

COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

FIVE RISING SHIELDS OF LAW ENFORCEMENT TO BE HONORED

CHIEF'S DILEMMA – WHEN AN OFFICER IS CHARGED WITH CRIMINAL CONDUCT

OFFICERS ON ROOFTOPS OF DUNKIN' DONUTS – SPECIAL OLYMPICS ILLINOIS

WHY I HOPE TO DIE EMPTY

POLICING IN A NEW ECONOMIC ENVIRONMENT

REMOTE VIDEO-VERIFIED ALARM PROGRAM

ROBERT MOORE – BLACK STATE TROOPER, CHIEF OF POLICE, U.S. MARSHAL



2011 PUBLIC OFFICIALS OF THE YEAR



Representative
Anthony DeLuca



Representative
Michael Unes

2012 CLASS OF RISING SHIELDS OF LAW ENFORCEMENT



Sgt. Nathan Hayes
Arlington Heights Police Department



Detective Sgt. Martin Grill
River Forest Police Department



Officer Elliot Rose
Campton Hills Police Department



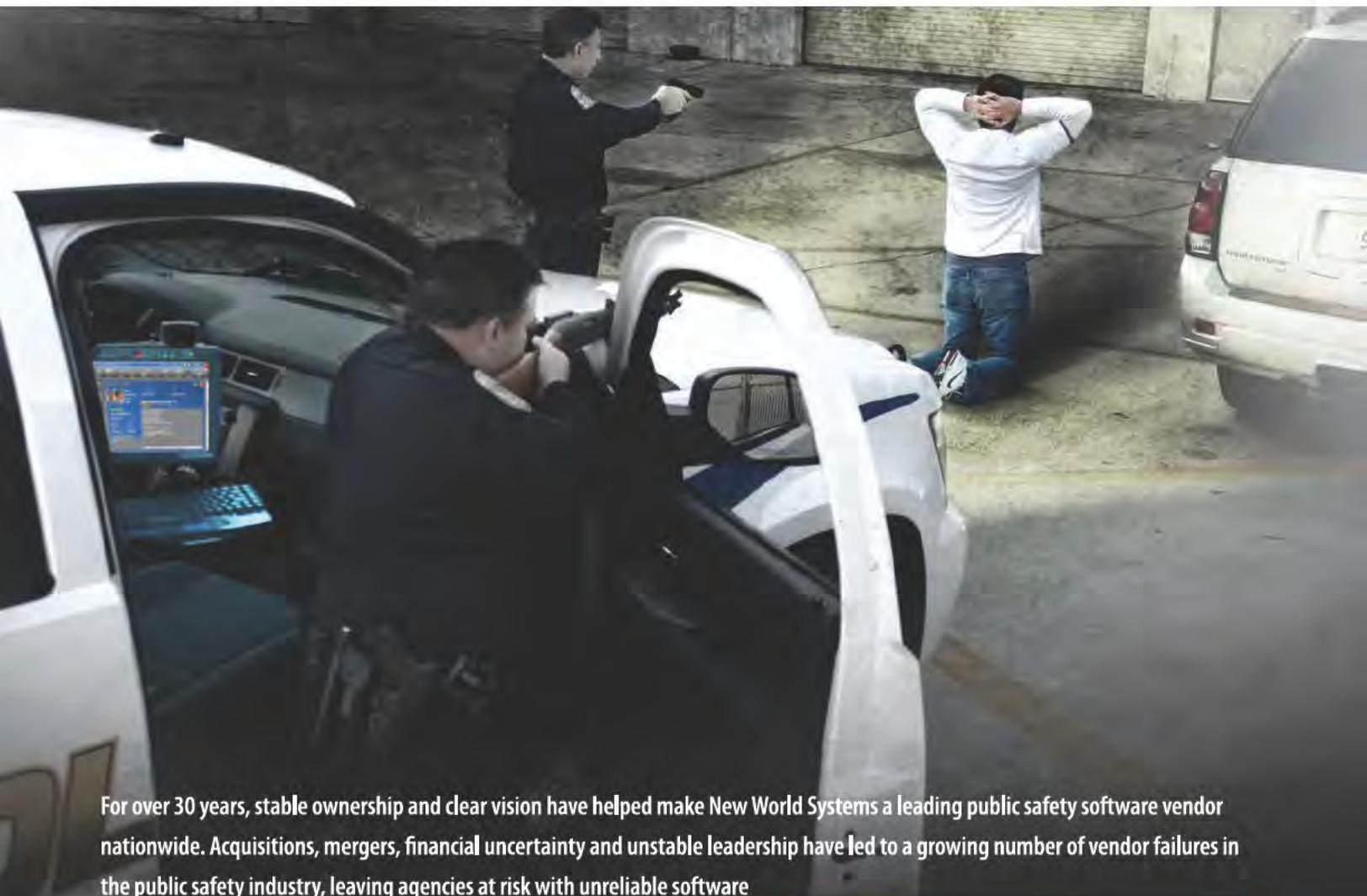
Lt. Matthew Davis
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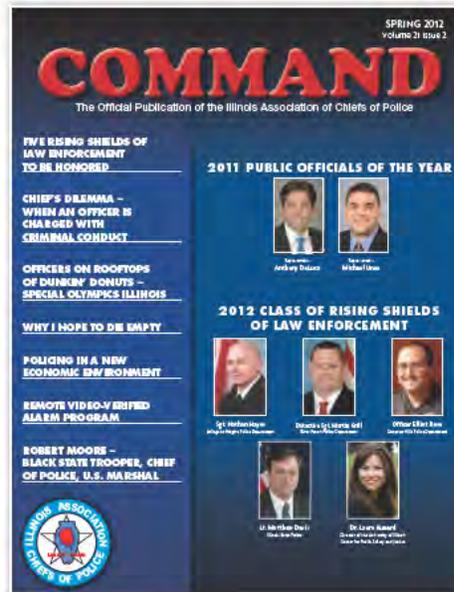
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Catherine Sample



This is the 12th edition that has been produced in the new format that started with the Winter 2009 edition. As you read and enjoy this edition, you may realize that you have something to contribute for the next issue.

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

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

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

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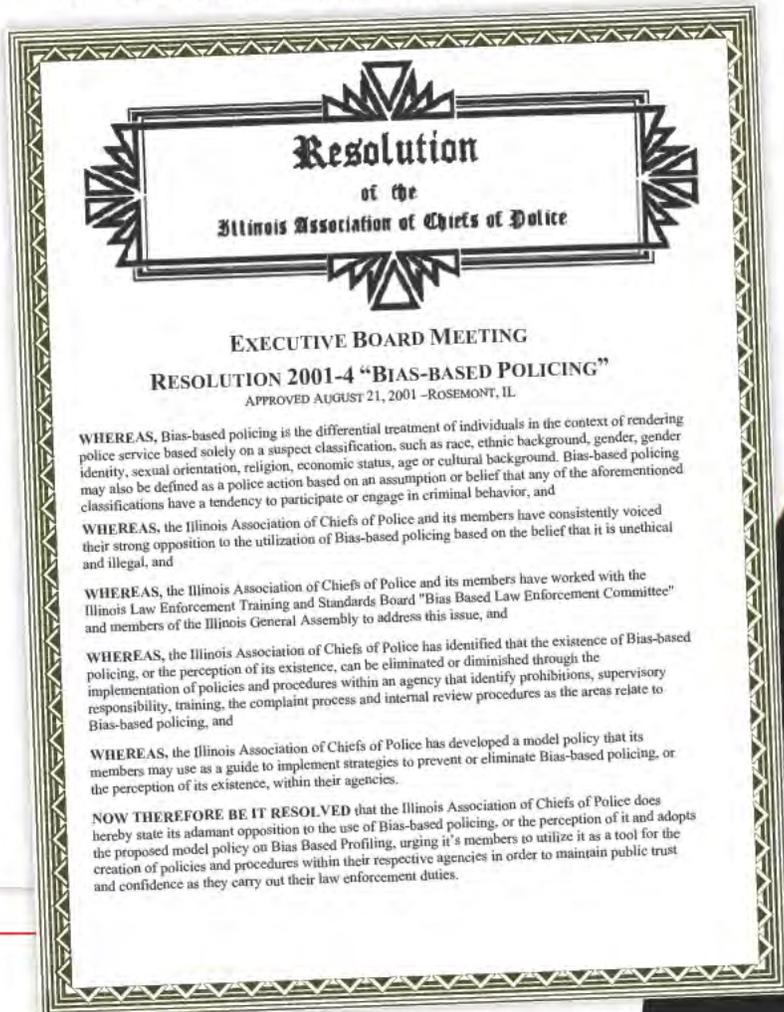
PRESIDENT, ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

During the second week of April 2012, the Illinois Association of Chiefs of Police provided written testimony as requested by Senator Dick Durbin (D-IL) as part of a hearing he is conducting as Assistant Majority Leader and Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights regarding racial profiling in America, and how racial profiling harms law enforcement. As Illinois Chiefs, we should take every opportunity to renew our pledge against racial profiling in any form. As such, the ILACP rejects racial profiling as a law enforcement tactic, and we will not encourage, tolerate or condone its use by any of our members. The ILACP passed Resolution 2001-4 against Biased-based Policing in 2001. I encourage each of you to review this resolution, and your own department policy, with your agency.

To this end, I am suspect of the timing of this hearing. The Washington media clearly connects Senator Durbin's timing with the tragic shooting death of a Florida teen by a neighborhood watch member. I disagree with the prejudgment or any predictive conclusion of the finding of racial profiling by Senator Durbin, or findings of self-defense by pro-concealed carry groups, until it is adjudicated in the criminal justice system. However, this issue does speak volumes to the Illinois Chiefs' concerns of mandating as much training as possible for concealed carry permits. Over thirty states mandate only one day of training as a prerequisite to a concealed carry permit, which is also the amount of time currently recommended by HB148. The Illinois Chiefs Association must continue to press for as much training as possible for our citizens in the likelihood that concealed carry does pass in Illinois. In the end, we all want the same thing: safer communities, better-trained citizens and gun legislation that works.

R.T. Finney

President, Illinois Association of Chiefs of Police



Resolution of the Illinois Association of Chiefs of Police

EXECUTIVE BOARD MEETING

RESOLUTION 2001-4 "BIAS-BASED POLICING"

APPROVED AUGUST 21, 2001 - ROSEMONT, IL

WHEREAS, Bias-based policing is the differential treatment of individuals in the context of rendering police service based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background. Bias-based policing may also be defined as a police action based on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal behavior, and

WHEREAS, the Illinois Association of Chiefs of Police and its members have consistently voiced their strong opposition to the utilization of Bias-based policing based on the belief that it is unethical and illegal, and

WHEREAS, the Illinois Association of Chiefs of Police and its members have worked with the Illinois Law Enforcement Training and Standards Board "Bias Based Law Enforcement Committee" and members of the Illinois General Assembly to address this issue, and

WHEREAS, the Illinois Association of Chiefs of Police has identified that the existence of Bias-based policing, or the perception of its existence, can be eliminated or diminished through the implementation of policies and procedures within an agency that identify prohibitions, supervisory responsibility, training, the complaint process and internal review procedures as the areas relate to Bias-based policing, and

WHEREAS, the Illinois Association of Chiefs of Police has developed a model policy that its members may use as a guide to implement strategies to prevent or eliminate Bias-based policing, or the perception of its existence, within their agencies.

NOW THEREFORE BE IT RESOLVED that the Illinois Association of Chiefs of Police does hereby state its adamant opposition to the use of Bias-based policing, or the perception of it and adopts the proposed model policy on Bias Based Profiling, urging it's members to utilize it as a tool for the creation of policies and procedures within their respective agencies in order to maintain public trust and confidence as they carry out their law enforcement duties.



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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
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FROM THE ILACP HEADQUARTERS



The Illinois Association of Chiefs of Police is saluting a group of up-and-coming law enforcement executives who are truly making a difference in law enforcement and public safety throughout the state of Illinois. The ILACP created the Rising Shields of Law EnforcementSM award to recognize “rising shields” in law enforcement and public safety. Our goal, as we establish meaningful and lasting connections with the five honorees, is to learn how they can help us understand, anticipate and satisfy the needs and wants of law enforcement’s next generation. For the ILACP, the Rising Shields of Law Enforcement aligns us with some of the most relevant, progressive law enforcement individuals in the state. For the honorees and their organizations, it means statewide recognition of their law enforcement leadership.

This year’s inaugural winners (as you will read in Tari Marshall’s article) have exceeded our expectations and are true heroes in our communities. Our five winners were chosen from 22 outstanding finalists, all of whom went through a review process that included a selection process from individuals nominated by their chiefs or

law enforcement executives. Four main criteria were used by our judging committee, which consisted of the Membership Committee and five past presidents:

- Practical examples and leadership attributes that set the nominee apart from his/her peers
- Examples of how the nominee initiated and/or led a law enforcement/public safety initiative
- Engagement of peers to transform law enforcement culture
- Dedication and personal belief in advancing law enforcement

We are proud to recognize these “rising shields” at the ILACP 2012 Summer Conference and Installation Banquet on June 9 at the Hilton Garden Inn & Riverstone Conference Center. I invite all of you to join us in honoring these “rising shields” of our profession.

I also want to take this opportunity to recognize and thank four leaders in our Legislature who have made outstanding contributions that have benefited this association, law enforcement and the criminal justice system. During our Legislative Reception held on March 22, we recognized these leaders who have, throughout their career, exhibited knowledge and understanding of law enforcement concerns as they relate to state or federal legislation, have demonstrated exceptional efforts by sponsoring and/or supporting legislation of importance to law enforcement and have worked to find legislative solutions to law enforcement concerns where necessary, whether through negotiation or outspoken support.

These four are State Representative Michael Unes of Pekin (91st District) and State Representative Anthony DeLuca of Crete (80th District), ILACP’s Public Officials of the Year for 2011, and Senator John J. Millner, 28th District (West Chicago) and Senator M. Maggie Crotty, 19th District (Oak Forest), both of whom have chosen not to run for reelection. On behalf of the ILACP Board of Officers, Executive Board, members and staff, I thank you for all your support to law enforcement and public safety in our state. With your leadership and commitment you have made our communities a safer place to live, work, and play.

Sincerely,

John H. Kennedy
Executive Director, Illinois Association of Chiefs of Police





FIVE “RISING SHIELDS OF LAW ENFORCEMENT” TO BE HONORED AT SUMMER CONFERENCE

By Tari Marshall

Five up-and-coming leaders in various fields of law enforcement were selected for the first class of Illinois Association of Chiefs of Police (IACP) Rising Shields of Law Enforcement™. The honorees represent large-, medium- and small-sized local police departments, state agencies, and universities and colleges. The awards will be presented June 9 at the IACP Summer Training Conference and Installation Banquet at the Riverstone Conference Center in Kankakee.

Selected for the inaugural awards are **Sgt. Nathan Hayes**, Arlington Heights Police Department, Large Agency category; **Detective Sgt. Martin Grill**, River Forest Police Department, Medium Agency; **Officer Elliot Rose**, Campton Hills Police Department, Small Agency; **Lt. Matthew Davis**, Illinois State Police, State Agency; and **Dr. Laura Kunard**, Director of the University of Illinois Center for Public Safety and Justice, University category.

“This group represents the most progressive law enforcement leaders in Illinois,” said Chief R.T. Finney, IACP president and retired chief of the Champaign Police Department, in announcing the honorees. “Collaborating with the honorees will help us understand and meet the needs of law enforcement’s next generation.” Finney hopes that by learning about the many contributions of both sworn officers and others who work in law enforcement, communities will better understand the significant role they play in keeping communities safe.

The IACP Membership Committee and five past presidents of the organization selected the honorees based on nominations that demonstrate law enforcement leadership and personal commitment to advancing the law enforcement field.



SERGEANT NATHAN HAYES
Arlington Heights
Police Department

Sgt. Nathan Hayes was nominated by Commander Richard Gausselein of the Arlington Heights Police Department for leading by example “in doing what is right for our organization, whether his decision is popular or not.” Gausselein also cited Hayes’ “creativity and work ethic” and using “the tenets of community policing to vastly improve the quality of life for residents” in a high-crime and gang-infested area.

Those who are new to the field and want to grow as leaders should “get a good education” and embrace Intelligence-Led Policing and Predictive Analytics, advised **Detective Sgt. Martin Grill**, who was nominated for the Rising Shield award by River Forest’s Deputy Chief of Police Craig Rutz. “Detective Sergeant Grill demonstrates a conviction that our small police department can do anything,” he noted, adding, “He makes himself available 24/7 to every member of the department without ever seeking recognition or gratitude.” That team approach is reflected in Grill’s response upon winning the Rising Shield award. “I didn’t earn this award by myself. If you surround yourself with good people, you are able to do good things.”



DETECTIVE SERGEANT MARTIN GRILL
River Forest Police Department

Officer Elliot Rose reflects this same humble approach to his work. “Day in and day out, people here do amazing things without expecting to be recognized,” Rose explained. While none of the honorees expected accolades for their work, Rose said he appreciates the new Rising Shields program for providing “something to strive for in a field where recognition is few and far between.” Among the leadership qualities that led to his nomination by Campton Hills Chief of Police Daniel Hoffman are development and implementation of community programs that promote positive interaction between law enforcement and the community, and forming partnerships and shared strategies with other agencies. “This award is an affirmation that I’m on the right path,” Rose noted.



OFFICER ELLIOT ROSE
Campton Hills Police Department



LIEUTENANT MATTHEW DAVIS
Illinois State Police

Lt. Matthew Davis, commander of the Illinois State Police Crime Scene Services Command, who was promoted from Master Sergeant on April 16, was instrumental in the creation and development of the new CSI Law Enforcement Unit Evidence System (CLUES), which streamlined workflow and increased efficiency and accountability within the unit. “Davis is respected by supervisors and subordinates for his endless contributions,” according to Colonel Scott Giles, who nominated him for the award. Davis said that the Rising Shields awards are “a step in the right direction in raising the bar in the profession. I hope that others’ shields rise past mine and we can challenge each other.”



DR. LAURA KUNARD
Director of the University of Illinois
Center for Public Safety and Justice

“**Dr. Laura Kunard** not only works closely with her local community to ensure the effectiveness of safety initiatives; she has been instrumental in training local law enforcement officers, both in Illinois and as part of two Federal Department of Justice Regional Policing Institute teams,” noted Frank Kaminski, Chief of the Park Ridge Police Department, who nominated Kunard and has worked with her since 1999. “She believes strongly in the nobility of the profession,” he added. “It is an honor to be recognized by the Illinois Association of Chiefs of Police, a highly respected group of people dedicated to innovative public safety solutions in our state,” Kunard said upon learning of her honor. “It is encouraging that my work has some place within that larger mission, and that the time I spend providing assistance to the law enforcement community is truly appreciated.”

Tari Marshall

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RISING SHIELDS

OF LAW ENFORCEMENT

CONGRATULATIONS TO ALL RISING SHIELDS NOMINEES

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DETECTIVE JUAN McCOY
Washington Park Police Department



**OFFICER
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Cary Police Department



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La Grange Police Department



SGT. JEFFERY RAY
Vandalia Police Department



SGT. ROBERT SALAZAR
Algonquin Police Department



SGT. MICHAEL THORNLEY
River Forest Police Department

SMALL AGENCY



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**OFFICER
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Limey Nargelenas lobbies at the Illinois State Capitol in Springfield.

As a member of the Illinois Association of Chiefs of Police, you will receive a Legislative ALERT Broadcast from Limey each week of the Legislative Session in your email inbox. The alerts include all the latest Illinois Law Enforcement legislative initiative information. Limey Nargelenas is the Lobbyist for the Illinois Association of Chiefs of Police (ILACP). Please support your ILACP PAC Committee and if you have any questions at all, don't hesitate to phone Executive Director John Kennedy at 217-523-3765.

YES, I am pleased to provide my support of the ILACP Legislative endeavors through my contribution to the ILACP PAC FUND (suggested donation \$50).

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LEGISLATIVE UPDATE

By Laimutis A. "Limey" Nargelenas
ILACP Lobbyist



On March 22, 2012, the Illinois Association of Chiefs of Police (ILACP) hosted its annual Day at the Capitol and Legislative Reception to honor members of the 97th Illinois General Assembly. Legislative Committee Chairman Timothy McCarthy and I want to thank all the ILACP members who attended the ILACP Legislative Committee meeting early that day and then participated in visits with legislators at the Capitol. Approximately 50 members attended the meeting at the Illinois State Police Headquarters and then traveled to the Capitol to lobby our Illinois legislators. The ILACP-sponsored Legislative Reception that evening at the Sangamo Club in Springfield was attended by over 87 guests. As part of that evening's festivities, ILACP President R.T. Finney gave special recognition to four legislators in particular: Rep. Michael Unes (R-91, East Peoria) and Rep. Anthony DeLuca (D-80, Crete), who were recognized as "Public Officials of the Year" for 2011; Senator Maggie Crotty (D-19, Oak Forest) and Senator John Millner (R-28, Schaumburg), who are both retiring from public office, were recognized for their valuable contributions to law enforcement. During the evening of the

Lobby Day, we received great news that Speaker Mike Madigan was allowing HB4081 Eavesdropping Exemption, which is supported by the ILACP, to be fast-tracked for passage in the House. **HB4081 passed the House by a vote of 99-12-0.**

97TH ILLINOIS GENERAL ASSEMBLY ILLINOIS ASSOCIATION OF CHIEFS OF POLICE LEGISLATIVE INITIATIVES UPDATE

1. EAVESDROPPING – UNDERCOVER CONTROLLED SUBSTANCE AND CANNABIS ACT (REP. CUNNINGHAM, HB1936; REP. ZALEWSKI, HB2192; REP. GORDON, HB1911 AND HB4081)

ILACP supports legislation that amends the State's eavesdropping law to allow eavesdropping only in situations where police officers are working in an undercover capacity and investigating violations of the controlled substance and cannabis acts. The proposed legislation will greatly enhance the safety of police officers who work in the dangerous world of narcotics. This will also allow officers to be much more efficient while conducting drug investigations. The legislation will also protect the rights of those accused of crimes and prove or disprove allegations of police misconduct in that the words of both the accused and the police officer will be recorded and available for review by a judge or jury. **HB4081 passed the House and is now in Senate.**

2. DUI FIELD SOBRIETY TESTING – INCLUDES SALIVA TESTING FOR DRUGS (REP. HERNANDEZ, HB1241)

There are three field sobriety tests (FSTs) certified by the National Highway Traffic Safety Administration (NHTSA) that police officers give to a motorist suspected of driving under the influence. Administered at the side of the road, the tests are the walk and turn, the horizontal gaze nystagmus and the one leg stand. The officer may also request the motorist to take a preliminary breath test from a handheld instrument. The problem is that a growing number of DUI offenders (approximately 10%) are refusing to perform any FSTs. There is no penalty for refusing FSTs, and some defense attorneys explicitly advise their clients to completely refuse any FST. The solution is to enact legislation to suspend driving privileges for six months for any motorist who refuses to perform an FST. There is already a suspension imposed upon those motorists arrested for DUI who refuse to submit to the standard chemical test (breath and/or urine/blood), but the officer needs probable cause provided by the FSTs to test an impaired driver (50% refusing breathalyzer tests). The ILACP also supports the use of saliva testing for drugs. New technology exists today that can substantiate the use of drugs by a swab field test of the driver's saliva rather than using a blood test. **HB1241 passed; now PA 97-0471.**

3. POLICE OFFICER PROTECTION

The ILACP supports legislation that protects police officers by requiring that police officer(s) be armed with a firearm in the performance of his/her duty and that a governing body, state agency, county government, local municipalities or

institutions of higher learning may not prohibit a peace officer from carrying a firearm unless the peace officer is declared unfit for duty or fails to qualify with the firearm.

4. REQUIRING AN INDIVIDUAL TO PROVIDE IDENTIFICATION TO INCLUDE EXPANSION OF OBSTRUCTING POLICE OFFICER (REP. KOSEL, HB3618)

Recently, the United States Supreme Court in the *Hibel* case decided that police officers have the constitutional power to obtain a suspect's identification if there is a reasonable suspicion that the suspect is about to commit a crime or has committed a crime. Unfortunately, the State of Illinois has no statute that provides for arresting a suspect who refuses to provide some form of identification. The implications for Illinois law enforcement are problematic because Illinois does not have a statute that specifically states that it is a violation of the law to refuse to identify oneself to the police. To be in compliance with the Supreme Court ruling, it is necessary to seek legislation that would make it a violation for failure to provide identification.

5. AUTOMATED (RED LIGHT) TRAFFIC LAW ENFORCEMENT SYSTEM TO INCLUDE EXPANDING PROGRAM STATEWIDE

This bill supports the use of automated (Red Light) Traffic Law Enforcement systems by police for traffic safety.

6. SEX OFFENDER REGISTRATION ON COLLEGE AND UNIVERSITY CAMPUSES (REP. DELUCA, HB0295)

The ILACP has recognized a need to register sex offenders who are employed on college and university campuses or are registered students to ensure the safety of all students, faculty and administration. **HB295 passed; now PA 97-0155.**

7. EXEMPTION FOR LAW ENFORCEMENT TO POSSESS SILENCERS (REP. UNES, HB1708)

Present statutes do not allow police officers to possess and use firearm silencers. The Illinois Tactical Officers Association has identified the need to utilize this equipment under certain conditions that occur in law enforcement situations. **HB1708 passed; now PA 97-0676.**

Continues on page 10



Continued from page 9

8. ADDITIONAL FUNDING FOR LAW ENFORCEMENT (INCREASE BOND, FEES, FINES AND PENALTIES) TO INCLUDE DISCUSSION INVOLVING ILEAS FUNDING (REP. DUGAN, HB3346)

The legislation would be similar to legislation passed in the 96th General Assembly:

- ILEAS Funding (HB3346 passed; now PA 97-0453) – In the interest of security and safety of the citizens of Illinois, the ILACP seeks legislation to establish an Illinois Law Enforcement Alarm System Fund that would support the operational costs of law enforcement rotary wing operations, operated by municipalities or groups/task forces for search and rescue, police services and homeland security missions.
- Impound Fee (HB1220 passed; now PA 97-109).

9. INCREASE DUI SECOND PENALTY AND ALLOW FOR MORE DISCRETION HOW FUNDS MAY BE SPENT (REP. SENTE, HB5021)

The ILACP supports an increase in the second and subsequent DUI arrest penalty and allowing police chiefs more discretion in how these funds may be spent for law enforcement purposes.

HB5021 passed the House and is now in the Senate.

10. PROPOSE LEGISLATION TO MAKE IT ILLEGAL FOR POLICE PERSONNEL TO SHARE POLICE INFORMATION THAT MAY JEOPARDIZE AN ACTIVE CRIMINAL CASE

This is in response to an Illinois Supreme Court Decision stating that no such law exists at this time.

11. 9-1-1 FUNDING (REP. MOFFITT, HB5541 AND HB5542)

Increase surcharge to better fund 9-1-1 centers.

12. FIGHT CRIME: INVEST IN KIDS ILLINOIS

FCIK Illinois is a bipartisan, nonprofit anti-crime organization led by several hundred Illinois law enforcement leaders. Our mission is to take a hard-nosed look at the research about what really works to keep kids from becoming criminals and to share that information with the public and policymakers. Among the

strategies proven to be effective are quality early care and education programs for preschoolers, after-school programs and prevention of child abuse, as well as programs that nip delinquency in the bud by getting troubled kids back on track.

We'd like to acknowledge and thank the 150 ILACP members who signed a letter to the Governor and each of the legislative leaders endorsing our 2012 policy priorities. There's no doubt that the state remains a fiscal basket case, and we respect the difficult job of figuring out priorities and how to pay for them. Even so, preventing crime and helping kids to succeed remain essential to the future of our state, and the law enforcement leaders of Fight Crime: Invest in Kids are uniquely qualified to speak on these issues. We will be continuing to do so for the remainder of the legislative session and beyond. For more on our policy priorities and research supporting them, please visit our website at www.fightcrime.org/state/illinois/policy. As always, please contact any of our staff at any time for more information. State Director Tim Carpenter can be reached at tcarpenter@fightcrime.org.

OUR TOP TWO PRIORITIES FOR THE REMAINDER OF THE 97TH GA SESSION ARE:

1. A. PREVENT CHILD ABUSE AND NEGLECT AND HELP MORE PARENTS PROMOTE HEALTHY CHILD DEVELOPMENT AND NURTURE SOCIAL-EMOTIONAL DEVELOPMENT—KEY COMPONENTS OF EARLY LEARNING—BY REJECTING THE PROPOSED 13% CUT TO EVIDENCE-BASED HOME VISITING PROGRAMS IN THE ILLINOIS DEPARTMENT OF HUMAN SERVICES.

The proposed FY 13 \$2.28 million cut to Healthy Families Illinois and Parents Too Soon would mean **losing more than \$40 million in federal funding for home visiting.**

B. SUPPORT THE PROPOSED FY 2013 FUNDING LEVEL OF \$345 MILLION FOR THE EARLY CHILDHOOD BLOCK GRANT (ECBG).

This would allow Preschool for All to serve more than 80,000 3- and 4-year-olds. The ECBG in the Illinois State Board of Education is the funding stream for Preschool for All and a number of family strengthening programs through the Birth-to-Three set-aside portion of the block grant. In FY 10 and FY 12, cuts totaling 15% were made to the block grant, dramatically turning back the clock on the number of children served. Many programs have been forced to close or cut back on the numbers of kids served. As a result, 17,000 fewer Illinois 3- and 4-year-olds are enrolled in preschool today than just three years ago.

2. ILLINOIS LAW ENFORCEMENT TRAINING & STANDARD (REP. UNES, HB2562)

Change allows the ILACP to nominate a Police Chief to be appointed to the ILETSB.
HB 2562 has passed the House and is now in the Senate.

OPPOSED LEGISLATION

The Illinois Association of Chiefs of Police will continue to oppose bills that attempt to enact legislation such as the following:

- A) Medical Marijuana laws that go beyond the existing statute (Rep. Lang, HB0030; Sen. Haine, SB1548)
- B) Any attempt to prohibit police officers from utilizing nonlethal weapons such as "tasers" (Rep. Davis, HB3961) – Failed to pass House
- C) Police Promotion Act
- D) Public Labor – Manning Levels
- E) Abolish quotas (Sen. Munoz, SB1380; Rep. Bradley, HB1392)
- F) Change from two license plates to one license plate (Rep. Rose TABLED, HB0164; Rep. Mitchell, HB0188)
- G) Restriction of Automated Red Light Enforcement (Sen. Duffy, SB0026)
- H) Eavesdropping on Police by Citizens (Rep. Nekritz, HB3944; failed in the House)
- I) Transfer of Training Board Funds (Rep. Madigan, HB6122)

BUT NOT ILACP INITIATIVES INCLUDE:

- 1. Social Hosting Legislation (Rep. Sente, HB1554)
- 2. Distracted Driving Legislation (Sen. Millner, SB3537)
- 3. Concealed Carry (Rep. Phelps, HB0148)
- 4. Schools and Police Exchange Information (Rep. Sente, HB5602)



WELCOME OUR 2012 NEWEST ILACP MEMBERS

(Approved Applications dated February 1, 2012 through March 2, 2012)

ACTIVE MEMBERS

Buffalo Grove

Steven Husak, Deputy Chief
Buffalo Grove Police Department

Burnham

Peter Belos, Chief of Police
Burnham Police Department

Carpentersville

Michael Kilbourne, Deputy Chief
Carpentersville Police Department

Chicago

Gary Jones, Captain
Amtrak Police Department

DeKalb

Wesley Hoadley, Lieutenant
DeKalb Police Department

Downers Grove

Luis Gutierrez, Commander
Illinois State Police, Dist. 15
Robert Meeder, Lieutenant
Illinois State Police, Dist. 15
Mark Karczawski, Lieutenant
Illinois State Police, Dist. 15
James Neylon, Lieutenant
Illinois State Police, Dist. 15

Maywood

Scott Cassidy, Deputy Chief
Cook County Sheriff's Police
John Konrad, Deputy Chief
Cook County Sheriff's Police
Kevin Ruel, Deputy Chief
Cook County Sheriff's Police
Michael K. Smith, 1st Deputy Chief
Cook County Sheriff's Police

Oak Brook

Jason Cates, Lieutenant
Oak Brook Police Department
Jeffrey Weber, Lieutenant
Oak Brook Police Department
Tamie Shuey, Lieutenant
Oak Brook Police Department

Washington

Ryan Hunsinger, Commander
Washington Police Department

Washington Park

David Clark, Chief of Police
Washington Park Police Department



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ILACP 2012 LEGISLATIVE RECEPTION

Springfield, IL — It is the policy of the Illinois Association of Chiefs of Police (ILACP) to recognize outstanding contributions made by prominent officials who benefit this association, law enforcement and the criminal justice system. This recognition is the Public Official of the Year Award.

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

ILACP members submit nominations each year. The ILACP Legislative Committee members review and recommend award recipients to the ILACP Board of Officers, who further review and make recommendations to the ILACP Executive Board for final approval.

Selected recipients for accomplishments during 2011 are State Representative Michael Unes of Pekin (91st District) and State Representative Anthony DeLuca of Crete (80th District). A reception to honor all members of the 97th Illinois General Assembly, and at which the formal presentation of the Public Official of the Year Award was given, was held on March 22, 2012, at the Sangamo Club in Springfield.

R.T. Finney, President of the Illinois Association of Chiefs of Police, offered this comment regarding the Award:

"Representatives Michael Unes and Anthony DeLuca have shown highest levels of concern for the well-being of the citizens of Illinois. Each has supported common sense legislation and public safety initiatives for all residents of this state. Because of their individual efforts, they are being recognized as the 2011 Public Officials of the Year by the Legislative Committee of the Illinois Chiefs of Police and confirmed by its Executive Board for this honor."

In addition, it is the policy of the ILACP to recognize other outstanding contributions made by prominent officials that benefit this association, law enforcement and the criminal justice system. This year the ILACP recognized Senator John J. Millner (28th District, West Chicago) and Senator M. Maggie Crotty (19th District, Oak Forest) for their years of service and commitment to the Illinois Law Enforcement Community and the citizens of Illinois.

R.T. Finney, President of the ILACP, offered this comment regarding the Special Recognition Award:

"Senator Millner and Senator Crotty have demonstrated throughout their career in the Legislature the highest levels of concern for the well-being of the citizens of Illinois. Each has supported common sense legislation and public safety initiatives for all residents of this state. Because of their individual efforts, they are being recognized for the ILACP Recognition Award by the Legislative Committee of the Illinois Chiefs of Police and confirmed by its Executive Board for this honor."

2011 PUBLIC OFFICIALS OF THE YEAR

STATE REPRESENTATIVE MICHAEL UNES



91st District

State Representative Mike Unes is currently serving his first term in the Illinois General Assembly representing the 91st District.

Rep. Unes is a dedicated leader focused on an agenda for Fulton, Tazewell and Peoria County families that includes fiscal responsibility, attracting employers back to Illinois and reforming state government ethics. Representative Unes has a background in computer networking as well as experience serving on East Peoria's city council, where he oversaw accounts and finance and served as mayor pro tem. He also started a literacy campaign for the Tazewell-Woodford County Head Start program.

In January 2012, Rep. Unes was named East Peoria Distinguished Citizen of the Year by the East Peoria Chamber of Commerce and was named Public Official of the Year by the Illinois Association of Chief of Police in March 2012. The 91st District includes all or parts of the communities of East Peoria, Pekin, Canton, Lewistown, Farmington, Cuba, Bartonville, Marquette Heights, Mapleton, Kingston Mines and Creve Coeur.

Rep. Unes received his bachelor's degree from Bradley University in 1996. Mike, his wife, Natalie, and their four children live in East Peoria.

STATE REPRESENTATIVE ANTHONY DELUCA



80th District

Anthony DeLuca is serving in the Illinois House of Representatives representing the 80th District. With a state economy in peril, DeLuca is taking the lessons he has learned as mayor and chief of operations for Skyline Disposal Company, a third-generation family-owned business, and is applying them to solving the state's fiscal crisis through a renewed focus on how state government can operate more efficiently and services provided to the public can be improved.

As the mayor of Chicago Heights, DeLuca made building a more responsive and fiscally responsible government a top priority, an effort he will duplicate in Springfield. As mayor, DeLuca reduced the number of salaried employees by twenty percent and reorganized the city-funded health care plan to mirror the private sector. This move made the plan more efficient and financially sustainable. These measures helped Chicago Heights' budget remain solvent.

To expand economic growth and create private sector jobs, DeLuca engineered a policy that sold off unused city-owned property to private entities to get them back on the tax rolls. The goal was to attract business and create jobs in the community. It worked. In fact, at a time when the unemployment rate in many Chicago area communities was rising, it was decreasing in Chicago Heights, thanks in part to this initiative.



DeLuca is a longtime supporter of a third regional airport in the Southland and the construction of the Illinois Expressway/Tollway, which would connect Interstate 55 with Interstate 65 for improved transportation in the region. DeLuca remains focused on the development of the Metra SouthEast Service line running from Chicago to Crete.

As a believer in open and honest government that is accountable to taxpayers, DeLuca will use his position in the General Assembly to fight for ethics reform. In fact, DeLuca is a 2010 recipient of the Best Legislative Voting Record Award by the Board of Directors of the Independent Voters of Illinois for his independent voting record emphasizing open, honest government.

DeLuca is committed to creating safer communities and stronger neighborhoods. He created a new alert system in Chicago Heights that informs residents of emergencies in the community and a crime-free housing ordinance to improve public safety and the quality of life.

Prior to serving as mayor, DeLuca worked to improve local schools for eight years as a member and president of the Bloom Township High School District 206 Board of Education. DeLuca was instrumental in reactivating and expanding the Industrial Education Program in the Bloom schools. He has been active in the community for many years as a coach and director for the Chicago Heights Small Fry Basketball and an active supporter of the Chicago Heights Drama Group.

DeLuca is a recipient of the 2004 Italo-American National Union David Award, the 2006 IAET Civic Pride Award, the 2010 Chicago Southland Chamber of Commerce Outstanding Leaders Under 40, The 2010 Cook County Farm Bureau Friend of Agriculture Award and the 2010 Best Legislative Voting Record by the Independent Voters of Illinois.

Born and raised in Chicago Heights, DeLuca graduated from Homewood-Flossmoor High School and Elmhurst College. He and his wife, Sarah, are the parents of three children.

STATE SENATOR M. MAGGIE CROTTY



19th District

Prior to joining the General Assembly, Senator Maggie Crotty was a development coordinator in the Cook County region she now represents at the Capitol.

Crotty is no stranger to the fast-paced legislative process. She served as an Illinois State Representative three times from 1996–2002 and later won her election to the Illinois Senate in 2002, before being re-elected in 2006 and 2010. Senator Crotty has remained committed to protecting the interests of the 19th District. As a legislator, she has fought hard to maintain and improve critical state services by keeping education and senior and human services as top priorities on her agenda.

During her time in the General Assembly, Crotty has been an advocate for a number of important proposals

to boost the state's share of education funding and most recently spearheaded an effort that abolished the Suburban Cook County Regional Office of Education, which many say was ineffective and rife with corruption. She played a major role in passing Illinois' "Silver Alert" system. Based on the "AMBER Alert" system that warns expressway and interstate motorists of missing or abducted children, Crotty's initiative permits law enforcement to provide alerts for missing and endangered seniors and the disabled.

At the state of the 97th General Assembly, Senator Crotty was appointed to a caucus leadership position as an assistant majority leader. She serves as the co-chairperson

of the Joint Committee of Administrative Rules. She is also a member of the Executive Committee, the Higher Education Committee, the Executive Appointments Committee, the State Government and Veterans Affairs Committee, the Environment Committee and the Joint Commission on Government Reform.

Maggie Crotty continues to be active in the community by volunteering for many not-for-profit organizations and boards. Last year, she was selected to serve as an Honorary Board Member for South-Southwest Suburban United Way. Senator Crotty is the mother of three sons and the proud grandmother of five.

STATE SENATOR JOHN MILLNER



28th District

Senator John Millner has represented the 28th District in the Illinois Senate since 2005. He was elected to the House of Representatives in 2002 and 2004. Millner serves as a minority spokesperson for the Criminal Law Committee and as a member of the Transportation, Executive Appointments, Financial Institutions, Telecommunications and Information Technology and Licensed Activities Committees.

Senator Millner has sponsored and passed legislation cracking down on sex offenders, keeping guns out of the hands of violent criminals and protecting consumers from identity thieves. His priorities include local economy and protecting jobs, defending children and families from crime, and ensuring access to quality education for all students.

Millner is president of John J. Millner and Associates, specializing in advanced interviewing, rapport development and body language training seminars. He has instructed numerous practitioners and law enforcement organizations nationwide and is a published author of training manuals and professional journal articles in this field. He is also a certified master investigative hypnotist and a certified forensic interviewer; he was a licensed polygraph examiner in the State of Illinois for 30 years. Millner was employed with the Elmhurst Police Department from 1972–2003, serving as Chief of Police 16 of those years.

A graduate of Western Illinois University (M.A.) and Lewis University (B.A.), Millner also attended Triton College (A.S.), Reid College (technical degree in detection of deception) and the University of Louisville (Southern Police Institute's administrative officers course).

He is associated with several organizations: Council of State Governments; Midwestern Legislative Conference; director, Community Bank of Elmhurst; past president, Illinois Association of Chiefs of Police; past president, Northeast Multi-Regional Training; past president, Law Enforcement Foundation of IL; Fight Crime: Invest in Kids Illinois; eight-term chairman, DuPage Metropolitan Enforcement Group.

Millner has been honored by numerous organizations for community efforts including the Legislative Hero Award; Illinois Victims Organization; Leadership in the Fight Against Hunger Award; Feeding Illinois; Medina Shriners' Public Official of the Year Award; Peace Leader Award; Council of Islamic Organizations of Greater Chicago Leadership; Paul Simon Public Service Award; Voices for Illinois Children, Thrasher Award for Gang Prevention; Human Dignity Award; Chief of the Year; Outstanding Leadership; Outstanding Achievement in Public Service Award as well as various awards for legislative services and initiatives. ■



LEGISLATIVE RECEPTION – MARCH 22, 2012



ILACP Past President Pat O'Connor visits with Sally Puleo and Tim Carpenter of Fight Crime: Invest in Kids Illinois.



State Representative Kevin McCarthy discusses law enforcement issues with Orland Hills Chief Tom Scully.



Chief Steve Casstevens of Cary PD and Chief Russ Laine of Algonquin PD share views with Representative Jack Franks.



ILACP President R.T. Finney joins State Representative Mike Bost for a photo.



ILACP Lobbyist Limey Nargelenas with Representative Carol Sente and Police Chief Jim Kuchenbecker of the Washington PD



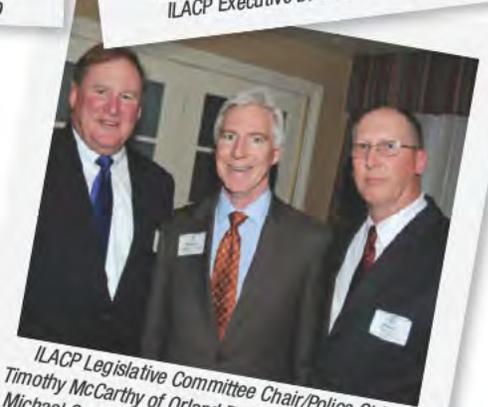
ICJIA Executive Director Jack Cutrone with ILACP Executive Director John Kennedy



ILACP Past President Pat O'Connor with State Representative Norine Hammond



Senators Christine Radogno and Kirk Dillard chat with ILACP members.



ILACP Legislative Committee Chair/Police Chief Timothy McCarthy of Orland Park joins Representative Michael Connelly and Chief Pat O'Connor for a photo.



ILACP President Finney welcomes the reception guests.



Illinois State Treasurer Dan Rutherford



Executive Director Kevin McClain of the Illinois Law Enforcement Training & Standards Board



LEGISLATIVE RECEPTION – MARCH 22, 2012



Marc Maton of the Illinois State Police discusses issues with Oak Brook Police Chief Jim Kruger.



Senator M. Maggie Crotty was honored with an appreciation plaque from President Finney and Chief McCarthy at this year's reception.



Representative Anthony DeLuca was selected as a Public Official of the Year by the ILACP for 2011.



President R.T. Finney and ILACP member John Lawson of Roselle PD in discussion



Senator Crotty expresses thanks for her award.



Words of gratitude from Representative DeLuca



Award recipient Representative Unes with his family.



Representative Michael Unes was awarded 2011 Public Official of the Year by the ILACP.



ILACP members welcome Award recipient Unes.



Chief Bill Joyce of South Chicago Heights, Chief Jim Kruger of Oak Brook and Ed Michalowski, legal counsel for the State Treasurer, were among the reception guests.



ILACP staff: Linda Kunz, Katie Sample and Debbie Guerrero



OFFICE OF THE ILLINOIS SECRETARY OF STATE UPDATE

Kicking Off Donate Life Month with New Organ and Donation Campaign Featuring Secretary of State Employee



By Jesse White
Illinois Secretary of State

As you may already know, April is National Donate Life Month, and our office has launched a new campaign to get the word out and encourage others to sign up for the state's organ and tissue donor registry.

Our own employee and long-time advocate for organ and tissue donation, Vikki Tulcus, is the face of our campaign. For nearly 10 years, Vikki has worked with donor and recipient families, as well as many people as they waited on the transplant list. Vikki has worked tirelessly to raise

awareness for the needs of others for years, and now she, like 5,000 others in Illinois, finds herself in need of a kidney transplant.

There are five million people registered to become organ and tissue donors in Illinois, yet 300 people die each year waiting for a transplant. Our office is working with various organizations that are hosting events throughout the state. Donor drives will be facilitated during the month to increase awareness and provide more information to the public about organ and tissue donation.

Television and radio ads are playing throughout the month, in English and Spanish. Approximately 650 movie theatre screens across the state will play the ad as well. Along with Vikki, I will be making appearances in various Illinois towns, including Chicago, Champaign, Bloomington and Quincy, to share my own experiences with organ and tissue donation.

Each of us has been or will be impacted by the need for organ and tissue donation. Whether it is the need of a family member or a friend who donated an organ for transplantation, it takes a communal effort like this campaign to ensure those in need have a second chance at life.

The campaign reminds us that we never know when someone else's need might become our own. As law enforcement officers, you can never be prepared for the unpredictable realities of life. I encourage you to sign up to become an organ and tissue donor. If you aren't already an organ donor, listen to Vikki's story and learn more by visiting our website at www.LifeGoesOn.com. Spread the message to anyone who may have questions.

You are already heroes by your chosen profession, and deciding to become an organ and tissue donor is an act of heroism as well. ■



Illinois



Office of the Illinois Secretary of State employee Vikki Tulcus



ILLINOIS UPDATE ON INTERROGATION ISSUES

Miranda: Custody; What Constitutes; Effect of Telling Suspect That Home Interview Is “Non-Custodial”

By James P. Manak

Publisher, Law Enforcement Legal Review

United States v. Cavazos, No. 11-50094 (5th Cir. 2012).

<http://caselaw.findlaw.com/us-5th-circuit/1591757.html>

Sheriff's officers and other agents executed a search warrant at the home of a man suspected of texting sexually explicit material to a minor female. They handcuffed him and questioned him before reading him his *Miranda* rights. Though they informed him it was a “non-custodial interview” and that he was free to use the bathroom and get something to eat or drink, his incriminating statements were properly suppressed. The court ruled that merely telling a suspect that he is engaged in a “non-custodial” interview does not make it so.

FACTUAL AND PROCEDURAL BACKGROUND

On September 1, 2010, between 5:30 a.m. and 6:00 a.m., Cavazos woke to banging on his door and the shining of flashlights through his window. U.S. Immigration and Custom Enforcement (“ICE”) Agents, assisted by U.S. Marshals, Texas Department of Public Safety personnel, and Crane Sheriff's Department personnel, were executing a search warrant on Cavazos's home. The warrant was issued on the belief that Cavazos had been texting sexually explicit material to a minor female. After Cavazos's wife answered the door, approximately fourteen law enforcement personnel entered Cavazos's residence.

Immediately upon entering, government agents ran into Cavazos's bedroom, identified him, and handcuffed him as he was stepping out of bed. Agents then let Cavazos put on pants before taking him to his kitchen. Cavazos's wife and children were taken to the living room. Cavazos remained handcuffed in the kitchen, away from his family, while the entry team cleared and secured the home. ICE Agents Le Andrew Mitchell and Eric Tarango then uncuffed Cavazos and sat with him in the kitchen for approximately five minutes while other officers secured the home.

Once the house was secured, agent Tarango asked Cavazos if there was a private room in which they could speak. Cavazos suggested his son's bedroom. In the bedroom, Cavazos sat on the bed while the two agents sat in two chairs facing him. The agents asked Cavazos if he wanted the door open, but Cavazos said to keep the door closed. **Agents Mitchell and Tarango informed Cavazos that this was a “non-custodial interview,” that he was free to get something to eat or drink during it, and that he was free to use the bathroom. The agents then began questioning Cavazos without reading him his *Miranda* rights.**

About five minutes into the initial interrogation, Cavazos asked to use the restroom. Agents then searched the restroom for sharp objects and inculpatory evidence. Once cleared, they allowed Cavazos to use the bathroom, but one agent remained outside the door, which was

left slightly open so the agent could observe Cavazos. Once finished, Cavazos, followed by an agent, went to the kitchen to wash his hands, as the restroom's sink was broken. Cavazos then returned to his son's bedroom, and the interrogation resumed.

After Cavazos returned to the bedroom, officers interrupted the interrogation several times to obtain clothing to dress Cavazos's children. The officer would ask Cavazos for an article of clothing, which Cavazos would retrieve from the drawers and hand to the officer. Agents Mitchell and Tarango would then continue the questioning.

At some point during the interrogation, Cavazos asked to speak with his brother, who was his supervisor at work. The agents brought Cavazos a phone and allowed him to make the call, instructing Cavazos to hold the phone so that the agents could hear the conversation. Cavazos told his brother that he would be late for work.

Finally, the agents asked Cavazos if he had been “sexting” the victim. Cavazos allegedly admitted that he had, and also described communications with other minor females. **After the interrogation was over, Cavazos agreed to write a statement for the agents in his kitchen. While Cavazos began writing the statement, an agent stood in the doorway and watched him.**

Cavazos wrote his statement for approximately five minutes before agents Mitchell and Tarango interrupted him. At that point the agents formally arrested Cavazos and read him his *Miranda* rights. From beginning to end, the interrogation of Cavazos lasted for more than one hour, and the agents' conduct was always amiable and non-threatening. Subsequently, Cavazos was indicted for coercion and enticement of a child, and for transferring obscene material to a minor.

On November 2, 2010, Cavazos moved to suppress the statements he made before he was read his *Miranda* rights. On January 14, 2011, a suppression hearing was held. On January 19, 2011, Judge Robert A. Junell granted Cavazos's motion, and, on January 26, 2011, issued a memorandum stating the reasons for his order. Thereafter, pursuant to 18 U.S.C. § 3731, the Government filed this interlocutory appeal of the district court's order.

THE COURT'S OPINION

In an appeal from a district court's ruling on a motion to suppress, this Court reviews factual findings in support of the ruling under the clearly

Continues on page 18



Continued from page 17

erroneous standard and legal conclusions de novo. *United States v. Seals*, 987 F.2d 1102, 1106 (5th Cir.1993). The evidence is viewed in the light most favorable to the party who prevailed in the district court. *United States v. Cardenas*, 9 F.3d 1139, 1147 (5th Cir.1993).

The Government appeals the district court's finding that Cavazos was subjected to a custodial interrogation when he was interrogated by Agents Mitchell and Tarango. Except for some minor issues addressed below, the Government does not challenge the district court's factual findings. Rather, the Government argues that the district court improperly weighed the evidence in finding that Cavazos was subjected to a custodial interrogation.

"Miranda warnings must be administered prior to 'custodial interrogation.'" *United States v. Bengivenga*, 845 F.2d 593, 595 (5th Cir.1988) (quoting *Miranda v. Arizona*, 384 U.S. 436, 479, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966)). "A suspect is... 'in custody' for *Miranda* purposes when placed under formal arrest or when a reasonable person in the suspect's position would have understood the situation to constitute a restraint on freedom of movement of the degree which the law associates with formal arrest." *Id.* at 596. **"Two discrete inquiries are essential to the determination: first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to terminate the interrogation and leave."** *J.D.B. v. N. Carolina*, — U.S. —, 131 S.Ct. 2394, 2402, 180 L.Ed.2d 310 (2011). "The reasonable person through whom we view the situation must be neutral to the environment and to the purposes of the investigation – that is, neither guilty of criminal conduct and thus overly apprehensive nor insensitive to the seriousness of the circumstances." *Bengivenga*, 845 F.2d at 596.

Custody for *Miranda* purposes requires a greater restraint on freedom than seizure under the Fourth Amendment. *Bengivenga*, 845 F.2d at 598 (noting "a Fourth Amendment seizure does not necessarily render a person in custody for purposes of *Miranda*"); see also *Berkemer v. McCarty*, 468 U.S. 420, 437–38, 104 S.Ct. 3138, 82 L.Ed.2d 317 (1984) (holding *Miranda* warnings not required during traffic stop; finding brevity, spontaneity, and public nature of stop, and small number of officers involved, rendered atmosphere insufficiently "police dominated" to be coercive). **A determination of whether a defendant is "in custody" for *Miranda* purposes depends on the "totality of circumstances."** *California v. Beheler*, 463 U.S. 1121, 1125, 103 S.Ct. 3517, 77 L.Ed.2d 1275 (1983). "[T]he subjective views harbored by either the interrogating officers or the person being questioned are irrelevant." *J.D.B.*, 131 S.Ct. at 2402 (internal quotation marks omitted).

Here, the totality of circumstances, drawn from the record as seen in the light most

favorable to Cavazos, indicates Cavazos was in custody at the time he made his incriminating statements. Just after 5:30 a.m., Cavazos was awakened from his bed, identified and handcuffed, while more than a dozen officers entered and searched his home; he was separated from his family and interrogated by two federal agents for at least an hour; he was informed he was free to use the bathroom or get a snack, but followed and monitored when he sought to do so; and he was allowed to make a phone call, but only when holding the phone so that the agents could overhear the conversation. An interrogation under such circumstances, and those others discussed above, would lead a reasonable person to believe that he was not "at liberty to terminate the interrogation and leave," *J.D.B.*, 131 S.Ct. at 2402, notwithstanding the fact that the interrogation occurred in his home and he was informed the interrogation was "non-custodial."

In arguing *Miranda* warnings were not necessary, the Government relies on the fact that Cavazos was interrogated in his own home, a fact which, taken alone, lessens the likelihood of coercion. See *United States v. Fike*, 82 F.3d 1315, 1325 (5th Cir.1996), overruled on other grounds by *United States v. Brown*, 161 F.3d 256 (5th Cir.1998). *Miranda*, however, does not allow for a simple in-home vs. out-of-home dichotomous analysis. **Here, significant facts weigh against the presumption that an in-home interrogation is non-coercive: a large number of officers entered Cavazos's home, without his consent, early in the morning, and Cavazos's subsequent movement about the home was continually monitored.** See *United States v. Craighead*, 539 F.3d 1073, 1085 (9th Cir.2008) (suppressing statements made during in-home interrogation where home was "a police-dominated atmosphere"); *United States v. Mittel-Carey*, 493 F.3d 36, 40 (1st Cir.2007) (finding in-home interrogation custodial where, inter alia, search conducted early in the morning by eight officers, and officers exercised physical control over defendant); cf. *United States v. Hargrove*, 625 F.3d 170, 181 (4th Cir.2010) (finding in-home interrogation non-custodial; noting "[the defendant] was permitted to move about his house"). **Similarly, although Cavazos was allowed to speak to his brother on the phone, the agents had him position the phone in such a way that they could listen, indicating that they had sufficient control of Cavazos to require him to do so, and implying Cavazos enjoyed no privacy at that time. Also, Cavazos was immediately located and handcuffed at the start of the search, demonstrating that the agents sought out Cavazos and had physical dominion**



over him. See *Bengivenga*, 845 F.2d at 597 n. 16 (“The awareness of the person being questioned by an officer that he has become the ‘focal point’ of the investigation, or that the police have ample cause to arrest him, may well lead him to conclude, as a reasonable person, that he is not free to leave, and that he has been significantly deprived of his freedom.” [emphasis in original] [citation omitted]). **While the handcuffs were removed prior to interrogation, the experience of being singled out and handcuffed would color a reasonable person’s perception of the situation and create a reasonable fear that the handcuffs could be reapplied at any time.** Cf. *Hargrove*, 625 F.3d at 179 (noting the defendant was “never placed in handcuffs”).

The Government places significant emphasis on the fact that the agents informed Cavazos that the interview was “non-custodial.” Such statements, while clearly relevant to a *Miranda* analysis, are not a “talismatic factor.” See *Hargrove*, 625 F.3d at 180 (quoting *Davis v. Allsbrooks*, 778 F.2d 168, 171–72 (4th Cir.1985)). They must be analyzed for their effect on a reasonable person’s perception and weighed against opposing facts. Here, several facts act to weaken the agents’ statement such that it does not tip the scales of the analysis. **First**, to a reasonable layperson, the statement that an interview is “non-custodial” is not the equivalent of an assurance that he could “terminate the interrogation and leave.” See *J.D.B.*, 131 S.Ct. at 2402; cf. *United States v. Perrin*, 659 F.3d 718, 721 (8th Cir.2011) (noting defendant informed he “did not have to answer questions”); *Hargrove*, 625 F.3d at 180 (noting defendant was informed he was “free to leave”). **Second**, uttered in Cavazos’s home, the statement would not have the same comforting effect as if the agents had offered to “leave at any time upon request.” See *Harrell*, 894 F.2d at 125 (finding defendant was not in custody during in-home interrogation when, inter alia, he was informed police would leave on his

request); see also *Craighead*, 539 F.3d at 1082–83, 1088 (finding assurance defendant was “free to leave” had lessened effect when interrogation occurred in defendant’s home). **This is not to say that a statement by police to a defendant that an interrogation is “non-custodial” does not inform our decision as to the necessity of a *Miranda* warning when an interrogation is conducted inside the home. Instead, we recognize the “totality of circumstances” *Miranda* commands, and we note that statements made in different circumstances will have different meanings and differently affect the coercive element against which *Miranda* seeks to protect.**

CONCLUSION

In engaging in the inquiry required by *Miranda*, the Court is mindful that no single circumstance is determinative, and we make no categorical determinations. Reviewing, in totality, the unique circumstances presented in the record here, in the light most favorable to Cavazos, the party prevailing below, **we find a reasonable person in Cavazos’s position would not feel “he or she was at liberty to terminate the interrogation and leave.”** See *J.D.B.*, 131 S.Ct. at 2402. ■



Mr. Manak is the publisher of Law Enforcement Legal Review, which now features Internet links to full copies of all cases published in the Review. You can visit the LELR website at www.lelp.com for subscription information. He is also Amicus Advocate for Americans for Effective Law Enforcement; Adjunct Counsel at the Center for Public Safety, Northwestern University, Evanston, IL; Adjunct Professor of Law at John Marshall Law School, Chicago, IL; and has served as consultant to the National District Attorneys Association.

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

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CHIEF'S DILEMMA

The Appropriate Response Under the Illinois Board of Fire and Police Commissioners Act When an Officer Is Charged with Criminal Conduct

By George A. Wagner, Klein, Thorpe & Jenkins, Ltd., Partner (Northfield Police Chief retired)
 Everette M. Hill, Jr., Klein, Thorpe & Jenkins, Ltd., Partner
 James P. Bartley, Klein, Thorpe & Jenkins, Ltd., Partner

High on the list of difficulties that a Police Chief faces is the proper response when a sworn member of the department is charged with criminal conduct. The nature of the Chief's response will obviously affect the officer but may also engender internal and external criticism of the police department. The purpose of this article is to review the standard protocol for such a response and to suggest an alternative approach to securing a guilty officer's discharge from the department.

I. MOVING FROM ADMINISTRATIVE LEAVE WITH PAY TO LEAVE WITHOUT PAY

Typically, the Chief's first action when an officer is charged with a crime is to immediately place the officer on administrative leave with pay. This is accomplished by a written order from the Chief. This takes the officer off the street while the department is reacting to the charges, starting an internal investigation and planning a course of action.

Since the corporate authorities, the public and even fellow officers will question continuing to pay an officer charged with a crime, the Chief must decide whether or not to discontinue paying the officer while the leave order is in effect.

Cutting off the pay, while contemplated by statute, is not a simple matter. The only entity that has the authority to cut off the accused officer's pay is the Board of Fire and Police Commissioners.¹ Since the statute indicates that this is a "suspension without pay pending a hearing" ("SWOPPH"), the Board of Fire and Police Commissioners cannot enter such an order unless disciplinary charges are pending before them. In other words, the Chief must have preferred written disciplinary charges against the officer before the Board may suspend the officer without pay.² While a full evidentiary hearing is not required, the Board of Fire and Police Commissioners must conduct a minimal due process hearing before a SWOPPH order may be entered. At this preliminary stage, the Chief need only demonstrate a likelihood of an eventual successful prosecution for termination.

The Supreme Court has supported such action. In fact, in *Gilbert v. Homar*, 520 U.S. 924 (1997), a non-police case, the Court found that a state university employee was not even entitled to notice prior to a pre-hearing suspension without pay under the due process clause. The *Gilbert* Court explained: "We think, however, that the government does not have to give an employee charged with a felony a paid leave at taxpayer expense. If his services to the government are no longer

useful once the felony charge has been filed, the Constitution does not require the government to bear the added expense." *Gilbert*, 520 U.S. at 933 (*Gilbert* involved an arrest and filing of charges, not an indictment). Similarly, the Supreme Court in *FDIC v. Mallen*, 486 U.S. 230, 244-245 (1988), explained:

"Moreover, and perhaps most significantly, there is little likelihood that the deprivation is without basis. The returning of the indictment establishes that an independent body has determined that there is probable cause to believe that the officer has committed a crime punishable by imprisonment for a term in excess of one year. This finding is relevant in at least two important ways. First, the finding of probable cause by an independent body demonstrates that the suspension is not arbitrary. Second, the return of the indictment itself is an objective fact that will in most cases raise serious public concern that the bank is not being managed in a responsible manner." *FDIC v. Mallen*, 486 U.S. 230 at 244-245 (1988).

In fact, the *Mallen* Court further explained that "Through the return of the indictment, the Government has already accused the appellee of serious wrongdoing. The incidental suspension is not likely to augment this injury to the officer's reputation." *Mallen*, 486 U.S. at 244.

The reasoning of the Supreme Court provides strong support for suspending an officer without pay whenever charged with a felony. Such actions should also apply to misdemeanor cases where an officer is subject to the bond conditions described in Section II.

The SWOPPH order is limited to thirty calendar days. It should be noted that the officer has a right to have the full disciplinary hearing convened within thirty days of the filing of the charges. If the officer requests a continuance on or before the date that the hearing is set to be convened, the Board may and should extend the SWOPPH order as a condition of granting the continuance.

Continues on page 22

¹ This article assumes that the Board of Fire and Police Commissioners (the "BOFPC") has jurisdiction over the disciplinary process. The authors acknowledge that many collective bargaining agreements (the "CBA") now either mandate a grievance process which effectively removes the BOFPC from disciplinary proceedings or gives the officer a choice of either a BOFPC hearing or an arbitration hearing. It is our opinion that even if the CBA mandates or permits the grievance process, unless it explicitly states that the BOFPC cannot enter a "suspension without pay" order pending a resolution of disciplinary charges, the BOFPC retains the authority to do so. (See Section VI.)

² While the Chief may bring charges based on the facts underlying the arrest, the officer cannot be charged solely with "having been arrested." It is a civil rights violation for an employer to use the fact of an arrest to, among other things, discharge or discipline an employee under the Illinois Human Rights Act. 775 ILCS 5/2-103.



Continued from page 21

Under any circumstances, the officer's attorney will invariably attempt to continue the Board of Fire and Police Commissioners proceedings until the criminal case is resolved. In most instances, it is not in the department's best interest to agree to this. If the Board considers such a request, the Chief should make every effort to assure that the Board of Fire and Police Commissioners orders that the continuance period be without pay as described above.

The Chief and the Chief's attorney should immediately attempt to establish a protocol and rapport with the State's Attorney who is prosecuting the officer in the criminal case. Although the burden of proof and some evidentiary rules in the administrative hearing may differ from the criminal proceeding, it is likely that the witnesses and many of the exhibits will be the same.³ In some cases, prosecution of the charges will be possible through ready access to witnesses and evidence, and the State's Attorney and other agencies involved in the criminal arrest will be cooperative and freely participate in presentation of the case. However, State's Attorneys are famously reluctant to expose their witnesses and evidence to a collateral administrative proceeding.

II. AN ALTERNATIVE APPROACH: CHARGING INABILITY TO ACT AS A POLICE OFFICER

In most criminal cases, the bond of the accused will prohibit the person from possessing any firearms or ammunition. The bail bond is often supplemented by a court order requiring a defendant police officer to turn over any firearms or ammunition to the police department. (See 725 ILCS 5/110-10) Since police department rules and regulations typically require an officer to carry a firearm, the officer cannot work as a police officer. Therefore, a very practical approach to commencing disciplinary proceedings is to file charges against the officer seeking termination for the "inability to act as a police officer." Such a charge is based upon bail bond restrictions. A charge of this nature also lends itself to a SWOPPH order.

Evidence necessary to obtain a SWOPPH on this alternative charge and, indeed, to ultimately prove it is quite simple: 1) a certified copy of the bond and any court order that prohibits the officer from possessing firearms and ammunition, 2) the police department's rules and regulations requiring an officer to possess a firearm and ammunition, 3) the Chief's testimony attesting to the police department's rules and regulations, and 4) the Chief's testimony that the officer's inability to act as a police officer is "a substantial shortcoming which renders the employee's continuance in office detrimental to the discipline and efficiency of the service and which the law and sound public opinion recognize as good cause for his no longer holding the position." See

Collins v. Board of Fire & Police Commissioners, 84 Ill.App.3d 516, 521, (1980); *Robinson v. Cook County Police & Corrections Merit Board*, 107 Ill.App.3d 978, 983 (1982).

While the "inability to act as a police officer" charge may seem novel, it has been used before. Such a charge was filed in *Wade v. Board of Fire and Police Commissioners of the Village of Maywood*, No. 1-06-2911 (1st Dist. 2007).⁴ In *Wade*, the officer was charged with, and found guilty of, a number of offenses, including the inability to act as a police officer. Wade's bond prohibited him from possessing firearms, having contact with three fellow officers and entering the department without the Chief's permission. Despite the officer's claim that he should have been placed on administrative leave while the criminal case was pending, the Appellate Court upheld the officer's discharge acknowledging that "a single violation of department rules authorizes dismissal), *id.* at 15. Meanwhile, the Chicago Police Department's rule, providing that "when a sworn member of the CPD is prohibited from carrying a firearm by legislative or judicial action, that member is ineligible to work in any assignment or to be paid," was discussed and not challenged in a Section 1983 claim that officers had been discharged without due process. See *Hudson v. City of Chicago*, 2003 WL 21230835 (N.D. Ill. 2003).

Charging an officer with the inability to act as a police officer may, in certain circumstances, raise concerns of fairness. For example, the charges might have been filed by an angry ex-spouse during a custody dispute. However, the failure to suspend an officer's pay results in ongoing costs to the police department for an officer who is not providing any service to the police department, while it suffers from a reduction in manpower.⁵ Most importantly, charging the officer in such a manner is an incentive to promptly resolve the criminal case, which might otherwise drag on over long periods of time.

III. ACTION AFTER CRIMINAL CASE IS ADJUDICATED

If the officer requests a continuance on the "inability to act as a police officer" charge until the criminal case is resolved, and the Board grants the request, the Board must promptly conduct a hearing after the underlying criminal case has been adjudicated. If the officer is found guilty in the criminal proceeding, the Chief may then file amended charges also alleging the underlying criminal conduct and the conviction, citing, as cause for termination:

- 1) The "inability to act as a police officer" as a result of the criminal conviction (see 50 ILCS 705/6.1 and applicable Board rules), and/or being prohibited from possessing a firearm based upon 720 ILCS 5/24-1.1 (applicable to convicted felons), and any conditions of the conviction sentence (Note: The conviction is conclusive evidence of guilt, *In re Owens*, 125 Ill.2d 390, 401 (1988)); and

³ A formal interrogation of the officer should be conducted prior to filing charges, if possible. However, there is no statutory prohibition against conducting the interrogation during a suspension period.

⁴ This case is not available through Westlaw or Lexis.

⁵ We recommend that the department adopt a policy to insure consistent enforcement.



- 2) Official Misconduct, 720 ILCS 5/33-3, where applicable. The Board's finding that the officer is guilty of Official Misconduct supports termination since a public officer convicted of Official Misconduct forfeits his/her office pursuant to that statute.

If the officer is found not guilty in the criminal proceeding, the Chief must advise the Board of his or her intent to:

- 1) Withdraw the charges. (If the charges are withdrawn, the officer must be returned to work and reimbursed back pay [see IV below]);
- 2) Pursue the "inability to act as a police officer" charge during the suspension period, which may avoid back pay, and return the officer to work; or
- 3) Pursue an Official Misconduct charge and the "inability to act as a police officer" charge during the suspension period, and file amended charges alleging the underlying criminal conduct, which may be provable (and support termination) based upon the lower burden of proof for the administrative proceeding, See *Everly v. Chicago Police Board*, 119 Ill. App. 3d 631 (1st Dist. 1983).

IV. BACK PAY AFTER SUSPENSION WITHOUT PAY

If the charges are sustained and the officer is discharged, he or she is not entitled to back pay. *People ex rel. Cotter v. Conlisk*, 17 Ill.App.3d 346 (1974). However, if the board ultimately finds the suspension or dismissal is unwarranted, then the police officer is entitled to back pay for the period that he/she was wrongfully deprived of the right to work. *McCoy v. Kamradt*, 136 Ill. App.3d 551, 560 (1st Dist. 1985). The courts have not addressed a back pay award based upon a Board's finding that an officer was unable to act as a police officer during the suspension period. However, there are strong arguments to support denial of back pay under those circumstances.

V. POLICY

We recommend that police departments adopt a policy describing the circumstances under which it will ask the Board to suspend an officer without pay pending a hearing. That policy should apply to felonies, as well as misdemeanors subject to the bond requirements as discussed. The policy might also allow the officer to use any accrued time, such as vacation, personal or time due, during the suspension period. While lessening the hardship on the officer, he or she would be receiving only what he or she had already earned.

VI. COLLECTIVE BARGAINING AGREEMENTS

Discipline is often covered by provisions of a collective bargaining agreement. Those provisions may either limit or prevent a suspension without pay pending the resolution of a criminal charge or disciplinary proceeding whether it is to be conducted by an arbitrator under the grievance procedure or by the BOFPC, or they may support the suspension. Extreme care is required when negotiating such provisions to prevent the municipality from being unable to take reasonable action. Management representatives at the bargaining table must remain mindful of the issue and seek contract language that does not limit the right to suspend an officer without pay when the officer is unable to satisfy the basic job requirement of being able to carry a firearm. ■



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OFFICERS GO ON STAKEOUT ON ROOFTOPS OF DUNKIN' DONUTS

FOR THE 10TH YEAR IN A ROW, ILLINOIS POLICE OFFICERS WILL STAKE OUT DUNKIN' DONUTS ROOFTOPS TO BENEFIT SPECIAL OLYMPICS ILLINOIS



On Friday, June 1, beginning at 5 a.m. through early afternoon, hundreds of police officers from throughout the state are scheduled to cover more than 100 Dunkin' Donuts rooftops to heighten awareness and raise money for the Law Enforcement Torch Run to benefit Special Olympics Illinois.

Illinois Torch Run director and Sherman Police Chief Eric Smith says that despite the economy, "I think we'll set a record again. Every year we raise more in donations for Special Olympics Illinois than the previous year. The story speaks for itself... it's good and dedicated police officers working to support Special Olympics athletes and their families."

The stakes for this year's rooftop stakeout are high – donations will need to top last year's total of more than \$217,000 raised at 116 Dunkin' Donuts locations.

In return for the police officers doing time at their stores, Dunkin' Donuts will donate \$10,000 to the Torch Run fund. In addition, everyone who visits a Cop on a Rooftop store that day and makes a donation to the Torch Run will receive a free donut. Persons who donate at least \$10 will receive a Law Enforcement Torch Run travel mug and coupon for free medium coffee. Other items, such as Torch Run T-shirts and hats, will be sold for various donation amounts; other activities may vary by Dunkin' Donuts location.

The Law Enforcement Torch Run fundraiser has grown considerably since police officers first took to Dunkin' Donuts rooftops in 2003. That year, 12 police departments participated and raised \$20,000. ■

LAW ENFORCEMENT OFFICERS CARRY THE TORCH FOR SPECIAL OLYMPICS ILLINOIS



Beginning Sunday, June 10, law enforcement officers across Illinois will take to the streets, highways and roads of the state, carrying the torch ("Flame of Hope") to help raise funds for their hometown sports heroes – the athletes of Special Olympics Illinois. About 3,000 officers representing every branch of law enforcement

will cover the 23 legs of the Illinois Law Enforcement Torch Run®.

The Torch Run is the single-largest year-round fundraising vehicle benefiting Special Olympics Illinois. The annual intrastate relay and its various fundraising projects have two goals: to raise money and to gain awareness for the athletes who participate in Special Olympics Illinois. Each year, officers in Illinois run more than 1,500 miles carrying the "Flame of Hope" through the streets of their hometowns and deliver it to the State Summer Games in Normal in June.

On Friday, June 15, legs of the run from all over the state will converge on Normal. That evening at dusk, in a dramatic moment during Opening Ceremonies of the Special Olympics Illinois State Summer Games, officers from every leg of the Torch Run will enter Illinois State University's Hancock Stadium with torches lit and hand off the "Flame of Hope" to Special Olympics athletes. When the cauldron is lit and the games declared open, 3,800 athletes will continue three days of competition and celebration.

When it began in 1986, the Law Enforcement Torch Run® raised \$14,000 in Illinois. It has since grown into the largest fundraising vehicle for Special Olympics Illinois, raising nearly \$24 million since 1986. The Illinois Law Enforcement Torch Run® raised more than \$2.9 million in 2011, making it the second-highest grossing program in the world.

Perhaps one of the most motivating factors for law enforcement officers is the knowledge that their efforts will benefit the athletes of Special Olympics Illinois. "We are involved in the Torch Run because it's such a genuine project," says

Eric Smith, director of the Illinois Law Enforcement Torch Run® and Chief of the Sherman Police Department. "We're helping Special Olympics athletes truly experience sports and competition while building life skills."

"Thanks to the Law Enforcement Torch Run® and its corporate sponsors, Special Olympics Illinois is better able to reach more athletes and offer them more year-round training and competition opportunities. Special Olympics Illinois athletes are able to participate in the program free of charge thanks to sponsors like the Law Enforcement Torch Run®," says Dave Breen, Special Olympics Illinois president and CEO. "Special Olympics programs help the 21,000 athletes with intellectual disabilities and more than 11,000 young athletes ages 2–7 with and without intellectual disabilities in Illinois develop improved physical fitness and self-esteem."

In addition to donations for running, officers raise funds in various ways throughout the year, including Polar Plunges, rooftop sits, raffles, bike rides, golf tournaments, bowl-a-thons, concerts and more.

To get involved in Law Enforcement Torch Run® activities in your area, call Matt Johnson at Special Olympics Illinois (800-394-0562), email him at mjohnson@soill.org or contact your local law enforcement agency. ■





WHY I HOPE TO DIE EMPTY

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

Sometime ago, I went through a fairly significant examination of life, work, family, teaching, and where it all was headed. I had just ended an extremely intense time in my life during which I found myself spread thin and over-extended. I knew that I could not possibly sustain the pace indefinitely. Still, it was a critical juncture in my life and career. I was seeking insight on how to stay engaged and keep moving forward.

It was during that period, I was having coffee with close friends and the question arose, "Do you know where the most valuable land in the world is located?" Immediately, most of us said, "Probably the African diamond mines or Middle East oil fields."

"No," one friend replied, "it's the graveyard, because with all of those people are buried unfulfilled dreams, unwritten novels, masterpieces not created, businesses not started, relationships not reconciled. That is the most valuable land in the world."

Shortly thereafter, a phrase came to my mind in such a way that it felt almost like a lifetime imperative. That phrase was "Die empty." While it may sound intimidating and morbid, it was very freeing because I was suddenly aware that it is not my job to control the path of my career or what impact I may or may not have on the world. My only job – each and every day – is to empty myself, to do my daily work and to try as much as possible to leave nothing unspoken, uncreated, unwritten.

I made a commitment that if any given day were my last, I wanted to die empty, having completely divested myself of whatever insight or work was in me to share on that day. As I began to apply this principle to relationships, family and work, I felt a measure of peace even in the midst of busy times. Once I realized that I only have influence over the work that is in front of me, I stopped trying to control things that were beyond my grasp.

I still have long-term goals, and I think that they are absolutely essential. However, long-term goals can become paralyzing if we fail to realize that we accomplish them one day at a time, or more precisely, one decision at a time as we choose to engage in the work in front of us.

Innovations, inventions and masterpieces are nothing more than a collection of choices someone made to empty themselves each and every day. The creative process is a daily assault on the beachhead of apathy.

I have noticed a pattern with creative and productive people. If they neglect their ideas for too long, a gulf can emerge between what they think they should be doing and what they are actually doing. This creates angst, or a perpetual state of discontent, that prevents a leader

from being able to fully engage with their priorities. They may get bored, frustrated or assume a victim mentality as they look for excuses for why they are not doing their best work. It is much easier to fantasize about what one might do someday rather than to get it out today – be it good, bad or ugly.

Toward that end, one way to empty yourself (especially if your day cannot contain all of your ideas), is to set regular time to visualize and write out a leadership "bucket list."

This gives you an outlet to express ideas that don't neatly fit into the routine daily grind of a response-oriented law enforcement culture. If you leave this unrealized work inside, it can eventually cause you to resent your day-to-day work, and over time it can eat away at your soul.

What do you need to empty yourself of today? Is there a project that you've been waiting to begin that seems too daunting? Take a small step today to get the ball rolling. Is there a conversation that you need to have but have been waiting for the "perfect time"? Pick up the phone. Is there an idea that you want to execute but there's no room for it in your create-on-demand role? When you get to your office, get moving on it.

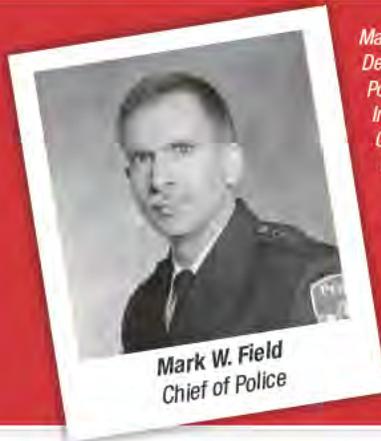
Life is very short. The question is, will you die full of unexecuted ideas or will you die empty? It's your choice. ■



ACTION POINTS:

Cut this out and post it near your office phone or computer.

- What are you going to do today to make a difference?
- Write down one goal for each week.
- Read a book.
- Make one promise to a staff or family member.



Mark W. Field
Chief of Police

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

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

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



POLICING IN A NEW ECONOMIC ENVIRONMENT

By Daniel S. McDevitt & Laurence P. Mulcrone
REM Management Services, Inc.

Our economy is in trouble now, and the chances that it will dramatically improve in the near future seem somewhat remote. Hopefully, the leadership in our country will chart a course toward a brighter economic future. For now, those in leadership positions, particularly in municipalities, have to “weather the storm” and figure out ways to provide the services that the public needs and expects while practicing fiscal responsibility during these tough times.

A mantra of the U.S. Marine Corps, which has been shared with raw recruits and officer candidates alike, is something that might be used to address these issues while achieving our goals: “Improvise, Adapt and Overcome.”

If we are truly going to “overcome” our current difficulties, we must be creative, which often includes *improvising*: thinking while on the move, *adapting*: accurately assessing the predicament we’re in and adapting both our proactive and reactive responses to it.

ECONOMIC REALITIES

The authors of this article spent a combined total of nearly 75 years in law enforcement positions. When we began our careers, the one profession in which layoffs were absolutely unheard of was law enforcement. Part of the reason that people gravitate toward a career in law enforcement is the stability of the profession. This appears to be changing, as was illustrated in an article in the October 24, 2011 *USA Today*: “By December 31, 2011, nearly 12,000 police officers will have lost their jobs, and 30,000 positions in county and municipal departments will go unfilled... The effects of the economic downturn on law enforcement agencies may be felt for the next 5 to 10 years, or worse, permanently.”

When it comes to effectively managing law enforcement agencies, our current reality includes the following items:

- The ability of government agencies to manage budgets and resources has been severely impacted by the economic downturn. For the next 5–10 years, economic changes are going to continue to impact how police agencies operate. How do agencies facing dramatic budget reductions provide needed services?
- While the reality of budget cuts may reduce the number of police officers, the responsibility to ensure public safety remains. “Doing more with less” is not a viable option; agencies must develop ways to do things “smarter” using available resources.
- Nationally, the current economy is forcing us to make tough choices that couldn’t previously be made, such as closing fire stations and police districts, or consolidating/closing schools. Perhaps now more than ever, cities and counties should consider the ramifications of the functional consolidation of services. As a recent example, in March of 2011, the Michigan State Police reduced its number of posts from 62 to 29, as part of a plan to save nearly \$21 million.
- On March 10, 2010, Dan Crippen, executive director of the National Governors Association, referred to the next decade as a “lost decade,” meaning states will not fully recover from the recession until very late in this decade. Revenue probably won’t recover until 2014, and will then take another two years to pay for deferred costs to public pensions, health benefits and other delayed expenditures.

- States have already had to close budget gaps of more than \$186 billion, and new shortfalls are appearing everywhere. And the pain has moved downhill fast to cities and counties. In 2009 for the first time, federal grant money surpassed all other revenue sources: income, sales and property taxes, for state and local governments.
- The cost of police-related equipment and technology is high; law enforcement trends indicate increased use of very expensive equipment and technology in the future. As an example, one of the authors of this article, while a Chief of Police, oversaw an upgrade of the communications center, which cost roughly a third of a million dollars. That was in 2003, and the technology used then is already obsolete only eight years later.

HISTORICAL PERSPECTIVES

Historically, the concept of consolidation goes back to the 1950s, when there was discussion to consolidate the (then) 17,000 police agencies in the United States into 1,000 regional police forces. At that time it was rejected as radical. The main reasons why this discussion never gained any traction were reflective of the mood in the U.S. during the 1950s:

- Most citizens felt safe.
- Small departments were maintaining a high level of police services to the public.
- The idea of losing “local control” of the police function was always one of the first reasons given for not moving forward.

The concept of police consolidations was again raised by President Johnson’s Crime Commission in the 1967 report “The Challenge of Crime in a Free Society,” but again was generally rejected. There was much civil disorder at that time, and police agencies were considered the first line of defense. To have made massive changes to the structure of police agencies during those troubling times seemed foolhardy.

So why is this issue being considered again?

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Bernard Melekian, director, Community Oriented Policing Services (COPS) Office, U.S. Department of Justice, in a speech in December 2010, stated, "I absolutely think that five years, ten years out, the delivery of law enforcement services in this country will look profoundly different. The delivery of services is going to change in dramatic ways, and there is going to be a fundamental shift. I think the use of, for example, a difference in patrol service delivery model, a redefining of the role of what patrol officers are supposed to do, an increased role for community volunteers are just a few of the examples that are going to sweep across the profession over the next few years."

AVAILABLE OPTIONS

Before we examine options, we need to consider what our basic role includes. These are things that we cannot and should not change:

- We must be able to respond to citizen calls for service.
- We must keep the community safe.

We must continue to do these things even though our revenues do not allow us to continue "business as usual." What then, are the "best practices"? Is there a better way to accomplish our goals of fiscal solvency and responsive policing? This is where the "Improvising and Adapting" come into play.

There are some options available for addressing these issues and getting the job of policing done in a thorough and professional manner. These options include concepts like:

| | | |
|----------------------|------------------------|----------------------|
| Consolidation | Civilianization | Privatization |
|----------------------|------------------------|----------------------|

CONSOLIDATION

Consolidation of police services usually includes one of two options: Complete Consolidation of Police Departments or Functional Consolidation of Specific Services. Both of these options are possible but are not without their own issues, which must be addressed early on in the process.

If you think about it, in the State of Illinois we're already engaged in several very successful functional consolidations:

- SMART: South Suburban Major Accident Reconstruction Team
- Major Crimes Task Forces in several counties throughout Illinois
- SSERT: South Suburban Emergency Response Team (SWAT)
- Metropolitan Enforcement Groups and State Drug Task Forces
- Centralized dispatch: DuCOMM, Southwest Central Dispatch, East-Comm
- Purchasing agreements between communities for sharing expensive equipment
- Elmwood Park, Oak Park and River Forest's consolidation specialty units such as detectives, evidence technicians, canine and others into a single unit to serve all three communities

There have also been some very successful complete consolidations of law enforcement agencies:

- Charlotte and Mecklenburg County, N.C.
- Indianapolis and Marion County, Ind. formed "Indianapolis Metropolitan Police" in 2007.
- Las Vegas and Clark County consolidated in the 1960s.
- Somerset County, N.J. is consolidating 19 municipal agencies into a county department.

In 2007, the state of New Jersey created the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC) to assist municipal officials with any collaboration projects. State grants are available to encourage use of LUARCC funding and to begin research into consolidation of services.

BARRIERS TO CONSOLIDATION

There are legal, administrative and political barriers to consolidating police services, and these should not be overlooked. The latter two of these barriers are addressed here:

Administrative Barriers:

- Collective bargaining agreements, particularly language on "subcontracting" and merging of collective bargaining units and agreements
- Policy and Procedure variations among consolidating agencies – This is a particular issue if CALEA (Commission on the Accreditation of Law Enforcement Agencies) and non-CALEA agencies are consolidating.
- Physical facilities – Does any one agency have a facility suitable for housing all members of the consolidated department?
- Chain of command issues – Who is in charge? Will people be "demoted" or lose their positions?
- Table of organization issues – What does the new consolidated T/O look like? Will there be a reduction in the number of supervisory personnel?
- Seniority issues – How are seniority lists from agencies merged?
- Promotional Process – Will there be supervisory positions gained or lost? How will people compete for promotion? Are the promotional processes the same for agencies involved in the consolidation?

Political Barriers:

- Is this a "top-down" (being driven by mayors/city managers) or a "bottom-up" (being driven by Chiefs of Police) effort?
- Elected officials exert some political control over law enforcement agencies within their jurisdiction; how will that change?
- Is there unified support for consolidation?



- Does the plan have the same level of support among elected officials in impacted communities? What is the feeling of the general public?
- Who will be in charge of the new consolidated agency?
- How will management decisions be made by several governmental entities, all of which have a stake in the agency?

SOLUTIONS FOR CONSOLIDATION

We believe that it is critical for municipalities to engage in extensive planning prior to any consolidation efforts. We have seen situations in which agencies were “thrown together” without adequate planning, and the results have been disastrous. Failure to plan results in a number of issues and causes even the best consolidation ideas to fail. Without adequate planning, the following negative results will occur:

- Frustration and lack of productivity by employees
- Confusion over standards, policies and procedures
- Mistrust among coworkers from consolidated agencies
- Poor morale among employees
- Lack of efficient services to the public

In order to increase the probability that the consolidation will work, we would strongly recommend that a neutral party be hired to help plan and implement the consolidation, well before it actually takes place. This person should be expected to conduct a thorough operational analysis of all involved agencies, which should focus on:

- Personnel
- Supervision
- Equipment and Technology
- Policy and Procedure
- Training

The purpose of this operational analysis is to determine what could be considered “best practices” of the various agencies currently being used that should be considered for use in consolidated efforts, and what practices, policies or operations should be eliminated from consideration. It would be very beneficial if this neutral party had a great deal of experience in conducting such analyses of law enforcement agencies.

The next step would be for the neutral party to conduct a comprehensive feasibility study based on this analysis to study the dynamics of consolidation prior to any attempt at reorganization or consolidation. This feasibility study will provide a direction for the decision-makers in government and will usually provide options for them to consider. Those options might include complete consolidation, functional consolidation or leaving things the way they are currently. Comprehensive implementation plans for these options should be included.

It is also highly recommended that once a decision is made, the same neutral party be responsible for implementing the consolidation plan. The consistency of dealing with the same people when implementing the consolidation will greatly enhance the chances for success. During the operational analysis and feasibility study portions of this process, the neutral party will have established relationships among the agencies involved and trust among the members of those agencies. An implementation based on those relationships and that trust will have a much greater chance of being successful.

Continues on page 30



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CIVILIANIZATION

While the opportunities for staffing some sworn positions with non-sworn personnel are limited, there are some that should be considered. The fact is that in most law enforcement agencies there are sworn officers performing duties that do not really require sworn status. Many of these duties can be successfully performed by non-sworn personnel in a manner that is as good as or even better than a sworn officer performing them.

For many years, sworn Chicago Police Officers performed duties that are now being performed by non-sworn employees. Emergency communications and traffic control are the two most obvious. At the old Chicago Police headquarters at 11th and State, the radio room used to be manned by sworn officers. Currently, the Office of Emergency Management and Communications (OEMC) is staffed by non-sworn employees. The Traffic Management Authority now handles traffic control, particularly in the Loop and for special events.

There are a number of other duties that non-sworn personnel can address, regardless of agency size. These include:

- Parking Enforcement
- Training Management
- CALEA Accreditation Management
- Facilities/Fleet Management
- Evidence Management
- Initial Report-Taking

The Illinois State Police uses non-sworn personnel to take telephonic crash reports, and the process works very well.

Many agencies have found that the use of retired, disabled or non-sworn personnel can fill these needs very effectively. One of the authors, while serving as a Chief of Police, hired retired officers to perform several functions: CALEA Accreditation Manager, Fleet and Facilities Manager, and Coordinator and Instructor for DARE (Drug Abuse Resistance Education) and GREAT (Gang Resistance Education and Training).

The Illinois State Police use retired personnel to conduct background investigations and Medicaid fraud investigations, and the Department of Homeland Security uses retired Federal Agents to conduct Security Background Investigations (SBI), which are extremely thorough and highly sensitive. The Indianapolis Metropolitan Police Department (a consolidated agency) has 12 civilian report-takers.

Use of non-sworn personnel also allows for innovative scheduling strategies like part-time or job-sharing assignments. The cost savings in using these types of personnel and scheduling can be substantial.

PRIVATIZATION

Privatization involves the use of private security firms to augment sworn law enforcement officers by performing functions currently or formerly performed by sworn personnel. Many agencies have enhanced their operations by partnering with private security firms with a great deal of success:

- Lakewood, Colo. – Besides guarding prisoners and protecting crime scenes, “Civilian Investigative Technicians” (often private security firm personnel) conduct follow-up interviews, question victims and suspects, and prepare affidavits.
- Santa Cruz, Calif., hires private security for downtown patrols and for major events such as Halloween, New Year’s Eve, etc.
- San Francisco hired 16 civilians to investigate property crimes/burglaries.
- Durham, N.C., hires investigators for neighborhood canvasses after a violent crime.
- Orange County, Fla., has 18 “field service officers” (private security personnel).
- Las Vegas PD has five civilian officers to walk the downtown areas.
- Shreveport, La., hires private security for patrol in “bar/tavern” areas.
- Renton, Wash., hires private security for bike and foot patrols throughout the city.

From an economic perspective, according to Brian Forst, National Institute of Justice, “The average cost of civilian employees is about 1/3 to 1/2 the cost of a sworn officer, even when they are performing the same functions.”

In addition, when a private security firm is hired to perform a service, it takes on the liability for mistakes or misconduct on the part of its employees.





There are a number of situations in which private security personnel can perform functions that do not actually require sworn personnel. In many of these functions (in the experience of the authors), most police officers don't really want to perform them anyway:

- Directing traffic at accidents or rerouting traffic
- Issuing parking tickets
- Guarding/transporting arrestees or prisoners
- Providing security for crime scenes
- Animal control
- Booking/prisoner processing
- Front desk operations
- Transporting court documents and/or evidence
- Training programs, including firearms instruction

Our reality is that law enforcement is a profession in transition, as is the private security industry. With the advancement of the security industry and the increased professionalism of security personnel, there are legitimate options available. An article in the October 2011 issue of Security Technology accurately states, "Police Departments are increasingly taking advantage of community partnerships to leverage their existing resources and make their communities safer."

BARRIERS TO PRIVATIZATION

Although the use of private security providers for some services currently performed by police officers is a sound concept, it is not without problems and issues, which can include:

- Existing Collective Bargaining Agreements, particularly the issue of "subcontracting"
- Past negative experiences of police personnel in working with private security providers
- Lack of confidence of police personnel, businesses and citizens in the professionalism, training and capabilities of private security personnel

COLLECTIVE BARGAINING ISSUES

Considering that many private security providers are themselves affiliated with unions, we would recommend that communications be initiated with top-level management of all involved labor

unions to discuss these issues prior to any attempts at privatization.

LACK OF CONFIDENCE OR OTHER ISSUES

"Lack of confidence" or "negative experience" barriers can also be addressed effectively, if you are able to:

- Work closely with private security management personnel to select the best possible private security personnel for these assignments
- Be able to demonstrate that the background and screening for private security personnel performing these functions is thorough
- Be able to demonstrate that private security personnel have been thoroughly trained in the "law enforcement version" of the functions that they are performing
- Develop a clearly stated "chain of command" for private security personnel in which their actions are supervised and managed in a similar manner to their sworn police officer counterparts
- Insist that accountability mechanisms are in place for private security personnel

CONCLUSION

Three viable options for "Policing in a New Economic Environment" have been provided. While we don't believe that these would work in every community, almost all communities would benefit from at least examining these options. Each of these options would result in reduction in expenditures, while increasing efficiency of operations. The key to implementation of any of these options, however, is careful planning, objectivity and attention to detail. ■



REM Management Services, Inc. is a multifaceted consulting and training corporation. With more than 75 years of executive and operational management experience, owners Daniel S. McDevitt and Laurence P. Mulcrone have provided consulting services for government, nonprofit and corporate clients, and have trained thousands of executives, managers, supervisors, and administrative and operations personnel throughout the world on a variety of topics.



REMOTE VIDEO-VERIFIED ALARM PROGRAM

Video-Verified Intrusion Alarms Are Changing Law Enforcement – With Arresting Results

By Tony Ramos

ILACP Public & Private Police Liaison Committee Co-Chair

The Office of Community Oriented Policing Services, U.S. Department of Justice*, states, "Nationwide, false alarms account for somewhere between 10 and 25 percent of all calls to police." For many U.S. police agencies, false burglar alarms constitute the highest-volume type of call for service. What is perhaps even more important is the arrest rate for alarm runs – are they effective? Traditional alarm systems have an arrest rate of just 0.08% for all alarms dispatched. In 2011, San Jose documented two arrests for over 12,000 alarm runs. In contrast, new data shows arrest rates for video alarms of over 25% (one arrest for every four alarm runs) and over 60% of actual burglaries closed with arrests in Michigan, Texas and the Southeast.

THE COSTS OF FALSE BURGLAR ALARMS

Each false alarm requires approximately 20 minutes of police time, usually for two officers. This costs the public millions of dollars. In the vast majority of jurisdictions, the cost of responding to false alarms is not recouped through fines. Jurisdictions trying to recoup costs generally omit the lost-opportunity costs, a potentially significant part of the equation.

Typical costs include:

- personnel costs of police call-takers and dispatchers
- personnel, equipment and costs related to backup personnel
- personnel costs associated with analyzing false alarms
- software, hardware, office space and equipment costs for false alarm management

- administrative and staff costs of notifications, billing and education programs
- costs of developing, printing and distributing publications to educate the public and alarm companies about false alarms
- lost-opportunity costs – police are unavailable to work on serious crime problems
- costs associated with call displacement, because the response to other 911 calls takes longer

VIDEO-VERIFIED ALARM PROGRAM

Declining budgets and resources are forcing change. Police departments, with the support of insurance companies, have begun implementing and promoting Priority Response policies in the battle against property crime. This program encourages property owners to install video alarms, providing priority response to alarms where video confirms probable criminal activity. Jurisdictions have begun promoting this public/private partnership combining police/insurers/alarm companies to encourage their citizens to use video alarms to help combat property crime. The policy is presented as an incentive – traditional alarms receive traditional response, but better alarms now deliver better response. Promoting Priority Response, while still maintaining traditional response to traditional alarms eliminates the political backlash encountered by police chiefs who have stopped responding to traditional alarms altogether.

Insurers are pushing their policy holders to upgrade their alarm systems. Dramatic arrest rates and reductions in insurance claims have made a difference in the community. A recent article in *Security Magazine*, titled "How Monitored Video Alarms Deliver Insurance Discounts," describes how insurance companies are giving up to 30% discounts on property/casualty insurance premiums to encourage video intrusion alarms because they reduce claims.

A Detroit case study, in the March 2012 issue of *The Police Chief* magazine, describes how video alarms are delivering a 70% arrest rate and protecting large school buildings against copper theft and vandalism. Video-verified alarms confirming a crime-in-progress are changing the game and making arrests.

How does a video alarm work? A MotionViewer detects the intruder, and video clips of what caused the alarm are sent to central station operators who review the video, filtering false alarms, and



*http://www.cops.usdoj.gov/Publications/e061120373_POPFalseBurgAlarms-508.pdf



notify the dispatch center of a probable crime-in-progress. Video verification enables the 911 center to dispatch to a burglary in progress (priority-1) instead of a blind alarm. This means more arrests and reduced property crime.

PRIORITY RESPONSE IS FREE TO IMPLEMENT

There are three simple steps to implement Priority Response – and they cost nothing:

1. Create a new code in the 911 dispatch center CAD (Computer Aided Dispatch) system for video-verified alarms. Give this alarm code higher priority than typical alarms.
2. Create an email address where alarm-monitoring companies can send the video clips of the actual alarms.
3. Draft a public announcement of the policy change and hold a press conference to encourage the community to upgrade their alarm systems for greater security and improved response.

TYPICAL VIDEO VERIFICATION PROCESS

1. Alarm signal is transmitted to a central station. In addition to receiving the alarm signal, the operator views a video clip associated with the event.
2. The operator confirms if an intruder is present. Based on the video clip, the operator provides a “confirmed” alarm dispatch for law enforcement to act upon.
3. The operator can forward the video clip to the 911 dispatch for review. Typically this is done via email to a specified email address created in the 911 dispatch center.

Traditional alarms have arrest rates as low as 1 in 10,000 alarm runs. This results in an expensive and inefficient approach to burglary reduction across an entire jurisdiction. Video alarms have documented arrest rates of over 50%. Central stations using video alarms work as partners in crime prevention, helping officers make arrests. This is a public/private partnership that works and costs the police department nothing except a policy change. Chief Jim Ryan of Forest Park, Illinois, states, “If an alarm call is reported in which burglar activation is confirmed by video...the incident would definitely be treated as a high priority call, and officers would respond in an emergency manner.” ■

Tony Ramos has over 30 years of experience within the private security industry and serves as co-chair for the IACP Public and Private Liaison Committee. In addition, he is currently with Keyth Technologies as a security system designer/manager and founder of Integra Security Alliance.

RESOURCES

- *The Police Chief*, Vol. LXXIX, No. 3, pages 48–52, 2012, “Arresting Results: How One District Achieved a 70 Percent Closure Rate with Video Alarms”
- Police Response to Burglar Alarms Study: San Bernardino County, 2007
- ASG monitoring central station, San Angelo, Texas, and Universal monitoring in Charlotte, N.C.
- Los Angeles County Sheriff’s Dept. presentation to the GLASAA (Greater Los Angeles Security and Alarm Assn.) Feb. 2012.
- *Insurance Networking News*, Feb. 2012, “A Modern Approach to Loss Control”
- *CEPro Magazine*, Oct. 2009 by Jason Knott, “State Farm to Drop Discounts in Florida”
- *Security Sales & Integration Magazine*, March 1, 2010, “Enhanced Video Alarms to Get Priority Response”
- Security Management, April 5, 2011, “Alarm Industry Pushes 911 Call Centers to Give Priority to Video Alarms”
- *SDM Magazine*, Feb. 2011, “Stanley CSS Supports SIAC, Priority Response”

LA COUNTY SHERIFF’S DEPARTMENT ORDER FOR VIDEO ALARM PROGRAM

Los Angeles County Sheriff’s Department

| | |
|---|--|
| TECHNICAL SERVICES DIVISION COMMUNICATIONS AND FLEET MANAGEMENT BUREAU | Unit Order: |
| | Effective Date: 05/25/2011 Revision Date: |
| Subject: VIDEO AUGMENTED ALARM NOTIFICATION PROGRAM | |
| References: | |

PURPOSE OF ORDER:

To establish procedures for handling calls-for-service from security companies that may include video attachments.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to Communications & Fleet Management Bureau who work the radio room.

ORDER:

Alarm companies are now adding sensor activated and internet connected video cameras to enhance their systems. The Department can accept and utilize video recordings provided by commercial alarm companies. Communications and Fleet Management Bureau has developed the Video Alarm Program in cooperation with several alarm companies.

PROCEDURES:

SCC alarm call(s): 459A, 459S, 211S, or 927P

- SCC Personnel taking the alarm call will not review clip unless instructed by on duty supervisor
- If the alarm company provides details (i.e., suspect description) for the alarm, include these details in the initial call.
- SCC personnel will verbally confirm if there is a video for this incident. If there is a video, ascertain whether or not the video has been emailed to videoalarms@lcsd.org.
- If there is video but it has not been emailed at the time of the call, verify the alarm company is going to send the video and obtain the estimated time of the video being emailed. Document in the call-for-service. i.e., “ETA of video 2 min” or “Video pending unk ETA.”
- If alarm company has sent the video or is going to send a video, change radio code to include “V” for video. i.e. 459AV, 459SV, 927PV or 211SV
- Send call to the station.
- In the event, station personnel cannot view the video, i.e. network problems, computer problems, SCC personnel may be asked by the station to view the video for them.



ILACP RECEIVES GRANT FROM CHICAGO SOUTHLAND CVB



The Illinois Association of Chiefs of Police recently received a \$3,525 Local Tourism Marketing Grant from the Chicago Southland Convention & Visitors Bureau to promote its Midwest Security & Police Expo/Conference, on Aug. 21 and 22, 2012, at the Tinley Park Convention Center.

John Kennedy and Jerry Carter, ROC Expositions, accept the check from Jim Garrett, President/CEO of the Chicago Southland Convention & Visitors Bureau. The grant will be used to produce a brochure for our upcoming season and create and place ads in the newspaper targeted to visitors outside the Chicago Southland region.



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- Reduction of liability claims: examining the causes for claims and development strategies to address or eliminate the causes
- Police/E-911 Consolidations: examining the viability of consolidating specific police functions
- Assessment Centers for Chief or command positions
- Confidential Investigations including EEOC, diversity, harassment inquiries, background investigations or sensitive internal investigations
- Auditing and operational analysis: Property Evidence Management and Asset Forfeiture Funds
- Developing a custom-designed Policy Manual or a Performance Evaluation system for sworn and non-sworn personnel
- Comprehensive Management Training

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**BLACK ILLINOIS STATE TROOPER
BLACK CHIEF OF POLICE
BLACK UNITED STATES MARSHAL:**
MY LEADERSHIP JOURNEY ACROSS AMERICA



Robert Moore, a Black Illinois state trooper, used his writing, leadership and political and public relations skills to influence public policy and public opinions about a variety of contemporary police issues – affirmative action, minority recruitment and promotion, black-on-black crime, racial profiling, crime fighting strategies and other contemporary issues – and at the same time moved his career to the top of his profession as a Chief of Police and a Presidential-appointed (Pres. Bill Clinton) United States Marshal.

Hopes and dreams of rising to the top of his profession as a Chief of Police or a Presidential-appointed United States marshal were never in Robert Moore's mind when he was struggling to get a fair performance evaluation to help him reach the rank of police corporal in the Illinois State Police in 1977. Enrolling in the University of Illinois at Springfield, Moore learned that writing was a powerful tool in influencing public policy and public opinion. His struggle to get a fair evaluation led to

his choosing performance evaluation as his graduate exercise. His project was entitled "An Examination of Adverse Impact in the Illinois Department of Law Enforcement Performance Evaluation System." This critical paper, which challenged the way the Illinois State Police was doing business, showed the negative impact the evaluation system was having on African-American troopers. Trooper Moore argued that the traditional "rule of three" which was used for promotions was a strong component causing some of the adverse impact. He recommended that the Merit Board adopt a "rule of 10" as a change in policy; the rule of 10 is still in effect today in the Illinois State Police. Trooper Moore also argued that Black troopers were not afforded the opportunity to attend the National Police Academies to gain the training and networking which was also a strong indicator for promotions.

Continues on page 36



Robert Moore meets President Clinton in 2000 in Quincy.



Continued from page 35

In 1982, Trooper Moore was recommended and selected to attend the National Police Academy at the Southern Police Institute at the University of Louisville.

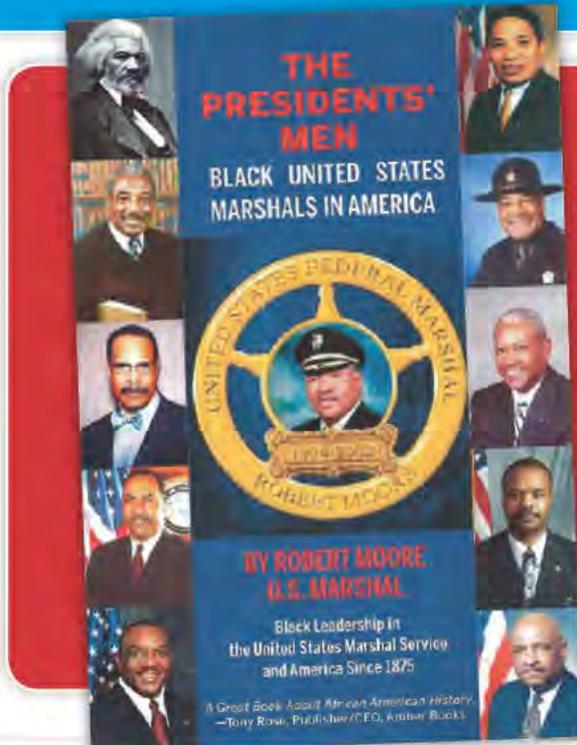
Due to his eight-year struggle to get promoted, he was influenced to write his first manuscript, entitled "Strategies for Increasing Black Police," which was published by the United States Justice Department in the 1983 May/June issue of the *FBI Law Enforcement Bulletin*. His strategies became the model for the nation. This publication helped launch a star-studded career, which is being discussed all over the world.

In addition to his criminal justice accomplishments, Trooper Moore became a successful businessman by acquiring numerous real estate properties, managing a minority recruiting firm, developing a Black United States Marshals Traveling Exhibit, becoming a lecturer and an expert witness, and managing criminal justice agencies.

The history and accomplishments of Black law enforcement personnel have normally been left out of law enforcement history books – that is, until an African-American Illinois state trooper went off to the Southern Police Institute, University of Louisville, and wrote "Strategies for Increasing Black Police Executives" in 1982, which was published by the Justice Department in the May-June issue of the *FBI Law Enforcement Bulletin*. He used those strategies to become one of the most accomplished and successful law enforcement executives in the nation. In 1997, the Illinois State Police published its 75th anniversary yearbook, including the history of the minority officer in the state police. In 2011, Moore self-published his first book, *The Presidents' Men: Black United States Marshals in America*. His current project is to gain recognition for the Black marshals and deputy marshals who served the country at Ole Miss during its integration by James Meredith. ■

POSITIONS HELD BY ROBERT MOORE:

- 1968–70 Lead worker/foreman, Chrysler Corp.
- 1970–72 Deputy Sheriff, Winnebago County Sheriff Department
- 1972–92 Illinois State Police (on leave from ISP 1984–91)
- 1985–87 Deputy Chief of Police, Savannah, Ga., Criminal Investigation Bureau
- 1987–92 Deputy Director/Chief of Internal Affairs, Ill. Dept of Children and Family Services
- 1990 Founded Robert Moore & Associates, private employment agency
- 1992 Retired, Illinois State Police
- 1994–2002 U.S. Marshal, Central District of Illinois (appointed by President Clinton)
- 1999 Created traveling police exhibit, "The Presidents' Men: Black United States Marshals"
- 2002–05 Chief of Police, Jackson, Miss.
- 2006–present President/CEO, small business firm of Robert Moore & Associates (manage family real estate holding, traveling exhibit, recruitment service and expert witness service)



Robert Moore
 Author, *The Presidents' Men: Black United States Marshals in America*
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~ JOIN THE ILLINOIS CHIEFS FOR 2012 ~

Application for Membership (*New or Renewal)



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

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

Title/Rank: _____ Date of Birth: _____ Private E-Mail: _____

Name of Agency/Business: _____ E-Mail: _____

Business Phone: (_____) _____ FAX #: (_____) _____ Cellular: (_____) _____
(area code) (area code) (area code)

Office Address: _____ County: _____
(number/street) (city & state) (zip + four)

Home Address: _____ Home Phone: (_____) _____
(number/street) (city & state) (zip + four) (area code)

U.S. Congressional District #: _____ IL Senate Legislative District #: _____ IL House District #: _____

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

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

* New Member's Sponsor: _____
(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.**

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

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

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

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

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

PAYMENT METHOD CHOICE:

Please use this signed application as your invoice. Reference it as **INVOICE NUMBER**, using 1st six characters of your LAST NAME, dash, 1st six characters of DEPARTMENT NAME, dash, 12 (i.e. jones-peoria-12). 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 Card # _____ Exp. Date: _____ 3Digit ID: _____

Name on Credit Card: _____ (only VISA or MasterCard accepted by ILACP)

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.

(This space for Office/Committee use only)

Sponsor Check Membership Committee Mentor Assigned

Date Rec'd _____ Rec'd By: _____ Approved By: _____

Excerpts from the ILACP Constitution and 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 which 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;
 - 2. Associate members shall have the privilege of voting only during the term of their chairmanship of a standing committee.
- 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.

Dues

- The annual dues for all membership classifications are determined by the Executive Board and reviewed on an annual basis. Article III, Section 8.
- 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.

24 Reasons To Join The Illinois Chiefs Association:

- Training Conferences
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- Police Chief Orientation Course
- *COMMAND* Magazine • Weekly Email Bulletins
- Linebacker "Interim Chief" Program • Networking
- Legislative Email Updates • Golf Outings
- International Police Chiefs Conference Block Housing
- Website www.ilchiefs.org
- Positions Available Posted Online
- Voluntary Police Chief Certification Program
- Police Memorial Supporters • Traffic Safety Challenge Program
- Police Officer Selection Tests Discount
- Midwest Security & Police Conference/Expo
- Police & Citizen Awards Program
- Membership Directory • Command Training Scholarships
- Life Memberships • Tenure Pins
- Professional Voice for Legislative Issues

Please indicate (X) your committee interest for participation:

ILACP Committees

- | | |
|--|--|
| <input type="checkbox"/> Assessment Centers | <input type="checkbox"/> Legislative |
| <input type="checkbox"/> Bias Free Policing & Minority Recruitment | <input type="checkbox"/> Membership |
| <input type="checkbox"/> Campus Law Enforcement | <input type="checkbox"/> Police Chief Certification |
| <input type="checkbox"/> Communications & Technology | <input type="checkbox"/> Police Chief Mentoring |
| <input type="checkbox"/> Constitution, By-Laws & Resolutions | <input type="checkbox"/> Police Memorial |
| <input type="checkbox"/> E-Trace | <input type="checkbox"/> Police Psychologists |
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| <input type="checkbox"/> Financial & Strategic Planning | <input type="checkbox"/> Protocols and Ceremonies |
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| <input type="checkbox"/> ILEAP (Accreditation) | <input type="checkbox"/> Traffic |
| <input type="checkbox"/> Juvenile Justice | <input type="checkbox"/> Training |
| <input type="checkbox"/> Law & Human Resources | <input type="checkbox"/> Vocational Exchange |

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



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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



Illinois Association of Chiefs of Police

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