



## Fix P.A. 101-0652

It emboldens criminals and removes protections for citizens, businesses, and police.

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# How to Fix the New Anti-Police Law

*What to tell legislators and your local officials*

**By Ed Wojcicki, Executive Director**

Illinois Association of Chiefs of Police

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### The basic facts

- Governor Pritzker signed HB 3653 on February 22, 2021. It is 764 pages.
- It is informally called the [SAFE-T \(Safety, Accountability, Fairness and Equity – Today\) Act](#). It is officially Public Act 101-062.
- [At least 18 provisions of the bill are effective July 1, 2021.](#)

### Our initial response:

- We have always supported changes and “reforms” that improve the profession and the criminal justice system, but this bill is seriously flawed and that’s why we opposed it.
- We were working before the bill was signed on language to fix the law’s most serious problems. We are eager to work with legislators on a cleanup “trailer bill.”
- We launched an online [Reform Bill Resource Center](#) in January and continually update it. You will find a lot of good information there.
- [President Black’s statement](#): We support police accountability, body cameras, training, and certification measures, but not the ambiguous language in this bill.
- [Executive Director Ed Wojcicki statement](#): This is actually an “anti-police bill”

**Summary of top concerns of the Illinois Chiefs. What you can say, exactly, is wrong. Use these headlines and phrases and point to page numbers in the law:**

**1. Use of force language: Arrest them later.**

Page 283-84. It restricts force while making an arrest if an officer reasonably believes the person cannot be apprehended at a later date. Almost anyone can be arrested at a later date. So this is unreasonable.

**2. Use of force: What is “imminent threat”?**

Page 284. The law says an officer cannot use deadly force against someone if the officer believes the person does not pose an “imminent threat” of death or serious bodily injury to the officer or another person. The definition of “imminent” is confusing and unduly restrictive. It should be removed.

*Consider this scenario:* The police respond to an armed offender that just committed a crime with a gun running towards a schoolyard with children. Under current law, they would be authorized to use deadly force to stop him. Under the new law, however, they cannot stop the subject and would have to wait for him to actually get to the schoolyard and threaten the children and potentially shoot one before they could use deadly force to stop the subject.

**3. Use of force continued: Chokeholds, tasers, and more.**

Page 287+. Redefines chokeholds in ways that are unworkable. For example, the law prohibits any “direct pressure on the throat” whether or not that is inadvertent or actually chokes someone. It describes unreasonable limits on deploying tasers, pepper spray and tear gas -- in ways that are contrary even to manufacturers’ recommendations. The law *should allow* for hitting a person in the back with a Taser, which is what everyone is trained to do, and distinguish between “crowd control” and an individual confrontation in talking about tear gas and pepper spray.

**4. Body cameras.**

a. Pages 79+.

***Mandatory and costly.*** Makes it mandatory for agencies to have body cameras, but does not provide any funding for the considerable cost of storage OR additional personnel needed for a body-camera program.

- b. **Dates of implementation?** The law provides dates of implementation for municipalities and counties from 2022 to 2025, but forgot about LE agencies for forest preserves, park districts, college and university police, railroad police, Capitol police, etc. What are the dates of implementation for these agencies?
- c. **Review of video before report.** Page 82. The law prohibits officers from reviewing their own body-camera video before writing a report. This is “gotcha” language. (NFL referees are allowed to review video from multiple angles to get a call right. So why not police officers, who make split-second decisions in violent situations while protecting and rescuing citizens in danger?)
- d. **New felony offense.** Page 307. It creates a new felony offense against officers for failure to follow body-worn camera laws and policies. That is too harsh.

**5. Citations instead of custodial arrests.**

Page 326. If you call the police because an unwanted person is peeking in your windows or standing in your yard or place of business and you don’t want them there for a legitimate reason, you can call the police, but the police will not be able to physically remove that person. All they can do is issue a citation (like a traffic ticket). Then, if the unwanted person still doesn’t leave and is not being threatening, the police will have no authority to arrest them or get them to “move along.” This applies to all Class B and Class C misdemeanors. We suggest deleting this section. Or, at a minimum, making the change only for Class C misdemeanors, because criminal trespass and window peeking are examples of Class B misdemeanors.

**6. Qualified immunity.**

Page 12. The new Task Force on Constitutional Rights and Remedies is charged with reviewing and reforming qualified immunity. The Illinois Chiefs believe that diminishing qualified immunity in any way would be a major disservice to individual officers. Our message: Do not diminish or remove qualified immunity.

**7. Anonymous complaints.**

Page 95+ and 700+. There are inconsistencies in the law in describing and dealing with anonymous complaints without sworn affidavits and confidential complaints against officers. We are OK with confidential complaints but not anonymous complaints. Anonymous complaints would lead to too many frivolous complaints, the tarnishing of good officers’ reputations, and LE

agencies and municipalities getting bogged down with frivolous complaints. We prefer the “confidential complaint” language in the final section of the bill. That way, a person could file a complaint confidentially, but at some point, if the review process continued because it was a legitimate complaint, the person filing the complaint would be revealed.

#### **8. New training requirements.**

Pages 40 and 75+. Nine new areas of training for community deflection programs (page 40), and thirty hours of training every three years is a new requirement (page 76), plus 40 hours of a standard CIT curriculum (page 77). Plus, there is a new annual training requirement for “emergency medical response training and certification” (page 75), and a few other adjustments in training requirements. The Illinois Chiefs want every department to be highly trained, but we wonder what “emergency medical response training and certification” for police officers entails and whether and when it will be clear how agencies will be able to provide this training and how their municipalities will be able to afford it.

#### **9. Pattern and practice violations.**

Page 46. The law allows the attorney general to impose a penalty of up to \$25,000 against individual officers for “pattern and practice” violation of rights. We believe that any “pattern and practice” violations should be against agencies or municipalities, not individual officers.

#### **10. Obstructing and resisting officers.**

Page 275. Language in this bill amends a current prohibition against resisting or obstructing a police officer or firefighter. It says a person cannot be subject to arrest unless there is an underlying offense for which the person was initially subject to arrest. This means a person can no longer be arrested merely for obstructing, for example, at a crime scene, at a domestic violence scene, or at a demonstration where crowd control is necessary. This will seriously limit an officer’s attempt to stabilize some volatile situations. We recommend deleting this new language.

#### **11. Military equipment.**

Page 53. The bill prohibits of the acquisition of certain military surplus equipment, which some people mistakenly believe to be primarily armored tanks. Such surplus equipment can also include weapons that local agencies cannot otherwise afford. It is ironic that the week this bill was passed, the state of Illinois collaborated with local law enforcement with a major military

presence to protect the State Capitol in Springfield.

## 12. Three phone calls for person in custody.

Page 411. The law requires three phone calls for detainees within three hours of being in custody. There are occasions where this is not possible, and this could make it more difficult for law enforcement to solve crimes. The law has no regard for whether the person might be seriously impaired, whether the related crime is under active investigation, or other suspects might be on the loose. We recommend deleting the “three phone calls within three hours.”

### Things the governor and some legislators are saying that are not true or misleading:

- “Opponents of the bill don’t want any change.”  
*Out of the governor’s mouth, that statement is reckless and inaccurate. As President Black said, we have always promoted police modernization to get the best-trained officers and the safest communities.*
- “The opponents in law enforcement are lying about what’s in the law, and they are fear mongering.”  
*What we’ve actually been doing is **reading** the new law and, from our vast experience in policing on the street, explaining that the law will require us to stop chasing criminals and explaining why some language is “gotcha” language targeting police. Even the bill’s sponsors admitted before the bill was signed that a trailer bill is needed.*
- “We can’t get the opponents to give us language on how to improve the law.”  
*We provided some language last summer and fall, on such major issues as body cameras and use of force, and that language was ignored. We testified at multiple subject-matter hearings last fall, and in most cases, our approaches and suggestions were ignored in the bill. But we are still working with legislators and have asked for conversations with them about our concerns – not merely handing over language that they would be free to reject.*
- “The law is the result of 30 hours of testimony at nine hearings, in which law enforcement participated last fall. We were negotiating with law enforcement until the bill was passed.”  
*This is terribly misleading, to the point of being wrong. We did testify at a few subject-matter hearings last fall, but we were never shown in advance the final version of the bill that appeared in the middle of the night January 13, and after that, we had zero opportunities to suggest changes on*

*the final language before the Senate and then the House passed it.*

- “The elimination of qualified immunity was taken out of the bill.”  
*That is another misleading statement. It is true the new law did not eliminate qualified immunity, but one of its first provisions (page 12) creates a task force “to develop and propose policies and procedures to review and reform constitutional rights and remedies, including qualified immunity for peace officers.” The report is due May 1, 2021, which is lightning speed for any task force created by the legislature. So the sponsors still want to do something with qualified immunity.*

### Summary of remedies and needed high-level changes

1. **Trailer bill:** The Illinois Chiefs seek conversations to discuss our major concerns with legislators. We have suggestions and seek to work out any differences in conversations.
2. **Chiefs everywhere in Illinois should explain these concerns to legislators and local officials and demand that all of the major concerns be taken up in a trailer bill.**

### Our Message is Simple

The Illinois Chiefs support reforms, but P.A. 101-0652 is significantly flawed.

- P.A. 101-0652 removed safeguards that are currently in place – safeguards that protect Illinois citizens and police.
- P.A. 101-0652 emboldens criminals and will result in citizens across the state feeling less safe.
- The unintended consequences of P.A. 101-0652 will be detrimental to the safety of all IL citizens.

### Elevator Pitch – *how to explain our position in 30 seconds*

The Illinois Chiefs of Police believe P.A. 101-0652 is seriously flawed. The bill removed safeguards currently in place that protect our citizens and officers, and it includes language that will empower criminals. The unintended consequences of P.A. 101-0652 will be detrimental to citizens and communities across the state. We need to act now and encourage legislators to develop and pass a trailer bill that addresses our concerns.

[More information at ILACP Reform Bill Resource Center](#)