

COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

Advancing ILEAP Accreditation

ILLINOIS LAW ENFORCEMENT

ILEAP

ACCREDITATION PROGRAM

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MIRANDA: VOLUNTARINESS; ADVISE OF RIGHTS

ITSC: A "WINNER"

BOOK REVIEW: BOUNDARIES FACE TO FACE

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INTERNAL**

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Illinois Association of Chiefs of Police

is proud to offer

POLICE CHIEF CERTIFICATION

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

ELIGIBILITY: Requirements are categorized into three groupings.

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

THE PROCESS:

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

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TO APPLY: Submit completed application along with payment to the Illinois Association of Chiefs of Police
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Welcome to the ILACP's December 2017 COMMAND magazine.

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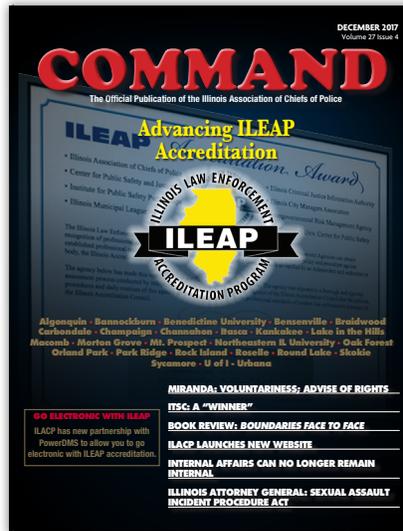
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On the Cover: Our association is taking extra steps to promote ILEAP accreditation. We have hired an ILEAP Coordinator and established a partnership with PowerDMS to allow you to post and share all of your documents electronically. Accreditation signals to your department and your community that you're pursuing the highest standards. Details on page 19.



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Illinois Association of Chiefs of Police Mission Statement

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

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

Vision and Innovative Change
Legislation
Ethics and Integrity
Professional Standards
Knowledge and Information
Dissemination
Media Relations
Community Partnerships



PRESIDENT'S MESSAGE

PUBLIC TRUST



"On my honor, I will never betray my badge, my integrity, my character, or the public trust."

These seventeen words comprise the first sentence of the Oath of Honor adopted by the International Association of Chiefs of Police at the 107th annual conference in San Diego, November 15, 2000. As many of our members know, the Illinois Association of Chiefs of Police has embraced this solemn pledge at every executive board and general membership meeting ever since. While the words are very simple, they are filled with

such richness and meaning, especially in the light of what law enforcement is facing today.

At our recent annual strategic planning meeting held in Oak Brook in September, the room was filled with the Board of Officers, Executive Board members, and Committee Chairs. Our facilitator and longtime friend of the Association Mr. John Furcon, began the session with an introspective exercise with the first question being what we believe are the current concerns of the police profession. As you can imagine the flip chart gets filled with the issues of the day, including legislative defensive tactics, new training mandates, reduced state revenue, etc. After several minutes of discussion we began to focus on the root cause of many of these issues, the erosion of public trust in law enforcement.

As I ponder my thirty-five years as a police officer, I began to wonder when and how did this happen? I may be like many, if not most, of you who have idealistically gone to work every day in the belief that I was there for the right reasons, never using race or ethnicity to make decisions on the street or taking an enforcement action. Yet somehow, we are now faced with defending our actions or attempting to disprove a negative, leaving us somewhat bewildered and resentful that our integrity was even being questioned. Many of us watched this play out in the media as our colleagues in Rosemont were faced with having to defend their actions after the tragic death of Kenneka Jenkins, the woman who died in a hotel freezer. As tragic and unfortunate as it was, the department was scrutinized and had to deal with multiple days of demonstrations when all they did was appropriately respond to a call and initiate an investigation, as we all would do. Even in the face of video evidence to the contrary, law enforcement was faced with this epidemic of an erosion of public trust.

Most of us who have been doing this job at least twenty years remember when it was a given that a police officer's testimony in court was determined to be more truthful than the defendant's. Any time there was a question of conflicting narratives, the police officer's testimony would always be given the greater weight. But somehow over the last ten years that has radically changed. Some judges' decisions have begun to favor the defendant if there is no video evidence to corroborate an officer's testimony, even though there is no requirement or presumption that a video even existed.

We all know it has been an interesting few years in our profession that has caused us to refocus our energies. After several high-profile

events that occurred across the nation, there was a call for change in law enforcement that fostered the *President's Task Force on 21st Century Policing*. This also led the Illinois General Assembly to passing the *Police and Community Relations Improvement Act*. The law developed rules on body cameras, required training topics and intervals of training, independent investigations on deadly force, traffic fatalities, and now sexual assaults allegedly committed by police officers, and required reporting of terminations to the Training Board, just to name a few.

Law enforcement has embraced the concept of procedural justice, even before it was mandated in the act. Truth be told, many of us who were caught off guard by the public outcry had been practicing procedural justice their entire careers. We may not have known it by name or the four pillars of fairness, voice, transparency and impartiality; we may have just called it by what it had been known by for centuries, the Golden Rule. Long before these new training curricula were developed, the instructors at the academy decades ago would give you a few lessons to live by. Treat everyone as if they were family because you never know when one of your own would need help and how would you want them treated? Never say or do anything that you would be ashamed of if it were printed on the first page of the newspaper, and never, I mean never, tarnish the badge that so many have sacrificed so much for.

One area in which we could have done better is with our communicating the reasons for our actions to a victim or an arrestee. But without making excuses, I believe most officers with pure motives didn't believe there was a question or a need to explain why we were doing something. It wasn't out of spite or ill will; it just became more expedient as more was demanded of us.

That obviously has all changed; a change for the better. Webster's defines trust as "firm belief in the reliability, truth, ability, or strength of someone or something. Relations have to be built on trust." I believe there is no mistake that trust and relationship are used in the same definition. We can never build trust with another person or group without first developing a relationship, and a relationship cannot be built without communication. As the father of modern policing, Sir Robert Peel, said, "The police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

Our association has increased its social media presence in an effort to get out our message and the great work performed by our members and their staffs on a daily basis. We are also working hard to embrace diversity and encourage open dialogue with the community through our ongoing relationships, and bringing success stories from around the state together to talk about what's working in other communities.

It is our opportunity to help write the narrative and set the foundation for the next great era in law enforcement. The last sentence of the Oath, "***I will always uphold the constitution, my community, and the agency I serve***" is all we need to remember going forward. When we do that, trust is a given. ■



RAIL SAFETY WEEK 2017

Eric Munson, Traffic Sergeant Plainfield Police Department
ILACP Traffic Safety Committee Member



When I was asked to write a story about Illinois Rail Safety Week (IRSW) for the Illinois Association of Chiefs of Police (ILACP) Command magazine, I thought it would be easy. IRSW is about saving lives; plain and simple. Unfortunately,

some things in life are not plain and simple, as in this case, railroad safety. Most people are oblivious to the dangers associated with the rails. Many people look at trains and railroad property and give it no second thought.

People do not understand some of the most basic aspects of rail safety. I know I did not truly understand the entire scope of rail safety until I began my journey into the ins and outs of rail safety back in 2008. It began when the CN Railroad bought the E J & E Railroad that traveled through my community. I looked around at various crossings rife with violations and areas where pedestrian trespassing was rampant. I quickly realized a dangerous problem existed within my community. As you see, I was oblivious myself.

As a member of the ILACP Traffic Safety Committee, I felt that the best way to increase the railroad safety and awareness message across Illinois was to use the power and outreach created by a statewide traffic safety campaign. In 2014, under the leadership of the ILACP Traffic Safety Committee Chairman Lou Jogmen (Deputy Chief - Park Ridge Police Department), fellow committee member Eric T. Graf (Special Agent - CN Railroad Police Department) and myself, a model was created for Illinois Rail Safety Week that included the why, who, when, and where, amongst other things.

First, WHY? Illinois has always historically been in the top five in the nation in terms of railroad related injuries and fatalities. The committee seeks to change this trend as the committee understands the importance of tying together the educational and engineering components of rail safety to the enforcement component of rail safety that law enforcement agencies can bring to the table. Illinois has the second largest rail system in the nation. Only the State of Texas has more rail, and Texas is nearly four times the size of Illinois.

Second, WHO? The committee began to build partnerships with all stakeholders, from law enforcement agencies, railroads, rail fans, elected officials, private citizens, educational institutions, railroad vendors/manufacturers, and nonprofit organizations.

Third, WHEN? The committee chose to conduct IRSW during the month of September in order to not overlap other traffic safety campaigns.

Fourth, WHERE? Across the entire State of Illinois. From the northern border to the southern border. From the western border to the eastern border. From small communities downstate to the Chicago metropolitan area. Border to border.

Again, simply stated, the mission of IRSW is to save lives. Nevertheless, the full mission statement of IRSW is to promote education, conduct enforcement, and promote continued engineering advances in an effort to raise public awareness which will lead to the prevention of collisions, deaths, and injuries where roadways cross railroad tracks, on railroad rights of way, and on railroad property.

Next, IRSW has a vision. In sum, the VISION of IRSW is fivefold.

1. To create a working relationship amongst all stakeholders.
2. Make law enforcement entities more familiar with the dangers associated with the rails.
3. Encourage law enforcement entities to conduct railroad related enforcement on a sustained basis, beyond rail safety week.
4. Provide all stakeholders with educational materials via the www.illinoisrailsafetyweek.org website.
5. Take IRSW beyond the borders of Illinois. A goal was set for a Midwest Rail Safety Week in 2016 and a National Rail Safety Week in 2017.

The vision for IRSW achieved its goal after its continued growth over the past four years. About 400 agencies participate in IRSW, and the website continues to improve. For IRSW 2017, nearly 40 documents were available for download, which included an array of educational material for both law enforcement and the public. However, the most impressive accomplishment of IRSW is the fact that IRSW's goal of growing into a Midwest Rail Safety Week in 2016 became a reality with all bordering states participating with their own respective rail safety week, and the National Operation Lifesaver Organization took notice of what was taking place within Illinois and declared September 24-30, 2017, as the first ever National Rail Safety Week 2017 which was held in conjunction with IRSW.



Members of the ILACP Traffic Safety Committee have traveled across the country promoting and showcasing IRSW. Every year, the governor of Illinois signs a proclamation declaring the given week as IRSW; and railroads, such as the CN and Union Pacific, have stepped forward with much needed funding to make IRSW a true success.

During the first three years of IRSW, participants have logged 5,650 hours dedicated to education, 7,609 hours dedicated toward enforcement, and law enforcement has issued 8,082 citations/warnings. The statistics for 2017 are not

yet tabulated, but these are some impressive numbers where agencies have come together for one week a year to be Illinois Safe, Illinois Strong. Members of the committee have received awards as has the ILACP as a whole. The ILACP and its traffic safety committee members should be proud of what has been accomplished. But this is more than receiving awards; this is more than any one individual or organization. More work remains to be done. Simply put, this is about saving lives. ■



A BRAND NEW WEBSITE: TELLING OUR STORY AND RESPONDING TO YOUR CONCERNS

By Ed Wojcicki

Executive Director, Illinois Association of Chiefs of Police



PROVIDE MORE TIMELY INFORMATION.

Make it easier for you to find useful information.

Publish more pictures, because pictures tell good stories about what you're doing. Eventually, more video, too.

Make everything easier to read on your phone or tablet. These are just some of the reasons we're going to a new website on a platform that is more "responsive" on smartphones. (See page 22 to learn how you may log in to the new website.) This is a big deal. All the research shows that more and more people prefer reading news on

smartphones and tablets rather than in print or on desktop computers, and this is even more pronounced among younger people. Going mobile is critical to any association that wants to attract the next generations. The good news is, we can go mobile and be even more user friendly on your desktop at the same time.

For the past eight years or so, we used a website and membership platform from a company in California. Late this year, we switched to MemberClicks, an Atlanta-based firm used by about ten other police chiefs' associations, including those in California, Oregon, and Minnesota.

The point is not so much to have a new look, though we needed one. The point is to make this association more useful to you, more valuable to you, more relevant to you.

One thing I keep hearing is that police are not telling their own story effectively. So, we added a "Newsroom" drop-down menu to our new main home page, and we added our Facebook feed (<https://www.facebook.com/IllinoisChiefs/>) to the home page, too. We are being proactive.

ANOTHER WEBSITE MENU LABEL is called "Legislative." It's a holdover from the last website, and we're beefing this up – not only on the website, but in our communications about our positions on legislative issues. I hear regularly that our association needs to be more aggressive and more effective with the legislature. Our lobbyist, John Millner, wants me to give you more information about our positions on bills and, if we oppose them, why we oppose them. Sometimes we get feedback that says "You shouldn't have supported that," but what you don't always know is that Chief/President/Senator Millner has worked very hard to get legislators to move away from awful language in bills to something we can live with. When that happens,



The Illinois Chiefs and Illinois Sheriffs are firmly united in their opposition to the legalization of marijuana in Illinois. Testifying against those bills on September 6, 2017, in the Capitol in Springfield were, from left, Stephenson County Sheriff David Snyders, Lockport Police Chief Terry Lemming, and ILACP PresidBent and Oak Brook Chief James R. Kruger, Jr.

we need to let you know so that you have more context. (I call Millner "Chief/President/Senator" because he is the former Elmhurst police chief, a past president of our association, and a former state senator.)

We're working on strategies to accomplish all of this with the limited resources that we have. The association has always relied on volunteer members – you – to be advocates in the legislature. Under the leadership of new Legislative Committee chair Marc Maton, Chief of Police in Lemont, we're establishing new processes to communicate information and to get your feedback through regional associations and regional legislative liaisons around the state. We want communication to flow from you through your regional reps up to the Board of Officers, too. We'll be sharing more information about this in the months to come. With 1,300 members, we will never have a perfectly harmonious flow of communication, but as with all things, I expect progress in 2018. It's a major way our association can be more relevant.

SPEAKING OF "RELEVANCE," that's the one-word summary that emerged from our daylong Annual Planning Meeting on September 19 at the Oak Brook Police Department. The Board of Officers and committee chairs, under the capable facilitation of John Furcon, challenged each other and challenged me to focus in the next year on some specific ways that we can be relevant:

- Emphasize the value of membership and why someone benefits from belonging to ILACP.
- Promote servant leadership as an association, especially in relationships to one another.
- Become "value added" in the eyes of mayors and managers, and market the association's strengths and services to mayors and managers. They were referring to ILEAP accreditation, Police Chief Certification, and our Assessment Centers that villages and municipalities can use to hire new chiefs and command staff.
- Develop materials that promote our strengths and services, and make sure that Ed (c'est moi) is explicitly talking about and promoting our services whenever he is in front of any group of law enforcement leaders, especially our members.
- The concern was that not enough managers, mayors, and even our own members know about our fantastic suite of products of services.

That discussion made a big impression on me. Hmm. Not enough people know what we offer and how it will benefit them, their departments, and their communities. We have to remind them. And tell them more consistently, and more often.

That's why marketing what we do, internally and externally, and telling our story more aggressively will be focal points for the association and me in 2018.

It's also why we're enhancing the "Members Only" section of our website. This section will make your membership more beneficial and relevant than ever.

Some of our leaders like to ask how we can get more members involved in the association. It's a great question, and an eternal one. But that's not the question I ask. What I wonder is this: How can we provide information and services that are so valuable to police chiefs and other law enforcement leaders that they want to be a part of this amazing 21st century association? I'm listening. ■

Ed Wojcicki



UPDATE ON INTERROGATION LAW

MIRANDA: VOLUNTARINESS; ADVISEMENT OF RIGHTS; FAILURE TO FOLLOW TELEPHONE CALL STATUTE

By James P. Manak

People v. Williams, No. 1-14-2733 (Ill. App. 2017).

<http://www.illinoiscourts.gov/Opinions/AppellateCourt/2017/1stDistrict/1142733.pdf>

SUMMARY

Defendant was taken into custody for suspicion of murder. Four times he requested a telephone call but was not permitted to make one. He never told the police he wished to call an attorney. After being Mirandized, he waived his rights and made incriminating statements. No threats or coercion were involved.

The court ruled defendant's statements were admissible as not in violation of *Miranda* and as purely voluntary. The fact that the police did not comply with a statute permitting arrestees to make a phone call to family or to counsel did not change the result, as it did not constitute a violation of *Miranda* or the voluntariness standard. The statute had no remedy clause and the defendant did not state he wanted to call an attorney.

FACTS AND PROCEDURAL HISTORY

The defendant appellant, Torolan Williams (hereinafter "defendant"), was charged with five counts of first degree murder and one count of armed robbery. During the ensuing trial, the State used historical cell phone site data and defendant's own statement that he was a lookout to implicate him in the crimes. After hearing all the evidence, the jury found defendant guilty on all counts. The trial court sentenced him to life in prison for the five murders and 20 years in prison for the armed robbery.

Defendant raises several issues on appeal. Defendant argues that (1) the trial court erred in failing to suppress statements that he acted as a lookout because they were the product of coercion, (2) the trial court erred in admitting the historical cell phone site records into evidence, (3) the State improperly presented evidence concerning possible sentencing, (4) the State violated a pretrial ruling concerning the use of the historical cell phone site records, and (5) he suffered prejudice when the trial court referred to three of the verdict forms as "guilty forms." [Only the suppression of statements issue will be covered in this commentary.]

On May 22, 2014, a jury found defendant guilty of five counts of first degree murder and one count of armed robbery. On June 22, 2014, he filed a motion for a new trial. On August 15, 2014, the trial court denied defendant's motion and sentenced him to life in prison on the murder convictions and 20 years on the armed robbery conviction. Defendant timely filed his notice of appeal on the same day. Accordingly, this court

has jurisdiction pursuant to article VI, section 6, of the Illinois Constitution and Illinois Supreme Court Rules 603 and 606, governing appeals from a final judgment of conviction in a criminal case entered below. Ill. Const. 1970, art. VI, § 6; Ill. S. Ct. Rs. 603, 606 (eff. Feb. 6, 2013).

On appeal, defendant does not challenge the sufficiency of the evidence used to convict him. We therefore only discuss the facts relevant to the disposition of this appeal.

On the night of April 22, 2008, Lakesha Doss, Whitney Flowers, Anthony Scales, Reginald Walker, and Donovan Richardson were shot to death in a house at 7607 South Rhodes Avenue in Chicago, Illinois. On the morning of June 9, 2008, defendant was at Northwestern Hospital for the birth of his son when two Chicago police detectives arrested him in connection with the murders.

Prior to trial, defendant filed a motion to suppress statements he made while in police custody. The motion alleged that due to defendant's "physical, mental, and psychological state, the police refusal to allow Torolan to make a phone call coerced Torolan to make statements that were not freely and rationally given." At the hearing on the motion, Chicago Police Detective Murphy testified that, upon arrival at Area 2 Police Headquarters, **defendant was placed into an interview room, advised of his *Miranda* rights, and indicated that he understood them.** *Miranda v. Arizona*, 384 U.S. 436 (1966). **Defendant first requested to make a phone call at 10:08 a.m., which was denied. His second request was denied just after 11:00 a.m.** At that time, Det. Murphy, who was preparing defendant to be transported to a nearby location, told defendant that he could make a phone call when he went to lockup. The detectives drove defendant to the area of 69th and Martin Luther King Drive, and then returned to Area 2 around 1:00 p.m. **At that time, defendant agreed to take a polygraph.** On the way to take the test, and while still shackled, defendant jumped out of the officers' vehicle and started running down the street. After returning to Area 2, defendant stated he jumped out because he was trying to make a phone call.

At just after 2:00 p.m., defendant stated that his son was born prematurely after a risky and complicated delivery. He told the detectives his son was being tested every 20 minutes due to medical problems. **Defendant informed the officers he knew who did it and would talk to a State's Attorney, but wanted to make sure his son was okay. The detectives declined his request for a phone call again—his fifth request.**

Shortly thereafter, defendant indicated that he had additional information about the murders. **In response, defendant was given his *Miranda* rights and again stated that he understood them.** Defendant asked to speak with a State's Attorney and began speaking to detectives about the offense. **Defendant had denied any involvement, but during this conversation, he stated that he had acted as a lookout for Michael King, who he claimed committed the murders.**



At 5:45 p.m. Assistant State's Attorney (ASA) Fabio Valentini arrived to speak with the defendant. **At around 6:30 p.m., defendant invoked his right to counsel and questioning ceased.** About a half hour later, defendant experienced stomach pains, and detectives transported him to Roseland Hospital. While at the hospital, and unknown to the detectives, defendant phoned a friend, who then called an attorney. **Attorney John Lyke testified that he went to Roseland Hospital to see defendant but was not allowed entry to defendant's room. Attorney Lyke left the hospital without seeing defendant.**

In its ruling on defendant's motion to suppress, the trial court ruled that defendant's statement made prior to his invocation of counsel at 6:28 p.m. would be admissible because defendant had not yet requested an attorney. The trial court suppressed the statements made at the hospital because attorney Lyke was denied access to the defendant. The trial court also suppressed statements made to the ASA later in the evening after the hospital.

At trial, the State called Arthur Brown to testify concerning the events of the night of the murder. He acknowledged that he signed a cooperation agreement with the State on May 24, 2015. Brown agreed to testify at King's and defendant's trials in exchange for pleading guilty to one count of first degree murder for which he would serve 24 years in prison.

Brown explained that he and defendant were old high school friends. In April 2008, Brown lived in Lansing, Illinois. On April 22, Brown and his friend, Michael McKeel, were in Lansing drinking and smoking marijuana together. Eventually they ran out of drugs and decided to drive into the city using McKeel's car to buy more. After failing to find any, Brown called defendant and asked him if he knew where he could get some "kush," a high-grade marijuana. Defendant invited them to his home, and the pair drove to 71st and Eggleston. When they arrived at defendant's residence, defendant stated that he would call Michael King to see if King had any kush. King told the group to meet him at 77th and Rhodes. When they arrived, defendant used Brown's phone to call King. Defendant left the car for several minutes and upon returning informed the pair that he had a "sweet lick," which Brown testified meant an easy robbery. Defendant asked Brown to stay and assist, which Brown did.

Brown explained that about an hour later, defendant called from a number he did not recognize. Defendant asked him to come down to the alley, and Brown went to the alley south of 76th off of Rhodes, where he observed King's Ford Focus parked by a garage. Brown sat on the

steps of a nearby fire escape and waited. Eventually, King approached while carrying a flat screen television. Brown identified this television as being part of the State's evidence. Brown then saw defendant carrying a duffle bag. Brown placed the television in the car along with three others. Brown explained that they formed an assembly line, with King and defendant bringing items out of the house and Brown loading the goods. After they were done, the three drove back to defendant's place.

In the car, defendant and King were talking and saying things like, "you're crazy, you're crazy," and "that was some crazy stuff that just went on." Upon arriving back at defendant's house, defendant said they would split the goods in the morning.

Brown would identify several items at trial that he stated were also proceeds from the robbery, including a Microsoft X Box video game system and several pieces of jewelry. He identified two watches and a pair of diamond stud earrings that defendant had given Brown as proceeds from the robbery. Brown later pawned the items and the police recovered them along with receipts with Brown's name on them. Other witnesses identified the goods as having belonged to the victims.

Brown eventually confronted defendant about the murders. Defendant told Brown that when he entered the house, King had already killed everybody. King ordered him around and he complied out of fear. On July 1, 2008, Brown was arrested for his involvement in the murders. While first denying his involvement, Brown eventually acknowledged his role after being confronted with the pawn receipts. While incarcerated, Brown had a conversation with defendant in the stairwell in Division 10 of the jail. Brown wanted to know what really happened the night of the murders, and defendant informed him they went into the house to rob it. Defendant explained to Brown

that during the robbery, defendant shot Donovan Richardson while he was sitting on the couch and then shot one of the girls after she would not stop screaming. King then shot the remaining victims.

During closing argument, the defense asserted that the State had failed to meet its burden of proof. Defense counsel argued that the State's witnesses, particularly Brown, were not credible. The State argued that its witnesses were credible and their testimony was backed up by the cell phone records. . . .

The jury convicted defendant of five counts of first degree murder and one count of armed robbery. Defendant was sentenced to life in prison for the five counts of murder and a consecutive term of 20 years for the





Continued from page 7

armed robbery. Defense counsel filed a post trial motion, which the trial court denied.

Defendant timely filed his notice of appeal.

THE COURT'S ANALYSIS OF THE *MIRANDA* ISSUE

Defendant raises several issues on appeal: [including] the trial court erred in failing to suppress all statements made while in police custody .

In his *Miranda* issue, defendant argues that the trial court erred when it declined to suppress the statements he made prior to his invocation of his right to counsel. Defendant argues that the denial of his request in this case constituted a violation of section 103-3 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/103-3 (West 2016)) and a violation of his due process rights requiring suppression of his implicative statements. **After defendant was arrested, but before he invoked his right to counsel later in the evening on June 9, defendant made several requests to place a phone call, which were denied. Initially, defendant did not explain the reason for making the phone call and only later stated it was to check on the status of his new born son. Prior to his request for counsel at 6:28 p.m., defendant was given his *Miranda* rights four separate times, and each time he indicated he understood those rights.** The trial court suppressed all statements made after defendant's 6:28 p.m. invocation of counsel.

"[A] defendant in a criminal case is deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession [citation], and even though there is ample evidence aside from the confession to support the conviction." *Jackson v. Denno*, 378 U.S. 368, 376 (1964). **"In determining whether a statement is voluntary, a court must consider the totality of the circumstances of the particular case; no single factor is dispositive. Factors to consider include the defendant's age, intelligence, background, experience, mental capacity, education, and physical condition at the time of questioning; the legality and duration of the detention; the presence of *Miranda* warnings; the duration of the questioning; and any physical or mental abuse by police, including the existence of threats or promises."** *People v. Richardson*, 234 Ill. 2d 233, 253 54 (2009). "[T]he test of voluntariness is whether the defendant made the statement freely, voluntarily, and without compulsion or inducement of any sort, or whether the defendant's will was overcome at the time he or she confessed." *People v. Gilliam*, 172 Ill. 2d 484, 500 (1996).

Constitutional suppression issues are reviewed under a bifurcated standard of review: factual findings are reversed only if they are against the manifest weight of the evidence, but the ultimate legal conclusion about whether suppression is warranted is reviewed *de novo*. *In re Christopher K.*, 217 Ill. 2d 348, 373 (2005).

Defendant also claims his statutory right under section 103-3 of the Code was violated. This statute provides: "Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of

custody." 725 ILCS 5/103-3 (West 2016). **We note this statute contains no remedy for an alleged violation.**

After reviewing the trial court's ruling and the record from the suppression hearing, we find no errors with the trial court's handling of this matter. **The totality of the circumstances demonstrates that defendant's unsuppressed statements were voluntarily given, despite the denial of his requests to make a phone call. Defendant's statements before his invocation of counsel were voluntary, including the statement implicating him in the murders.** While defendant's requests to use the phone were denied, defendant did not initially disclose the purpose of the phone call, but later stated it was to check on the status of his new born son. **We conclude, as did the trial court, that denial of these requests did not render defendant's statements involuntary.**

Defendant had previous encounters with the criminal justice system, having pled guilty to three misdemeanors and a violation of probation. The detectives allowed defendant to use the restroom and provided water to drink. **Defendant received *Miranda* warnings four times before requesting an attorney and each time indicated his understanding of those rights.** After returning to Area 2 following his escape attempt, defendant declined medical assistance. While defendant claimed his requests for a phone call were to check on the condition of his new born son, who was sick and in need of testing every twenty minutes, defendant did not inform the officers of this fact until several hours into his custody. At the suppression hearing, defendant submitted no records concerning his son's condition at the time or why the tests were being carried out.

In finding the unsuppressed statements were voluntarily made, we find those cases relied on by defendant to be readily distinguishable. We reject his reliance on *Haynes v. Washington*, 373 U.S. 503 (1963). While acknowledging that like the defendant in *Haynes*, our defendant was denied access to a phone call, the other facts of this case distinguish it from *Haynes*. In *Haynes*, the record established that defendant was held incommunicado for 16 hours before confessing. *Id.* at 504. This detention continued for another five days while the police attempted to obtain a written confession. *Id.* **Unlike the *Haynes* defendant, our defendant was in custody for less than five hours before making an incriminating statement. Our defendant, unlike in *Haynes*, was advised of his rights while in custody several times and each time indicated he understood those rights. Moreover, unlike *Haynes*, the facts of this case do not demonstrate that defendant's will was overborne.** *Id.* at 513 (confession was obtained in an atmosphere of substantial coercion and inducement created by statements and actions of state authorities).

Defendant's reliance on *People v. Westmorland*, 372 Ill. App. 3d 868 (2007) and *United States v. Ramirez*, No. 14 617, 2015 WL 4393744 (D.N.J. 2015), is also misplaced. In *Westmorland*, the defendant was a 17 year old juvenile, who the trial court found to be immature, frightened, and wide-eyed for his age, which suggested vulnerability to police pressure. 372 Ill. App. 3d at 879. Our defendant shares none of the same physical or mental characteristics as the *Westmorland* defendant.

In *Ramirez*, the district court found defendant's statements to be



involuntary where he was denied access to information concerning his gravely ill son who had been transported to the hospital immediately prior to his arrest. 2015 WL 4393744 at *3. In *Ramirez*, defendant's son's condition was so dire that defendant's cell phone received almost 70 texts and calls from his wife and mother in law during the custodial interview. *Id.* at *6. The district court noted that the circumstances would create a "tremendous amount of psychological pressure upon a parent." *Id.* The defendant, who did not speak English, testified that he believed that if he cooperated he could leave to see his son. *Id.* A review of the video of defendant's interrogation does not show anything close to the kind of extreme circumstances that were present in *Ramirez*.

In conjunction with a finding of voluntariness, we find no violation of defendant's rights under section 103-3. In *People v. Prim*, our supreme court stated that the purpose of this statute is to "permit a person held in custody to notify his family of his whereabouts and to notify them of the nature of the offense with which he is charged so that arrangements may be made for bail, representation by counsel and other procedural safeguards that the defendant cannot accomplish for himself while in custody." 53 Ill. 2d 62, 69 70 (1972). **At no time prior to his invocation of counsel did defendant state the phone call was to request an attorney or inform his family of his location so they could provide an attorney. Defendant also does not fit the profile of an adult in need of familial assistance while in police custody.** See *People v. Green*, 2014 IL App (3d) 120522, ¶ 58 (rejecting reliance on section 103-3 because defendant exhibited none of the characteristics of an individual requiring familial assistance while in police custody). **We adhere to *Prim* that the purpose of the statute is to ensure access to counsel and other procedural safeguards while in custody, and based on this, defendant's right under section 103-3 was not violated.**

THE COURT'S CONCLUSION ON THE MIRANDA ISSUE

Based on the totality of the circumstances, we agree with the trial court that the statements made at Area 2 prior to the request for counsel were voluntary. We therefore find no error in the trial court's ruling concerning defendant's motion to suppress.

JUSTICE MIKVA, specially concurring in part.

I join in the court's opinion in all respects, with the exception of supra ¶ 35. **I do not believe that the police complied with their obligation under section 103-3 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-3 (West 2014)). Section 103-3(a) requires:**

"Persons who are arrested shall have the right to communicate with an attorney of their choice and **a member of their family** by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody."

As the majority acknowledges, after having made four other requests for a phone call during his over four hours in custody, defendant made a fifth request for a phone call at 2 p.m., in which he made clear that he wanted to use the phone call to assure that his son, who was being tested every

20 minutes due to medical issues, was okay. **While the majority is correct that our supreme court has noted that the purpose of the statute is to allow a person in custody to notify family of the arrest so that the family might provide an attorney or make arrangements for bail, the plain language of the statute is not limited to phone calls that are made for this purpose. It was simply not reasonable to refuse defendant's repeated requests for a phone call to inquire about the medical condition of his son.**

However, as the majority points out, the statute does not contain a remedy and defendant relies on the statutory violation only as evidence that his statement was involuntary. Given the totality of circumstances in this case, I agree with the majority that the trial court did not err in finding that it was not.

PRACTICE POINTER

Telephone call statutes such as found in this case are common in many states. The best practice for interrogators when a request is made is to comply with such a statute even if there is no statutory or constitutional remedy for a violation. **Compliance with such a statute removes one more possible argument by a defendant that his incriminating statement was inadmissible because the statutory call was not permitted; that the defendant's statement was involuntary; right to counsel denied, etc.** Common defense practice is to throw every possible argument against the wall and see which argument sticks. ■



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

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



TRAFFIC SAFETY CONTINUES TO BE A “WINNER” THROUGH THE ILLINOIS TRAFFIC SAFETY CHALLENGE

Author: Scott Kristiansen

Celebrating its twenty fourth year, the Illinois Traffic Safety Challenge program promotes professionalism in traffic safety enforcement and encourages agencies to share best practices and programs with each other.

On August 16, 2017, the Illinois Traffic Safety Challenge Awards Breakfast was held during the Annual Midwest Police and Security Exposition in Tinley Park Illinois. Officers from all over the state came together to honor those agencies that were selected as having the best overall traffic safety programs in Illinois.

The awards are based on entries prepared by the participating agencies that highlight their traffic safety education and enforcement activities in the past calendar year. Judges award points to the agencies in the six areas that comprise a comprehensive traffic safety program: policies and procedures, training of officers, officer recognition, public information and education, enforcement, and an evaluation of the outcomes of the agency's efforts.

Law enforcement agencies receive recognition in categories broken down by agency size and type. All first-place winners from the previous year complete in the Championship category.

A total of 27 agencies were recognized for their traffic safety efforts. Five agencies also received special awards for outstanding enforcement and education efforts in the areas of Bicycle/Pedestrian Safety, Distracted Driving, Impaired Driving, Occupant Protection, Speed awareness and Teen driving.

One agency was selected to receive the Judges Award for having the best overall traffic safety program in 2016 regardless of agency category. The 2016 Judges Award went to the Clarendon Hills Police Department.

LOOKING BEYOND THE SAFETY BELT AWARD

Five “Looking Beyond the Safety Belt” Awards were also given to five State Troopers. This award recognizes law enforcement officers whose observations during a traffic stop based solely on a safety belt violation; resulted in the discovery of evidence of a crime and/or apprehension of criminals. This year's winners were: Trooper Teressa Allen, D-Chicago; Trooper Jose Alvarez, D-Chicago; Trooper Michael Cibulskis, D-8; Trooper Michael Harris, D-Chicago; Trooper Vincent Martinez, D-Chicago; Trooper Alexander Pinto, D-Chicago; Trooper Gabriela Ugarte, D-Chicago.

HIGHWAY SAFETY LEADERSHIP AWARD

Illinois highest individual traffic safety award recognition is the Illinois Highway Safety Leader award. Winners are recognized for their outstanding service to the citizens of Illinois and for demonstrating a career long dedication and a strong commitment to traffic safety. This year's award went to Law Enforcement Liaison Scott Kristiansen.

ONLINE APPLICATION

Submitting an application is easier than ever. While a hard copy application is still an option, the new online format makes submitting an application as easy as pushing a button. Online applications comprised 85% of all of the applications received this year and 80% of the winning applications. You can find out more about the on-line application by going to the Challenge website at iltrafficchallenge.org and watching the tutorial video.

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

GOLD PARTNERS

AAA
All Traffic Solutions
Whelen Engineering

SILVER PARTNERS

Northwestern Center for Public Safety
Panasonic
Setina
Kustom Signals

BRONZE PARTNERS

Laser Technology, Inc.
Havis
Federal Signal
Stalker
TDME Calibration
Ultrastrobe Communications

HONORARY PARTNERS

Decatur Electronics
Digital Ally
Innocorp – Fatal Vision
ITEA – Il. Truck Enforcement Association
Suburban Accents
The Finer Line Engraving

PARTNERS

Astro Optics
Blauer Manufacturing
Command Concepts
Intoximeters, Inc
Spiewak & Sons
Minuteman Printing – Naperville
Point Emblems
Premier Mounting Solutions
Proline Embroidery
Ray O'Herron
Safety Equipment Technology Solutions
Star Signal Vehicle Lighting
TKK Electronics
WatchGuard



Illinois Association of Chiefs of Police Executive Director Ed Wojcicki said “We are honored to host this event. We take pride in recognizing the outstanding traffic safety achievements of law enforcement.”

There’s no denying that making the commitment to gather all of the data and information necessary to document your efforts in all of the target areas. One of the biggest advantages of participating in the Challenge is that it can clearly help you to denote program goals and strategies. It keeps you from focusing solely on enforcement and instead helps you change public perception by improving traffic safety awareness. It builds community support through frequent communication and information sharing. Most importantly, it helps you to focus your resources efficiently and effectively.

CHALLENGE WEBSITE

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

The Challenge is also on Twitter and regularly puts out Challenge and other traffic safety information. You can follow us at @ILTChallenge

2016/17 ILLINOIS TRAFFIC SAFETY CHALLENGE WINNERS:

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

SPECIAL CATEGORY AWARDS:

- Bicycle / Pedestrian Award
- Occupant Protection
- Impaired Driving
- Speed Awareness
- Distracted Driving
- Teen Driving



Jason Stuber and Scott Kristiansen man the Illinois Traffic Safety Booth at Expo.



The Tinley Park Police Department honor guard presented the colors



Greetings extended to lunch attendees by Priscilla Tobias, Director of the Office of Program Development, IL Dept. of Transportation.



Opening awards breakfast ceremony included music by the Bagpipes & Drums of the Emerald Society, Chicago PD.



Keynote speaker for the event was Anthony Padilla, Lt. Colonel (Ret.), of the Colorado Highway Patrol.



Continued from page 11



Macomb PD, 1st Prize, Municipal 26-25 sworn officers.



This year's Judges Award to Clarendon Hills PD. ITSC Co-Director, Cmdr. Brian Cooper, made the presentation.



Carol Stream won First Place in Championship Class.



Grand Prize Winner: Addison Police Department.



Scott Kristiansen received this year's Illinois Highway Leadership Award. Left of him is Dan Kent, the 2015 award recipient.



Looking Beyond the Safety Belt Award Winners



Arlington Heights PD, 1st Prize Winner, Municipal 101-250 Sworn



Atwood PD, 1st Prize Winner, Municipal 1-10 Sworn Officers



Buffalo Grove PD, 1st Prize Winner, Municipal 51-65 Sworn



Rockford PD, 1st Prize Winner, Municipal 251 or more Sworn Officers



Illinois State Police Dist. 2, 1st Prize Winner, State Police Districts





2016-2017 Illinois Traffic Safety Challenge Winners



Municipal 1-10 Sworn	Sheriff 1-25 Sworn
1 st – Atwood Police	No Entries
2 nd – Leland Grove Police	Sheriff 26-50 Sworn
3 rd – East Hazel Crest Police	1 st – Tazewell County Sheriff
Municipal 11-25 Sworn	2 nd – No Entries
1 st – Clarendon Hills Police	3 rd – No Entries
2 nd – Hinsdale Police	Sheriff 51-100 Sworn
3 rd – Pingree Grove Police	1 st – Kendall County Sheriff
	2 nd & 3 rd - No Entries
Municipal 26-35 Sworn	Sheriff 101-250 Sworn
1 st – Macomb Police	No Entries
2 nd – No Entries	
3 rd – No Entries	
Municipal 36-50 Sworn	Sheriff 251 +
1 st – Algonquin Police	No Entries
2 nd – No Entries	
3 rd – No Entries	
Municipal 51-65 Sworn	State Police Districts
1 st – Buffalo Grove Police	1 st - District 2
2 nd – Wheeling Police	2 nd - District 15
3 rd – Bartlett Police	3 rd - District 14
Municipal 66-100 Sworn	Part-Time Only:
1 st – Addison Police	No Entries
2 nd – Lombard Police	
3 rd – Quincy Police	
Municipal 101 – 250 Sworn	College/Campus Police
1 st – Arlington Heights Police	No Entries
2 nd – Naperville Police	
3 rd – Elgin Police	
Municipal 251 + Sworn	Other Police Park Dist/S.O.S. etc.
1 st - Rockford Police	No Entries
2 nd - No Entries	
3 rd - No Entries	
Multi-Jurisdiction Agencies	Championship Class
No Entries	1 st – Carol Stream Police
Bike/Pedestrian Safety: Arlington Hts. Police	2 nd – Lake Zurich Police
Commercial Vehicle: No Winner	3 rd – Grundy County Sheriff (Tie)
Distracted Driving: Carol Stream Police	3 rd – Evanston Police (Tie)
Impaired Driving: Carol Stream Police	Looking Beyond The Safety Belt Winners
Occupant Protection: Addison Police	State Police: Trooper Teresa Allen, Jose Alvarez
Railroad Crossing Safety: No Winner	State Police: Trooper Michael Cibulskis, Alex Pinto
Rookie of the Year: No Winner	State Police: Trooper Vincent Martinez,
Speed Awareness: Rockford Police	State Police: Trooper Michael Harris
Teen Driving: Tazewell County	IACP Judges Award: Clarendon Hills Police



WELCOME OUR NEWEST 2017 ILACP MEMBERS

(Added since publication of Command September 2017 Vol 27, Issue 3)

ACTIVE MEMBERS

City	Full Name	Title	Agency Name
Chicago	Kevin Wright	Supervisory Special Agent	Norfolk Southern RR Police Dept.
Chicago	Fred Waller	District Chief of Police	Chicago Police Department
Chicago	James P. Roache	Chief, Investigations Bureau	Cook County State's Attorney Office
Fox River Grove	Eric Waitrovich	Chief of Police	Fox River Grove Police Department
North Chicago	Luis Rivera	Sergeant	North Chicago Police Department
Washington	Michael McCoy	Chief of Police	Washington Police Department



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SECRETARY OF STATE JESSE WHITE PASSES LAW TO REMOVE OBSTRUCTIONS FROM DEALERSHIP VEHICLE WINDOWS BEFORE TEST DRIVING



By Jesse White
Illinois Secretary of State

Public Act 100-346, effective January 1, 2018, was created to prevent accidents due to stickers and paperwork on front and side windows obstructing motorists' views during test drives. We introduced this law in light of the tragic death of Brendan Burke, a young man who was killed during a test drive with a dealership vehicle that had signage blocking their view. In an effort to prevent any more tragedies such as this one, my office decided to create legislation that will protect Illinois motorists and passengers to ensure road safety throughout the state.

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





Special Olympics Illinois



Thank You

The Illinois Law Enforcement Torch Run for Special Olympics Illinois would like to thank the Illinois Association of Chiefs of Police for their continued support in 2017. Because of your efforts and dedication to our mission, we are able to continue to transform the lives of the more than 22,000 Special Olympics athletes across the state. We invite you to save the date for our 2018 LETR Kickoff Conference scheduled for Friday, February 9 at the Doubletree Hotel in Bloomington. Join us as we celebrate our success in 2017 and kickoff our 2018 efforts.

Registration for the 2018 Kickoff Conference will be available online at <https://www.soill.org/law-enforcement-torch-run/> beginning in early December.

#PlungeWith Special Olympics IL

Registration is now live for the 2018 Law Enforcement Torch Run Polar Plunge season! The athletes and families of Special Olympics Illinois encourage you to gather a team and #PlungeWith us at one of our 23 Polar Plunge locations across the state!

Law Enforcement agencies are encouraged to #PlungeWith our Public Safety Division which is open to law enforcement, fire fighters, EMTs, paramedics, DNR, DOC and military personnel. Visit PlungeIllinois.com for a listing of locations or to sign up to #PlungeWith Special Olympics Illinois!

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YouTube https://www.youtube.com/watch?v=SwqkFD7V_jk

2018 POLAR PLUNGE
To Benefit Special Olympics Illinois

23 Plunge Locations Statewide
Feb. 16 - Mar. 25, 2018
REGISTER online at:
www.plungeillinois.com



ILACP VICE PRESIDENTS LANGLOSS, STIEGEMEIER RETIRE; ELECTION SET IN APRIL FOR 3RD VP AND TWO VPS AT-LARGE



★ Chief Danny Langloss ★



★ Chief Dean Stiegemeier ★

This fall, two incumbent ILACP Vice Presidents have announced retirements as police chief, paving the way for new ILACP elections in April 2018.

“I want to thank Chief Danny Langloss and Chief Dean Stiegemeier for their service to the association, the Board of Officers, and our profession,” said ILACP President James R. Kruger, Jr. “It has been enjoyable working with them on the Board of Officers and we will miss their leadership. At the same time, we wish them all the best in the next phase of their lives.”

3rd Vice President

ILACP 4th Vice President Danny Langloss retired as chief of police in Dixon, Illinois, where he became the new city manager in October. He had been serving as the interim city manager in recent months. Langloss plans to complete his term as ILACP 4th Vice President, which is allowed per the ILACP bylaws. But he will not ascend to the next vice-presidential level.

That means ILACP will have elections for 3rd Vice President in April 2018. The successful candidate would become second VP in 2019, first VP in 2020, and ILACP President in April 2021.

VP At-Large, Region 2

ILACP Vice President At-Large for Region 2, Chief Dean Stiegemeier of South Beloit, has announced his retirement effective at the end of 2017. He is in the midst of a two-year term, which expires in April 2019.

There will be an election to fill this vacancy in April 2018. The VP At-Large, Region 2, would then serve until 2019, and then would have to run for a three-year term. The Region 2 VP At-Large has oversight of nine regional associations and 32 counties:

- DeKalb County Law Enforcement Executives Association
- Eastern IL Law Enforcement Administrators Assn
- Fulton County Police Chiefs Association
- Grundy County Law Enforcement Managers Assn.
- Illinois Valley Assn of Chiefs of Police
- Northwest IL Law Enforcement Executives Assn.
- Peoria County Chiefs of Police Assn.
- Quad Cities Council of Police Chiefs
- Tazewell County Association of Chiefs

VP At-Large, Region 3

In the regular cycle, as previously announced, there will also be an election for Vice President At-Large, Region 3. Vice presidents at-large serve three-year terms. Region 3 includes 10 regional associations in seven counties:

- Greater Cook County Council of Police Chiefs
- DuPage County Chiefs of Police Assn.
- Kane County Chiefs of Police Assn.
- Kendall County Chiefs Association
- Lake County Chiefs Association