

# Criminal Justice Reforms Act

## P.A. 101-0652 (HB 3653)

Metro Managers Virtual Luncheon

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Presented by Julie Tappendorf, Ancel Glink, PC

# The Act

- ▶ HB 3653 was approved in the “lame duck” session of the 101<sup>st</sup> General Assembly
- ▶ Signed into law by the Governor on February 22, 2021 as P.A. 101-652
- ▶ The Act takes effect July 1, 2021, although some provisions have later effective dates

# New Reporting Requirements

- ▶ Use of body cameras (annual)
- ▶ Mental health incidents (monthly)
- ▶ Use of force (monthly)
- ▶ Deaths in Custody (30 days after incident)
- ▶ Arrests and convictions of officers for certain offenses (14 days)
- ▶ Officer's willful violation of department policies (10 days)
- ▶ Conduct of officer that would qualify for decertification (7 days)

# Training Requirements

- ▶ ILETSB will establish state-wide standards for regular mental health screening of officers
- ▶ Training requirements for new officers
- ▶ Training of at least 30 hours every 3 years for all officers, including CIT, de-escalation, officer safety, high risk traffic stops, etc.

# Body Cameras

- ▶ Requires all municipalities to employ body cameras by certain date, based on population:
  - ▶ 500K or more - January 1, 2022
  - ▶ 100K to less than 500K - January 1, 2023
  - ▶ 50K to less than 100K - January 1, 2024
  - ▶ Less than 50K - January 1, 2025

# Operational Changes

- ▶ Prohibit officers from reviewing body camera recordings before drafting reports
- ▶ Uniform, state-wide rules on use of force
- ▶ Restrict use of deadly force - must identify as officer, if feasible and prohibit use to prevent escape unless immediate danger to others or as retaliation, etc.
- ▶ Duty to render medical aid and duty to intervene in officer use of force incidents
- ▶ Require warning before using tear gas
- ▶ Allow no-knock warrant if incident is recorded
- ▶ Restrict “resisting arrest” charges

# Officer Misconduct

- ▶ Expand officer misconduct to include
  - ▶ Misrepresentation of, or failure to report, officer incidents
  - ▶ Withholding information about officer incidents
  - ▶ Failure to comply with body camera requirements
  - ▶ Covering up misconduct is a class 3 felony

# Officer Misconduct - Reporting & Records Retention

- ▶ Eliminate affidavit requirement for complaints against officers
- ▶ Anonymous complaints against officers can be filed with ILETSB
- ▶ Records of complaints, investigations, and adjudication of police misconduct must be kept indefinitely



# Whistleblower Protection

- ▶ Prohibit retaliation against employees who report incidents
- ▶ Municipalities must enact policy for managing complaints and investigations
- ▶ Municipalities must appoint an “auditing official” to investigate complaints and report to head of public body
- ▶ Auditing official must also provide new employees with a summary or copy of the whistleblower law and annually to all employees

# Officer Certification (January 1, 2022)

- ▶ Create Certification Review Panel
- ▶ Require officers to verify compliance with certification requirements every 3 years
- ▶ Allow ILETSB to accept anonymous complaints and investigate allegations
- ▶ Create an officer professional misconduct database at ILETSB
- ▶ Decertification process for certain conduct/incidents

# Risk Management Issues

- ▶ Qualified immunity was not eliminated; however, the Act establishes a task force to review and reform qualified immunity
- ▶ Attorney General will be allowed to sue departments for “patterns of rights violations.” Remedies include civil penalties of up to \$25,000 for one violation or \$50,000 for repeat violations
- ▶ Officer’s certification can be suspended by ILETSB for arrests or indictments on felony charges

# Miscellaneous

- ▶ Prohibit or restrict receipt of certain military surplus equipment
- ▶ Arrestees entitled to phone access within 3 hours of custody and 3 free calls
- ▶ Records in Officer Professional Conduct database exempt from FOIA
- ▶ Public bodies authorized to go into executive session under OMA to consider deliberations on officer decertification

# To-Do List - Policies

- ▶ **Modify and enact policies to address:**
  - ▶ Officer certification process
  - ▶ Reporting obligations (deaths, mental health incidents, use of force, misconduct, use of cameras, etc.)
  - ▶ Use of body cameras (and purchase by deadline)
  - ▶ Operational changes (use of force, body cameras, duty to render aid and intervene, no-knock warrant, resisting arrest, arrestee phone access, equipment purchase, etc.)
  - ▶ Complaint, investigation, and reporting on allegations of misconduct
  - ▶ Appoint auditing official and adopt whistleblower policy

# To Do List - Training

- ▶ Ensure officers receive required training:
  - ▶ New officer training
  - ▶ Continuing training for officers (30 hours every 3 years), including CIT, de-escalation, officer safety, high risk traffic stops, mental health incidents, etc.
  - ▶ Mental health screening per ILETSB standards



**Julie Tappendorf**  
Equity Partner

**Ancel Glink P.C., Chicago, Illinois**

Municipal Minute blog: <http://municipalminute.ancelglink.com/>

Email: [jtappendorf@ancelglink.com](mailto:jtappendorf@ancelglink.com)

Phone: 312-604-9182