

# HB 3653

101<sup>st</sup> Illinois General Assembly

## The Illinois Law Enforcement Training & Standards Board – Summary Review

February 10, 2021



Illinois Law Enforcement  
Training and Standards Board

# ILETSB: Main Areas of Focus:

- Mental Health Screenings (p.68)
- Basic Law Enforcement Training (p. 70 – 72)
- In-Service Training (p. 75–78)
- Certification Review Panel (p. 676 – 680)
- Certification Exam (p. 683)
- Automatic Decertification (p. 684 – 697)
- Grounds for Discretionary Decertification (p. 697 – 701)
- Notice of Violations (p. 701 – 709)
- Discretionary Decertification Hearings (p. 709–716)
- Full-Time LEO Initial Certification (p. 724 – 729)
- Part-Time LEO Initial Certification (p. 729 – 734)
- Emergency Suspension (p. 734 – 736)
- Compliance Verification (p. 736 – 741)
- Professional Conduct Database (p. 744–748)
- Public Officer Database (p. 748–749)
- Public Investigation Log (p. 749–750)
- Investigation Report (p. 750)

## *A. Certification: Active/Inactive*

- “Certificate” – more than passing the academy class
- Now it is a status: Active, Inactive, Decertified

To be “active”:

- Must have passed an academy, or issued a training waiver from the Board and the state certification exam
- Must be free from disqualifiable conduct
- Board to run initial criminal history check

Status goes inactive if:

- No longer employed
- Arrested or charged with a crime
- Failure to report compliance

## *A. Certification: Reactivation*

- An officer can seek reactivation if returning after a period away

Written application from the LEO's agency

- Shows the officer has accepted a law enforcement position
  - Has not been decertified, and
  - Meets all other criteria for reactivation set by ILETSB
- Board may refuse reactivation if officer was terminated for conduct subject to decertification or resigned/retired after notice of an investigation
  - Board may require special classes as a condition for reactivation

## *B. Verification:*

- Officer must verify their status to the Board every 3 years
  - All training mandates complete
  - No disqualifying conduct in their past
  
- Board can pursue failures to respond
  
- Falsification could result in decertification
  
- Reporting years are staggered based on last name

## *C. Automatic Decertification:*

- Adds new misdemeanors:
  - Solicitation
  - Domestic Battery
  - All Obstruction Crimes
- Clarifies that guilty pleas and probationary sentences are equal to a conviction
- Removes perjury procedure – reclassified under Discretionary Decertification

## *D. Discretionary Decertification:*

- Board can bring a complaint for discretionary decertification when an officer's conduct falls into six categories:
  1. Committed an act that would be decertifiable under section 6.1:
    - Regardless if prosecuted
    - Regardless of termination
    - Based on the clear and convincing evidence standard
  2. Exercised excessive use of force:  
Using force in violation of state or federal law
  3. Failed to intervene:
    - Officer has reason to know that:
      - Excessive force is being used, or
      - Constitutional violation is being committed, and
      - The officer has a reasonable opportunity to intervene

## *D. Discretionary Decertification con'd*

### 4. Tampered with:

- dash or body camera records,
- data, or
- hardware

For the purpose of concealing, destroying, or altering potential evidence in the course of a proceeding.

### 5. Untruthfulness:

- committed perjury,
- made a false statement, or
- tampered with evidence

Related to the reporting, investigation, or prosecution of a crime

### 6. Unprofessional conduct:

Any departure from, failure to conform to the minimal standards of acceptable and prevailing practice of an officer



## *E. Complaint Process:*

- Officially: Notice of Violation
- Comes from a police department or governmental entity
- Comes from a State's Attorney's office
- May come from a member of the public – may be anonymous
- Board to conduct first review and determine if insufficient
- Board must create an on-line form for sending complaints and information for our website

## *F. Investigations:*

- If a Complaint is valid, Board to send for investigation:
  - Back to employing agency
  - To a third party, like COPA
  - May do our own investigation
  
- Investigating body to complete a summary report
  - Address all allegations of misconduct that could be grounds for discretionary decertification
  - Identify all evidence and witnesses
  - If sufficient, it becomes an official complaint for Discretionary Decertification and is sent to the Certification Review Panel for processing

## *G. Hearing: Initial Process*

- The officer may simply surrender certificate
- Sets a default process for failure to appear
- Before an Administrative Law Judge:
  - Parties may make arguments
  - May present evidence: testimony, documents, physical items
  - ALJ to make findings of fact and law
- Upon conclusion, the ALJ report and all evidence of record is sent to Certification Review Panel

# *G. Hearing: Review Panel*

New: 11 member Certification Review Panel

- Appointed by the Governor:
  - Active member of a statewide association of State's Attorneys
  - 2 IL residents (not LEO) from high LE interaction communities
  
- Appointed by the AG:
  - 2 active members of statewide organizations with over 20,000 law enforcement officers
  - 1 active member of statewide organization over 75 sheriffs
  - 1 from a chiefs association (over 200 chiefs)
  - 2 from a minority law enforcement associations
  - 1 representative of victims advocacy community
  - 1 resident of IL (not an AG employee)

## *G. Hearing: CRP & ALJ Training*

- ▶ CRP members and the ALJ must get initial and annual training in these areas:
  - Constitutional Law on police encounters
  - Use of Force
  - Searches
  - Arrests
  - Police Tactics
  - Investigations of police conduct
  - Impartial policing
  - Policing individuals in crisis
  - Illinois police policies, procedures, disciplinary rules
  - Procedural justice
  - Community outreach

## *G. Hearing: Decertification*

- ALJ report is sent to Certification Review Panel
- CRP reviews and discusses ALJ findings – but cannot review any new evidence
- CRP makes recommendations to the Board
- Board approves/rejects CRP determination at the next Board meeting
- Sets a process for seeking reconsideration within 30 days

## *H. Annual Reports:*

- Beginning March 1, 2023 and each year after
- Board to submit a report to Governor and General Assembly leaders:
  - Number of Decertification's
  - Number of Investigations opened and closed
  - Number of hearings held

# *I. Public Web Portal:*

- Board shall maintain database
  - On the Board website
  - Available to the public
  - Must be searchable
  
- Must contain:
  - Officer name
  - Current or last employer
  - Date of initial certification
  - Certification status
  - If decertified:
    - Was there a sustained complaint of misconduct
    - Date of misconduct



## *J. Professional Conduct Database:*

- ▶ Agency must notify the Board when:
- ▶ There is a final determination that an Officer has committed:
  - Willful violation for policy
  - Official Misconduct, or
  - Violation of law
- ▶ And
  - Suspension of at least 10 days
  - The infraction would trigger an official investigation under policy
  - There is an allegation of misconduct or untruthfulness as to a material fact, bias, or integrity, or
  - The officer resigns or retires during the course of an investigation after being served notice of such allegation

# *J. Professional Conduct Database:*

- ▶ Must show each officer's:
  - Date of certification
  - Status of certification: active, inactive, decertified
  - Dates of appointment and separation for each employer
  
- ▶ Reasons for separation for each employer
  - Identify if it is for misconduct or a policy violation
  - Identify if resigned while under investigation
  
- ▶ If the officer was reported for misconduct from above
  - The nature of the violation
  - The reason for the decision of discharge or dismissal
  
- ▶ Any statement from officer if reported for misconduct becomes part of the database

# *J. Professional Conduct Database:*

## Duty to Check Database:

- Before making a new appointment, the chief administrative officer must
  - Check the conduct database
  - Contact previous employers
  - Document the contact of previous employers
- The documentation of contact must be made available to the Board for at least 5 years

## Board's duty to protect personal information:

- Board may not share these conduct records with the public or by subpoena
- Board may not make these records public without prior written consent of the agency and the officer

## *K. Public Investigations Log:*

The Board must maintain a public, searchable, database of all completed investigations against officers related to decertification:

- Officer identities to be confidential and anonymous
- List the employing agency
- Date and location of incident
- Race and Ethnicity of officer involved
- Age, gender, race and ethnicity of others involved
- Any injuries, medical care, hospitalization, or death
- The agency that conducted the investigation
- When the investigation was completed
- Whether the complaint was sustained
- Type of misconduct investigated

## *L. Basic Academy Training*

- Requires “crisis intervention” in the BLE
- 12 Hours of hands-on, scenario-based, role playing
- 6 Hours in Use of force, including De-escalation
- Officer safety: Cover Concealment, Time
- 6 Hours of high-risk traffic stops

## *M. In-Service Trainings:*

Additions to the 3 year mandates:

- Implicit Bias
- Racial and Ethnic Sensitivity
- Special Use of Force Course (30 hours):
  - 12 hours of hands on, scenario based role playing
  - 6 hours of use of force techniques and de-escalation
  - Fourth Amendment stops and searches
  - Officer safety techniques
  - 6 hours on high risk traffic stops

Additions to the 1 year mandates:

- Emergency medical response
- Crisis intervention
- Officer wellness and mental health
- Remove “use of force”

## *N. Mental Health Screenings:*

- Board is required to establish statewide standards for minimum standards
- Regarding regular mental health screenings for
  - Probationary, and
  - Permanent police officers
- Must ensure that counseling sessions and screenings remain confidential

## *O. Concerns for Trailer Bill:*

- CIT language: Clarify that 40-hour course is not required each year
- Effective Dates / Timing should be consistent at 1-1-2022
- In-service training requirements need to be consolidated
- CRP: Two different organizations with over 20,000 members?
- Consider adding Violation of Order of Protection to automatic decertification list to be consistent
- Duty to intervene language should be consistent from earlier section
- Should CRP get to see officer testimony?
- Section 8 of the Police Training Act: Training requirements should be separated from certification mandates
- Special Part-time pre-certification work allowance should be limited
- Make references to the discretionary decertification crimes and conduct consistent throughout