



Illinois Association of CHIEFS OF POLICE

FACT SHEET #1

HB 3653 SA 2 – Criminal Justice Reform bill

January 26, 2021

HB 3653 SA 2 passed both Illinois chambers on January 13, 2021, and currently awaits action by Governor J.B. Pritzker.

Next steps for ILACP (updated January 26, 2021)

ILACP and the Illinois Law Enforcement Coalition are:

- Asking Governor Pritzker to veto the bill.
- Collaborating to suggest immediate fixes to the most egregious parts of the bill – hopefully in a “trailer bill” that will be introduced soon
- Continuing to review the bill to provide guidance on what it says and what it means for local agencies
- Developing language to share with all ILACP members, who in turn can share it with their departments and local public officials

ILACP Top Concerns

- Use of force language that restricts an officer’s ability to make arrests. Page 289.
- Body camera language that (a) makes it a Class 3 felony for an officer not to comply with laws and policies requiring the use of body-worn cameras, page 307, and (b) that does not allow an officer to review their own body cam video before writing a report.

To be clear, we have many “top concerns,” but these are at the very top.

Other Major Concerns

- Anonymous complaints against officers are allowed. The elimination of the affidavit requirement will produce many frivolous complaints. Page 94. There is a conflict in language in a later section of the bill, which allows for “confidential complaints” but not anonymous complaints. ILACP is OK with “confidential complaints” as described on page 700.

- Definition of “duty to intervene” is too ambiguous.
- Bail elimination, with bail and bond being recast as “pretrial release.” The language is too specific to allow judges to detain many defendants. The bill states that a judge needs to identify a specific threat against a specified individual. Begins on page 336.
- Unfunded mandates for body cameras and several new areas of training.
- Police will not be able to remove people from a property or business; they can only issue the trespassers a ticket. The same thing goes for so-called “porch pirates” who steal delivered items from porches.
- The idea of removing qualified immunity is still on the table with the creation of a task force to study this topic and present a report to the governor.
- Language about use of force seems to prohibit aiming a Taser at a person’s back, which is actually recommended in training.
- Prohibition of the acquisition of certain military surplus equipment.
- The “three phone-call requirement” is still in the bill. Now it requires three phone calls within three hours of a detainee being in custody; that is still not acceptable to law enforcement.

Provisions in the bill we can support

- The section that strengthens decertification of officers. This section begins on page 612 and runs for 152 pages through page 763. It creates a Certification Review Panel and includes language that was agreed to separately in collaboration with Attorney General Kwame Raoul.
- Encouraging first responder deflection programs, with adequate structure and resources.
- Requires participation in the FBI Use of Force Data Collection database.

What you can do

- Share this fact sheet with your officers and legislators
- Ask the governor to veto the bill
- Thank your legislators who voted against HB 3653
- Tell your legislators that if the bill is signed, certain aspects of it are so egregious that they need to be fixed in a trailer bill as soon as possible.

Other information being compiled to be distributed soon

- Detailed description of what's in the bill, with statutory dates of implementation
- Why this bill will embolden criminals and put the public in danger in ordinary circumstances
- Announcement from Law Enforcement Coalition, which is speaking in one voice

Interested in particular information? Ask:

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