

Executive Overview of Public Act 101-0652 and 102-0028

PUBLIC ACT (P.A.) 101-0652, KNOWN AS THE SAFETY,
ACCOUNTABILITY, FAIRNESS AND EQUITY – TODAY (SAFE-T) ACT.



Safety, Accountability, Fairness and Equity – Today (SAFE-T) Act

CRIMINAL JUSTICE REFORMS EFFECTIVE JULY 1, 2021



Anonymous Complaints

All law enforcement officers are no longer required to be informed of the names of all complainants prior to an administrative proceeding.

All law enforcement officers under investigation are no longer required to be informed of the name, rank or unit of command of an officer in charge of the investigation.

A person filing a complaint against a law enforcement officer is no longer required to have the complaint supported by a sworn affidavit or any other legal document. This ban on affidavit requirements shall apply to any collective bargaining agreements entered into after July 1, 2021.

Constitutional Rights and Remedies

(This is a state process that may impose additional municipal requirements.)

The Constitutional Rights and Remedies Act requires a Task Force on Constitutional Rights and Remedies to develop and propose policies and procedures to review and reform constitutional rights and remedies, including qualified immunity for peace officers.

The Task Force on Constitutional Rights and Remedies is required to meet at least three times and issue a report to the General Assembly and Governor by October 31, 2021. (The original reporting requirement was May 1, 2021.)

Discharge of Projectiles and Chemical Agents

All law enforcement officers are prohibited from discharging kinetic impact projectiles (TASER) and all other non- or less-lethal projectiles in a manner that targets the head, pelvis or back, and from discharging kinetic impact projectiles indiscriminately into a crowd.

All law enforcement officers are prohibited from using chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated, if necessary, followed by sufficient time and space to allow for compliance with the order.

[Current Policy: Control Devices and Techniques](#)

Duty to Render Aid; Duty to Intervene

All law enforcement officers have a duty to render medical aid and request emergency medical assistance, if necessary, if a person is injured, whether as a result of a use of force or otherwise.

All law enforcement officers are required to treat a person in custody humanely, if the need for medical treatment is apparent it shall be summoned without unreasonable delay.

All law enforcement officers, and **any person acting under the color of law, have an affirmative duty to intervene**, without regard for chain of command, to stop or prevent another law enforcement officer in his or her presence from using any unauthorized use of force or force that exceeds the degree of force permitted.

All law enforcement agencies are prohibited from disciplining or retaliating against a law enforcement officer that intervenes or who reports unconstitutional or unlawful conduct.

A law enforcement officer who intervenes with another officer is required to report the intervention.

Current Policy: Response to Resistance

Military Surplus Equipment

All law enforcement agencies are prohibited from requesting or receiving specified equipment from any military surplus program.

No-Knock Warrants

All law enforcement officers are permitted to use no-knock warrants only if officer-worn body cameras are in use by each officer or the interaction is otherwise recorded. There are required steps to be taken when a child or vulnerable person is on-site.

Officer Misconduct

A law enforcement officer commits misconduct, a Class 3 felony, in the course of official duties when the officer:

knowingly or intentionally misrepresents or fails to provide facts describing an incident in any report or during an investigation of a law enforcement officer's conduct;

withholds any knowledge of the misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator or other person or entity tasked with holding the law enforcement officer accountable; or,

fails to comply with provisions of the Law Enforcement Officer-Worn Body Camera Act.

Officer-Worn Body Cameras

All law enforcement agencies are required to employ the use of officer-worn body cameras by specified dates based on municipal population. A law enforcement agency that complies with these requirements shall receive preference by the Illinois Law Enforcement Training and Standards Board (ILETSB) in receiving grant funding from the Law Enforcement Camera Grant Fund.

Officer-worn body cameras shall be implemented by January 1, 2024, in municipalities with populations of 50,000 or more but less than 100,000;

By May 1 of each year, all law enforcement agencies that employ the use of officer-worn body cameras are required to submit an annual report.

Body Camera Cont...

A recording officer may review officer-worn body camera footage prior to providing an incident report and may file an amendatory report, subject to a supervisor's approval and so long as that review is disclosed in the report or documentation. However, a law enforcement officer may not have access to or review his or her body-worn camera recording prior to completing an incident report if the officer:

Has been involved in or is a witness to an officer-involved shooting, use of deadly force incident or a use of force incident resulting in great bodily harm; or,

Is ordered to write a report in response to or during the investigation of a misconduct complaint against that officer.

Pattern and Practice

Any governmental authority or agent of a governmental authority is prohibited from engaging in a pattern or practice of conduct by officers that deprives any person of rights, privileges or immunities secured or protected by the Constitution or laws of the United States or the Constitution or laws of Illinois.

The Illinois Attorney General is authorized to commence a civil action to obtain appropriate equitable and declaratory relief if he or she believes that a violation of this section has occurred.

Policies

All law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental or intellectual disabilities and who are significantly more likely to experience physical force during police interactions.

Current Policy: Crisis Intervention Incidents

Reporting

All law enforcement agencies are required to submit a monthly report to the Illinois State Police (ISP) 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. Reporting form to be provided by ISP.

All law enforcement agencies are required to submit a monthly report to ISP on **use of force**, including any action 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. Reporting form to be provided by ISP.

All law enforcement agencies are required to report within 30 days any case in which a **person dies while in the custody** of a law enforcement agency, local correctional facility, a law enforcement officer or as a result of an officer's use of force to the Illinois Criminal Justice Information Authority (ICJIA). ICJIA shall create a standardized form to be used by the law enforcement agency. ICJIA shall issue an annual public report tabulating and evaluating trends and information on deaths in custody.

Rescission of Driver's License Suspensions

The Illinois Secretary of State shall rescind the suspension, cancellation or prohibitions of renewal of a person's driver's license that has been suspended due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations or abandoned vehicle fees.

Retention of Police Misconduct Records

All public and nonpublic records related to complaints, investigations and adjudications, of police misconduct are required to be permanently retained and may not be destroyed.

Use of Force

All law enforcement officers must consider the **totality of circumstances** in order to determine the use of force necessary to effect an arrest, defend themselves or another person or prevent death or great bodily harm to themselves or another person.

All law enforcement officers may use any force, including deadly force, if the officer **reasonably believes** that the person to be arrested **may cause great bodily harm** to themselves or another person.

Prior to the use of force and where feasible, all law enforcement officers shall make **reasonable efforts to identify themselves as a law enforcement officer and warn** that deadly force may be used.

All law enforcement officers shall not use deadly force against a person if a reasonable officer would believe the **person does not pose an imminent threat** of death or serious bodily injury to the officer or another person.

All law enforcement officers **shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism** or deadly force is otherwise authorized by law.

All law enforcement officers are **prohibited from using force as punishment** or retaliation.

All law enforcement officers are **prohibited from using deadly force to prevent escape**, unless deadly force is necessary to prevent death or great bodily harm to the officer.

Current Policy: Response to Resistance



Whistleblower Protection

Units of local government and agents, representatives and employees of units of local government are prohibited from retaliating against an employee or contractor who participates in the reporting or investigation of an improper governmental action.

An elected, appointed or hired auditing official is required to establish written processes and procedures for managing complaints filed, as well as investigate and dispose of the submitted reports.

SAFE-T Act

CRIMINAL JUSTICE REFORMS EFFECTIVE JANUARY 1, 2022



Certification

Every three years, all law enforcement officers shall submit a verification form that confirms compliance with mandatory training requirements for certification.

A law enforcement officer's certification may be immediately suspended by ILETSB if the officer has been arrested or indicted on any felony charge.

Before a governmental agency may appoint a law enforcement officer or a person seeking a certification as a law enforcement officer in the state, the chief administrative officer or designee must check the Officer Professional Conduct Database, contact each person's previous law enforcement employers and document the contact.

Reporting

The chief executive officer of every governmental agency or department must report within 14 days to ILETSB if a law enforcement officer has been arrested, convicted, found guilty, has pled guilty or pled nolo contendere to certain offenses under the Criminal Code of 1961 or the Criminal Code of 2012.

All governmental agencies are required to notify ILETSB within seven days of becoming aware of a law enforcement officer committing decertification conduct, as defined by the Act.

A governmental agency shall be responsible for investigating the underlying allegations, unless another entity agrees to conduct the investigation in accordance with local ordinance or other law, or ILETSB makes a determination to conduct the investigation. If a local agency conducts an investigation of decertification, it shall deliver an Investigative Summary Report within seven days of completing the investigation to ILETSB.

Each governmental agency shall adopt a written policy regarding the investigation of conduct that involves a law enforcement officer that it employs.

Within 14 days, a law enforcement officer shall report to ILETSB any name change, any change in employment or the filing of any criminal indictment or charges against the officer that allege the officer committed any offense.
(Duty to self report)

Reporting continued (These are ongoing requirements.)

All governmental agencies are required to notify ILETSB within 10 days of any final determination of a willful violation of department or agency policies, official misconduct or violation of law that meets the criteria to be included in an Officer Professional Conduct Database. This database shall also be accessible to the chief administrative officer of any governmental agency for the purposes of hiring law enforcement officers.

ILETSB shall maintain a searchable database of law enforcement officers accessible to the public.

ILETSB shall maintain a searchable database of all completed investigations against law enforcement officers related to decertification. The database shall identify each law enforcement officer by a confidential and anonymous number.

All law enforcement agencies in the state will be required to report to ICJIA any incident in which a person dies while in the custody of a law enforcement officer or agency, a local or state correctional facility or as result of a law enforcement officer's use of force.

Rights of Individuals in Custody

Every facility where a person is held in police custody **must post a sign in a conspicuous place that notifies persons in custody of their right to have access to a phone, and the right to make three phone calls**, free of charge, within three hours after being taken into custody. This includes access to their cell phone for contact information.

Sunshine Laws

Public bodies are allowed to hold closed meetings to consider deliberations for decisions of ILETSB, the Certification Review Panel and the ISP Merit Board regarding certification and decertification of police officers.

Records contained in the Officer Professional Conduct Database are exempt from disclosure under the Freedom of Information Act (FOIA), with exceptions. This includes documents supplied to ILETSB from ISP and the ISP Merit Board.

Training

Every three years, all law enforcement officers are required to complete at least 30 hours of mandatory in-service training developed by ILETSB.

ILETSB is required to establish **statewide minimum standards regarding regular mental health screenings** for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential.

ILETSB is required to develop and approve a standard curriculum for certified training programs in crisis intervention of at least 40 hours addressing specialized policing response to people with mental illnesses.

Current Status: 52% of the department is trained, including all supervisory/command staff. COVID has delayed training opportunities.



Law Enforcement Misconduct

Any person may file notice of an anonymous complaint to ILETSB of any official misconduct a law enforcement officer has committed.

ILETSB is authorized to investigate complaints and initiate decertification proceedings.

Monetary Bail

The use of monetary bail is abolished and offenses and conditions upon which pretrial release may be granted or denied. A judge has the authority to determine release without appearance.

Criminal defendants are entitled to be released on personal recognizance on the condition that the defendant attend all required court proceedings, and the defendant does not re-offend or commit a criminal offense. Additional conditions of release may only be imposed when it is determined that they are necessary to assure the defendant's appearance in court.

Municipal Bond Fees

Repeal of Section 1-2-12.1 of the Municipal Code, allowing a municipality the authority to impose a fee up to \$20 for bail processing against any person arrested for violating a bailable municipal ordinance or a state or federal law.

Person Arrested

All law enforcement officers are required to issue a citation in lieu of custodial arrest, upon proper identification, for those accused of traffic and Class B and C criminal misdemeanor offenses or of petty and business offenses, who pose no obvious threat to the community or who have no obvious medical or mental health issues that pose a risk to their own safety. Individuals released on citation must be scheduled to appear in court within 21 days.

All law enforcement officers are prohibited from arresting a person for obstructing a peace officer unless there is an underlying offense for which the person was initially subject to arrest.

Pretrial Release

All persons charged with an offense shall be eligible for pretrial release before conviction. Pretrial release may only be denied when a person is charged with a detainable felony.

Questions?

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ILLINOIS MUNICIPAL LEAGUE | CRIMINAL JUSTICE REFORM: TIMELINE
FOR COMPLIANCE

