



# ILLINOIS SHERIFFS' ASSOCIATION



## Together We Are Making A Difference.

### Lawmakers Eye Potentially Devastating Changes to Policing This Week

Illinois State legislators are considering making changes to policing during the lame duck session commencing on January 8th, 2021. These changes could include eliminating Qualified Immunity.

There have been many conversations across the country and in Illinois during the last several months intended to address concerns raised by organizations and individuals in response to police and community incidents. Unfortunately, it has become increasingly clear that most in these conversations are not fully educated on these issues. One current issue up for debate is Qualified Immunity.

#### QUALIFIED IMMUNITY FACTS

What is Qualified Immunity?

Qualified Immunity applies only in civil lawsuits where a state actor (i.e. police officer or government official) is sued in his or her individual capacity for performing a discretionary function and the plaintiff seeks monetary damages directly from the state actor.

Qualified immunity is an affirmative defense available to state actors, and, if granted, provides them protection from personal, civil liability.

#### QUALIFIED IMMUNITY MYTHS

What Qualified Immunity if NOT:

Qualified Immunity does not protect those that "knowingly violate the law." In cases where it is obviously, or sufficiently clear, that the officer or government official's conduct was unlawful, qualified immunity is unavailable

Qualified immunity does not prohibit suits against the city, municipality, or government entity itself.

**We are not supportive of these efforts to eliminate or modify qualified immunity.** In 1982, the U.S. Supreme Court, in *Harlow v. Fitzgerald*, adopted the present standard whereby someone could overcome a qualified immunity defense only by showing that the defendant's conduct violated a clearly established federal statutory or constitutional right of which a reasonable person would have known.

The justifications for qualified immunity voiced by the U.S. Supreme Court in 1982 are still relevant today. Police officers are duty bound to intervene in highly volatile situations where they must take immediate action. Without qualified immunity, the challenging task of recruiting or maintaining law enforcement officers will become even more difficult, as potential police officers will seek alternative careers.

# *"Police officers are duty bound to intervene in highly volatile situations where they must take immediate action."*

- Jim Kaitschuk, ISA Executive Director

Other public officials including, but not limited to: judges, state's attorney and legislators are provided absolute immunity which is not subject to the parameters just described. We are, however, interested in exploring and enhancing areas that will help law enforcement support and protect all of the communities we are sworn to serve.

The Illinois Sheriffs' Association is a member of a coalition that includes the Illinois Fraternal Order of Police and the Illinois Association of Chiefs of Police that has been discussing these issues for many months. On Monday, December 28, 2020, the group issued a 15 point plan outlining the framework for changes that would benefit all of us.

## **15 Point Plan:**

**Voices of crime victims:** Coalition members continue to be outspoken advocates for crime victims. Without the dedication, hard work and compassion of law enforcement professionals, most victims would never experience justice.

**Co-responder model pilot projects:** Having law enforcement access to a social worker or mental health professional would be very beneficial in specific incidents. There are many parts of the state where this is not only a financial issue, but also one of finding available social workers.

**Mental health services:** We support additional resources for mental health services and other resources that might provide an alternative to arrest, but these resources should not be used to reduce law enforcement funding. We also need more de-escalation and crisis intervention training for law enforcement officers to better handle these situations.

**Funding for community resources:** Provide adequate state funding for local agencies such as, but not limited to, local mental health and substance abuse providers, social workers, and county and municipal jails.

**Recognize Illinois' leadership in reforms:** Here is a partial list of the training already required for Illinois officers on a regular basis: Use of force; civil rights; legal updates; cultural competency; procedural justice (voice, fairness, transparency, impartiality); human rights; sexual assault trauma-informed response.

**Training and funding for training:** Provide adequate state funding for all training requirements, including the academies, and for the additional costs incurred by agencies when other officers are taking the training.

**Body cameras:** We continue to support the use of body cameras, and we have recommended several major changes in state law that would eliminate burdensome impediments and costs that now cause many departments not to use them.

**Get rid of bad cops:** Strengthen Illinois policies and procedures regarding the dismissal and decertification of sworn officers, with appropriate due process. Expand the list of offenses that lead to automatic decertification and prohibit truly bad cops either in Illinois or from other states from job hopping from one department to the next.

**Use of force reporting:** The FBI has developed a national database for all local agencies to report use of force for officer-involved shootings, and we support mandating participation by all agencies in this database.

**Reporting misconduct:** We support developing use of force reporting forms to include when an officer actively points a weapon, actively points a taser, or goes hands on beyond normal handcuffing.

**Collective bargaining:** We support an expedited collective bargaining arbitration process. This would alleviate the issues that allow cases to drag on for a long time. Due process must be provided to law enforcement officers as it is to anyone.

**Use of force standardized policy:** A national consensus policy on the use of force from the International Association of Chiefs of Police has been used by many organizations and would provide a sound starting point in Illinois.

**School Resource Officers:** Many school districts in the state are adding School Resource Officers and believe in their value, in many cases because of the threat of an increase in school shootings. Any decision on maintaining School Resource Officers and funding them should remain at the local level.

**Officer wellness and support:** We continue to support efforts to promote officer wellness and have been actively working with the new suicide prevention task force.

**Recruitment:** Agencies continue to look for ways to develop staff that represent the diversity of the communities they serve. Local governments and community leaders must share the responsibility of recruiting diverse law enforcement agencies.

## Never a More Important Time to Support Law Enforcement



Law Enforcement Officers have one of the most challenging jobs in our nation. It's more than just about the risk, with tens of thousands of officers assaulted and hurt every year. It's about the fact that law enforcement officers have to make decisions in seconds that may lead them to have to take another person's life. That's a heavy burden to carry and it's the only job in America bearing it.

With conventional news outlets and social media showing images or videos of police acts of misconduct, which in reality are committed by a very small percentage of officers, the job becomes even tougher. Sometimes these images or videos do not show the entire episode that led to an altercation with law enforcement. These depictions do not reflect the overwhelming percentage of police officers who are ethical, honest and abiding.

There is no denying that some in uniform should not be on a police force and should certainly be held accountable for their actions if they violate the law or department policies. However, the entire profession should not be judged by the actions of a very few.

Part of the current general misconception about the police is due to the fact that most law-abiding citizens never interact with a police officer. Therefore, they have no experience on which to make judgments about the police. Yet there is widespread inherent confidence that they will receive prompt and proper police services if they are ever in need of help during an emergency.

As a result, most citizens are left to form their opinion of law enforcement based on media narratives or current sentiments prompted by recent protests and riots around the nation.

Considering the general misconception toward the police that does not accurately represent the vast majority of ethical officers and the dangers officers face, there may never have been a more important time for law-abiding citizens to show their support for law enforcement.

There are several things citizens can do:

1. Post or share a positive story about law enforcement on social media. This is helpful because it shows law enforcement in a positive light and displays some of the good work officers do on a daily basis.
2. Sending letters of support to law enforcement departments is

## UPCOMING RENEWALS

Just a heads up that we will be mailing out membership renewals this month. Keep a close eye on your mailboxes! If you're not currently a member and would like to show your support for our Sheriffs and Deputies, please click the link below. We appreciate your support!

[Donate or Renew Membership](#)

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## 2021 UPCOMING EVENTS:

Sheriffs Winter Training  
Conference  
February 7-9, 2021  
Virtual

Jail Medical Summit  
August 26, 2021  
Peoria

Sheriffs Summer Training  
Conference  
September 19-21, 2021  
East Peoria

Chief Deputy & Jail  
Administrators Conference  
October 12-14, 2021  
East Peoria

Administrative Assistant  
Conference  
October 21-22, 2021  
Springfield

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## ISA College Scholarship Applications

ISA College Scholarship Applications are available on our [website](#) under the "Youth Outreach" section or from individual sheriff's offices starting January 15th, 2021.

another option, especially when the letters come from children.

3. The most effective way to show support for law enforcement is to thank them when you see them on the street.

Having a conversation with a police officer who is not on a call is one of the most effective ways for the public to gain a better understanding of the person behind the badge and to have an honest chat about what is occurring in the community or in local policing.

The deadline to submit applications is: March 15th, 2021

PeaceKeepers College Scholarship Applications will be posted on: March 1st, 2021

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## "I Support Local Law Enforcement" Apparel & More for Sale 01/15!

Check our online store for new merchandise on January 15th, 2021! All items are for pre-order and will be shipped in February. Go to our website at [www.ilsheriff.org](http://www.ilsheriff.org) and click the "Shop" tab!

