SPRING 2015
Volume 24 Issue 2

COMMAND

The Official Publication of the Illinois Association of Chiefs of Police

UPDATE ON ILLINOIS LAW OF INTERROGATION

STEPS TO STOP LOSS OF FOID CARD

ILACP PUBLIC OFFICIALS OF THE YEAR 2014

BUILDING COMMUNITY RELATIONS (COVER STORY)

SOCIAL MEDIA MONITORING FOR LAW ENFORCEMENT

ILLINOIS TRUCK ENFORCEMENT

Illinois Association of Chiefs of Police

ASSESSMENT & MANAGEMENT CONSULTING SERVICES

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

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

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- **Exercises reflect current issues in law enforcement**
- **Exercises simulate actual on-the-job situations**
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- **Provides information unattainable from written tests**
- **The process is highly defensible as a selection strategy**

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

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www.ilchiefs.org

Welcome to the ILACP's Spring 2015 COMMAND magazine.

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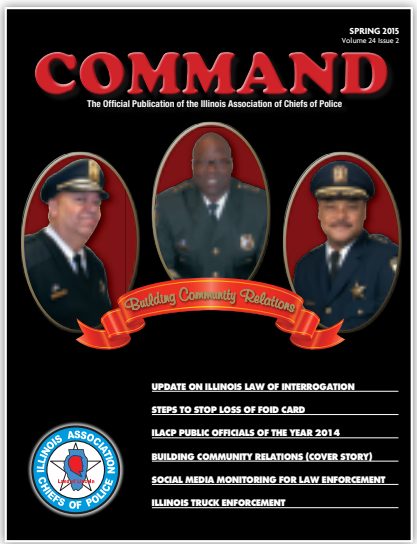

The ***COMMAND*** magazine is only as good as the contributors who share or write informative and educational materials for the readership. If you have any suggestions or articles for submission or just have time to assist the staff in setting up magazine articles, please let us know.

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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REGISTER NOW!

2015 ILACP Training Conference and Installation of Officers

June 12-14, 2015

SATURDAY KEYNOTE SPEAKER: Daniel Linskey, Retired Superintendent-in-Chief of the Boston Police Department. Chief Linskey's presentation will take the audience on a leadership journey through the April 15, 2013 terrorist attack on the Boston Marathon.

Please Register No Later Than June 4, 2015

Choices and Costs are listed below:

- Full Registration: $360 (includes All Training Plus on Fri: Lunch and Dinner; Sat: Special Olympics Illinois Awards Breakfast, Lunch and Banquet)
- Retired/Life Member Full Registration: $150 (includes All Training Plus on Fri: Lunch and Dinner; Sat: Special Olympics Awards Breakfast, Lunch and Banquet)
- Spouse or Guest Full Registration: $360 (includes All Training Plus on Fri: Lunch and Dinner; Sat: Special Olympics Awards Breakfast, Lunch and Banquet)
- Retiree/Life Member Spouse Full Registration: $150 (includes All Training Plus on Fri: Lunch and Dinner; Sat: Special Olympics Breakfast, Lunch and Banquet)
- Friday Evening Reception Additional Ticket: $20 per person
- Saturday Installation Awards Banquet Additional Ticket: $70 per person

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NORTHSHORE
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Wheeling, Illinois 60090

(888) 627-8531 The Westin Reservations
(847) 777-6500 General Hotel Questions
ILACP Room Block Rate is $119.00 Single/Double per Night Plus Applicable Taxes. Room Reservations open until May 21, 2015.
GROUP CODE: "Illinois Police Chiefs Association"
Register Online from the ILACP website.

Tentative Schedule:

FRI.—JUNE 12

8AM-2PM	Election of Officers
8:30-NOON	Executive Board/General Session & Legislative Update Jointly
NOON-1:30PM	Lunch & Presentation "Emerging Technologies in Law Enforcement" by Taser International
1:30-4:45PM	Break Out Training Sessions (1.5 hrs each and repeated) "Arbitration of Police Officer Discipline" "Strategies to Correct a Problem Plagued Department" "Mental Health and Well-Being of Police Officers" "Use of Force Issues" "Procedural Justice"
5-8PM	Host Reception for Incoming President Frank Kaminski, sponsored by North Suburban Chiefs Regional Association; Entertainment by "With That Said Improv" comedy team; Special Olympics Auction fundraiser

SAT.—JUNE 13

9:30-4:30PM	Keynote Speaker Training: "Before, during and after the Boston Marathon Attack on April 15, 2013" by Boston's Ret. Superintendent Daniel Linskey
6-7PM	Installation Banquet Reception
7PM	Installation and Awards Banquet

SUN.—JUNE 14

10AM-NOON	Legal Update Training Session

To Register Go To:
http://www.ilchiefs.org/Conference2015

PRESIDENT'S MESSAGE

Law enforcement officers deserve to be treated with respect and should not be the targets of threats, violence, or social disparagement. Unfortunately the media has chosen to sensationalize a few recent events into a national divide between law enforcement and the community. The failed social system, poverty, class war separation, and corporate greed have made the achievement of the American Dream a surmountable task. These factors, along with the exponential growth in income inequality, all drive the ever increasing animosity towards law enforcement.

After all we are the most visible representation of the failed political system. This increasing population now perceives cops as agents of the oppressive system and not as public servants. They see a criminal justice system that incarcerates a significantly disproportionate number of minorities, especially young black men, and law enforcement agencies conducting unfair or biased enforcement.

The recent attacks on police officers have created a debilitating effect on police officers interaction with the community. Police officers are human beings, and as can be expected their basic human instinct for survival kicks into high gear and all defenses are deployed. The bunker down mentality causes police officers to withdraw from contact with the public and is detrimental to the fundamental principal of developing community partnerships which are vital for successful policing in a democratic society. This reaction soars into the face of decades of remarkable progress towards safer communities and the advancement of community policing.

Now more than ever police officers need to conduct policing with a kind friendly face, one that conveys to people a feeling of mutual respect. As Law Enforcement Professionals we must recognize we can often be perceived as rude and indifferent with citizens we encounter which only leaves a lasting negative impression, particularly in our most vulnerable communities. These are the same communities that suffer through urban decay and multiple incidents of violent crime.

Fortunately the vast majority of police officers will never fire their duty weapons in defense of themselves or another person. The same can be said for most police departments. Many will go years between an officer-involved shooting, if they ever even have one. However, the ILACP wants all of its members to be prepared in the event an officer-involved shooting should take place.

Certainly given the recent incidents occurring across the country it should come as no surprise that over 150 Municipal and Law Enforcement officials attended a seminar hosted by the ILACP and the Illinois Municipal League on March 5th in Bloomington on "Police Deadly Force Events: How Municipal Officials Should Prepare and Respond." The seminar, proctored by the law firm Ancel Glink, featured subject matter experts on organizational accountability, community outreach and media relations. A timely hot topic just as a White House Task Force pointed out a need for changes in police practices across the country particularly in minority communities. The President's Task Force on 21st Century Policing is charged with improving law enforcement and community relationships. The interim report offered 63 recommendations for a broad overhaul of the criminal justice system. It calls for a less confrontational approach by the police and a renewed effort to diversify law enforcement agencies.

The ILACP looks forward to increasing the collaboration between our association and the minority community to foster mutual assistance, support, and joint activities that enhance the quality of service and strengthen the ability of law enforcement throughout the state.

Finally as I prepare to complete my term as President of the Illinois Association of Chiefs of Police, I want to thank you all for your service as law enforcement professionals and your work and leadership on behalf of the association. It truly has been an honor and a privilege to serve as your president for the past year, and the highlight of my career. ■

My best wishes for a safe summer!

Fred W. Hayes
Chief of Police
Village of Elwood

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Proud of our past, Building our future.

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MEET STEVE STELTER
Brookfield Chief of Police

- US ARMY Veteran (Military Police Corps)
- 37-year Law Enforcement Veteran
- 28-years with the DuPage County Sheriff's Office
- Former Deputy Director of BATTLE
- Past President – West Suburban Chiefs of Police Association

Association Interests

- Maintain the positive growth of ILACP Statewide
- Promote the professional and personal development of our members
- Cultivate positive impact on the quality of life in the communities we serve

Campaign Objective

- To be the voice and professional representative of all of Illinois Law Enforcement Leaders

Support

- Begins with his family
- Brookfield Village President and Board of Trustees
- Brookfield Village Manager
- Sponsored and endorsed by the West Suburban Chiefs of Police Association

FROM THE ILACP HEADQUARTERS

By Ed Wojcicki
Executive Director, Illinois Association of Chiefs of Police

We are watching and listening as the national conversation continues to focus on improving relationships between communities and the police. My blog, "Fostering Safe Communities," has launched. In one post I explained that police chiefs throughout the country are committed to three things:

1. Communication

2. Partnerships

3. Building trust

Watch for regular updates of interest to Illinois law enforcement personnel on this blog.

I realize some citizens will be skeptical for a while, but we in law enforcement are committed to keeping our part of the deal in police-community relations. At a conference this year that we hosted with the Illinois Municipal League and Ancil Glink, former ILACP President Chuck Gruber and current President Fred Hayes both talked about the many opportunities that police departments now have to be proactive in building more bridges to their residents. The ILACP Board listened in December to a U.S. Attorney from the Department of Justice say the same thing. So the message is coming through, and police departments are on the leading edge of change while the national conversation continues.

There are several opportunities for our members to get additional training in the next few months:

Annual Training Conference: Our annual major conference, when we also elect and install new officers, will be June 12-14 in Wheeling. Watch our website for more details; there will be a lot of emphasis on community policing and the mental health of police officers on the program.

Midwest Security & Police Conference/Expo: This growing expo is our joint venture with ROC Exhibitions at the Tinley Park Convention Center. It is the only trade show in the Midwest showcasing the latest products and services for security and law enforcement professionals. It will be August 18-19 this year, and we're still looking for more presenters at breakout sessions. Go to http://www.mspce.com for more information. I hope to see you there.

Certifications: You may have noticed that we have increased the number of testing opportunities for our Police Chief Certification Program. We have been scheduling testing around the state and this will continue. If you want a testing site in your part of the state, please contact Suzanne McLean, our Director of Professional Development, at *smclean@ilchiefs.org*. The interest in this certification has picked up considerably this year. Getting this certification signals to your community, your mayor or manager, and your peers that you have achieved a high level of expertise in your profession. Someone from the association will go personally to your city to present the certificate in a highly visible place, often a city council meeting.

Lobby Day and spring legislative session: Our Lobby Day was March 25 in Springfield, but there is still plenty of time for you to contact your state legislators about the many bills that would impact law enforcement (mostly negatively) this spring. Look elsewhere in this magazine, on our website, and in the Weekly Bulletins for regular updates about specific bills. We encourage you to call your legislator or drop by his or her office to explain your opinion on critical legislative issues.

Finally, I'm proud of the many ways that our staff here at the office interacts with chiefs and our other members – providing information in multiple formats, assisting with registration, and generating events and products that, all combined, make us the voice of law enforcement in Illinois. ■

Ed Wojcicki

Ed Wojcicki
Executive Director
Illinois Association of Chiefs of Police

The ILACP is pleased to offer advertising opportunities in connection with ***COMMAND*** magazine, which has been published since September 1991. We continue to offer up-to-date information about "what's happening" in the public safety arena to our members within the law enforcement executive leadership community and other interested parties. The Association strives to aggressively improve production and media relations with advertisers and sponsors, which will further provide excellent customer service and communications. It is not too late to get in front of the major decision makers of law enforcement in Illinois. We will be accepting ad placements on a continuing basis. Details to assist in your advertisement planning are provided below.

AD COPY DIMENSIONS & REQUIREMENTS

AD DESCRIPTION	VERTICAL DISPLAY WIDTH INCHES	VERTICAL DISPLAY HEIGHT INCHES	HORIZONTAL DISPLAY WIDTH INCHES	HORIZONTAL DISPLAY HEIGHT INCHES
COVERS	8.75	11.25	N/A	N/A
FULL PAGE	8.75	11.25	N/A	N/A
½ PAGE	3.75	10.5	8.0	5.0
¼ PAGE	3.75	5.0	8.0	2.25
BUSINESS CARD	N/A	N/A	3.5	2.0

The ILACP Command magazine is created and produced by Cedar Graphics Inc. in Peoria, Illinois in conjunction with the Illinois Association of Chiefs of Police. In the event of questionable ad content, the advertisement will be approved at the discretion of the Illinois Association of Chiefs of Police and its staff.

All ads will be digitally processed in 4-color. Acceptable file format for supplied ads requires minimum 300 DPI quality produced as a PDF, TIFF, or EPS. (We cannot accept low-resolution files.) Preferred page layout programs for submitted native files are Adobe® Illustrator®, InDesign®, Photoshop or QuarkXPress®. There is a $50 conversion fee in addition to the normal advertising fee in the event your ad is submitted in Microsoft® Word or Publisher, Adobe® Pagemaker®, CorelDraw® 10 or PowerPoint.®

Ad copies can be mailed to lkunz@ilchiefs.org or mailed to the Association Headquarters located in Springfield, Illinois.

Advertising space is sold on a first-come, first-served basis. In order to receive multi-discounts, advertisements must be paid in full at the time of receipt of invoice by ILACP.

Ad displays are placed in the order of the size placement: Full Page Ads, ½ Pages, ¼ Pages, and Business Card size.

It is the responsibility of the advertiser to submit ad copy before deadline requirements. Since space is reserved upon payment, there will be no refund due to failure to submit ad copy by the deadline, and Cedar Graphics Inc. reserves the right to create a generic advertisement without recourse.

Ad contract form, prices, and other details are available online at www.ilchiefs.org.

Signing the order form constitutes part of your agreement to advertise with the ILACP.

SHOW YOUR SUPPORT FOR THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE TODAY!

ILACP PUBLIC OFFICIALS OF THE YEAR

"Three Legislators Honored"

State Rep. Kelly Burke
(D-Oak Lawn)

State Sen. David Koehler
(D-Peoria)

Judy Baar Topinka
Comptroller

Three honored as Public Officials of the Year

The Illinois Association of Chiefs of Police is honoring three people as its 2014 Public Officials of Year: **State Rep. Kelly Burke** (D-Oak Lawn), **State Sen. David Koehler** (D-Peoria), and the late **Comptroller Judy Baar Topinka**.

The presentations were made to the two legislators in Springfield on March 25, 2015, and to Topinka's family on April 1 in Oakbrook Terrace during a meeting of the West Suburban Regional Chiefs group.

All three were endorsed unanimously for the honor in November 2014 by the association's Legislative Committee. The ILACP Executive Board set a meeting for December 10, 2014, only to learn by coincidence that Topinka had died unexpectedly earlier that morning. The board proceeded to vote by acclamation to honor Topinka posthumously.

"This is a time when law enforcement is facing extraordinary scrutiny, so we are especially grateful to public officials who support us," said Fred Hayes, ILACP president and police chief in Elwood, Illinois. "We enjoy bipartisan support in state government, and all three officials we are honoring have been not only responsive to our requests; they have been proactive on their own in their advocacy of law enforcement."

Last year, Burke worked to bring chiefs of police, officers, legislators and municipal leaders together to pass a new law that will help local police departments purchase bullet-proof vests. The life-saving equipment was not available to all officers because of a shortage of funding in some departments.

"It is an honor to be recognized by men and women who are working every day to keep our neighborhoods safe," Burke said. "I am committed to working with them in this effort, by ensuring they have the resources they need and making the voices of law enforcement officials heard in Springfield. Those who put themselves in harm's way to protect our families deserve not only our sincere appreciation, but our utmost effort to get home safely to their own families at the end of the day."

In central Illinois, where methamphetamine continues to plague local communities, Koehler is a great asset to the policing community in Illinois. He worked with former Pekin Police Chief Greg Nelson to try to make pseudoephedrine a prescription drug, as it is in Washington and Mississippi, as one step toward addressing the meth problem. Koehler listened, understood and advanced a bill, knowing it would be controversial. When opposition wouldn't let the bill advance, Koehler did not give up and is willing to try another approach. Koehler also has worked with the Chiefs of Police on school resource officers and other issues.

"It's always a pleasure to work with police chiefs and other law enforcement officials," Koehler said. "I appreciate their ideas about how to improve safety in our local communities and throughout the state of Illinois. As elected officials, we honor their commitment and sacrifice."

Topinka was an advocate for law enforcement throughout her career as a legislator and constitutional officer. In the spring of 2014, Topinka recognized approximately 25 female police chiefs and deputy chiefs -- all the ones her comptroller's office could identify in Illinois – and she invited them to a special ceremony in Springfield.

"These women have broken through countless barriers to enter law enforcement," said Topinka, the first woman in Illinois history to serve in two constitutional state offices (state treasurer in addition to comptroller).

Topinka also recognized the Illinois Association of Chiefs of Police for its dedication to protect the people of Illinois, and she was also favorably responsive to the association's legislative agenda.

Co-chairing the association's Legislative Committee, one of its most active committees, are Chief Patrick O'Connor of Moraine Valley Community College and Chief Terry Lemming of Lockport. ■

ILLINOIS 99TH GENERAL ASSEMBLY LEGISLATIVE UPDATE

FROM THE ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

By Laimutis "Limey" Nargelenas
Lobbyist for the Illinois Association of Chiefs of Police

Recent newspaper headlines and television broadcasts mentioned that "Police reform key legislative issue" and "Bills filed for changes in policing" and "Police retraining necessary" are hot topics for this session of the 99th Illinois General Assembly. The state lawmakers are looking to reform police protocol in the wake of events that have taken place in communities outside of Illinois. Some legislators were quoted as saying that they did not want to see these types of incidents occurring in Illinois. One legislator was quoted in Springfield's State Journal Register newspaper as stating that police officers are "just like any profession, there are going to be good people, bad people and some that just plain need help".

At the recent Lobby Day events in Springfield, which included the Annual Legislative Reception to Honor Members of the Illinois General Assembly, the Association presented an award to State Representative Kelly Burke, Senator David Koehler, and the late Judy Baar Topinka who were each selected "Public Official of the Year" for 2014 by this organization. They have been chosen based upon the legislative achievements and contributions made on behalf of Public Safety, the Law Enforcement and Criminal Justice community, and the goals of the Illinois Association of Chiefs of Police.

The Illinois Association of Chiefs of Police (ILACP) is prepared to work with legislators to address any law enforcement concerns that they may have. There is always room for improvement, yet there are also times when it is important to agree to disagree. The ILACP supports the need for legislation in the use of body cameras but will not agree with a bill that fails to address officer safety, data storage, and FOIA concerns. The same is true with bills that deal with police related homicide investigations, sensitivity training, bills barring use of choke holds, legalization of marijuana and other drugs. Please note the attached ILACP Legislative Initiatives that serve as guidelines for the legislative efforts of the Association. The ILACP will also oppose legislation that needlessly places law enforcement officers in harm's way. We owe this to the citizens and police officers of Illinois.

The ILACP Legislative Committee met and developed the following Illinois 99th General Assembly Legislative Initiatives. These initiatives will serve as a road map to the Association's legislative efforts. Please note that the ILACP priority legislative effort will continue to be the passage of legislation that will allow police officers to utilize body worn cameras that does not include unnecessary restrictions.

For a detailed description of each legislative priority, please visit the ILACP website at this link: *http://www.ilchiefs.org/ILACP_Initiatives_Illinois99GA*. To view introduced Bills, Public Acts, etc. in their entirety, log onto *www.ilga.gov.* If you have questions or concerns about the legislative process, please contact Laimutis A. "Limey" Nargelenas, ILACP Lobbyist, or ILACP Executive Director Ed Wojcicki via Email at *ed@ilchiefs.org* or call 217/523-3765.

LEGISLATIVE INITIATIVES:

1. Eavesdropping Exemption for Police Officer Worn Video/Audio Camera Recordings – ILACP Supports
2. Requiring an Individual to Provide Identification to include Expansion of Obstructing Police Officer
3. 9-1-1 Funding
4. Sex Offender Registration Act
5. Distracted Driving
6. Aggravated Fleeing and Attempting to Elude a Peace Officer
7. Automated Traffic Law Enforcement System to include Expanding Program Statewide – ILACP Supports
8. Fight Crime: Invest in Kids Illinois Funding

Opposed Legislation

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

Decriminalization of drug sale and possession laws

Any attempt to prohibit police officers from utilizing non lethal weapons such as "Tasers"

Police Promotion Act

Public Labor – Manning Levels

Restrictions to use of Automatic License Plate Recorders

Change from two license plates to one license plate

Restriction of Automated Red Light Enforcement

Restricting police from making arrests for serious crimes on school property

Transfer of Training Board Funds

COMMAND MAGAZINE
NEW CHIEFS ARTICLE

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

This recurring article will give all members the opportunity to know about new chiefs appointments and to get to know more about them personally. We will continue to feature as many as we can in each edition of Command magazine, and we encourage our members to notify us when you are aware of new appointments. New chiefs will be sent a simple questionnaire to complete and return, along with a photo. Please take the time to call, send an e-mail, and welcome these new police chiefs!

Chief Norman Nissen, Jr.

North Lake Police

Appointed Chief: January 2015

Years in Law Enforcement: 31

Hobbies: Ice hockey (48 years… why stop now!)

Family: Wife and four kids

Age: 56

E-Mail: nnissen@northlakecity.com

Your Agency: Northlake is located on the near west Cook County border near O'Hare airport. Current population is 12,323. We are a CALEA accredited department of 57 happy employees, 39 of which are sworn.

Your History in Law Enforcement: Done it all as most chiefs have. Proud to say I spent my entire career in Northlake. Interesting tidbit: When I was hired my Dad was my supervisor; when he retired, I was his supervisor.

Are you a graduate of SPSC, FBINA, SPI, etc? Yes, Staff and Command class in 1993

What got you interested in a career in Law Enforcement? Seeing the effects of good police officers treating people fairly was something I witnessed firsthand growing up. I never considered anything else.

When did you realize that you wanted to be a chief? When you work under good leadership, it's hard to not develop a comfort zone. I was Deputy Chief for nearly 25 years and was directly involved in nearly every aspect of our police mission and management. My predecessor for good reason took great pride in the many successes our department has had. Once I recognized my chief would be retiring in the near future I realized I might have an opportunity to take over where he had left off. Internal mentoring by outgoing chiefs is something that is somewhat lacking today and in many ways a disservice to many highly qualified police officers. I am one of those that can say thank you to my former chief for the years of mentoring although admittedly sometimes you just don't realize it.

What are your plans/priorities for your agency? Do more with less.

Are you a member of the ILACP? Yes **If so, for how long?** 25 years

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

Would you like to be? Planning to be

What do you see as the greatest value of being a member of the ILACP? Being a national accredited agency you recognize the importance of looking at best practices. I have utilized other ILACP members' knowledge and experience while developing and exploring new or tested problem solving methods. The ILACP is perfect for this.

Are you interested in serving on a Committee? Possibly in the future.

Lastly, but most importantly, Cubs fan or White Sox or Other? Blackhawks!

Chief Phillip Arnold

Wilmington Police

Appointed Chief: August 13, 2014

Years in Law Enforcement: 29

Age: 52

Hobbies: Motorcycling; have rode in every state except Alaska on my Harley Touring bike (Rented a bike in Hawaii, but I count that, too!)

Family: "Better half" is Jacque, pet is my German Shepherd Navi.

E-Mail: parnold@wilmington-il.com

Your Agency: Wilmington PD has 19 sworn and 2 non-sworn employees serving a population of 5,800 and a land mass of 11.8 square miles. Wilmington is nestled in the middle of the Kankakee River Valley, 52 miles south of Chicago. Wilmington combines all the best aspects of rural and suburban living, outstanding recreational opportunities, rich farmlands, quality public services and an active business community; all within the quiet pace of the city. Wilmington boasts being a part of the historic Route 66 Highway, the Illinois and Michigan Canal, and the Underground Railroad System.

Your History in Law Enforcement: I started my law enforcement career as a patrolman in Harvey, IL in 1986. In 1989 I left to become a K9 handler in neighboring East Hazel Crest, and spent just over 6 years there and was promoted to Sergeant before returning to Harvey as a Commander in 1995. In 1999 I had the opportunity to go to another neighboring community, Thornton, IL, as their Chief of Police. In 2006 I became the Deputy Chief for the Amtrak Railroad Police Department, responsible for an area covering 32 states between Ohio and California.

Are you a graduate of SPSC, FBINA, SPI, etc? NUCPS School of Police Staff & Command '94, Executive Management Program '95, Senior Management Leadership Program '09, PERF Senior Management Institute for Police '09.

What got you interested in a career in Law Enforcement? I don't remember what specifically got me interested in law enforcement, but I know it happened at an early age, probably while in the Boy Scouts. At 14 I became a Civil Defense Cadet, and later an EMT. Soon after graduating high school, I was hired as a dispatcher in Harvey, and that really sealed it; it was a great department back then.

When did you realize that you wanted to be a chief? I think it was after becoming a Commander that I realized it. Before that I just liked being a police officer (and still do!), but I wanted to do even more for our profession.

What are your plans/priorities for your agency? I have found that there is a great group of officers in Wilmington, and fortunate for me they have a great span of experience. At this point we are completing construction of a new police facility, so the priority at this point is to get that completed and make the

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transition out of (what is now) a very small station and into a place with some room to grow. After that, getting our officers the right tools to do their jobs and concentrating on the community.

Are you a member of the ILACP? Yes – Since 1996

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

Would you like to be? Yes.

What do you see as the greatest value of being a member of the ILACP? The wealth of experience of the members, and ability to reach out to others who are either looking for the same answers, or have already answered the questions! I've always been a big proponent of networking, and this is the perfect place.

Are you interested in serving on a Committee: Not at this time, but once I am more settled and complete some of the projects here.

Any other information we should know about you? I served on the Executive Board for the South Suburban Chiefs of Police from 2001-2005, and on the Executive Board for the Railroad Police Section of the IACP from 2008-2012. In 2003 I was the Illinois Crime Commission's Police Chief of the Year. I have a Bachelor's degree in Law Enforcement Management and a Master's degree in Public Administration

Lastly, but most importantly, Cubs fan or White Sox? White Sox but I've gotta also mention Da Bears!

Chief Joseph Wazny

Manhattan Police

Appointed Chief: January 5, 2015

Years in Law Enforcement: 28

Hobbies: Motorcycling

Family: Married with six children

Age: 51

E-Mail: jwazny@villageofmanhattan.org

Tell us about your agency: 11 Full-time officers; 7 part-time officers; community of 7,200

Your History in Law Enforcement: I was born and raised in Crete graduating from Crete-Monee High School in 1981. I knew at an early age I wanted to work in Public Service. I joined the Crete Volunteer Fire Department at age 18 and became a Volunteer Firefighter & Paramedic for the Village of Crete. I enrolled at Western Illinois University in Macomb where I studied Criminal Justice and Health Sciences while working my way through school at McDonough District Hospital in Macomb as a Paramedic in the Emergency Room and on the Hospital based Ambulance Service. I graduated college with a Bachelor of Science Degree in Law Enforcement Administration with an emphasis in Health Sciences. I returned home and began my Law Enforcement career at the University of Chicago Police Department as a Campus Police Officer.

Shortly thereafter I returned to Macomb where I worked as a Police Officer, Juvenile Officer, DARE Officer and Detective for the City of Macomb Police Department. After nearly three years in Macomb my new wife and I moved back home to the south suburbs to start a family and my career with the Evanston Police Department.

When I became an Evanston Police Officer, I began by working in Patrol on all three shifts as an Officer, Accident Investigator, Crime Scene Evidence Technician, and Field Training Officer.

As an Officer, I worked in the Traffic Division as a Motorcycle Officer, Accident Investigator and Motor Carrier Specialist. I worked as a Tactical Officer addressing Crime Patterns of Burglary and Robbery, and as a Gang Crimes Detective I investigated Gangs, Guns, Drugs, and Violent Crimes.

While continuing to work full-time, I enrolled part-time in Graduate School at Lewis University where I studied Criminal Social Justice Leadership and management principles. After four years I completed my studies and graduated with a Master of Science degree in Criminal Social Justice Administration.

I was promoted to police sergeant and held that rank for five years working in Patrol on all three shifts, and as the traffic division commander and canine unit supervisor; I was promoted to police commander and held that rank for five years working in the Field Operations Division and Investigative Services Division as a Patrol Shift Commander and the Commander of the Special Operations Group, overseeing a Team of Detectives and Sergeants who investigate Gangs, Guns, Drugs, and Violent Crimes, and the Tactical Officers who investigate pattern crimes of Robbery and Burglary as well as the police department's Criminal Intelligence Unit.

While under my command the special operations group spent one year working with the FBI-Chicago Field Office on an organized crime drug enforcement task force targeting the Belizean Bloods street gang operating in Evanston and Chicago coined, "Operation Blood Hound".

I was promoted to deputy chief of police and held that rank for nearly three years working first in the Field Operations Division and then finally in the Investigative Services Division before retiring on January 2, 2015.

I have had a progressive 28 year law enforcement career, my public service experience has been at three levels of law enforcement including, campus policing, small town community policing, and larger city urban-suburban policing. I have worked my way through the ranks of these organizations and have acquired an immense amount of specialized experiences and training.

What got you interested in a career in Law Enforcement? My grandfather was a police officer.

When did you realize that you wanted to be a chief? Have always wanted to be.

What are your plans/priorities for your agency? Community engagement and a community partnership, "Quality of Life."

Are you a member of the ILACP? No.

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

Would you like to be? Yes.

Are you a graduate of SPSC, FBINA, SPI, etc? FBINA Session 256; NUCPS Leadership and Supervision Programs (5 total) 2004 through 2014; MS of Criminal Social Justice Administration from Lewis University; BS from Western Illinois University

Are you interested in serving on a Committee? No.

Lastly, but most importantly, Cubs fan or White Sox? White Sox Fan with a double underline (okay – we seen that same answer before) ■

UPDATE ON ILLINOIS LAW OF INTERROGATION MIRANDA: CUSTODY; FACTORS; ILLINOIS RECORDING STATUTE; EFFECT OF FAILURE TO RECORD

By James P. Manak

***People v. Clayton*, No. 1-13-0743 (Ill. App. 2014)**
http://www.state.il.us/court/Opinions/AppellateCourt/2014/1stDistrict/1130743.pdf

SUMMARY

Defendant was charged with multiple counts of first degree murder, attempted first degree murder, and aggravated battery with a firearm under a theory of accountability for the shootings. During her bench trial as the prosecution attempted to introduce videotape recordings of two interviews of defendant by the police, defense counsel learned that a third interview had been conducted before any of the recorded interviews. That first interview was not recorded. Clayton moved to suppress her statements to police for violation of a state statute requiring recording of interrogation in murder cases. Her motion was based on the failure to record her first interview. After a hearing on her motion to suppress, the trial court found she was in custody at the time of the first interview and, therefore, that the first interview should have been recorded. Based on this finding, the court suppressed the videotapes of the second and third interviews under the statute. The state appealed, arguing that the trial court erred in finding that defendant was in custody at the time of her first, unrecorded interview and therefore the statute was inapplicable. The state further contended that it overcame a presumption of inadmissibility contained in the statute.

The appeals court agreed with the trial court, ruling the defendant was in Miranda custody at the time of the first, unrecorded interrogation. The court set forth a list of factors to consider in determining a custody issue. **The case is also important as an example of the Illinois confession recording statute, and the consequence of failing to follow the statute.**

FACTS AND PROCEDURAL HISTORY

On the afternoon of March 6, 2008, Kenneth Thomas and Maverick Magee were shot in South Holland, Illinois, resulting in Thomas's death and serious injuries to Magee. We will not summarize the facts relating to those shootings and Clayton's connection to them as they are not relevant to the issues on appeal. Clayton, along with codefendants who are not parties to this appeal, was charged with multiple counts of first degree murder, attempted first degree murder, and aggravated battery with a firearm in connection with the shootings. Clayton was charged under a theory of accountability. Clayton's and her codefendants' bench trial commenced on December 11, 2012.

Detectives Martin Knolmayer and Kenneth Arvin were assigned to investigate the shootings. **At 11 p.m. on the night of March 6, 2008, Arvin and Knolmayer, along with at least two other officers, arrived at Clayton's home.** The detectives asked Clayton to accompany them to the South Holland police station to talk about the shootings. Clayton, who was 17 years old at the time, agreed and was taken to the police station in the back of an unmarked police vehicle. Arvin testified that Clayton was not handcuffed and that when she was taken to the station, Clayton was a witness and not a suspect. **Arvin admitted that, prior to their arrival at Clayton's home that evening, police had compiled a list of suspects that included Clayton.**

Once inside the police station, Clayton was taken to an unlocked interview room. According to Arvin's testimony at trial, the interview with Clayton lasted approximately 20 minutes. **A videotaped recording shows an interview with Clayton that began at 3:55 a.m. on the morning of March 7, 2008, nearly five hours after she was brought to the station.** At the outset of the interview, Arvin asked Clayton whether she came to the police station "voluntarily" and "of her own free will" to which she responded affirmatively. **The videotape shows Clayton was advised of her *Miranda* rights, which she waived.** Arvin testified that "every word" made by Clayton was recorded. After the interview ended, Clayton was taken to the lobby of the police station to wait for a family member to take her home.

The next day, on March 8, 2008, Clayton was arrested at her place of employment, a McDonald's restaurant. Clayton was handcuffed and taken to the police station. At the station, Clayton again waived her *Miranda* rights and spoke to police. **That interview was also videotaped.**

On the second day of Clayton's trial, as the State attempted to introduce the videotaped recordings of Clayton's interviews, defense counsel objected on foundation and authenticity grounds. The trial court overruled the objection and the videos were admitted into evidence. **In the videotape of Clayton's March 7 interview, Arvin alluded to a prior interview as he questioned Clayton. When trial resumed the following day, defense counsel again objected to the introduction of the videotaped interviews, this time on the basis that there had been an interview that had not been recorded.** The trial court allowed defendant to recall Arvin to clarify that he had conducted an interview of Clayton that was not videotaped. **This first, unrecorded interview occurred one to two hours after Clayton was picked up from her home at 11 p.m. on March 6.** Arvin testified that he took notes during the first interview but did not know where the notes were. The trial court delayed ruling on Clayton's objection until the next court date and ordered the officer to locate the notes from Clayton's first interview. The notes were never produced.

At the next court date, defense counsel argued that the detectives had violated section 103-2.1 by not videotaping Clayton's first interview and that the videotapes of Clayton's second and third interviews were presumed inadmissible according to the statute. Defense counsel moved to suppress the videotaped recordings of Clayton's interviews with police. The trial court then adjourned the trial and conducted a hearing on Clayton's motion to suppress the videotaped interviews.

Both Arvin and Knolmayer testified at the suppression hearing. Their testimony revealed more information regarding the events on the night of March 6, 2008. When they arrived at Clayton's home at 11 p.m. with other officers, Arvin and Knolmayer spoke to Clayton's parents, introduced themselves, asked to speak to Clayton, and told them they wanted to speak to her at the station about the shootings. The detectives testified that Clayton was allowed to go to another part of the house to retrieve her jacket before she was taken to the police station. The detectives also advised Clayton's parents that they would bring her home. **According to the detectives, Clayton was not considered a suspect before or after the first interview.** Arvin admitted that in "canvasses" where police visit neighborhoods to interview witnesses, witnesses are generally interviewed in their homes and "suspects" are interviewed at the station. Knolmayer testified that he and the other detectives were "ordered" to bring Clayton to the station.
Once at the station, Clayton was taken to a room. Arvin's testimony at trial was that Clayton was taken to an interview room, but at the suppression hearing, he testified that she was taken to an "administrative room or a report-writing room." **Knolmayer testified Clayton was taken to an interview room that was not equipped with videotaping equipment.** According to the detectives, the door to the room was unlocked, although neither detective recalled anyone telling Clayton she was free to leave. Clayton remained there from about 11 p.m. until the conclusion of the second interview at 4:15 a.m. After bringing her into

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the station, one to two hours passed before the detectives interviewed Clayton. **She was not given *Miranda* warnings before the first interview.** The State did not elicit any testimony regarding the substance of the first interview, how long it lasted, or what Clayton's demeanor was during the interview.

According to Arvin, after the first unrecorded interview concluded, Clayton was taken to a second interview room, where the recorded interview began at 3:55 a.m. Although the detectives testified Clayton was still not a suspect in the shootings, Clayton was given Miranda warnings before the second interview.

Clayton's mother and father testified at the suppression hearing that on the night of March 6, 2008, the detectives came to their home and asked for Clayton. According to Clayton's parents, at least four police officers showed up, with weapons. **Both testified that detectives told Clayton that she had to go with them to the police station and handcuffed her sometime after they allowed Clayton to get her jacket from another part of the home. There was no evidence that police offered Clayton's parents the opportunity to accompany her to the station or to be present for her interviews.** Clayton's testimony at the suppression hearing about the events of March 6, 2008 corroborated the testimony of her parents, including that she was handcuffed and taken to the police station for questioning about the shootings. Clayton testified that both the first and second interviews were conducted in the same interview room.

The State's position at trial and during the suppression hearing was that Clayton was not subjected to a custodial interrogation at the time of either the first (unrecorded) or second (recorded) interview during the early morning hours of March 7, and therefore, there was no requirement that those interviews be recorded. The State did not submit any evidence regarding the second and third interviews or the voluntariness or reliability of any of the statements made during any of the interviews.

Following the close of the evidence at the suppression hearing, the trial court found that the first interview was custodial and should have been videotaped. The trial court found that taking a 17-year-old from her home at 11 p.m. at night without her parents and questioning her in an interview room at the station and not at her home supported a finding that Clayton was in custody. As to whether Clayton was handcuffed, the court found that she was not handcuffed when the detectives first arrived at her home because she was allowed to retrieve her jacket. But the court found that, given the conflicting testimony and the lack of any contemporaneous reports, it was impossible to determine when she was handcuffed or whether she was later handcuffed at all. The trial court noted that despite directing the State to produce the notes from the first interview, the State failed to produce notes or any record of what occurred during that interview. As to whether the officers asked Clayton questions during the first interview that were reasonably likely to elicit an incriminating response, the trial court found it was likely that Clayton made some incriminating statements given the officers' decision to give her Miranda warnings and videotape the second interview. **The trial court granted Clayton's motion to suppress the videotapes for violation of section 103-2.1.**

Following the ruling, the State filed a motion to reconsider. The State repeated its argument that Clayton was not in custody during the March 7 interviews. **The State also argued, for the first time, that the videotaped statements should be admitted under section 103-2.1(f), which provides that "[t]he presumption of inadmissibility of a statement made by a suspect at a custodial interrogation" may be "overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable."** 725 ILCS 5/103-2.1(f) (West 2012). The State did not present evidence as to the voluntary nature or the reliability of any of the statements made during the interviews.

In denying the State's motion to reconsider, **the trial court emphasized that a 17-year-old was taken by police from her home without her parents late at night and remained at the police station for at least 4½ hours without sleep and without a lawyer, that Clayton was on a list of "suspects" before the police went to her home, and that the police have no notes or record of what happened between 11 p.m. and 3:55 a.m.** Thus, the trial court determined that Clayton was in custody during the first and second interviews and the State failed to meet its burden to show that the first statement was voluntary and reliable by a preponderance of the evidence.

Clayton's trial was stayed pending the State's appeal to this court. **For the reasons that follow, we affirm the trial court's order suppressing Clayton's statements.**

THE COURT'S ANALYSIS

The State contends the trial court's finding that Clayton was subjected to custodial interrogation during the first interview is against the manifest weight of the evidence, thus rendering section 103-2.1 inapplicable. The State also maintains it proved by a preponderance of the evidence that the videotaped statements were given voluntarily and thus, it overcame the presumption of inadmissibility of the statements under section 103-2.1(f).

On review of a trial court's ruling on a motion to suppress, we afford great deference to the trial court's credibility determinations and factual findings, and we will not disturb those findings unless they are against the manifest weight of the evidence. *People v. Slater,* 228 Ill. 2d 137, 149 (2008). A judgment is against the manifest weight of the evidence only when an opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on evidence. *People v. Lopez*, 2013 IL App (1st) 111819, ¶ 17. We review *de novo* the ultimate question of whether the motion to suppress evidence should have been granted. Id. In arriving at our decision, "it is proper for us to consider the testimony adduced at trial, as well as at the suppression hearing." *Slater*, 228 Ill. 2d at 149.

Under section 103-2.1 of the Code, police must make an accurate electronic recording of any interrogation that occurs as part of a murder investigation, and if the State subjects a murder defendant to an unrecorded custodial interrogation, "then any statements made by the defendant during or following that nonrecorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible." 725 ILCS 5/103-2.1(d) (West 2012). Further, pursuant to section 103-2.1(f), "[t]he presumption of inadmissibility of a statement made by a suspect at a custodial

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interrogation at a police station or other place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances." 725 ILCS 5/103-2.1(f) (West 2012).

A. WHETHER CLAYTON'S FIRST INTERVIEW WAS CUSTODIAL

The State first argues that Clayton voluntarily cooperated and spoke to police as a witness at the time of her first interview. Therefore, the State maintains, the first statement was not the product of a custodial interrogation and, thus, the mandatory recording requirement of section 103-2.1 did not apply.

Under section 103-2.1(a), a custodial interrogation is defined as any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) a question is asked that is reasonably likely to elicit an incriminating response. 725 ILCS 5/103-2.1(a) (West 2012). **Section 103-2.1(a) thereby codifies "the common-law definition of custodial interrogation developed in *Miranda* and [its] progeny."** *People v. Harris*, 2012 IL App (1st) 100678, ¶ 52.

Factors relevant to the inquiry into whether an individual was in custody include: (1) the location, time, length, mood, and mode of the questioning; **(2)** the number of police officers present during the interrogation; **(3)** the presence or absence of family and friends of the individual; **(4)** any indicia of a formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting; **(5)** the manner by which the individual arrived at the place of questioning; and **(6)** the age, intelligence, and mental makeup of the accused. *Slater*, 228 Ill. 2d at 150. After examining and weighing these factors, the trial court must make an objective determination as to whether, under the facts presented, "a reasonable person, innocent of any crime" would have believed that she could terminate the encounter and was free to leave. *Id.* (citing *People v. Braggs*, 209 Ill. 2d 492, 506 (2003), and *People v. Fair*, 159 Ill.2d 51, 66–67 (1994)).

Applying the above factors to the evidence adduced at trial and at the suppression hearing, and giving due deference to the trial court's resolution of factual questions in light of its ability to observe first-hand the witnesses' credibility and demeanor, **we find that virtually every relevant factor supports the trial court's finding that Clayton was in custody at the time of the first interview. First considering the manner by which Clayton arrived at the police station** (*Slater*, 228 Ill. 2d at 150), Clayton's visit to the station was not initiated by her, nor was she given the option to be questioned at her home or to report to the police station at a later time, although the State maintains that she was, at least at the time of her first interview, merely a witness. **It is undisputed that Clayton was taken from her home at 11 p.m. and was asked to accompany the officers to the police station at a time specified by them, *i.e.*, immediately.**

Clayton was also not afforded the opportunity to travel to the station with her parents or a family member. Instead, Clayton was transported to the police station by two officers in an unmarked police vehicle. The detectives told Clayton's parents they would give her a ride home, although they later failed to do so. Thus, Clayton did not have a means to get home on her own and was ultimately required to call someone for a ride home after the interviews ended near dawn the next day. **Thus, the manner in which Clayton arrived at the police station supports the finding that she was in custody.** See *Slater*, 228 Ill. 2d at 154. ("Defendant's voluntary arrival at the [place of interrogation] by means of her own transportation is distinguishable from a situation in which a defendant is transported to and from the place of interrogation by law enforcement officers and has no other means of egress from that location.").

We also consider the number of police officers present, as well as the location, time, length, mood and mode of questioning. First, it is uncontroverted that at least four police officers arrived at Clayton's home. **The number of officers present raises serious doubt regarding the State's contention that when police first arrived at her home, they considered Clayton to be merely a witness.** Additional questions regarding Clayton's status as a witness are raised by the failure of police to question Clayton in her home, despite the acknowledgement that witnesses are usually questioned either in their homes or in the vicinity of the crime, not at a police station. **Questioning conducted at a police station, particularly when a witness is not informed that he or she is free to leave and when the witness must rely on the police for transportation, presents a more intimidating and adversarial environment.** *Slater*, 228 Ill. 2d at 156.

The time of the interview also supports the finding that Clayton was in custody. It is uncontroverted that Clayton was picked up from her home late at night and was detained at the police station for more than five hours. The fact that Clayton was held at the police station overnight belies the State's assertion that she was not in custody.

The State presented no evidence regarding the mood and mode of questioning during the first interview. Indeed, the State presented no evidence at all regarding what questions Clayton was asked and what answers she gave during the first interview. Thus, this factor could not possibly weigh in favor of a finding that Clayton was not in custody during that interview.

While there is no evidence that there was a formal arrest procedure such as booking or fingerprinting, the trial court's finding that it could not determine whether Clayton was handcuffed (after she was permitted to retrieve her jacket) because of the lack of a record as to the circumstances under which Clayton was taken to the police station is manifestly correct. Given the failure of the police to document in any way their initial encounter with Clayton, this factor is, at most, neutral. Even if Clayton was not handcuffed at all, the determination that she was in custody is supported by other facts in evidence. As we have noted, ***the time of the officers' arrival at Clayton's home, the number of officers present and the fact that Clayton was transported to the police station in a police vehicle all support the custodial nature of the interrogation.*** Further, although the room where the questioning was held was unlocked, Clayton was never told she was free to leave, even as the hours passed overnight.

Finally, the remaining factors also weigh in favor of finding that Clayton was in custody at the time of the first interview. **The record indicates that Clayton**

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was taken from her parent's home, her parents did not accompany her to the station, and Clayton was alone at the police station overnight. *People v. Vasquez*, 393 Ill. App. 3d 185, 190 (2009) (police asking defendant's parents to leave the defendant's hospital room so that they could question the defendant was a factor suggesting that the defendant was in custody). Moreover, although Clayton was a high school graduate, the fact that Clayton was a 17-year-old who still lived at home is a relevant consideration, as **her age would impact her perception of the custodial nature of the interrogation.** The State introduced no evidence that anything in Clayton's background and, in particular, any experience she might have had with the criminal justice system, could have offset her perception that she was obligated to accompany the police to the station and answer any questions posed to her.

The record also supports the trial court's finding that the "suspects" list, which included Clayton's name, was generated before the police officers went to Clayton's home. The State challenges the finding that Clayton was on the "suspects" list and insists she was merely a witness at the time of the first interview. But whether Clayton was, in fact, a suspect in the investigation does not impact our determination as to whether the interrogation was custodial. *Slater*, 228 Ill. 2d at 153 (a police officer's subjective view that the individual under questioning is a suspect, if undisclosed, does not bear upon the question of whether the individual is in custody for purposes of *Miranda*); *Stansbury v. California*, 511 U.S. 318, 324 (1994).

Conversely, the State's position that Clayton was considered merely a "witness" by police does not affect the objective circumstances of an interrogation, and thus does not affect the custody inquiry. *Stansbury*, 511 U.S. at 323 ("Our decisions make clear that the initial determination of custody depends on the objective circumstances of the interrogation, not on the subjective views harbored by either the interrogating officers or the person being questioned."). Even if the police officers disclosed to Clayton that she was a witness during the first interview (and the record contains no evidence to this effect), such disclosure would be relevant only to the extent it would affect whether a reasonable person in Clayton's position would feel free to leave. Here, the evidence supports the conclusion that a reasonable person in Clayton's position would not have felt free to leave the police station.

Contrary to the State's position, Clayton's stay at the station was not a brief, nonintrusive encounter with police. After arriving at the station, Clayton was placed in a room to wait for one to two hours before she was first interviewed by two detectives. Before the second interview began at 3:55 a.m., Clayton was at the station nearly five hours and, during that period, no one told her she was free to leave. During the second interview, Clayton was not informed that the police considered her a witness, rather than a suspect. It was not until after the second interview concluded –at approximately 4:15 a.m. –that officers made it clear that Clayton was free to leave the station by bringing her to the station's lobby.

No single factor is dispositive, and in each case we consider all of the circumstances surrounding the questioning to determine whether it was custodial. *People v. Daniel*, 238 Ill. App. 3d 19, 30-31 (1992). That Clayton was taken to the police station late at night and questioned overnight are two "among many factors that bear upon the assessment whether that individual was in custody, and not the sole determinant of that issue." (Internal quotation marks omitted.) *Slater*, 228 Ill. 2d at 153. **Here, examining and weighing all the various factors, and not a single factor alone, we find that a reasonable person, innocent of any crime, would not have believed that he or she could terminate the encounter or was free to leave.**

The State maintains that the trial court "made no reference" to defendant's "explicit statement that she voluntarily accompanied the detectives to the police station." For this proposition, the State points to the videotaped recording of the second interview.

We cannot say that the State's argument that the videotape of the second interview shows that Clayton was a cooperating witness is supported by the evidence. As we note above, Clayton was asked to affirm that she accompanied officers to the station "voluntarily" and "of her own free will." **We would hardly expect a teenager to argue the point with police.** Further, there is no record of what actually occurred during the first interview, and even if Clayton voluntarily accompanied officers to the police station, there is no record of what transpired between the time Clayton arrived at the station and the second interview nearly five hours later. If anything, the fact that Clayton was apparently left alone in an interview room for several hours in between interviews and then questioned again regarding the events of March 6 would point to a more, rather than less, coercive atmosphere. **Thus, Clayton's statement in the videotape that she went to the station of her own volition bears little relevance to the custodial nature of her second interview.**

We are also unpersuaded by the State's argument that the trial court based its decision primarily on the fact that the detectives did not have notes from the first interview, instead of analyzing the "totality of the circumstances" to determine if there was a custodial interrogation. The findings of fact made by the trial court are clearly supported by the evidence adduced at trial and the suppression hearing. The court considered not only that it could not determine what occurred during the first interview because of the failure of the State to produce the notes from the interview, but it also expressly considered the remaining relevant factors. The record amply supports the trial court's determination that Clayton was in custody during both her first and second interviews.

With respect to the second issue regarding the custodial nature of the interrogation –whether Clayton was asked questions during the first interview that were reasonably likely to elicit an incriminating response –the trial court reasonably inferred that the responses Clayton gave to the questions at least led the detectives to record the second interview and give her *Miranda* warnings. Indeed, Arvin testified that he was instructed by a superior to give Clayton *Miranda* warnings before the second interview, a fact that supports the inference that something Clayton said during the first interview caused the superior to conclude she should be advised of her constitutional rights. The State introduced no evidence to rebut that reasonable inference, particularly given that there is no record of what occurred during the first interview. Further,

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the videotape of the second interview shows that detectives alluded to her earlier statements and asked Clayton why her story was not consistent with the one she gave earlier. This likewise supports a finding that Clayton was likely asked questions designed to elicit incriminating statements during the first interview.

Based on the factors examined and weighed above, and the well-supported findings of fact made by the trial court, we conclude that Clayton was subjected to a custodial interrogation as defined by section 103-2.1(a) during her first, unrecorded interview with police. 725 ILCS 5/103-2.1(a) (West 2012).

Under section 103-2.1(d), if the court finds, by a preponderance of the evidence, that Clayton was subjected to a custodial interrogation in violation of section 103-2.1(b), then any statements made by Clayton during or following that unrecorded custodial interrogation are presumed inadmissible. 725 ILCS 5/103-2.1(d) (West 2012). Given that the trial court correctly found by a preponderance of the evidence that Clayton's statements during the first interview were made as a result of a custodial interrogation, **section 103-2.1 applied and the police violated section 103-2.1(b) by failing to record Clayton's first interview. Therefore, the videotapes of Clayton's statements during the second and third interviews are presumed inadmissible.**

B. WHETHER THE STATE OVERCAME THE PRESUMPTION OF INADMISSIBILITY

The State argues that the trial court erred in suppressing the videotapes of the second and third interviews because any presumption of inadmissibility was overcome by a preponderance of the evidence that the statements were given freely and voluntarily. **But the State failed to adduce any evidence, other than the videotapes themselves, that the statements made during the second and third interviews were (1) voluntarily given and (2) reliable.** The State first argues that the failure to record Clayton's first interview was "inadvertent." This argument, advanced for the first time on appeal, directly contradicts the position the State took in the trial court, i.e., that the detectives' failure to record the first interview was based on their belief that Clayton was merely a witness. Having taken that position, we cannot allow the State to recharacterize the detectives' conduct on appeal.

Moreover, the State never attempted to sustain its burden to demonstrate the voluntariness of Clayton's statements at the trial court. During the suppression hearing, the State's sole contention was that section 103-2.1(b) did not apply because Clayton was not subject to a custodial interrogation. The evidence presented by the State at the suppression hearing related only to the factors relevant to the inquiry as to whether the first unrecorded interview was custodial, but no evidence was presented about the voluntariness of the statements made during the recorded interviews.

* * *

Although the State had multiple opportunities to present the argument (and evidence) that the statements given during the interviews were voluntary and reliable, the State failed to do so. **At a minimum, the State failed to meet its burden to prove by a preponderance of the evidence that the recorded statements were given voluntarily, and on this record, by failing to argue that the statements were given voluntarily and are reliable, the State has forfeited this argument on review.** See *People v. Adams*, 131 Ill. 2d 387, 396 (1989).

THE COURT'S CONCLUSION

We hold that the trial court's finding that Clayton was in custody under section 103-2.1(b) during the unrecorded first interview is not against the manifest weight of the evidence. Therefore, any statements which were made after the unrecorded interview were presumed inadmissible. 725 ILCS 5/103-2.1(d) (West 2012). **Because the State failed to adduce any evidence sufficient to sustain its burden to prove that the later statements were voluntary and reliable, they were properly suppressed.**

Affirmed. ■

PRACTICE POINTER

Recording statutes, such as Illinois, now exist in many states. An interrogator violates such a statute at his or her peril. Suppression of evidence can be expected for ignoring such statutes. **Where the particular statute turns on the existence of *Miranda* custody, such as that in Illinois, a safe approach is to record if there is *reason to believe* custody is likely to be found.** The six factors outlined by the court in this case for a finding of *Miranda* custody are considered determinative by most courts dealing with the issue.

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.*

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JESSE WHITE WELCOMES NEW POLICE DIRECTOR SYDNEY ROBERTS, ISSUES REMINDER REGARDING STATUTORY SUMMARY SUSPENSIONS AND ENCOURAGES EVERYONE TO REGISTER FOR ORGAN AND TISSUE DONATION IN THE STATE OF ILLINOIS

By Jesse White
Illinois Secretary of State

WARM WELCOME FOR NEW POLICE DIRECTOR SYDNEY ROBERTS

As many of you already know, Interim Director of the Illinois Secretary of State Police Sydney Roberts is now the standing Director. The choice was simple since Roberts has proven herself to be an excellent leader time and again. Previously, she served under the late Brad Demuzio as Chief Deputy Director for the past four years. I am confident that with her wealth of knowledge and experience, she will steer the department into the right direction.

STATUTORY SUMMARY SUSPENSION REQUIREMENTS

Before statutory summary suspensions can be imposed upon DUI drivers, my office must receive a copy of the Sworn Report, which indicates whether a driver refused or failed chemical testing. In order to ensure these suspensions remain valid, don't forget to send page 5 of the report to the Secretary of State at: 2701 S. Dirksen Parkway, ATTN: DUI Unit, Springfield, IL 62756. Any questions regarding submission of sworn reports may be directed to my office's DUI unit at 217-782-3644.

APRIL IS DONATE LIFE MONTH

During the month of April, we are encouraging everyone to register for Organ and Tissue Donation. Currently, there are approximately 5,000 people waiting for a lifesaving organ donation. If you or anyone you know has registered prior to 2006, you will need to re-register since the law has changed for First Person Consent. Anyone age 18 and older can provide first person consent and do not require the approval of family members.

As Illinois Secretary of State, I commend the work you all are doing to keep drunk drivers off the roads and maintain safety for motorists in Illinois. Your hard work and dedication is greatly appreciated. ■

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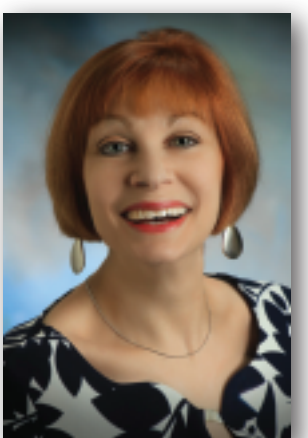
"HEY DOC"
WORKING ON STOPPING AUTOMATIC LOSS OF FOID CARD

By Dr. Marla Friedman
Chair-Police Psychological Services Section



When we suggest that police officers and chiefs be open to psychological services to improve their own health, we always hear the concern about officers automatically losing their FOID cards if they elect to receive voluntary inpatient treatment. We are working to change this.

We are working on a bill to create an important exception to the Firearm Owners Identification Card Act. Originally drafted by Chief Pat O'Connor from our Legislative committee and modified by Chief Jim Kruger and me the goal is to protect officers from losing their FOID cards automatically.

Playing devil's advocate, why should an ordinary citizen lose their FOID card after voluntary *inpatient* hospitalization for a mental health or addiction disorder, and a law enforcement officer can keep theirs? That's a good question. However, a citizen who seeks help does not automatically lose their job after completing inpatient treatment. Losing one's livelihood is without a doubt one of the major obstacles to officers getting the help they need.

While the FOID card is not required by the State of Illinois for a peace officer to maintain his or her job, almost all police departments require them. There's the rub. An officer will lose their job for taking responsibility for their own wellness, which causes most officers to avoid inpatient treatment at all costs even if they are truly suffering.

Without this law there are officers who are isolated, depressed, angry, traumatized and addicted on the streets everyday. This is also a safety issue. An officer who is not well is distracted. Distraction is a danger to the officer, his or her squad and the public. For the men and women who put their lives on the line for us everyday it makes no sense to put a roadblock in the way of them getting help. It should be just the opposite.

For clarification, a police officer can obtain *outpatient* mental health treatment without the threat of losing their gun or job. An outpatient licensed mental health professional is not required to report to the state that they have seen an officer for treatment unless he or she is in immediate danger to self or others. Provisions of the Clear and Present danger requirements of the FOID act will at all times apply when the welfare of the officer or public may be compromised. This is just common sense as the safety of the officer and the public continues to take precedent.

To be on the safe side, the provisions of the new bill require an officer to meet the treatment goals of the treating mental health professional within their chosen facility, as we are talking about **voluntary** admission. Additionally, they need to notify their agency head and pass their fitness for Duty Exam before returning to work. While the FFDE may sound daunting, remember this is following voluntary treatment and the officer is in better shape than ever before.

If you are aware of a state representative or senator in your area that understands this terrible bind we are in, please contact them directly and explain what we are up against and see if they will support this bill when it comes before them. I have agreed to testify in Springfield to get this bill passed when it becomes written and supported.

It is worth noting that the Americans with Disabilities Act (ADA) was passed so everyone who has a mental health issue can seek treatment

Our Mission statement is as follows: *The Mission of the Police Psychological Services Section is to utilize our unique and specific skills obtained through rigorous education, training and experience to support the goals and endeavors of The Illinois Association of Chiefs of Police. This will be accomplished by providing therapeutic intervention, consultation, interpretation of psychological evidence to assist in case resolution and insight through formal assessment. In doing so we will maintain the highest level of competence through continued education and collaboration with our peers in psychology and law enforcement.*

without the threat of losing their job. But the way the FOID Act works in Illinois, the ADA currently protects all US citizens except for one class of citizens. That class is the Illinois police officer. That is an unfair standard that needs to be addressed as soon as possible.

The second and equally important variable in officers seeking treatment for mental health issues is the universally held stigma that still exists when anyone seeks assistance from a mental health professional.

We have to engage in a "New Standard" that rejects the old concepts about confronting problems that have a neurological, psychological or situational origin. Banishment of the old stereotypes that continue to plague us in this, the 21 century has to begin with each officer taking responsibility for their own health and the chiefs and 1st line supervisors showing support for this change.

A current study called "Perceptions of Law Enforcement Officers in Seeking Mental Health Treatment" (White, Shrader and Chamberlain) offered some "Action Items" worth noting.

1. Increase interactions and collaboration between officers and mental health care providers and officers who have sought mental health treatment through academy and in-service education and training.
2. Increase the number of officers trained as mental health care providers.
3. Increase training and resources to continue or develop peer support groups and stress management teams.
4. Incorporate a holistic approach to officer mental health that includes physical fitness and exercise.

Finally, it's a full team approach. We will all; law enforcement, mental health professionals and our legislators have to work together to change these old ways of thinking and behaving. This is possible and the time is right for this to happen now. With what we currently know it would be a crime not to move forward. ■

For more information about any of these issues please contact: Marla Friedman, Chair/PPSS at: Booklight@att.net and 630-510-3966

References

White Amy, Shrader Gregory, and Chamberlain Jared, "*Perceptions of Law Enforcement in Seeking Mental Health Treatment.*" The Police Chief 82, no. 2 (February 2015): 16-17.

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To obtain a referral to a licensed mental health professional in your area please contact: Marla Friedman at Booklight@att.net or 630-510-3966

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INTERVIEW WITH THE CHIEF OF POLICE ANTHONY GROOTENS

"Welcome to Jacksonville"

By: Dr. Marla Friedman and Chief Anthony Grootens

MWF: How did you decide to go into law enforcement? Some chiefs always knew that was the direction they wanted to go in, and some just fall in and find it's the place for them.

AG: I joined the Air Force in 1973 as the Security Police. When I got out, I joined the Sheriff's department in Adams County in 1976. I started at Adams County as a radio operator/jailer. I attended PTI in early 1979 and then became a road deputy. I was promoted to Sergeant in 1981. In 1986, I was assigned to the West Central Drug Task Force, run by the Illinois State Police. In June of 1987, I was hired by the DEA and sent to the St. Louis Divisional Office, and assigned to Springfield, Missouri and Springfield, Illinois. I was promoted to Resident Agent in Charge in Anchorage Alaska in 2000. After that, I became Watch Commander at EPIC, and finally Resident Agent in Charge for Springfield, Illinois.

MWF: You must adapt well to change because that's a lot of variety. What was it like to work in Anchorage, Alaska?

AG: Alaska was probably one of the most interesting assignments I had while with the DEA. I was there from 2000 until 2004. So … pre and post 911. While most people might think that Alaska would not have a severe drug problem, quite the opposite is true. For one example, there was a large appetite for cocaine that was imported through the airport and later after 911 through the shipping industry via vehicles and household goods being shipped to Alaska along with Fed-X and UPS. It was a very busy place. We worked very closely with the Alaska State Troopers and the Anchorage Police Department. We had a very large task force that was responsible for drug enforcement throughout the state. It was also the first time I had to deal with Medical Marijuana. I was able to see firsthand the problems associated with the law. I was opposed to the law being implemented here, and still think it's bad for the state and think that it will be used as an effort to decriminalize Marijuana within the state. From a public safety standpoint I believe it's a bad idea.

MWF: What would you consider your dream job?

AG: I retired from the DEA in June 2008. Then, I took my dream job as the Federal Representative for Sig Sauer Firearms. It was the type of job you could fall in love with, it was more of a hobby than a job. I got to go around the country buying beers for my buddies and selling guns. As much as I loved SIG, it just wasn't who I am. And I really disliked living on the east coast.

MWF: You were fortunate; most people don't really get a chance at their fantasy job. What happened after you left SIG?

AG: I applied for Chief of Police and took the Chief of Jacksonville position in August 2009. I really didn't know anyone in Jacksonville and certainly didn't know any of the officers. That has its advantages and disadvantages.

MWF: How so?

AG: The advantages being that you are not bound by friendships or owing favors. The disadvantages are, not knowing where the land mines are.

MWF: You make an excellent point. Thinking over the course of your career can you remember a funny or tragic story that has stuck with you?

AG: Early in my career at Adams County, I was assigned to the jail on the midnight shift. On a particular night, a deputy was having a "close encounter" with a young woman in the courthouse parking lot. The jail was located on the third floor of the courthouse overlooking the parking area. In an attempt to see whom the deputy was meeting, a trooper had me give him a leg up by his boot, in order to turn off the light bulb. As he turned off the bulb, his foot slipped, causing him to fall to the floor. In the process, the hammer of his gun caught me on the bridge of my nose, lacerating it and causing a lot of blood. I'll never forget both of us standing in the window looking in the parking lot while I was holding a bloody towel to my face. My first experience on "surveillance." What made me think of this incident was I recently attended the deputy's funeral, and I still have contact with the trooper who of course brings up the incident when we talk. It makes for a good laugh.

MWF: I'm sorry to hear about the deputy's death. I hope the young woman doesn't get a copy of Command Magazine and recognize herself in your story. I think other officers can relate to your adventure!

On a totally different subject, can you talk about the size and duties of your department?

Continued from page 21

AG: We have 40 sworn officers, four detectives, one patrol officer assigned to the CIEG (ISP) task force, and one assigned to the DEA task force. We have one school resource officer who is assigned a canine. We have a street crimes unit composed of two patrol officers. We have five lieutenants, five sergeants and two deputy chiefs. We also have eight dispatchers, although we are in negotiations with Morgan County to form a joint dispatch center that will bring better service to the community. Our support staff consists of an evidence technician, Executive Secretary, Detective Secretary, Records Secretary and one community service officer.

MWF: What kinds of special trainings are offered to your officers?

AG: Officers are given 30 hours of mandatory in-service training each year. Some examples of training offered are use of force training, defensive tactics training and critical incident training. We also provide specialized training from the DEA on methamphetamine labs. We were able to send half of our officers to that training. We also allow officers to attend training through the MTU's as long as manpower will allow for it.

MWF: Those are lucky officers; not all departments can provide that much training. Where did you receive your education and what is your management style?

AG: I went to Western Illinois University. In terms of management style I believe in leading from the front. You can never expect your people to have the same work ethic and drive as you do. You have to understand that people are motivated and driven by different things. I think if you remember this as a boss you are less likely to be disappointed. I believe in working hard and being devoted to making the community safer for us all. I do not believe in micro-managing a police department. Most cops are type A and can't stand the thought of being micro-managed. I think it would kill their spirit. Of course we live and die by policy and I believe in swift and accurate discipline to correct certain behavior.

MWF: You seem to have a good handle on how to meet the needs of your individual officers. If you had an officer that had addiction, depression or trauma issues, would you feel comfortable referring them for treatment?

AG: We have an EAP program, and yes I would very much support and encourage officers to seek treatment/counseling for any psychological issues that arise or treatment for addiction, depression or any type of trauma issue. We have to realize nobody is immune from these issues including police officers. They deserve help just like anybody else.

MWF: Of course, I am thrilled to hear that you understand the needs of your officers and would support them getting assistance if needed.

MWF: Tell me about Jacksonville. Who lives there?

AG: We are surrounded by farmland. Jacksonville is located 30 miles west of Springfield and has a population of 19,446. We have two private colleges, the Illinois School for the Deaf (ISD), a school for the visually impaired and a prison. As of the 2010 census, we have 10.24% Black, 3% Latino, and 85% White. The median household income is $38,366 and the average household income is $50,777.

Also, Jacksonville, unlike many other cities, has not felt the financial crunch within the law enforcement community due to smart planning by its fiscally conservative leaders.

MWF: You have quite a mix there. Are there any special problems related to the handicapped population?

AG: We do have officers that sign for the Deaf community as well as on call individuals who know Sign language. We installed a video sign machine in the lobby, where a deaf individual can sign online to an interpreter who relays the information to dispatch.

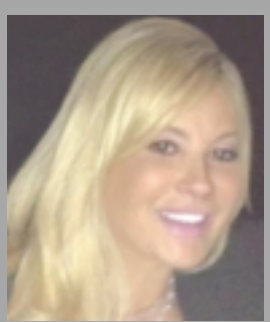
At one point Jacksonville had a mental health center that housed several hundred individuals with mental illness. In 2011 and 2012 those patients were dispersed to group homes all over the state, including Jacksonville. This caused a unique problem here as these individuals continue to have contact with law enforcement. As a result, we sent all of our officers to critical incident training (CIT). This was crucial considering the number of contacts we were having with the mentally handicapped in our community.

MWF: Chief Grootens, thank you for taking the time to be interviewed, and telling us about yourself, and the city of Jacksonville. I believe our readers will be able to relate to a number of your experiences.

AG: Thank you and nice talking with you.

If you know of a Chief of Police in Central or Southern Illinois who would be a good candidate for the next, "Interview With The Chief Of Police" please contact: Marla W. Friedman, Chair-Police Psychological Services Section at: Booklight@att.net and 630-510-3966

WEATHERING THE STORM



Dr. Robin Kroll
Clinical Psychologist

It's winter 2015. Officer Stan begins his midnight shift and he's hoping he'll have a partner. This hadn't been a concern in the past. He thinks to himself:

The climate has certainly changed.

He isn't referring to the weather.

With a heightened sense of awareness, he starts his tour and is grateful to be in a two-man car. He thinks about the incident in Ferguson, Missouri, on August 9, 2014, and contemplates how that day has impacted relationships between law enforcement and communities they protect across the nation.

Many thoughts run through Officer Stan's head – thoughts he has never had in his fifteen years on the job.

Do I feel safe policing?

Can I do my job without hesitation?

Do I want to do my job anymore?

Is the job worth it?

Officer Stan feels disillusioned for the first time.

He begins to reminisce about his early career and suddenly everything changes. He remembers why he wanted to be the police. He entered the academy with the absolute belief that he wanted to help others and make a difference. He chuckles as he recalls standing in front of the mirror, admiring himself in his uniform. How he wore his badge with such pride and appreciation for what it symbolized: a shield that is the hallmark of a protector of peace and of the people.

He looks over at his partner and silently says the Saint Michael Prayer for the two of them…

Give us cool heads, stout hearts, and uncanny flair for investigation and wise judgment. Make us the terror of burglars, the friends of children and law-abiding citizens, kind to strangers, police to bores, strict with law-breakers and impervious to temptations.

You know, Saint Michael, from your own experiences with the devil that the police officer's lot on earth is not always a happy one; but your sense of duty that so pleased God, your hard knocks that so surprised the devil, and your angelic self-control give us inspiration.

And when we lay down our night sticks, enroll us in your heavenly force, where we will be as proud to guard the throne of God as we have been to guard the city of the people.

Amen.

Like the seasons in a year, the climate will change. Have faith in yourself, your fellow officers, and your department. Don't forget why you became the police. Remember the good you have done, the lives you saved, the arrests that put the bad guys away.

Reflect on your recognitions and honorable mentions. Remind yourself of your sense of duty. Recall a letter you received from a grateful citizen or a child that looked at you in awe, hoping they could one day be a police officer. Remember those in the community that appreciate your service and rely upon you to keep them safe. They are out there in abundance.

Be Safe. Be Proud.

This is a short article that I wrote in the hopes that it may lift the spirits of law enforcement. I am passing it out to all and to whomever would like to spread words of inspiration to the men and women who continue to bravely patrol the streets despite the opposition aimed at them due to recent events.

My only hope is to enkindle officers to stand proud, remember why they became the police, and to continue to want to serve. Please feel free to share it any way you'd like.

Be Safe. Be Proud.

Robin Kroll

Dr. Robin Kroll, Psy.D.
Director of Law Enforcement Interventions
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(Added since publication of Winter 2015 Command issue)

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Canton	Parks, Wm. Terry	Chief of Police	Canton Police Department
Chicago	Lemmer, Thomas	Captain	Chicago Police Department
Chicago	Flores, Fernando	Chief	Federal Reserve Bank of Chicago
Chicago	Vega, Isaiah	Captain	Illinois State Police-Riverboat Gambling
Cortland	Spangler, Gary	Chief of Police	Cortland Police Department
Farmington	Powell, Carl	Chief of Police	Farmington Police Department
Gurnee	Meyer, William	Commander	Gurnee Police Department
Gurnee	Campbell, Saundra	Deputy Chief of Police	Gurnee Police Department
Itasca	O'Connor, Robert	Chief of Police	Itasca Police Department
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Joliet	Jensen, Tab T.	Deputy Chief of Police	Joliet Police Department
Joliet	Dupuis, Brian L.	Deputy Chief of Police	Joliet Police Department
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Lincoln	Adams, Paul	Deputy Chief of Police	Lincoln Police Department
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Lindenhurst	Anderson, Michael	Sergeant	Lake Co Forest Preserve PD
Lindenhurst	White, Shawn	Sergeant	Lake Co Forest Preserve PD
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Maywood	Camer, Nathan	Commander	Cook Co. Sheriff's Police
Maywood	Dwyer, Patrick J	Executive Officer	Cook Co. Sheriff's Police
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Mount Prospect	Szmergalski, Edward	Commander	Mt Prospect Police Department
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South Roxana	Coles, Bob	Chief of Police	South Roxana Police
Springfield	Strickler, Bradley	Lieutenant	University of Illinois Springfield PD
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Thomson	Evans-Balk, Elizabeth R	Chief of Police	Thomson Police Department
Warsaw	Woolson, Wes A	Chief	Warsaw Police Department
Waterloo	Loless, Dwight D	Lieutenant	Waterloo PD
Waukegan	Burke, Jeffrey A.	Deputy Chief	Lake Co Sheriff's Office
Wheeling	Wolff, Todd W	Deputy Chief	Wheeling Police Department

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Darien	Goodwin, Matthew	Major, Provost Marshal	United States Army
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ILLINOIS CHIEFS: BUILD COMMUNITY RELATIONSHIPS

By Maddie Albracht

It is no secret that our country's police officers are under a microscope whose view is widened by the vast reaches of social media. Criticisms, genuine reactions, as well as falsehoods are out there in full force, and were exacerbated by events in Ferguson, Missouri, and across the United States this past year.

Several Illinois police chiefs agreed in their interviews for Command magazine that police departments need to build stronger relationships with their communities.

"We have work to do," said Chief Sylvester Bush of the Peoria Park District Police Department. "Throughout the state, throughout the country, there is work that needs to be done in order to make all citizens feel safe under the law. I think there is always more room for improvement."

Chief Sylvester Bush,
Peoria Park District P.D.

Oak Park Police Department Chief Rick Tanksley, for instance, has implemented a community satisfaction survey. He is proud of the partnership with the University of Illinois at Chicago's Center for Research in Law and Justice and their work on the National Police Research Platform, a collaborative effort that began in 2010. Tanksley noted that many chiefs might be hesitant to participate in such an effort in fear of receiving poor reviews. "Well exactly, now you've got something to do. The community people will tell you those areas in which you need improvement," said Tanksley.

The community gave the Oak Park Police Department high marks in 2010, with 86.7% reporting that they were either "very satisfied" or "somewhat satisfied" with the way they were treated by the police officer they encountered. Then in a survey conducted in 2014, 91.1% of those surveyed trust the Oak Park department to make decisions that are good for everyone in the city. The value of a community that trusts its law enforcement officials is immeasurable.

Chief Greg Baker of the South Holland Police Department added, "I think as a police chief, as a police department period, one of the greatest assets you have in your community is your ability to have solid, truthful, and great relationships with your stakeholders, the people that live in your community. You have to have that to be successful; it doesn't make any difference whether Ferguson, Missouri ever occurred or not." Baker sees police and community relationships as a vital component of crime solving. "Everything falls back to them, and that's what community policing was founded on," he said.

One of the cornerstones of all successful relationships is trust, and Tanksley sees a long history of erosion of trust in police, rather than something that happened overnight in response to certain incidents with law enforcement.

This is not to say that these moments of weakness did not intensify underlying issues. "As a friend of mine coined it, we are considered to be the guardians of the public safety," Chief Bush said. "Sometimes we get it confused. The confusion is that they are warriors, [but] our warriors are our armed forces. We are the guardians who are supposed to protect the rights of the citizens no matter what color they are and also having them have trust in us. We have to go back and rebuild the trust that has been lost."

One approach to gain the trust and support of the community that is widely discussed among community members, legislators, as well as law enforcement, is to require police officers to wear body cameras. Legislation on this topic is active in the Illinois legislature this spring.

Chief Rick Tanksley,
Oak Park P.D.

Tanksley recognizes the difficulty some officers and chiefs might see with the use of body cameras, including the potential for unaffordable expenses, legislation to work out, and the establishment of new IT infrastructures for each department to utilize the new technology and store the video data. "That's a complicated thing, but I think that in the future, body cameras will be just a regular part of an officer's uniform," said Tanksley. He looks forward to that day.

Moving ahead productively will take a joint effort from communities and police departments. Baker said both recent and historical major national events have hurt race relations in general. "Just like anything in life, you can do two or three things bad and people will remember those things way before they remember the other 97 or 98 things that were done pretty well," said Baker.

Continued from page 25

Baker's perspective is unique. Born and raised in Chicago, he knew he wanted to be in law enforcement after one of his childhood friends was shot and killed by a police officer. "It just didn't seem like there was enough justice in the community I lived in," said Baker. Overcoming every obstacle put in front of him, he eventually became the first African American commander, captain, and deputy chief in Park Forest, Illinois, as well as a regional vice president of NOBLE, the National Organization of Black Law Enforcement Executives. While the need for improvement is something on the minds of most police chiefs across the country, with Baker being no exception, he also remains hopeful about his profession. "In all occupations, all areas of life, there are going to be some mistakes made, but 99% of police officers throughout this country are here to protect this country," said Baker. Much of this protection can only happen with reciprocated support between the community and law enforcement. For most police departments, a major investment in the community already exists. For others, a greater effort must be made. "It goes beyond merely having a diverse police department," said Tanksley. "Because you can have a diverse police department and still have poor relationships with the community. It's all about the culture, it's all about recruiting the right people, and it's all about treating people with respect, giving them a voice, and getting them involved in the police initiative." ■

Chief Greg Baker,
South Holland P.D.

Maddie Albracht is interning this spring for ILACP as a Public Relations Assistant.

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SOCIAL MEDIA MONITORING FOR LAW ENFORCEMENT

"Can You Hear Me Now"

By Don Zoufal

Monitoring social media has significant implications for public safety. Social media powers a vast web of virtual communities in the discussion of a wide scope of topics. Those conversations have implications for a number of law enforcement and public safety activities and real-time understanding can provide actionable intelligence to: prevent crime; aid in response to incidents large and small; provide leads and evidence for investigations and prosecutions; and support community policing through better understanding of community sentiments and concerns. The International Association of Chiefs of Police (IACP) 2014 Social Media Survey[1] (the "2014 Survey") documents growing law enforcement use of social media listening/monitoring. A growth in affordable tools for social media monitoring activity now provides access to data for agencies large and small.

Social Media in its Second Decade

With the advent of Facebook (2004), Twitter, the messaging site (2006), and Instagram, the photo sharing site (2010), the social media world has exploded.[2] Facebook now reports it is worldwide a virtual community of over 1.39 billion users in 2014.[3] In a 2014 report, Pew Research noted, 71 percent of the U.S population reportedly used Facebook, with 70 percent of those individuals characterizing themselves as daily users.[4] Twitter and Instagram have experienced similarly explosive growth. Twitter reported 200 million users reported at the end of 2014 making over 500 million tweets per day.[5] Instagram is reports 300 million users sharing over 30 Billion photos.[6] Both Twitter and Instagram reportedly have roughly a quarter of the U.S. the population as users as of 2014 with significant levels of daily usage.[7] While these sites allow for users to set privacy settings to restrict external access to their information, significant numbers of users do not utilize those settings. This means there is a huge amount of information on the internet for anyone to access and digest.

The adoption demographics of social media are as interesting as the growth of the networks themselves. With respect to usage, Pew Research reports that in 2014 ninety percent of the population age 19-29, were identified as social media users.[8] Usage numbers, are however increasing across all age groups. For example, in 2014, social media usage among persons age 50-64 was reported to be 65 percent of the population. Clearly, populations like youth who are of critical interest to law enforcement are frequent users of social media. Moreover that usage is rapidly spreading across all age groups in the community.

Fueling the spread of social networks has been the evolution in mobile devices like smart phones and tablets. These devices make it easier for individuals to join in virtual conversation almost anytime and anyplace. In 2014 Twitter reported over eighty percent of their usage was over mobile devices.[9] Facebook reports 1.19 billon mobile users.[10] Writing in a 2014 opinion on smart phone searches, the U.S Supreme Court observed "there is an element of pervasiveness that characterizes cell phones" noting that ninety percent of the adult population in the U.S. carry them and even twelve percent of the population reports carrying them in the shower.[11] The global positioning (GPS) functionality of these devices often means that information they gather and transmit can be located within a matter of meters. Unless GPS functionality is disabled the location of social media activity can be quickly discovered if the right tools are utilized

Development of Monitoring Tools for Social Media Understanding

The social media marketplace continues to generate a wealth of geolocated text and imagery data for anyone willing to watch or listen. Law enforcement has generally recognized the power of social media with 95 percent of responding agencies reporting usage in the 2014 Survey. However, social media monitoring is a relatively recent phenomenon. In the 2010 IACP Social Media Survey monitoring was not even mentioned. Use of monitoring is on the rise. By 2104 listening/monitoring activity had been adopted by 49.2 percent of reporting agencies,[12] up from 32 percent in 2011,[13] the first year IACP measured it. With respect to law enforcement agencies not utilizing social media tools, the most common impediments identified include resource constraints (time and personnel).[14]

Social media monitoring is already being conducted here in Illinois. For example, there are now platforms like Geofeedia,[15] a pioneer in social media monitoring, being used by several Illinois law enforcement agencies to map social media and analyze activity in real time. These tools provide public safety professionals with a way to use social media information to help understand and react to events contemporaneously with their occurrence. Moreover, these tools address the resource constraints raised by agencies by applying

Continued from page 27

algorithms that search and screen social media activity then report data filtered by time, place and even subject matter. The systems can even be automated and scaled so that they can alarm, further mitigating time and personnel concerns.

Information can be turned into actionable intelligence for immediate response, or, where necessary, categorized and stored for further analysis. For example, in the event of an incident occurring at a crowded place like a mall or school gymnasium, social media monitoring can help gathering evidence and/or identifying witnesses or offenders. In the event of a community emergency, it may help to identify persons in need or documenting damage. These tools could also be utilized to monitor community sentiments and concerns or to try and understand the effect of community outreach techniques. The ability to fully understand the scope of social media and to relate it to a real time location and environment brings to bear the true power of social media for public safety and law enforcement. ■

Conclusion

Social media monitoring tools provide public safety and security executives with an effective instrument to power their operations. While there are a growing number of monitoring tools in the market, some things to watch for include:

- Ease of Use—key to success is the interface with the user--the ability of the system to adjust to user desire for information geographically or by topic to the terms of a specific inquiry is critical.
- Data Quality—the more data directly accessed from a source (e.g. directly from Twitter) the better the data, not all systems have access to the full range of social media sources.
- Speed—the ability of the system to deliver data in near real time is an important feature for users who seek to use this data in conjunction with other systems to deliver true situational awareness to power response operations.

There are social media tools out there for the public safety that can deliver on all these requirements. Social media monitoring has come of age and is a tool that law enforcement executives should explore and embrace.

1 International Association of Chiefs of Police, "2014 Social Media Survey Results," Social Media Center, accessed February 28, 2015 *http://www.iacpsocialmedia.org/Portals/1/documents/2014SurveyResults.pdf*

2 Facebook, Instagram and Twitter are only the largest of a suite of social media application and outlets that are taking in a growing amount of content others include Picasa, YouTube, Flickr and Yik Yak.

3 "Company Info: Statistics" Facebook, accessed February 28, 2015 *http://newsroom.fb.com/company-info/*

4 Maeve Duggan, et. al., "Social Media Update 2014," Pew Research Center, January 9, 2015, accessed February 28, 2015 *http://www.pewinternet.org/2015/01/09/social-media-update-2014/*

5 "What is Twitter," Twitter, accessed February 28, 2015 *https://about.twitter.com/company*

6 "Instagram Press Page," Instagram, accessed February 28, 2015 *https://instagram.com/press/*

7 Maeve Duggan, et. al., "Social Media Update 2014," Pew Research Center, January 9, 2015, accessed February 28, 2015 *http://www.pewinternet.org/2015/01/09/social-media-update-2014/*

8 Ibid.

9 "What is Twitter" Twitter, accessed February 28, 2015 *https://about.twitter.com/company*

10 "Company Info: Statistics" Facebook, accessed February 28, 2015 *http://newsroom.fb.com/company-info/*

11 *Riley v. California*, No. 13-132 and 13-212, 2014 U.S. LEXIS 4497

12 International Association of Chiefs of Police, "2014 Social Media Survey Results," Social Media Center, accessed February 28, 2015 *http://www.iacpsocialmedia.org/Portals/1/documents/2014SurveyResults.pdf*

13 International Association of Chiefs of Police, "2011 Social Media Survey Results," Social Media Center, accessed February 28, 2015 *http://www.iacpsocialmedia.org/Portals/1/documents/2011SurveyResults.pdf*

14 Ibid.

15 "Geofeedia Home Page," Geofeedia, accessed February 28, 2015 *http://geofeedia.com/*

ABOUT THE AUTHOR

Don Zoufal is an Independent Safety and Security Consultant working with clients looking to introduce emerging technology to the public safety market. He has held a series of high level public sector safety and security posts including General Counsel for the Chicago Police Department, First Deputy for the City of Chicago's Office of Emergency Management and Communications and Deputy Commissioner for Safety and Security for the City of Chicago's Department. He currently serves as Legal Advisor to the Illinois Association of Chiefs of Police.

He holds three degrees from the University of Illinois in law (J.D.), public administration (M.A.P.A.), and history and political science (B.A.). He also holds an M.A. in Security Studies focusing on Homeland Security from the U.S. Department of Homeland Security sponsored program though the Center for Homeland Defense and Security at the Naval Postgraduate School in Monterey, CA. He is accredited by the United Nations International Civil Aviation Organization as a Aviation Security Project Manger. He is also an ASIS Certified Protection Professional.

ILACP LOBBY DAY – MARCH 25, 2015 IN SPRINGFIELD

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Sen. Dave Koehler and Rep. Kelly Burke accept the 2014 Public Officials of the Year Award from the Board of Officers

ILLINOIS LAW ENFORCEMENT ACCREDITATION PROGRAM

BENSONVILLE POLICE DEPARTMENT RECEIVES ILEAP ACCREDITATION

Bensenville Police Chief Frank Kosman accepts Tier I Accreditation with Village President Frank Soto, Village Manager Michael Cassady and members of the Bensenville Police Department.

On Tuesday March 10, 2015, Illinois Association of Police Chiefs President, Chief Fred Hayes of Elwood, presented a certificate to the Village of Bensenville for achieving Tier Level I accreditation from the Illinois Law Enforcement Accreditation Program (ILEAP). Bensenville joins only 19 other communities in the state who have achieved this prestigious honor. "This accreditation illustrates the professionalism and utilization of best practices by our police department," said Village President Frank Soto. "Providing a safe community for people to live, work, and play is a top priority for this administration and another reason why our crime rate continues to be one of the lowest in the area."

The police department was judged based on 71 separate ILEAP standards regarding administration, operations, personnel, and training. The department has been revising its policies and procedures during the past year in order to meet the standards set by ILEAP. In order to complete the accreditation process, the policies and procedures must not only reflect the standards established by ILEAP, but the files that are developed must show that the department is following its own policies and procedures.

"I am proud to present the ILEAP Tier I Accreditation to the Village of Bensenville," said Illinois Association of Police Chiefs President, Chief Fred Hayes. "This award signifies the Village of Bensenville as a premier law enforcement agency."

"This accreditation demonstrates that the department has achieved a level of professionalism among our law enforcement peers and validates the methods in which department members provide service to the residents and general public in our community." said Bensenville Police Chief Frank Kosman. ■

ILACP President, Chief Fred W. Hayes of the Elwood Police Department, congratulates Chief Frank Kosman and the Bensenville Police Department for meeting standards set by the Illinois Law Enforcement Accreditation Program, Tier I level.

For more information on how your agency can benefit from the ILEAP Accreditation Program, please contact ILACP Executive Director Ed Wojcicki at 217-523-3765, or online at www.ilchiefs.org

ILLINOIS TRUCK ENFORCEMENT

By Officer Bryce Baker, Palatine Police Department, and
Executive Director of the Illinois Truck Enforcement Association

Foreword by Deputy Chief Lou Jogmen of the Park Ridge Police Department:

According to the Federal Motor Carrier Safety Administration (FMCSA), Illinois is a leading state in commercial motor vehicle crash fatalities involving large trucks and buses. Recognizing this, the Illinois Association of Chiefs of Police (ILACP) Traffic Safety Committee, in partnership with the Illinois Truck Enforcement Association (ITEA) and FMCSA, will be creating a statewide training program for police administrators to bring heightened awareness of CMV related issues. This course is designed to increase their ability and willingness to cite CMVs for violations such as speeding, occupant restraint and distracted driving. The training will be made available to all Illinois law enforcement officers to have an impact on safe CMV driving. Our hope is that our member agencies will recognize the need for improvement and partner with the ILACP and ITEA for Operation Safe Driver Week in October 2015.

High Gear Truck Enforcement

The State of Illinois is the nerve center of surface transportation in the mid-west. One-third of the nation's gross domestic product is within a one day drive from Chicago. In 2013, the United States Department of Agriculture ranked Illinois as the sixth highest state in agriculture production. To say Illinois can once again become an economic contender without profitable trucking is foolishness.

However, the vital need for carrier industry success does not come at the expense of safety. Police departments must strive to find the appropriate balance between protecting the public and infrastructure, while at the same time protecting the trucking industry.

This article will discuss five ways you as a law enforcement executive can make sure your truck enforcement program is balanced, succeeds and stands out as a leader in local government.

1. Truck Enforcement Is Not Traffic Enforcement

It's understood many police agencies cannot dedicate a police officer full-time to truck enforcement. One of the biggest mistakes administrators make is minimizing the scope of truck enforcement to that of regular traffic enforcement.

Yes, trucks are part of the highway traffic scheme just like cars, but the law governing each are not apples to apples. Traditional traffic enforcement does not levy potential fines in the tens of thousands of dollars or impede interstate commerce for extended periods of time.

All police officers should receive training in proper enforcement of traditional traffic enforcement, like speeding, seatbelts and distracted driving as it pertains to trucks. This type of quasi-truck enforcement is the basis for the new training initiative described in the prologue of this article.

The enforcement of truck-exclusive laws such as size, weight or CDLs should be reserved for those officers who are specially trained and resourced.

This officer may be a member of a traffic unit or a patrol shift, but it should be clear to the agency and public to whom all truck inquiries should be addressed. Regular patrol officers should not be left to creatively interpret difficult laws without a full understanding of how those statutes were created, or how they relate to the industry.

2. External Accountability Is Everything

The tagline of the ITEA is "Exceptional Authority Demands Exceptional Accountability". There are over eighty pages of truck law in the Illinois Vehicle Code. Each law has an exception, and with every exception there are more exceptions. With each exception, there are qualifications and limitations. These laws are in constant flux as industry standards adapt to consumer expectations.

Truck-exclusive laws are perishable knowledge. With all due respect to the reader, rank does not equal understanding. A chief who performed truck enforcement duties yesterday is drastically out of date today.

There is an inherent danger in truck officers though. As a truck officer becomes proficient in his trade, his knowledge of this specialized area will eclipse that of any command structure over him. It is not uncommon to find supervisors who are quick to say, "I don't understand all these truck laws, that's why Officer X is the truck officer" when questions arise. A commanding officer should not blindly approve a truck officer's paperwork out of ignorance of truck laws.

Every subordinate appreciates a boss who has his back, but with the major financial and constitutional penalties at the end of a truck officer's pen, there must be checks and balances. The ITEA is a professional resource designed for police administrators to make sure truck officers are correct in their interpretation of the law and enforcement methodologies.

3. The Goal Is Never Revenue Enhancement

Guess what? The trucking industry appreciates local law enforcement, which can be illustrated by unparalleled support the ITEA has garnered from major trucking associations within Illinois and around the nation. What the trucking industry does not appreciate are local police agencies that see them as deep pockets to plug their budgetary holes.

Yes, there is revenue in overweight truck enforcement. However, revenue should only be the by-product of quality and reasonable enforcement. The problem with a revenue driven agency is that it indirectly encourages

officers to cut corners in the name of profit. That is never acceptable in a professional police department.

Are you wondering if your truck program is revenue driven? To find out, ask yourself these questions:

- Is my truck officer expected to issue a certain dollar amount of overweight citations each year or risk losing his assignment?
- Do I encourage my truck officer to always seek the highest possible fines in court for "regular" traffic violations just because there is a truck involved?
- Am I willing to use alternative prosecution venues to increase the percentage of overweight fines for my local government?
- Do my truck officers feel empowered to use minor or peculiar truck laws as a means to increase productivity and fines?
- Do I harbor an opinion or belief that the trucking industry is lucrative and can afford whatever fines are levied?
- Do we make oversize/overweight vehicle permits difficult to obtain, thereby reducing the opportunity for compliance?

If you honestly answered "yes" to any of these questions, revenue enhancement is the priority of your truck enforcement program. As a litmus test, ask your truck officer the same questions.

4. Officer Isolation Yields Officer Intervention

A basic human need is community. Families, friends, churches and the workplace provide critical social support for police officers. As police officers mature, and their careers lead them into specialized areas, it is wholly appropriate for them to join groups or associations specific to their calling. This is what the ITEA provides for truck enforcement officers.

The common thread sown among problematic truck enforcement programs is isolation. Conversely, problems are rarely found with officers who are active in the truck enforcement community.

The typical model is this:

- The officer receives basic truck enforcement training and graduates with no follow-up resources, peer support or third-party accountability.
- The officer becomes systematic in the use of improper enforcement techniques.
- The trucking industry responds with complaints, defensive trials, lawsuits or even legislation.

It's a problem that can easily be remedied. Allow your officer the freedom to participate in coordinated, inter-jurisdictional truck enforcement efforts. Enroll them with membership in the ITEA. Provide them opportunities to attend conferences promoted by the trucking industry. Better to prevent the problem than having to fix it later.

5. Diverse Programs Command Respect

Truck enforcement programs that focus on weight enforcement only are synonymous with the damaging reputation of revenue enhancement. Truck enforcement programs, which empower a police officer to diversify his efforts, will strengthen the reputation and perception of a police department.

Within the enforcement of laws, there is a lot more truck officers can do besides weight. They can enforce size laws, commercial driver's license violations, safety tests and fuel tax. What local police officers in Illinois cannot do is stop and inspect trucks under federal law (which is reserved for the Illinois State Police) or creatively shoehorn a truck inspection into the Illinois Vehicle Code.

Truck officers should regularly train fellow officers on basic truck law, officer safety around trucks, and truck crash reporting. They should be actively involved in local permitting. Local businesses and trucking companies appreciate a pro-active and educational relationship with truck officers. They should be assigned to handle complaints from citizens about trucks, and complaints from truckers about citizens!

Truck officers who are encouraged to be overweight-only enforcement agents quickly grow bored of their assignment. Truck officers who look at truck enforcement through the eyes of community policing will reap far greater rewards for themselves, and their agencies, than just money.

Conclusion

The best truck enforcement officers have similar personality characteristics. They are highly motivated, goal-oriented and independent workers. As police command staff, if you provide the tools, freedom and accountability to operate within clearly defined boundaries, these officers will succeed. ■

About the author:
Bryce Baker is a 19-year veteran of the Palatine Police Department where he has specialized in truck enforcement since 2004. Bryce also serves as the Executive Director of the Illinois Truck Enforcement Association, is a member of the ILACP Traffic Safety Committee and a Class-A CDL holder.

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