforcement



Association), with running the department and a household; I need some time to get my feet wet before adding anything else to my list.

**Any other information you would like members to know about you that we haven't asked?** I graduated from the University of St. Francis in 2003 after spending 2 years at Joliet Junior College. I am a strong advocate for young people attending a junior college prior to a 4-year school, and definitely prior to an out of state school. I played basketball, volleyball and softball in high school at Joliet West, and went on to play both basketball and softball at both JJC and USF. We went to Nationals in 1999 for softball at JJC and got 2nd place in the NAIA National Tournament. We also went to nationals in 2002 for basketball at USF but did not place. I have served on the IPLEA board for the past 6 years, and believe in the association's dedication to the advancement of the park law enforcement professional. I am currently the President, but have served as the Vice President and Media Director.

**Lastly, and most importantly: CUBS**  **White Sox**  **other:**

**What are your plans/priorities for your agency?** To continue to build a strong relationship with the community and assuring our officers are well trained.

**Are you a Certified Police Chief through the ILACP?** No **If not, would you like to be?** Yes

**Are you a member of the ILACP?** Yes **If so, for how long?** 11 Years

**What do you see as the greatest value of being a member of the Illinois Association of Chiefs of Police?** The training, networking and weekly updates.

**Are you interested in serving on a Committee?** Yes, Ethics or Legislative

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

**Lastly, and most importantly: CUBS**  **White Sox**  (But not proud of it this year) **Other:**

**Jerry Krawczyk**

**Age:** 46

**Agency:** South Elgin Police Department

**Years in Law Enforcement:** 20

**Date Appointed Chief:** 10/3/16

**E-mail contact:** jkrawczyk@southelgin.com

**Phone#** 847-741-2151

**Family?** 18 YOA son, Brandon, Freshman at Saint Louis University-Business; 16 YOA daughter, Allison,



Junior at South Elgin High School

**Hobbies:** Play and Referee Ice Hockey

**Tell us about your agency (#sworn/non-sworn, specialty units, population of community, etc.):** We have 32 Sworn/4 Civilian, K-9, ILEAS Mobile Field Force, Kane County Major Crimes and Accident Reconstruction, approximately 22,000 population

**Tell us about your history in law enforcement:** Was a detective, evidence technician, crime prevention officer, sergeant, and served as deputy chief for last 11 years.

**Are you a graduate of SPSC, FBINA, SPI, etc.?** Graduate of Northwestern Staff and Command and FBINA 261st session Bachelor from Saint Xavier University, MBA from Webster University

**What got you interested in a career in law enforcement?** I took a tour as a child of the FBI building in Washington DC.

**When did you realize that you wanted to be a chief?** The beginning of my career when I decided not to pursue being a FBI agent.

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## 75TH ANNIVERSARY INTERVIEW, CHIEF OF POLICE (RET.) CHUCK GRUBER, PAST PRESIDENT (1982)

*By: Marla Friedman, Psy.D. Police Psychologist and  
Chuck Gruber, SPI, M.A. Independent Monitor of VIPD*



As we have just concluded our wonderful 75th Anniversary Gala of the Illinois Chiefs of Police in Oakbrook IL at the Drury Lane Theatre, it is only fitting to look back at one of our stellar chiefs who has provided service throughout the state of Illinois, the United States and now as the US Monitor of the US Virgin Islands.

Our very own Chief Chuck Gruber, known by most of us and admired by many, has consented to this interview. The focus will be not only on his personal

career, but on the changes he has seen both positive and negative in law enforcement.

He will also discuss his hopes for the future. His insights about what he believes the future holds for us as we move forward in this acerbic climate on use of force issues, transparency in policing, and community and police relationships will be explored, as his experience has been vast in these areas.

**MWF:** Chief, I would like to start by getting some background information about you. What first attracted you to law enforcement? Do you have family members that preceded you on this path? Do you have a military background?

**CAG:** I'm from a large German Catholic family. My father operated his own small business and I was a wayward youth—that's for sure. As a teenager I had a few minor brushes with the law, especially with truant officers at school; nothing major. At 17, I joined the U.S. Marines before graduating high school (or instead of graduating actually) and was promptly sent to Vietnam. I grew up pretty quick. I earned the rank of sergeant. I will tell you that supervising men in a combat zone was a responsibility that prepared and strengthened me for the duties and responsibilities of law enforcement. I spent four years in the Marines and was an infantry weapons repairman. I became a police officer almost immediately when I returned home from the Marines. I guess in 1968 the Addison Police Department figured that if I survived Vietnam and knew how to shoot a gun, I'd make a good police officer. I don't know. The truth is that for me—at that time—law enforcement was just a job. Later, it became important to me because I knew that I could make a difference for the citizens of my community.

**MWF:** That's a great mix of experiences. Where were you born? What is your educational background, and what do you advise young men and woman to pursue educationally? Some departments are requiring a bachelor's degree and some have a high school diploma or a military service only requirement. In fact, some departments where I've trained are so low in numbers they are searching for candidates from out of state and out of the country who speak Spanish.

**CAG:** I'm Chicago born and raised, and attended Chicago public schools -- and the school of hard knocks. I have to credit the Marines with straightening me out educationally in that I was so scared during the war that I promised myself if I ever made it home, I would make something of myself. It was also in the Marines that I learned to multi-task, which turned out to be very useful in law enforcement.

Like I said, I was hired by the Addison Police Department pretty much based on my military experience. As a young patrol officer I witnessed and participated in a few force incidents that I knew in my gut were wrong but could do little about, and didn't know how to respond to them. That bothered me and motivated me as well. That's when I decided to go to college. I used my G.I. benefits and enrolled in Elmhurst College. I majored in psychology. Being a college graduate was not the norm in 1970s law enforcement; my education served to distinguish me among peers and enabled me to influence those around me. I liked that. Later I earned a master's degree in Social Justice Professions from the University of Illinois at Springfield.

There's much debate about whether a college education is necessary to produce quality police officers. In my generation we have worked hard to professionalize the law enforcement profession. My opinion and my experiences are that college matters. We need an educated police force and my advice to prospective officers is not to limit yourself to a Criminal Justice/Law Enforcement curriculum. Minor or major in other areas: Information Technology, Education, Physics, Psychology, etc.-- something that interests you. We need competent and diverse members throughout our work force.

**MWF:** Excellent advice. I know you teach appropriate "Use of Force" protocols for our Illinois Association of Chiefs of Police. What can you tell us about how you became interested in this area and what is your focus in this area? I believe from my research you have a personal interest in this.

**CAG:** You know, when I was a kid, I fought a lot. It didn't get me anywhere. When I was a cop, I fought less. It got me here. Force is necessary in



law enforcement but it has to be justified. I learned that early on in my career and have tried to be an example of appropriate force when I was a first line supervisor. Use of force is commonplace in our job and we define “use” of force as the amount of force necessary to compel an uncooperative subject. In other words, it is our duty as peace officers to use only that amount of force that is reasonable to get compliance. That’s part of what I teach in my classes. The other part—the bigger part—is that we are accountable for the force we use, accountable for all our actions.

I have a cousin who was killed while in police custody. So I now have experience being a victim of police abuse as well.

I think my advocacy of appropriate use of force and force accountability is what attracted me to the U.S. Department of Justice. I worked for the Civil Rights Division for many years investigating police departments throughout the country on excessive force, and pattern-and-practice issues. Out of this I developed my consulting company to teach police department managers and leaders at every level the importance of appropriate force, competent force investigations, and accountability systems.

**MWF:** I am so sorry to hear about the death of your cousin in that way. I think it has added to your knowledge and quest for an appropriate “Use of Force” continuum. You have a highly varied background and have been a chief for us at multiple departments. Can you tell us about how you structured your career, and how you decided where and how you made these career moves? Where have you served us?

**CAG:** I moved up through the ranks at Addison Police Department pretty quickly and was hired as chief of the Quincy Police Department at age 28. I was active in several chief’s organizations and served as president of the Illinois Chiefs Association in 1982. I knew I wanted the experience of serving in a larger municipality, so in 1986 I accepted the position of police chief in Shreveport, Louisiana. Leadership in your profession allows you to help focus an agenda on the changes you think are important to the profession and the people you serve. While president of the Illinois Chiefs I saw how powerful that was. I helped craft the Hate Crime Statute for the state of Illinois and get it passed. When the opportunity presented itself, I knew that a National and International agenda could do so much more for my communities. I was elected and served as President of the International Association of Chiefs of Police in 1989-1990. It was here that I worked on and framed the first International Chief’s response to citizen’s civil rights by appointing

members of our associations to a new committee which still exists today, the International Chief’s “Civil Rights Committee.” The committee was challenged with an aggressive agenda that focused on human and civil rights of all people of our country, and police responsibilities for the protection of those rights. (footnote the edition of a book I helped co-author of “*Protecting Civil Rights - A Leadership Guide for State, Local, and Tribal Law Enforcement*”)

My decision to return to Illinois was largely personal. Both my wife and I grew up here and quite frankly, we missed home. So in 1990 we returned to Illinois and I accepted the police chief job at the Elgin Police Department. I retired in 1998 and a year later came out of retirement to do another chief stint in South Barrington. I thoroughly enjoyed my career as a police officer and police manager but if I had to reflect on my life’s work I would say that the most important contribution I can make is with regard to appropriate Use of Force and protecting citizen’s human and civil rights. I’ve tried to live it while on active duty and I try to teach it now that I am a civilian.

**MWF:** What is the biggest change you have seen over the years looking back over the course of your successful career?

**CAG:** I think the advent of community policing—both as a philosophy and as a practice—is the biggest change in law enforcement and it brought community members and the police together in unique and introspective ways. Policing must be proactive and transparent to be effective in an ethical world. We’re (the police) still learning but we’ve made great strides.

**MWF:** I know we talked about transparency in policing; what do you imagine and hope for in this area? I’ve seen it done in a variety of ways in different departments, some more or less successful. Our readers would like to hear what your views are.

**CAG:** Transparency is honesty. The truth is that police officers make mistakes. Police Departments make mistakes. People make mistakes. When we don’t acknowledge those mistakes or cover our mistakes with misrepresentation or deception, we do a disservice to everyone including ourselves. Most of the time we get it right but the public perception is that most of the time we get it wrong. The fact is we do such a bad job at the incident investigation that we can’t prove when we do, “do it right”. We’re seeing a lot of that right now. There are so many triggers that can get an agency into trouble: inappropriate force; inadequate training; inadequate supervision; force intimidation; failure to investigate



*Chuck Gruber chats with Attorney General Lisa Madigan, Rockford Police Chief (Ret.) Chet Epperson and his wife Rita, during the reception hour of the 75th Anniversary Gala on October 1, 2016 at the Drury Lane in Oakbrook Terrace, IL.*





force incidents; and the absence of sustainable, reliable, accountability systems. Acknowledging this is the first step to correcting it. Why are we so afraid of transparency? I have visited hundreds of police departments during my career. I've personally investigated dozens of them. I've served as police chief in four of them. I know that we strive each day to practice ethical and respectful policing. And I know too that the best way to address inappropriate use of force is directly head on with open, thoughtful, honest assessments.

**MWF:** After this 75th Anniversary Celebration, I'm sure you are in the clear to tell us some funny stories that our readers would love to hear about. Feel free to tell us some things most people don't know about you.

**CAG:** I remember a comment my wife made to me back when I was serving as President of the International Association of Chiefs of Police. We were traveling with the IACP and visiting the Republic of China and were in Taipei. We were VIP guests at a police parade, complete with formal protocol and much pomp and circumstance. As dignitaries and high ranking officials passed by, they each acknowledged me. It was very flattering and I remember gloating about it. I turned around to my wife who was sitting just off behind me and whispered "Not bad for a high school dropout!" As she often does, she brought me back by saying "and you still take out the garbage, too"! My wife has always had a way of making me keep things in perspective.

**MWF:** I like your wife already! I know you have a successful consulting company. What areas do you cover and what are the goals of that business?

**CAG:** My consulting work is the deliverable of my work as a police chief. I am continuing in a civilian capacity what I practiced and preached as a law enforcement executive. I'm currently serving as the federal monitor of the consent decree in the Virgin Islands. I also spend a lot of time developing curriculum and teaching courses on Use of Force and Force Accountability.

**MWF:** The chance to meet and interview you has been a highlight for me. Thank you so much for punching a hole in your busy schedule to accommodate *Command Magazine*. I know all of us on the 75th Gala Committee appreciate all you have done all these years. It's been a real pleasure. Thank you from all of us. Our year-long preparation will be highlighted in *Command* and remain a permanent record in the Association.

**CAG:** Thank you Marla. It has been my pleasure. ■

**Marla W. Friedman, Psy.D. PC, Police Psychologist is a national police trainer and author. Dr. Friedman maintains a full-time therapy practice and is the Past-Chair of the Police Psychological Services Committee for ILACP; she serves on the Board of Directors of "Badge of Life" and is the Chief Police Psychological Consultant to "Field Training Associates" (www.policefieldtraining.com).**

**Do not hesitate to contact Dr. Friedman at Booklight@att.net.**

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\* Visit the website at [www.ilchiefs.org](http://www.ilchiefs.org) or Contact Ed Wojcicki at 217.523.3765; Email: [ed@ilchiefs.org](mailto:ed@ilchiefs.org) \*



## ILACP CELEBRATES 75TH ANNIVERSARY



Honor Guard from the Oak Brook and Park Ridge Police Departments.



Past Presidents Mike Haeger (Wheeling) and Jim Roche (St. Charles) were among the Gala guests.



Former Executive Director George Koertge visits with current President Steve Casstevens.



Garrett Anderson, Global Messenger, Special Olympics Illinois, delivered a powerful speech.



Ross Rice, part of the 75th Anniversary committee, with his wife for a Gala photo.



Illinois Attorney General Lisa Madigan was among the honored dignitaries at the Gala. She is shown with Retired Elmhurst Police Chief and former Illinois Senator John Millner, who now serves as ILACP Lobbyist.



Keynote speaker for the Gala was Zachary Fardon, U.S. Attorney, Northern District of Illinois.



Master of Ceremonies for the Anniversary Gala was nationally known celebrity Tom Dreesen.



Past Presidents Don Slazinik (O'Fallon), Ray Rose (Mundelein) with ILACP Lobbyist Limey Nargelenas (ISP, Ret.).



Terrence Cunningham, president of the International Assn of Chiefs of Police and Wellesley, MA police chief, shared celebratory remarks.



## GALA — SATURDAY, OCTOBER 1, 2016



Chief Russ Laine (Fox Lake), past president of both the ILACP and the IACP, commends Special Olympian Garrett Anderson on his leadership in SO Illinois.



Terrence Cunningham enjoys the humor of evening Emcee Tom Dreesen during the banquet dinner.



Education & Programs committee chair Ray Cordell is shown with his wife, Cathy, joined by some training leaders: Chuck Gruber (Elgin, Ret.) and Chet Epperson (Rockford, Ret.).



Illinois State Police Director Leo Schmidt extended greetings on behalf of Governor Bruce Rauner.



Attorney General Lisa Madigan and guests attended the 75th Anniversary to support Illinois law enforcement leadership.



President Casstevens and wife, Petey, join Ret. Chief Don Cundiff (Hoffman Estates) and his wife, Kathy.



Other past presidents at the Anniversary Gala included Bob Jones (Gurnee) and Bob Bonneville (Prospect Heights).

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More coverage and sponsor information will be published in future issues of Command magazine and on our website throughout 2017. We are grateful to these sponsors of our 75th Anniversary:

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## WELCOME OUR NEWEST 2016 ILACP MEMBERS

*(Added since publication of Command June 2016 Vol 26, Issue 2)*

### ACTIVE MEMBERS

City	Full Name	Title	Agency Name
Bloomington	Gregory Scott	Assistant Deputy Chief of Police	Bloomington PD
Carol Stream	Jeffrey Degnan	Deputy Chief of Police	Carol Stream PD
Chatham	Scott Tarter	Deputy Chief of Police	Chatham PD
Chicago	Eddie Johnson	Superintendent of Police	Chicago PD
Deer Creek	Bradley Potts	Chief of Police	Deer Creek PD
Downers Grove	Edward Harrison	Lieutenant	Downers Grove PD
East Hazelcrest	Kenneth Vallow	Chief of Police	East Hazelcrest PD
El Paso	David A. Duncan	Sergeant	El Paso PD
El Paso	Bryan J. Clark	Sergeant	El Paso PD
Fairbury	Mark Travis	Chief of Police	Fairbury PD
Hanover Park	Joseph Ciancio	Deputy Chief of Police	Hanover Park PD
Hinsdale	Thomas Yehl	Deputy Chief of Police	Hinsdale PD
Hinsdale	Erik Bernholdt	Deputy Chief of Police	Hinsdale PD
Joliet	Tracy Chapman	Chief of Police	Forest Preserve Dist. of Will Co. PD
Lisle	Derek Ferguson	Deputy Chief of Police	Benedictine University PD
Mendota	Gregory Kellen	Lieutenant	Mendota PD
New Lenox	Hilary Davis	Sergeant	New Lenox PD
Oak Forest	Jason Reid	Deputy Chief of Police	Oak Forest PD
Oak Park	Tyler Partyka	Commander	Oak Park PD
Richmond	Richard Adams	Lieutenant	Richmond PD
Rockford	Carla Redd	Assistant Deputy Chief of Police	Rockford PD
Rockford	Kevin Ogden	Assistant Deputy Chief of Police	Rockford PD
Wauconda	Michael Botterman	Deputy Chief of Police	Wauconda PD
Wauconda	Jeffrey Parsons	Deputy Chief of Police	Wauconda PD
West Dundee	Anthony M. Gorski	Lieutenant	West Dundee
Westmont	Brian Gruen	Deputy Chief of Police	Westmont PD
Wheaton	Norman Hall	Chief of Investigations	DuPage Co. State's Atty. Office
Wheaton	Martin Gainer	Chief of Police	Forest Preserve Dist. DuPage Co. PD

### ASSOCIATE MEMBERS

City	Full Name	Title	Agency Name
Chicago	Ronald Vasser	Vice President	A.L.E. Security Professional Inc.
Lombard	Dr. Richard Kelly	Post-Doctoral Fellow	1st Responders Wellness Center

### SUSTAINING MEMBERS

Chicago	Raquel "Rocky" Realmo	Director	SafeSpeed, LLC
New York, NY	Mike Keith	Strategic Relationship Manager	Mark43
South Elgin	Scott Suyak	MSSSI Vice President	Motorola Solutions



## RESEARCH GROUP INVOLVING ILACP MEMBERS RELEASES FINDINGS ON BODY-WORN CAMERA SURVEY



A group of Illinois law enforcement experts has concluded that the Illinois law regarding body-worn cameras,

passed in 2015, discourages police agencies from implementing BWCs because of the law's restraints. At the same time, they generally supported the use of BWCs, as has the Illinois Association of Chiefs of Police.

These findings are in a report released by the Veritatis Institute, an educational, non-profit foundation designed to foster a greater understanding of contemporary issues our leaders face today. The Institute is designed to take a research-to-practice approach to critical public policy issues and connect leaders and organizations who want to collaborate in solving critical issues facing our society.

The institute's Board of Directors includes John Kennedy, past executive director of the ILACP; John Millner, past president of the ILACP and its current lobbyist; John Furcon of Northwestern University; Robert Boehmer of Hillard Heintze; Rahul Kalsi; and Laurie Salameh.

The institute is working with the ILACP on its research and the release of its reports.

They believe the Act overlooks the preparatory planning and policy development process, which are necessary to increase the likelihood of successful implementation. Members of the forum concluded that

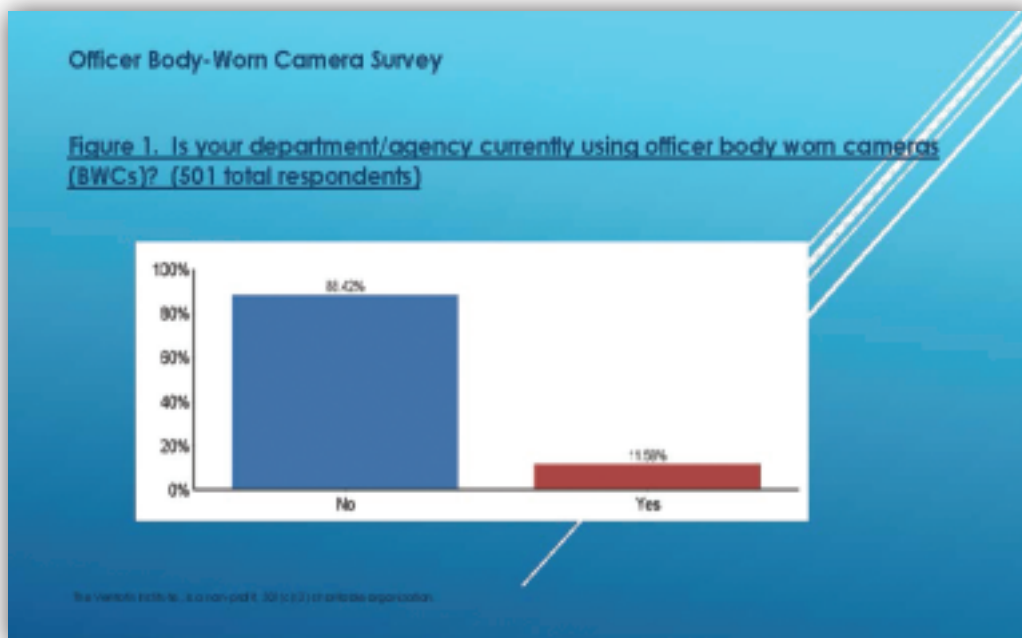
BWC implementation should be put on hold until major questions were answered surrounding budgetary and technological constraints.

On December 8, 2015, the institute convened a group made up of elected and appointed municipal leaders, law enforcement executives, and members of academia to explore the scope of Public Act 099-0352, the Police and Community Relations Improvement Act, its effect on communities across the State of Illinois, and policy alternatives and enhancements for today and for the future. Using the Veritatis Way debate framework, the participants reviewed and discussed the realities and perceptions of public safety in our communities, implementation and costs of this new law, and provided recommendations to make this law even more effective.

The outcome of the one-day forum included recommendations on the use of body-worn cameras (BWCs) and suggestions on rolling out enhanced training. In addition, the forum debate prompted the creation of a survey of representatives of law enforcement agencies throughout Illinois in order to understand whether they currently use BWCs, if they plan on using BWCs, and barriers to utilizing BWCs.

The institute conducted a survey of ILACP members, made a report to the Executive Board earlier this year, and is in the process of conducting another survey.

The findings and recommendations of the initial report, including the BWC survey results, can be found on the ILACP website, [www.ilchiefs.org](http://www.ilchiefs.org). ■



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