



Illinois Association of CHIEFS OF POLICE

ILACP SAFE-T Act TRAILER BILL 2 Fact Sheet - October 12, 2021

This fact sheet assumes you are generally familiar with the original SAFE-T Act (HB3653, January 2021) and the first trailer bill (HB3443, May 2021).

Below are the priorities for what we want to be in Trailer Bill 2 for the General Assembly to address during the veto session in October 2021—focusing issues that are effective January 1, 2022. Changes effective in 2023, such as the citations in lieu of arrest, are critical but will be addressed later.

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PART 1: ILACP TRAILER BILL 2 PRIORITIES in OCTOBER 2021

These provisions need changes before January 1, 2022.

OR, if the changes are not made now on some of them, push the effective dates back to July 1, 2022, or January 1, 2023:

- **3 phone calls:** We still find the current language unworkable to REQUIRE 3 phone calls within 3 hours to a person in custody. There are too many reasons that could be difficult to impossible. State's attorneys are negotiating the changes we seek.
- **Body cameras:** The first trailer bill made good changes. We still need modification on who is required to wear a camera. The current definition of all LE is too broad. Exemptions are needed for undercover, administrators, etc. Also, the definition of "labeling" needs clarification.
- **Decertification process:** Some of the agreed language with the attorney general did not make it into the final bill. Example: We don't want simultaneous investigations of complaints at ILETSB and in the local department. Solution: Proceed with changes recommended by the attorney general. Also see important technical language in Part 2 of this Fact Sheet.
- **Use of force:** Clarify that tasers are not lethal weapons. Also, before using pepper spray on an individual, we seek removal of the provision that requires prior notice. It's OK, though, to keep this notice when dealing with crowds.
- **Mental health screenings:** Give ILETSB an extension in defining regular screenings for officers. There needs to be a distinction between new recruits and existing officers.
- **New training requirements:** With so many new requirements, ILETSB is still staffing up and won't be ready by January 1. Everybody acknowledges this. So push this implementation date back.
- **Anonymous complaints:** There is inconsistency in the SAFE-T Act. Solution: We recommend consistency with language negotiated with the attorney general, so that complaints may be "confidential" but not totally anonymous.

PART 2: ALL ISSUES TO BE ADDRESSED AFTER HB 3443

Agreed language from the Law Enforcement Coalition - 10/7/21

The list below shows all of the issues that the Illinois Chiefs and its Law Enforcement Coalition partners want to see in the SAFE-T Act as amended in May by Trailer Bill 1. Those partners include the Illinois Sheriffs' Association, FOP State Lodge, FOP Labor Council, FOP Troopers Lodge 41, and FOP Lodge 7.

Patterns and Practice-Page 1-2 7/1/21 Gives AG new cause of action for these violations. Gives AG the right to conduct investigations before filing suit, including right to require LEOs to file sworn statements, right to depose officers, and to issue subpoenas or conduct hearings in aid of investigations. Spells out remedies AG can seek: declaratory and injunctive relief and civil penalties up to 25K per violation or 50K if there have been prior civil rights violations.

ISP Complaints-Page 4 7/1/21-Changes this to confidential complaints and mirrors the changes in the certification section.

Whistleblower Page 8 7/1/21---Define auditing official

Mental Health Screenings Page 9 7/1/21-Delineates requirements for new hires and screenings for existing LE.

Training Page 11- 15 1/1/22-Creates new minimum training requirements for police officers to satisfy either every three years or annually. New requirements for certified crisis intervention training developed by ILETSB- Specific hour allocations struck-We seek a change in implementation date to 1/1/23

Body Cameras Page 15-17 7/1/21 –Sunset the requirement for LE to provide notice that they have a bodycam to coincide with the requirement of all to have body cameras and one year each for requiring body cams. Clarify the definition of uniformed officers, provide an exemption for certain personnel. Also changes the requirement for the lookback equipment to 7/1/21 to avoid agencies having to replace equipment purchased prior to the effective date of this Act.

Complaints Page 22-24-7/1/21-Changes this section from anonymous complaints to confidential complaint as outlined in the certification section.

Use of chemical agents and Projectiles- Page 27-7/1/21 Prohibits use of pepper spray or tear gas prior to issuing order to disperse in manner to ensure order is heard followed by time to allow compliance with order. Remove this section (vi) Remove back from areas for non-lethal projectiles.

Use of Deadly force for escapee-Page 27-28 - 7/1/21 –This moves the language from (c) to (a) to make it more clear about the circumstances in which it would apply. Maintains totality of circumstances.

Duty to Render Aid Page 28 7/1//21 – Eliminates “if such carrying is requested by the injured person.” Concern is that is likely still not appropriate for law enforcement to do this, need a medical professional determination.

Duty to Intervene Page 28 7/1//21 – Brings consistency to this sections definition of duty to intervene to avoid issues with the language under decertification.

3 Phone call 1/1/22 page 37-39 SA's to provide recommendations

No knock warrant 7/1/21 Page 41—this is technical change this should be 3 rather than c

Multi-jurisdictional body camera requirement- this change would help alleviate issues with both in-state agencies and federal agencies that do not have body cameras.

Certification- Page 70-1/1/22-All Decertification action should be done prospectively for events that occur after the effective date of this Act

Complaints to ILETSB-Page 74- 1/1/22-Provides that complaints shall include identity of complainant. States that certification and decertification procedures are sole procedure for certification and not subject to collective bargaining. States that employees have no property interest in employment. Public employers not required to employ officers who have been decertified.

Inactive Status-Page 86 1/1/22-Inactive status shall not begin until after 2 years, if officer left in good standing.