



# Illinois Association of CHIEFS OF POLICE

## Ideas and language for trailer bill – initial list

### SAFE-T ACT – HB 3653

March 24, 2021

The Illinois Chiefs have been talking to legislators and legislative staff about our top concerns. This is our initial list on which we hope to see changes:

#### **SUMMARY OF TOP ISSUES DISCUSSED SO FAR**

##### *Body cameras:*

- Change implementation schedule from size of cities and counties to number of full-time sworn officers, with smaller agencies getting the longest amount of time to implement.
- Allow officers to be able to review video before writing reports
- Have LE misconduct/felony only for intentional misconduct such as intentionally shutting down camera, not accidental mistakes or equipment malfunctions
- Use the ILACP language to make changes in the FOIA and redaction sections of the 2015 law

##### *Use of force*

- Work together on comprehensive standardized policy in 2022, with a framework to give police executives latitude and not make it completely prescriptive
- Revise the sections on force, differentiate “force” from “deadly force”
- Clarify what is permitted for civil disturbances/riots vs. everyday force, and eliminate the prohibition against a Taser in the back
- Clean up section about pursuit and waiting to apprehend later

##### *Obstructing and resisting*

- Differentiate between resisting arrest (for which there is an underlying offense) and obstructing a police officer, which can stand alone

##### *Citation instead of arrest or threat of arrest for B and C misdemeanors*

- Consider making it a citation only for Class C misdemeanors, or
- Make it clear that arrest is still possible for, e.g., Class B disorderly conduct and trespassing

**IMPORTANT NOTE:** These are not all of the changes that we will be seeking. They are the result of many conversations to date. If you have more ideas, send them to [ilacp@ilchiefs.org](mailto:ilacp@ilchiefs.org) with “Trailer bill” in the subject line.

**NEXT 12 PAGES: ILACP SPECIFIC LANGUAGE SUGGESTIONS FOR TRAILER BILL**

## TRAILER BILL LANGUAGE - ILLINOIS ASSOCIATION OF CHIEFS OF POLICE

March 19, 2021

*Draft of Trailer Bill Language initially submitted to sponsors. Amended bill language in yellow highlight. This can be shared with any local officials or your own state reps and senators.*

- *Language submitted is an initial submission to begin the process. Discussions may lead to further submissions.*
- *Training provisions in the law to be addressed by ILETSB.*
- *Pretrial Practices to be addressed by States Attorney Association, Judges and Pre-Trial Practices Commission members.*
- *Some sections are of greater concern to Illinois Sheriffs' Association or FOP to be left up to their organizations for submittal.*

**Pg. 46, after Line 8:** insert new subsection

Pattern-or-practice cases focus on systemic police misconduct rather than isolated instances of wrongdoing. They also focus on the responsibilities of law enforcement agencies and local governments rather than on individual officers. At all stages of a pattern-or-practice case, from investigation through resolution, the Attorney General's Office shall emphasize engagement with a wide variety of stakeholders, including community members and people who have been victims of police misconduct or live in the neighborhoods most impacted by police misconduct, police leadership, rank and file officers, police labor organizations, and local political leaders.

**Pg. 50, Line 1:** after "provision" insert

Upon request and for good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and part of the investigative file. However, anonymous complaints will not be processed further unless supported by objective and verifiable evidence.

**Page 68, Line 10 to 13**

f. To establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.

f. To establish statewide minimum standards regarding psychological screening for initial hiring of police officers and regular mental health wellness screenings for in service police officers, ensuring that counseling sessions and screenings remain confidential. In service screenings are not in place of or utilized as fitness for duty examinations.

**Page 79, Line 3**

(50 ILCS 706/10-15)

Sec. 10-15. Applicability.

(a) ~~All Any law enforcement agencies must employ the use of agency which employs the use of officer-worn body cameras in accordance with is subject to the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.~~

(b) All law enforcement agencies must implement the use of body cameras for all law enforcement officers, according to the following schedule:

(50 ILCS 706/10-15)

Sec. 10-15. Applicability.

(a) All law enforcement agencies must employ the use of agency which employs the use of officer-worn body cameras in accordance with the provisions of this Act, whether or not the agency receives or has received monies from the Law Enforcement Camera Grant Fund.

(b) All law enforcement agencies must implement the use of body cameras for all uniformed law enforcement officers, in accordance with this act, according to the following schedule:

Discussion to change schedule formula from population to number of full time sworn to address all law enforcement agencies.

**Page 82, Line 23 to Page 83, Line 5**

(6) (A) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The ~~recording officer and his or her supervisor~~ of the recording officer may access and review recordings prior to completing incident reports or other documentation, provided that the ~~officer or his or her~~ supervisor discloses that fact in the report or documentation.

(6) (A) For the purposes of redaction, labeling, or duplicating recordings, access to camera recordings shall be restricted to only those personnel responsible for those purposes. The Law Enforcement Agency shall determine access to review recordings by the recording officer and supervisor of the recording officer may access and review recordings prior to completing incident reports or other documentation, provided that the officer or his or her supervisor discloses that fact in the report or documentation.

(6) (B) Is OK

(6) (C) Irrespective of disclosures otherwise provided for under the Illinois Freedom of Information Act, A law enforcement agency receiving a complaint made against a law enforcement officer will provide an opportunity for the complainant to view the available recordings from a body worn camera system pertaining to the incident as soon as practical and prior to the complainant finalizing their complaint, if so requested by the complainant. Such viewing shall be consistent with other provisions of this Act and IL FOIA Act.

If circumstances prevent viewing available body worn camera recording (s) prior to the filing of a citizen complaint against an officer, the law enforcement agency shall not make a final determination of the internal review, until an opportunity is provided to the complaint to view available and relevant recording (s) if so requested by the complainant. Upon viewing such

video recording(s), the complainant shall be afforded an opportunity to amend their complaint against the law enforcement officer if so requested by the complainant.

Page 93, Line 16: After “investigation” insert If an administrative proceeding is instituted, the officer shall be informed beforehand of the names of all complainants. Upon request and for good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and part of the investigative file.

**Pg. 94, Line 23:** After “provision” insert

Upon request and for good cause, the name of a complainant may be kept confidential until the conclusion of an investigation. A finding of good cause must be verified, in writing and part of the investigative file. However, anonymous complaints will not be processed further unless supported by objective and verifiable evidence.

**Pg. 95, Line 11 through Pg. 96, Line 21:**

Strike all language, or in the alternative, make consistent with confidential complaint language on page 669 and page 701 of the decertification act section of the bill. (Former HB841)

**Page 275, Line 21 to 23**

(d) A person shall not be subject to arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.

(d) A person shall not be subject to arrest for resisting a peace officer under this section unless there is an underlying offense for which the person was initially subject to arrest. A person shall be subject to arrest for obstructing a peace officer under this section when the person knowingly obstructs a peace officer, firefighter, or correctional institution employee when acting within his or her official capacity from an authorized act.

**Page 283, Line 5 to Page 287, Line 2**

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest. (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and

(2) The person to be arrested ~~just~~ has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay. As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used, unless the officer has reasonable grounds to believe that the person is aware of those facts.

(a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

(a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.

(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(g) Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental, or intellectual disabilities, who are significantly more likely to experience greater levels of physical force during police interactions, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.

(h) As used in this Section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force.

(Source: P.A. 84-1426.)

(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest. (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; ~~the officer reasonably believes that the person to be arrested cannot be apprehended at a later date,~~ and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and

(2) The person to be arrested ~~just~~ has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay. As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used, ~~unless the officer has reasonable grounds to believe that the person is aware of those facts when at all practical.~~

(a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if an reasonable officer would believe the person does not pose an imminent threat of death or ~~serious bodily injury~~ great bodily harm to the peace officer or to another person.

(a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.

(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law ~~and agency policies.~~

(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(g) Law enforcement agencies ~~are encouraged to~~ shall adopt and develop policies designed to protect individuals with ~~physical~~, mental health, developmental, or intellectual disabilities, ~~who are significantly more likely to experience greater levels of physical force during police interactions,~~ as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.

(h) As used in this Section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or great bodily harm ~~serious bodily injury~~, including, but not limited to, the discharge of a firearm.

(2) A threat of death or ~~serious bodily injury~~ great bodily harm is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the ~~present~~ ability, opportunity, and ~~apparent~~ intent to immediately cause death or ~~serious bodily injury~~ great bodily harm to the peace officer or another person. An imminent harm is ~~not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and~~ addressed.

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, ~~including the conduct of the officer and the subject~~ leading up to the use of ~~deadly~~ force.

(Source: P.A. 84-1426.)

**Page 288, Line 2**

(e) A peace officer, or any person acting on behalf of a peace officer, shall not:

(e) A peace officer, or any person acting on behalf of a peace officer responding to an incident of large scale civil unrest or a declared riot, shall not:

**Page 288, Line 5**

(ii) Discharge kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, pelvis, or back;

(ii) Discharge kinetic impact projectiles and all other non-or less-lethal projectiles in a purposeful manner that targets the head, or pelvis, ~~or back~~;

**Pg. 289, Line 24:** After "person." Insert

An officer does not violate this duty if the failure to render aid is due to circumstances such as lack of appropriate specialized training, lack of resources or equipment, or if it is unsafe or impracticable to render aid.

**Pg. 290, Lines 3 through 8:**

(a) A peace officer, or any person acting on behalf of a peace officer, shall have an affirmative duty to intervene to prevent or stop another peace officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.

(a) Peace officers or anyone acting on behalf of a peace officer shall have a "Duty to Intervene". "Duty to Intervene" means an obligation to intervene to prevent harm from occurring that arises when: an officer is present, and has reason to know (1) that excessive force is being used or that any constitutional violation has been committed by a law enforcement official; and (2) the officer has a realistic opportunity to intervene. This duty applies equally to supervisory and non-supervisory officers.



**Page 306, Line 16 to Page 307, Line 8**

(720 ILCS 5/33-9 new)

Sec. 33-9. Law enforcement misconduct.

(a) A law enforcement officer or a person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally:

(1) Misrepresents or fails to provide facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct;

(2) withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or

(3) Fails to comply with State law or their department policy requiring the use of officer-worn body cameras.

(b) Sentence. Law enforcement misconduct is a Class 3 felony.

(720 ILCS 5/33-9)

Sec. 33-9. Law Enforcement Misconduct

(a) A law enforcement officer or person acting on behalf of a law enforcement officer commits law enforcement misconduct when, in the performance of his or her official duties, he or she knowingly and intentionally:

(1) Misrepresents or fails to provide facts describing an incident in any report or during any investigations regarding the law enforcement officer or person acting on behalf of a law enforcement officer's employee's conduct;

(2) Withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable, with the intent to obstruct, impede, or prevent an investigation; or

(3) Tampers with a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera or directs another to tamper with or turn off a dash camera or body-worn camera or data recorded by a dash camera or body-worn camera for the purpose of concealing, destroying or altering potential evidence.

(b) Sentence. Law enforcement misconduct is a Class 3 felony.

**Page 326, Line 20 to Page 327, Line 2**

(a-1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic and Class B and C criminal misdemeanor offenses, or of petty and business offenses, who pose no obvious threat to the community or any person, or who have no obvious medical or mental health issues that pose a risk to their own safety. Those released on citation shall be scheduled into court within 21 days.

(a-1) Law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic and Class B and C criminal misdemeanor offenses, or of petty and business offenses, unless a law enforcement officer reasonably believes the accused poses a threat to the community or any person, or that in the mind of

the law enforcement officer a custodial arrest is necessary to discontinue the criminal behavior or breach of the peace, or has a medical or mental health issues that pose a risk to their own safety. Those released on citation shall be scheduled into court within 21 days.

**Page 410, Line 15 to Page 412, Line 23**

(725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

16 Sec. 103-3. Right to communicate with attorney and family; transfers.21

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

(a-5) Persons who are in police custody have the right to communicate free of charge with an attorney of their choice and members of their family as soon as possible upon being taken into police custody, but no later than three hours after arrival at the first place of custody. Persons in police custody must be given:

( 1) access to use a telephone via a land line or cellular phone to make three phone calls; and

(2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory.

(a-10) In accordance with Section 103-7, at every facility where a person is in police custody a sign containing, at minimum, the following information in bold block type must be posted in a conspicuous place:

( 1) a short statement notifying persons who are in police custody of their right to have access to a phone within three hours after being taken into police custody; and

(2) persons who are in police custody have the right to make three phone calls within three hours after being taken into custody, at no charge.

(a-15) In addition to the information listed in subsection (a-10), if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.

~~(b) (Blank). In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.~~

(c) In the event a person who is in police custody is transferred to a new place of custody, his or her right to make telephone calls under this Section within three hours after arrival is renewed.

(d) In this Section "custody" means the restriction of a person's freedom of movement by a law enforcement officer's exercise of his or her lawful authority.

(e) The three hours requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated.

(f) Nothing in this Section shall interfere with a person's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions, including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.

(Source: Laws 1963, p. 2836.)

Sec. 103-3. Right to communicate with attorney and family; transfers.

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

(a-5) Persons who are in police custody have the right to communicate free of charge with an attorney of their choice and members of their family as soon as possible upon being taken into police custody, but no later than three hours after arrival at the first place of custody facility of detention, unless the person waives the right or articulable circumstances exist that prevent adherence to the time constraint. If articulable circumstances present themselves, it must be properly documented in the official police report. Persons in police custody must be given: (1) access to use a telephone via a land line or cellular phone to make three phone calls; and (2) the ability to retrieve phone numbers contained in his or her contact list on his or her cellular phone prior to the phone being placed into inventory. If direct access to the phone creates the ability to destroy evidence, police personnel may retrieve information for the subject in custody.

(a-10) In accordance with Section 103-7, at every facility where a person is in police custody a sign containing, at minimum, the following information in bold block type must be posted in a conspicuous place:

~~(1) a short statement notifying persons who are in police custody of their right to have access to a phone within three hours after being taken into police custody; and~~  
(2) persons who are in police custody have the right to make three phone calls within three hours after being taken into custody, at no charge.

(a-15) In addition to the information listed in subsection (a-10), if the place of custody is located in a jurisdiction where the court has appointed the public defender or other attorney to represent persons who are in police custody, the telephone number to the public defender or appointed attorney's office must also be displayed. The telephone call to the public defender or other attorney must not be monitored, eavesdropped upon, or recorded.

~~(b)(Blank). In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.~~

~~(c) In the event a person who is in police custody is transferred to a new facility of detention place of custody, his or her right to make telephone calls under this Section within three hours after arrival is renewed.~~

~~(d) In this Section "custody" means the restriction of a person's freedom of movement by a law enforcement officer's exercise of his or her lawful authority. Facility of detention means a physical structure designated for the purpose of holding subjects in the custody of law enforcement officials.~~

(e) The three hours requirement shall not apply while the person in police custody is asleep, unconscious, or otherwise incapacitated.

(f) Nothing in this Section shall interfere with a person's rights or override procedures required in the Bill of Rights of the Illinois and US Constitutions, including but not limited to Fourth Amendment search and seizure rights, Fifth Amendment due process rights and rights to be free from self-incrimination and Sixth Amendment right to counsel.

(Source: Laws 1963, p. 2836.)

**Page 413, Line 16 to Page 414, Line 12**

(c) Prior to the issuing of a warrant under subsection (b) the officer must attest that:

(1) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act.

If a law enforcement agency has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the warrant is otherwise recorded;

(2) steps were taken in planning the search to ensure accuracy and plan for children or other vulnerable people on-site; and

(3) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation ensues.

(Source: P.A. 92-502, eff.12-19-01.)

(c) Prior to the issuing of a warrant under subsection (b) the supervising officer must attest that:

(1) prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act.

If a law enforcement agency, or each participating member of a multi-jurisdictional team has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the supervising officer must attest that the interaction authorized by execution of the warrant is otherwise recorded;

(2) ~~steps were taken in planning the search to~~ The supervising officer verified the subject address with the address listed on the warrant for accuracy and plan for children or other vulnerable people on-site; and

(3) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ~~ensure an internal investigation ensues~~ report the incident to a commanding officer to initiate a formal inquiry.

(Source: P.A. 92-502, eff.12-19-01.)

**Pg. 709, before Line 13:** Insert (8) Nothing in this Act shall be construed as limiting any rights an officer under investigation has under state or federal law, including but not limited to rights under UPODA and rights under the state and federal constitutions. Those rights shall apply to investigations conducted pursuant to this Act.