



# Illinois Association of CHIEFS OF POLICE

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## GUIDE TO TOPICS and IMPLEMENTATION, *BY DATE*:

### HB 3653, now P.A 101-0652

### Version 2

Updated and Corrected March 8, 2021

This is a brief summary of topics in the “Safe-T Act,” which was signed by Governor Pritzker on February 22, 2021. Also noted are the effective dates of each topic. We expect to update this document periodically.

#### Effective May 1, 2021, AND July 1, 2021

**Review of qualified immunity.** Constitutional Rights and Remedies Act. Creates a task force to review and reform qualified immunity. ILACP has a seat on this task force. Members of task force must be appointed within 30 days after July 1, 2021. However, task force report is due May 1, 2021, which seems to conflict with the “effective date” of July 1, 2021. Page 12 and Page 764..

#### Effective July 1, 2021

**Death in Custody Act.** Requires agencies to report to ICJIA when a person dies while in custody or as the result of a peace officer’s use of force. Page 6.

**Community-Law Enforcement and Other First Responder Partnership for Deflection and Substance Use Disorder Treatment Act.** Prioritizes funding for deflection programs in certain communities and expands definition of deflection programs and adds to list of subjects for which LE agencies must be trained. Page 40.

Required areas of training are:

- Neuroscience of Addiction for Law Enforcement;
- Medication-Assisted Treatment;
- Criminogenic Risk-Need for Health and Safety;
- Why Drug Treatment Works?
- Eliminating Stigma for People with Substance-Use Disorders and Mental Health;
- Avoiding Racial Bias in Deflection Program;

- Promotion Racial and Gender Equity in Deflection;
- Working With Community Partnerships; and
- Deflection in Rural Communities.

**Attorney General Act.** Allows AG to conduct investigations and pursue civil action against officers. Page 43.

**Maintain police misconduct records** permanently. All records related to complaints, investigations, and adjudications. Page 66.

**Mental health screenings for officers.** Requires the Illinois Law Enforcement Training and Standards Board (ILETSB) to establish statewide minimum standards regarding regular mental health screenings for probationary and permanent police officers. Page 68.

**New requirements in curriculum for probationary officers.** Includes CIT, role playing, use of force, and high-risk traffic stops. Page 72.

**New mandatory training requirements every three years.** Requires 30 hours of training every three years and specifies the content. Page 76.

- At least 12 hours of hands-on, scenario-based role playing
- At least six hours on use of force, including de-escalation techniques
- Specific training on the law concerning “stops, searches, and the use of force” re 4<sup>th</sup> Amendment
- Specific training on “officer safety techniques, including cover, concealment, and time.”
- At least six hours on “high-risk traffic stops.”

**CIT curriculum.** Requires standard curriculum of 40 hours with certain specific items. Page 77.

**Body camera video review.** Removes authorization for recording officers to review their own body camera video prior to completing incident reports. Page 82.

**Additional monthly reporting on mental health crises and use of force to ISP (page 90):**

- A report on any incident where a law enforcement officer was dispatched to deal with a person experiencing a mental health crisis or incident, including the number of incidents, the level of law enforcement response and the outcome of each incident.
- A report on use of force, including any actions that resulted in death or serious bodily injury of a person, or the discharge of a firearm at or in the direction of a person.

**Military equipment.** Prohibits sheriffs’ and police departments from requesting certain surplus military equipment (e.g., tracked armored vehicles, weaponized aircraft, firearms of .50 caliber or higher, bayonets, etc.). Pages 112-113

**Restoration of driving privileges.** Requires Secretary of State to rescind suspension of a person’s driver’s license if the suspension was due to failure to pay any traffic fine or penalty, and for similar reasons.

**Use of force restrictions.** Lengthy section that amends when an officer can use force or deadly force and requires officers in some situations not to pursue a fleeing offender. Defines such terms as deadly force, imminent threat, and totality of the circumstances. Begins on Page 282.

**Prohibits certain kinds of force:** Restraint above the shoulders that could cause asphyxiation; kinetic projectiles targeted at the head, pelvis or back; kinetic projectiles into a crowd; and use of chemical agents in certain situations. Page 287.

**Duty to Intervene and Duty to Render Aid.** Requires officers to render medical aid and mandates an affirmative duty to intervene to stop or prevent another peace officer in his or her presence from using any unauthorized use of force or force that exceeds the degree of force permitted under the law. Pages 289-290.

**Law enforcement misconduct:** Says an officer commits misconduct for misrepresenting or withholding information about another officer's conduct, or if the officer fails to comply with provisions of the body-worn camera statute or department policy requiring the use of BWC. Page 306.

**Three phone calls within three hours.** Mandates that an arrestee has the right to three phone calls within three hours of being taken into custody to communicate with an attorney and family members, free of charge, and allows the arrestee to access their own cellular phone for contact numbers. Further requires that this information be posted on a sign. Page 410.

**No-knock warrants.** Allows for *no-knock warrants* if the interaction is recorded or if body-worn cameras are in use. Page 413.

#### Effective January 1, 2022 - Certification

**New certification and decertification provisions.** Lengthy section begins on page 612.

- Creates LE Certification Review Panel. Page 676.
- Automatic and Discretionary decertification. Begins on page 684.
- Discretionary decertification can be for failing to intervene when an officer is using excessive force (regardless of rank), if the officer makes a false statement in a report or misleads a public servant in the public servant's performance of an official function, for perjury, evidence tampering, or for other unspecified conduct that is unprofessional, unethical, or a deleterious conduct or practice.
- Requires officers to verify compliance with all requirements for certification every three years.
- Allows ILETSB to accept complaints and investigate allegations from persons who remain confidential, at least initially.
- Alters what "inactive status" is -- occurs upon termination, resignation, retirement or separation from the governmental agency for any reason.
- Creates an officer professional misconduct database at ILETSB. Information in the database cannot be released and is not subject to subpoena or discovery or admissible in evidence in any private civil action.
- Requires sheriffs to be sworn officers; does not apply to any current sheriffs who do not meet this requirement.

#### Effective 2022-2025 – Mandatory Body Camera

**Body cameras become mandatory for agencies, as follows (page 78):**

- Municipalities and counties with a population of 500,000 or more -January 1, 2022;

- Municipalities and counties with a population of 100,000 or more but under 500,000-January 1, 2023;
- Municipalities and counties with a population of 50,000 or more but under 100,000-January 1, 2024; and
- Municipalities and counties with a population under 50,000- January 1, 2025.
- **NOTE: It is silent on what the deadline is for other types of LE agencies.**

### Effective January 1, 2023

**NEW (corrected date). Underlying offense for obstructing.** Adds the requirement that a person shall not be subject to arrest for “resisting or obstruction of a peace officer” unless “there is an underlying offense for which the person was initially subject to arrest.” Page 275.

**NEW (corrected date). Citation in lieu of custodial arrest.** Mandates that law enforcement shall issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic offenses and Class B and Class C criminal misdemeanor offenses who pose no threat to the community or any person. Page 326.

**Anonymous complaints.** Allows any person to file with ILET SB an anonymous complaint against a police officer. Page 95.

**Bail reform.** “Bail” gives way to “pretrial release.” Replaces all references to “bail,” “bail bond” or “conditions of bail” to be construed as “pretrial release” or “conditions of pretrial release.” Lengthy section beginning on pages 335-

- Eliminates monetary bail.
- All persons charged with a criminal offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a defendant is charged with a specific offense listed in Section 110-6.1 of the Criminal Code of 2012, or who has a high likelihood of willful flight, and after the court has held a hearing. Certain exceptions apply.
- Requires consideration of safety of the crime victim.
- **This is another lengthy section with many implications. Details are not in this document.**

### **NEW SECTION. Effective 2023-2025 – Initial “verification form” of compliance with certification**

This is part of the “certification” section that goes into effect on January 1, 2022. Beginning in 2023, and every three years, law enforcement officers shall submit a verification form to ILET SB that confirms compliance with the certification requirements.

All law enforcement officers shall submit their first report by January 30 during the initial three-year reporting period, as determined on the basis of a law enforcement officer’s last name then every third year of the officer’s applicable three-year report period as determined by ILET SB.

The applicable three-year reporting period shall begin on:

- January 30, 2023, for law enforcement officers whose last names being with the letters A through G;
- January 30, 2024, for law enforcement officers whose last names being with the letters H through O; and
- January 30, 2025, for law enforcement officers whose last names being with the letters P through Z.

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