

Missouri takes steps toward tightening police accountability, chokehold ban

By Rebecca Rivas, Missouri Independent
February 5, 2021

Brian Williams grew up in Ferguson, where Michael Brown Jr.'s shooting death sparked a national movement for police accountability in 2014.

Four years later, he was elected to the Missouri Senate as a Democrat representing his hometown district.

Williams, now 37, recalls times of being pulled over for "just driving while black."

"I was handcuffed on the sidewalk, and my constitutional rights were violated," he said. "That was business as usual growing up in Ferguson, in North County."

His experiences, Williams said, aren't unique.

"That's what motivates me today to not only fight for police accountability," he said, "but also make sure we build trust and ultimately provide an opportunity to have good officers and eliminate the bad ones."

While Missouri activists have led the national call for "re-envisioning public safety" since 2014, the state has not led in passing legislation or policies that would address police misconduct.

But there has been recent movement.

In December, the Peace Officer Standards and Training (POST) Commission recommended requiring background checks for officers, as well as holding law enforcement leadership accountable for who they hire.

The move addresses one of the biggest challenges in holding officers accountable — making sure officers who are fired or under investigation in one agency aren't able to hop jobs to another agency.

Williams hopes to take the POST Commission's actions a step further, with legislation that would prevent police chiefs and sheriffs from being sued if they disclose information about former employees who were disciplined for misconduct.

"This offers the protection needed to complete a comprehensive background investigation," said Jefferson County Sheriff Dave Marshak, who sits on the POST Commission.

Williams' bill also would ban chokeholds, specifically neck restraints that restrict air flow, and would prohibit an officer from having "sexual conduct" with someone they've detained or who is being held in jail.

Unlike previous attempts at enacting police reforms, Williams' bill was lauded by numerous law enforcement groups at a Senate hearing Jan. 25.

It gives advocates and other legislators hope that these same leaders will be able to collaborate on other legislation, including a Senate bill to establish a statewide use-of-force database.

Marshak agrees with the idea of requiring every agency to submit its data to the F.B.I.'s Use of Force Data Collection. Participation is currently voluntary. But he said creating a database at the state level would require a lot of input from law enforcement officials.

"I would support gathering data at the state level if it was done correctly and accounted for the diversity of force encounters," Marshak said.

A ban on chokeholds

"There's more that unites us than divides us," Williams said during the Senate hearing.

That statement was echoed by both police union leaders and NAACP representatives who testified in support of his bill.

Brad Lemon, president of the Kansas City Fraternal Order of Police (FOP), said of Williams' bill, "Our FOP truly supports this and hopes this gets through quickly."

If the bill passes, Missouri would join 14 other states and the District of Columbia in banning chokeholds, according to the National Conference of State Legislatures.

Lemon noted that restraints that restrict air flow are already prohibited at the Kansas City Police Department.

"If this passes and someone uses (a chokehold), they'd be subject to termination," said Lemon. "Then the prosecutor could review it for criminal charges."

Williams' legislation also provides a level of immunity for police chiefs and sheriffs to disclose "bad police officers who are doing the wrong thing in the community," he said.

No vote was taken during the hearing, but the Judicial and Civil and Criminal Jurisprudence Committee will likely vote on the bill next week, said Sen. Steve Roberts, D-St. Louis, one of the committee members.

While many celebrated the collaboration, the version of the bill that the committee heard Jan. 25 was considerably pared down from the original.

The introduced bill included eliminating no-knock search warrants, a measure that one other state has passed after Louisville officers shot and killed 26-year-old Breonna Taylor in a house raid.

Also removed from the original bill was a provision mandating that law enforcement agencies have policies on investigating officer-involved deaths. It would've required officers to intervene when other officers are inappropriately using physical force, and law enforcement agencies to report each use of excessive force to the attorney general. And law enforcement agencies would not have been able to obtain certain military surplus equipment from the federal government.

While he didn't get everything he wanted in the bill, Williams said it was still a tremendous feat being a Democrat in a Republican-dominated legislature to earn the level of support he has thus far.

"If you were to put this story in front of anybody in the world," he said, "they would think it was impossible."

Many of the deleted provisions are in bills on the House side introduced by Rep. Rasheen Aldridge, D-St. Louis, Rep. Shamed Dogan, R- St. Louis County.

All three legislators are all collaborating, they said.

"It's our intention to keep in touch to make sure we are on the same page," Dogan said.

Aldridge's bill goes a step further than Dogan's in banning neck restraints that both restrict airflow and blood flow.

"Any blood or air that's cut off to the brain can be deadly," Aldridge said.

Police departments in St. Louis County and city banned all chokeholds and neck restraints more than a decade ago. The Kansas City Police Department still uses the lateral vascular neck restraint that restricts blood flow and makes individuals pass out, though some groups are advocating to change that.

'We Continue to Spin in Circles.' Inside the Decades-Long Effort to Create a National Police Use-of-Force Database

BY VERA BERGENGRUEN

JUNE 30, 2020 5:05 PM EDT

One: Get police departments across the country to report when their officers use lethal force or seriously injure someone. Two: Collect that data in a national database. Three: Release those statistics to the public on a regular basis.

That simple formula has been at the heart of every single police reform proposal in modern U.S. history. Police chiefs, community members, Republicans, Democrats, federal, and local lawmakers all agree that the absence of a comprehensive collection of use-of-force incidents by the nation's police is a roadblock to reform. But despite longstanding bipartisan agreement on the need to keep those national statistics, a 26-year-old federal law mandating that the U.S. government collect this information, and a five-year effort by the FBI to put the infrastructure for a database in place, Americans in 2020 still have little to no reliable data on their police departments' use of force across the country.

"I've been around so long and it seems they just keep rediscovering the wheel," said Geoffrey Alpert, an expert on police use-of-force and criminology professor at the University of South Carolina. When he testified on President Donald Trump's Presidential Commission on Law Enforcement at the Justice Department on June 19, it covered "the same thing I've talked about for 30 years" in similar meetings during the Bush, Clinton and Obama Administrations, he said. If Americans want better police accountability, the government needs to find a way to get police departments to document and report their use of force to a national database, and provide them the resources to do so. "It's always been obvious: if we don't know the data, how do we identify the problem?" Alpert asked. "The only way forward is with evidence, but we continue to spin in circles."

As of May, only 40% of police departments across the country had submitted information to the FBI's National Use-Of-Force Data Collection, the most recent

effort to collect this data, an agency spokeswoman told TIME. The FBI database, which began collecting the information in January 2019, has run into the same fundamental issue that has stalled decades of previous attempts: there is no way to compel police departments to provide this data to the government. Any federal data collections like the FBI's rely on voluntary participation, giving both an incomplete and skewed picture of how police officers are using force across the country. "The only agencies willing to report this were those feeling good about their data," says Alpert.

Truly "mandatory" federal data reporting would require an act of Congress. In other words, lawmakers would have to pass legislation requiring state and local police departments to provide the information. Legal experts tell TIME that it's not clear Congress would even have the power to pass such a law; whether or not the government can compel states to share their use-of-force data would depend on whether it is deemed to run afoul of the anti-commandeering doctrine, a legal principle that says the federal government can't force states to carry out federal programs.

Partly because of this division of responsibility between the federal government and states laid out in the 10th Amendment, which means Congress has little power over state and local law enforcement, there are few examples of mandated data collection by the federal government. Experts point to the decennial Census, which requires people to provide their information to the government, or the 2003 Prison Rape Elimination Act, which mandates correctional facilities to provide data on prison sexual assault.

The nationwide protests after George Floyd's killing in May by a Minneapolis police officer with a previous record of excessive force have revived efforts to collect better use-of-force data. Trump's June 16 executive order, as well as the competing police reform bills put forward by House Democrats and Senate Republicans, all seek to create a more complete database by tying federal grant funding to agencies that regularly report this information up the chain.

But police chiefs, former FBI and DOJ statisticians, and law enforcement analysts tell TIME that the current momentum is likely to hit the same roadblocks it's been hitting for decades —unless lawmakers focus more on what has stalled previous failed efforts and less on toothless mandates that look good on paper.

The carrot approach of offering grants to agencies might work to some extent, some experts say. "Almost everyone is getting federal funding of some type, and they certainly don't want to risk that, so it can be an effective tool," says Matthew Hickman, chair of the criminal justice department at Seattle University and a former Bureau of Justice Statistics analyst. A successful example of that approach is the way that Washington leveraged federal highway funding to get states to comply with driving-related laws such as establishing speed limits.

Others argue that state and local lawmakers need to work with police departments to get them to comply. Whichever way it can be done, "agencies should be required to participate in the FBI's database...it should be mandatory for all," Steven Casstevens, the head of the International Association of Chiefs of Police, testified to the Senate Judiciary Committee on June 16. It's a position the group has pushed for years, after a short-lived attempt at creating such a national database of use-of-force incidents in the late 1990s with support from the Bureau of Justice Statistics. "It should no longer be voluntary."

"It's ridiculous that I can't tell you how many people were shot by the police in this country."

Trump's executive order is almost identical to a federal law that already exists – a provision in the 1994 crime bill signed by President Bill Clinton. Trump's order directs the U.S. Attorney General to "create a database to coordinate the sharing of information... concerning instances of excessive use of force related to law enforcement matters" between federal, state and local agencies, which they "shall regularly and periodically make available to the public." Similarly, the 1994 law directed the U.S. Attorney General to "acquire data about the use of excessive

force by law enforcement officers” and that they “shall publish an annual summary of the data acquired under this section.”

And yet, while both these orders to the Justice Department – issued 26 years apart – mandate the collection and regular reporting of this data, the fact remains that there is no law requiring local police departments to provide it. Instead of finding ways to get local and state law enforcement agencies to comply with the 1994 federal law, the Justice Department expanded its “Police Public Contact Survey” in 1996, which released a report every three years after surveying a random sample of U.S. residents about their encounters with police. The latest report available, from 2015, surveyed 70,959 residents, but contained no comprehensive data on police use-of-force incidents.

The dearth of information has led to open frustration by the nation’s top law enforcement officials. “It’s ridiculous that I can’t tell you how many people were shot by the police in this country last week, last year, the last decade—it’s ridiculous,” then-FBI director James Comey admitted in February 2015.

In June of that year, the Obama Administration set into motion a separate nationwide initiative to fill that void. The FBI’s National Use-of-Force Data Collection, finally rolled out to great fanfare in November 2018, establishes a framework that allows police agencies to more easily report all incidents that result in death, “serious bodily injury” or the discharge of a firearm. “The opportunity to analyze information related to use-of-force incidents is hindered by the lack of nationwide statistics,” the FBI noted in its announcement of the program, calling it the first such “mechanism for collecting nationwide statistics related to use-of-force incidents” and promising it would “periodically release statistics to the public.”

The collection is intended to offer “a comprehensive view of the circumstances, subjects, and officers involved in such incidents nationwide” – exactly the kind of data that would be useful when trying to implement specific police reforms and

identify which ones, such as changes in training or use of force policies, actually work.

The program convened its first task force for a series of meetings in 2016 and ran a pilot program in 2017. It established a help desk hotline and a dedicated email address for police officers submitting the data. It also developed a web application meant to simplify uploading cases in bulk, which was considered “user-friendly and intuitive” by officers who participated in the pilot program, according to an FBI report reviewed by TIME.

But despite all these efforts, as of March, less than 40% of police departments in the U.S. were enrolled in the FBI’s program and sharing their data, or 6,763 agencies covering 393,274 officers, out of a total 18,000 agencies, according to a federal release. According to the FBI pilot study reviewed by TIME, the first public report of the database’s statistics was “scheduled for March 2019.” But it never materialized, and the program still has not released a report as of June 2020. An FBI spokesperson tells TIME the first publication is now expected to be “this summer.”

“It’s not like you flip a switch and data flows in from 18,000 agencies.”

The 2017 pilot study listed a few reasons police departments would be reluctant to participate in the database, including the man hours required to submit the information and some technological hiccups. The report noted that the time burden on officers entering incidents into the system was roughly 38 minutes per incident. Some agencies reported that “it was a hassle handling the security constraints involved to enter the data collection portal.”

There needs to be recognition by those drafting legislation that for many police departments, especially smaller ones with limited resources, data collection requires hours of compensated time, says Hickman of Seattle University. “They made it a federal law but Congress did not appropriate any funds to actually do the job. It’s not like you flip a switch and data flows in from 18,000 agencies — it’s

challenging,” Hickman says. “This kind of thing will tend to hit smaller agencies hardest, where in some cases, all personnel — including the Chief — are out on patrol and have little spare time to comply with federal data collections.”

There is widespread agreement that no matter what happens in Washington, for now the most effective legislation is likely to happen at the state level. Some states, including California, Colorado, Connecticut, Michigan and Texas, have passed various requirements to gather and report the data from their own police departments statewide, which allows many of them to report it up to the FBI database as well.

Robert Stevenson, the director of the Michigan Association of Chiefs of Police, tells TIME that state lawmakers pushing for more police transparency and use-of-force data were surprised when he told them that a federal program to collect this data already existed. “Many have never even heard of the [FBI’s] national database collection, even within law enforcement,” he said.

Lawmakers in Michigan agreed that the state’s police departments would mandatorily report to the federal FBI database and those numbers would also be released to the public. After getting the Michigan Sheriffs’ Association on board, the state went from 0% to more than 90% reporting use-of-force by police departments in 18 months, Stevenson said. The transparency measure that they included further helped build trust between the police and the community, which alleviated some of the pressure during the recent protests.

Police departments across the country should realize that collecting and analyzing this data serves everyone, including officers, Stevenson said. “If you don’t measure this data, how can you spot the problem? Now we’ll have the data to have that conversation, to actually lay it out [and say], ‘Look, we’re not massacring people left and right, and here’s where we can do better,’” he said. “This gives us the opportunity to have that informed conversation without the misperceptions and misinformation. It’s really important to our profession.”

For now, the police reform bills being debated in Congress — and their competing efforts to create a more complete police use-of-force database — remain in a stalemate. On June 24, Senate Democrats blocked debate on the Republican policing bill, which includes a proposal for use-of-force data collection focusing on police misconduct, condemning it for not going far enough in addressing racial inequality. The following day, Democrats passed a sweeping police overhaul bill in the House which includes a provision for a national database that would collect this information in more detail and make it public, as well as limit legal protections for the police.

Like its many predecessors, neither bill includes an accompanying legal mandate that could be tested in court to answer the question of whether police can be compelled to report their data to the federal government. Even so, longtime advocates of a national database nevertheless hope the end result will move the country towards finally having a fuller picture of where and how often U.S. police officers use force, and on whom.

“I have to be tentatively optimistic,” Alpert says. “I don’t want to be here in 10 years when we have another horrible event and everyone relives the same thing again. We gotta see progress. We at least have to be able to say, ‘Last time we got Step 1 and Step 2 done. What’s next?’”

—*With reporting by Tessa Berenson/Washington*

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Crime

Proposal to create police use of force database goes before Oregon lawmakers

Updated Jan 28, 2021; Posted Jan 28, 2021



Portland police recruit Dustyn Matlock was seriously injured in a dorm of the basic police academy at the Oregon Department of Public Safety Standards and Training facility in Salem, Oregon. LC-

By [Maxine Bernstein | The Oregonian/OregonLive](#)

The state Criminal Justice Commission would create a new public database that captures reports on the use or threatened use of force by each police or corrections officer, under a bill heard by an Oregon House subcommittee Wednesday.

State Rep. Maxine Dexter, D-Portland, a proponent of [House Bill 2932](#), argued that it would help create a “culture of accountability and transparency” that would improve the performance of officers.

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Others in support said they believe it would deter more officers from using excessive force than training would, help provide a true accounting of police actions and identify problematic officers.

The bill, sponsored by state Rep. Janelle Bynum, D- Clackamas, is one of a number of police reform and criminal justice proposals introduced this legislative session and supported by a 12-member Black, Indigenous and People of Color Caucus. A House subcommittee on equitable policing, which Bynum chairs, held Wednesday’s hearing.

Police lobbyists questioned the objective of the proposal and said they worried the officers’ names in such a database would be used to vilify officers or physically endanger them or their families.

Michael Selvaggio, who represents the Oregon Coalition of Police and Sheriffs, made up of rank-and-file officers and sheriff’s deputies, called the bill too broad, arguing that tracking officers’ threats of force was unnecessary, as those sometimes are helpful “de-escalation” strategies to prevent actual use of force.

There is no public database in the state that tracks officers' widespread use of force. Police agencies now are required to report police use of deadly force to the Oregon Department of Justice.

A national FBI database was created in January 2019, collecting reports on police use of force involving serious physical injury, death of a person or shots fired at or in the direction of a person. Currently, it's voluntary for police agencies to provide the data to the FBI.

The state Department of Public Safety Standards & Training has a database of all officers' names, dates of their certification and training that the public can access. It also recently added an online database that tracks if the state agency is reviewing an officer's state certification for alleged misconduct, and if the certification was suspended or revoked.

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Proponents seeking a state use of force database contend the FBI database is inadequate because agencies aren't required to share their use of force reports.

The Oregon Commissions on Asian and Pacific Islander Affairs, Black Affairs, Hispanic Affairs and Commission for Women issued a joint statement in support of the bill.

"Without this type of reporting, tracking, and analysis there can be no full understanding of the systemic violence that have blighted our communities, and harmed our citizens, too often to death where other means of de-escalation and other modalities lead to better outcomes for all," the statement said.

The database also will help track officers who routinely use force or are disciplined for over-use of force, if they tend to move from one agency to another, the commission said.

HB 2932 would require law enforcement agencies to provide information describing the circumstances when a police officer or corrections officer uses any physical force or threatens to use physical force against an individual.

Criminal defense lawyer Rachel Phillips urged that any database on police use of force in the state contain the officers' names, and not allow officers to be identified by a non-traceable number. Phillips said the information on officers' use of force would be helpful to defense lawyers in challenging cases against their clients, information that she argued isn't always turned over as required.

"We need to make sure this information is getting to the defense and the public to ensure a fair trial," she said.

Jim Ferraris, Woodburn police chief and president of the Oregon Association Chiefs of Police, said money shouldn't go toward supporting another database, when there's a national one in place that the state can rely on to conduct force analyses.

Ferraris and Brian Wallace, Marion County's chief civil deputy who sits on an advisory task force for the FBI national use of force database, recommended instead that the state require all Oregon law enforcement agencies to enroll and report data to the FBI database.

"We really believe funding that would go to this could be more effectively invested in use of force and de-escalation training so it could give us more tools so we can use less force," Ferraris told the committee.

In 2020, 74 out of 171 agencies in Oregon participated and provided use-of-force data to the FBI. The officers employed by these agencies represent 71% of sworn law enforcement officers in the state.

Brian Hunzeker, president of the Portland Police Association, urged police union members to write to lawmakers in opposition of the bill. The notice to union members said the bill "ambiguously-defined uses or threats of force, unnecessarily conflates cases of alleged misconduct with standard procedures and could dangerously expose officers' personal information."

State Rep. Rick Lewis, R-Silverton, said he had concerns about requiring reports on threatened use of force by police.

"If an officer threatens to send a police dog in and the person voluntarily surrenders instead or threatens to use a Taser to gain compliance and the result is no one gets injured, I'm concerned that officer is going to go into a database when he's actually de-

escalating a situation," Lewis said.

Juan Chavez, an attorney with the Oregon Justice Resource Center, and other supporters of the bill noted that officers' names and the agencies they work for already are in the state public safety standards' database.

"We cannot condone having secret police with secret identities and secret tactics," he said. "That's not what our communities want."

Ken Sanchagrin, executive director of Oregon's Criminal Justice Commission, said the agency is still calculating how many additional employees and how much funding would be required to create such a database.

-- Maxine Bernstein

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HB 3653

HB 3653: Here's a Look at What's Included

Among the changes is the elimination of monetary bail

Published January 13, 2021 • Updated on January 13, 2021 at 4:45 pm



A bill that brings sweeping criminal justice and police reforms, including the end of cash bail in Illinois, is now headed to Gov. J.B. Pritzker's desk.

House Bill 3653, authored by the Illinois Legislative Black Caucus, [was approved by the Illinois General Assembly Wednesday](#), bringing "significant changes" to things like police training policies, police accountability, transparency in law enforcement and the rights of detainees and prisoners, according to Sen. Elgie R. Sims, Jr., who sponsored the bill.



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police officers wear body cameras by 2025, a ban on all police chokeholds, new guidelines for "decertification" of police officers, and an end to suspended licenses for failure to pay, among several other changes. It also bans police departments from purchasing military equipment like .50 caliber rifles and tanks, increases protection for whistleblowers, and adds to rights for detainees to make phone calls and access their personal contacts before police questioning.

Chicago Politics



MAR 17

Gov. Pritzker Says Details on Phased Reopening Plan Coming in 'Next Few Days'



MAR 16

Pritzker Expected to Reveal New Phased COVID-19 Reopening Plan for Illinois This Week

Detainees, prisoners and all those who interact with police officers will have the expectation of prompt medical care while in custody, with special accommodations made for pregnant women. Charges of resisting arrest must cite a justification for the original arrest that was allegedly resisted against under the measure, as well.

Here's a complete look at the bill and its changes:

Police Accountability

House Bill 3653 includes "a number of measures to increase police transparency and accountability," according to Sims. Those include:

- Requires reporting on deaths in police custody.
- Requires police to provide a predicate offense for resisting arrest. (That is, a reason for why an arrested was occurring in the first place.)
- Expands police training on use of force and crisis intervention, as well as first aid training.
- Requires statewide standards and services for officers to receive regular mental health screenings and assistance, while ensuring that counseling and screenings remain confidential.



requirements for use of deadly force.

- Prohibits chokeholds by police officers.
- Imposes upon police a duty to intervene in the excessive use of force by another officer and to render aid when necessary.
- Enhances whistleblower protections.
- Extends all restrictions of the use of force that apply to law enforcement officers to bounty hunters as well.
- Bans the use of certain military equipment and provides guidance on the use of crowd control measures.
- Requires the maintenance of police misconduct records and requires the use of special prosecutors in officer-involved deaths.
- Expands the officer misconduct database.
- Removes police discipline from the collective bargaining process.
- Requires the use of body cameras statewide by 2025.
- Removes the requirement for sworn affidavits for police misconduct complaints.

Detainee, prisoner, and citizens' rights

"Several measures in HB 3653 are aimed at reforming detainee and prisoner rights, and to ensure Illinois' criminal justice system is fairer for everyone," Sims said in a statement. Among other things, the bill:

- Increases services and programming for pregnant prisoners, and requires medical treatment of prisoners and detainees without unreasonable delay.
- Adds new detainee rights when in police custody including:
 - The right to make three free phone calls within three hours of arrival at the police station and before questioning occurs.
 - The ability to retrieve phone numbers contained in their cell phone's contact list prior to the phone being placed in inventory.
 - Requires conspicuous notice of these rights in police stations and booking rooms. Requires that the telephone number to the public defender or appointed attorney's office must also be



place of custody, his or her right to make phone.

- Prohibits people with less than four months on their sentence from being imprisoned and allows them to be diverted to electronic monitoring or another DOC facility or program.
- Ends “prison gerrymandering,” the practice under current law of counting prisoners toward a jurisdiction’s census count rather than their permanent address.
- Makes changes to streamline the crime victims compensation process.
- Promotes the use of co-responder models and enhances data collection on mental health crisis response.
- Codifies that the use of force by police as a punishment or retaliation is prohibited.
- Creates new requirements in the event police execute no-knock warrants, including that: (1) each participating member is assigned a body worn camera and is following policies and procedures; (2) steps are taken in planning the search to ensure accuracy and plan for children or other vulnerable people on-site; and (3) if an officer becomes aware the search warrant was executed at an address, unit, or apartment different from the location listed on the search warrant, that member will immediately notify a supervisor who will ensure an internal investigation ensues. These requirements are based on Chicago Police Department reforms.

Military Equipment

Bans the purchase and use of certain military equipment by law enforcement, specifically:

- Tracked armored vehicles
- Weaponized aircraft, vessels, or vehicles
- Firearms and ammunition of .50-caliber or higher
- Grenade launchers
- Bayonets

Law enforcement agencies must also publish notice of any requests for property from a military equipment surplus program.

Court Reforms



courts, in ways that aim to interrupt the cycles of recidivism and incarceration in which many Illinois families find themselves," Sims wrote. Among those reforms are:

- Abolishes monetary bail.
- Ends the practice of suspending drivers' licenses for failure to pay.
- Aligns the eligibility for the Mental Health Court or Veterans and Service members Court with the other specialty courts.
- Modernizes earned sentence credits, and shortens mandatory supervised release times for certain offenses.
- Clarifies the "Felony-murder rule" and modernizes the three strikes rule.
- Allows the courts to deviate from mandatory minimums and implement alternate sentencing.

Police licensure

A law enforcement officer could lose certification if they are convicted of or found guilty of a felony offense or some misdemeanors under current state law. According to Sims, HB 3653 expands the list of misdemeanors which would prohibit a person from becoming a law enforcement officer or result in their decertification:

- Gives the Illinois Law Enforcement Training Standards Board the discretionary authority to decertify an officer under certain circumstances.
- Outlines the process for receiving and reviewing violations, notice and hearing requirements, and the appeals process.
- Applies to all law enforcement agencies, including the State Police.
- Expands the State Police Merit Board to seven members.
- Requires officers to complete training verification forms.
- Implements two new officer misconduct databases for transparency.

The following are misdemeanors that would result in decertification for police officers, should they be convicted, found guilty, enter a plea of nolo contendere, or be sentenced to supervision, conditional discharge, or first offender provision (***) indicates offenses newly added by this bill):

- Criminal Sexual Abuse



- Sexual Exploitation of a Child
- Prostitution
- Keeping a Place of Prostitution
- Pimping
- Aggravated Assault
- Criminal Sexual Abuse
- Theft
- Deceptive Practices
- Impersonating a Police Officer
- Keeping a Gambling Place
- Offering a Bribe
- Resisting or Obstructing a Peace Officer
- Escape
- Aiding Escape
- Harassment of Jurors or Witnesses
- Simulating Legal Process
- Advances Prostitution
- Profits from Prostitution
- Manufacture or Delivery of Cannabis
- Delivery of Cannabis on School Grounds
- ***Solicitation of a sexual act
- ***public indecency
- ***indecent solicitation of an adult
- ***solicitation to meet a child
- ***domestic battery (all domestic violence convictions prohibit one from carrying a gun)
- ***interfering with the reporting of domestic violence
- ***transmission of obscene messages



- ***harassment through electronic communication
- ***evidence interference
- • ***Any misdemeanor offenses affecting governmental function such as resisting a peace officer or witness tampering

The following actions could result in an officer's decertification at a court's discretion:

- Committing an act which would constitute an automatic decertification if it were prosecuted as a felony or misdemeanor.
- Using excessive force in violation of state or federal law.
- Failing to intervene to prevent harm from occurring including the not knowingly and willingly refusing to render aid when it is reasonable to administer aid and aid is required.
- Tampering with a dash camera or body-worn camera or directing another for the purpose of concealing, destroying, or altering potential evidence.
- Committing perjury, making a false statement, or knowingly tampering with or fabricating evidence.
- Engaging in unprofessional, unethical, deceptive, deleterious conduct, or practices harmful to the public (including any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer).

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ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

FBI Definition for “Law Enforcement Official” for data collection purposes

The FBI defines a law enforcement officer according to the Law Enforcement Officers Killed and Assaulted (LEOKA) definition, which is as follows:

All federal, state, tribal, county, and local law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible.

For this collection, parole and probation officers, and juvenile detention officers and not included.



National Use-of-Force Data Collection



Law enforcement use of force has long been a topic of national discussion, but a number of high-profile cases in which subjects died or were injured during interactions with law enforcement have heightened awareness of these incidents in recent years. The opportunity to analyze information related to use-of-force incidents and to have an informed dialogue is hindered by the lack of nationwide statistics. To address the topic, representatives from major law enforcement organizations worked in collaboration with the Federal Bureau of Investigation (FBI) to develop the National Use-of-Force Data Collection.

With a national data collection, data users can view use-of-force incidents involving law enforcement from a nationwide perspective. The goal of the resulting statistics is not to offer insight into single use-of-force incidents, but to provide an aggregate view of the incidents reported and the circumstances, subjects, and officers involved. The data collection focuses on information that is readily known and can be reported within the first few days after a use-of-force occurrence. Statistical reports emphasize the collective nature of the data and will not assess whether the officers involved in use-of-force incidents acted lawfully or within the bounds of department policy. Publications focus on descriptive information, trends, and characteristics of the data.

What data is collected about use of force?

Three types of use-of-force events and information related to each event are collected:

- When a fatality occurs to a person in connection to use of force by a law enforcement officer.
- When there is serious bodily injury to a person in connection with use of force by a law enforcement officer.
- In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement officer at or in the direction of a person.

The definition of serious bodily injury is based, in part, on 18 United States Code 2246 (4). The term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

Law enforcement participation is key

The FBI continues to receive positive feedback from the law enforcement community about the National Use-of-Force Data Collection. Many agencies already publish use-of-force statistics to their constituents and make transparency a priority in their communities. For the national data collection, each agency participating is responsible for reporting information for their own officers connected to incidents meeting the criteria of the data collection, either to their state or to the FBI. Submission of data is voluntary. Agencies and states report incidents electronically, either individually or by bulk submission, through a web application in the FBI Law Enforcement Enterprise Portal.

Key Events

February 12, 2015 – In a speech at Georgetown University, the FBI Director called for better data to address use-of-force concerns.

June 3, 2015 – The FBI’s Criminal Justice Information Services Advisory Policy Board (APB) supported the recommendation that the FBI and major law enforcement organizations collaborate to develop a national use-of-force data collection.

September 18, 2015 – Representatives from major law enforcement organizations met and proposed an expansion to the FBI’s efforts to include use-of-force incidents that result in serious bodily injury.

December 3, 2015 – The APB approved a series of motions to establish a new data collection on law enforcement use of force. The FBI Director signed the APB recommendations on February 9, 2016.

January 27, 2016 – The National Use-of-Force Data Collection Task Force, comprised of law enforcement leaders from across the United States, convened for the first in a series of meetings.

July 1, 2017 – The data collection pilot study began, concluding on December 31, 2017. A report detailing the findings was provided to the Office of Management and Budget for review and approval.

January 1, 2019 – The data collection launched nationwide. All law enforcement agencies are encouraged to participate.

National Use-of-Force Data Collection Task Force

National organizations and other law enforcement representatives who partner with the FBI for the National Use-of-Force Data Collection include:

- Local, state, tribal, and federal agency representatives
- Association of State Criminal Investigative Agencies
- Association of State Uniform Crime Reporting Programs
- International Association of Chiefs of Police
- Major Cities Chiefs Association
- Major County Sheriffs of America
- National Organization of Black Law Enforcement Executives
- National Sheriffs' Association
- Police Executive Research Forum

Representatives were instrumental in conceiving reporting requirements, data elements, and publication concepts. Other entities involved include Community Oriented Policing Services, the Office of the Deputy Attorney General, and the Bureau of Justice Statistics.



For more information or to enroll your agency:

useofforce@fbi.gov

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Use-of-Force Data Elements

The National Use-of-Force Data Collection includes the following data elements.

Incident Information

- Date and time of the incident
- Total number of officers who applied actual force during the incident
- Number of officers from the reporting agency who applied actual force during the incident
- Location of the incident (address or latitude/longitude)
- Location type of the incident (street, business, residence, restaurant, school, etc.)
- Did the officer(s) approach the subject(s)?
- Was it an ambush incident?
- Was a supervisor or a senior officer acting in a supervisory capacity present or consulted at any point during the incident?
- What was the reason for initial contact between the subject and the officer? (Response to unlawful or suspicious activity, routine patrol, traffic stop, etc.)
 - If it was due to "unlawful or criminal activity," what were the most serious reported offenses allegedly committed by the subject prior to or at the time of the incident?
 - If applicable, the reporting agency will enter the National Incident-Based Reporting System (or local) incident number of the report detailing criminal incident information on subject and/or assault or homicide of law enforcement officer
- If the incident involved multiple law enforcement agencies, the agency will include case numbers for the local use-of-force reports at the other agencies

Subject Information

- Age, sex, race, ethnicity, height, and weight
- Injury/death of subject(s) (gunshot wound including minor or grazing wounds, unconsciousness, serious injury requiring medical intervention or hospitalization)
- Type(s) of force used connected to serious bodily injury or death (firearm, electronic control weapon, explosive device, blunt instrument, etc.)
- Did the subject(s) resist?
- Was the perceived threat by the subject(s) directed to the officer or to another party?
- Type(s) of subject resistance/weapon involvement
- Was there an apparent or known impairment in the physical condition of subject? (If yes, indicate: mental health/alcohol/drugs/unknown)
- At any time during the incident, was the subject(s) armed or believed to be armed with a weapon?

Officer Information

- Age, sex, race, ethnicity, height, and weight of the officer(s)
- Officer's years of service as a law enforcement officer (total tenure)
- At the time of the incident, was the officer a full-time employee?
- Was the officer readily identifiable as law enforcement?
- Was the officer on duty at the time of the incident?
- Did the officer discharge a firearm?
- Was the officer injured?
- What was the officer's injury type? (gunshot wound including minor or grazing wounds, unconsciousness, serious injury requiring medical intervention or hospitalization)