

In Brief

OVERVIEW OF SWEEPING CRIMINAL JUSTICE REFORMS SIGNED INTO LAW

On February 22, 2021, Governor JB Pritzker signed into law Public Act 101-0652, which includes sweeping criminal justice reforms that will have a significant impact on law enforcement agencies and officers across the state. With many reforms set to take effect on July 1, 2021, our overview focuses on the most impactful reforms for municipal and community college police departments below.

- **Illinois Police Training Act** (50 ILCS 705/1 et seq.), (eff. 7/1/21). Amended to expand training requirements for police officers. The new training requirements focus on various aspects of policing, including the use of force, racial bias, crisis intervention, and mental health.

The amendments also focus on strengthening oversight of police wellbeing and conduct by the Standards Board, including:

- Establishing standards for regular mental health screenings for peace officers.
- Establishing the Professional Conduct Database, which will consist of confidential information relating to officer misconduct that must be reported by police departments.
- Receiving and investigating anonymous complaints under the Police and Community Relations Improvement Act (50 ILCS 727/1 et seq.) beginning January 1, 2023.

Also establishes new requirements for the certification and decertification of officers.

- **Local Records Act** (50 ILCS 205/1 et seq.), (eff. 1/1/23). Amended to require permanent retention of records related to complaints, investigations, and adjudication of police misconduct.
- **Uniform Peace Officers' Disciplinary Act** (50 ILCS 709/1 et seq.), (eff. 7/1/21). Amended to eliminate requirements that an officer subject to discipline be informed of the name of complainants and officers in charge of the investigation. Also eliminates the requirement that any complaints be accompanied by a signed affidavit, allowing for anonymous complaints to serve as the basis for initiating disciplinary action.
- **Law Enforcement Officer-Worn Body Camera Act** (50 ILCS 706/1 et seq.), (phase-in effective 1/1/22 through 1/1/25). Requires *all* law enforcement agencies to employ the use of body cameras starting in 2022 while restricting access to recordings made through body cameras. The mandate regarding the use of body-worn cameras will be phased in between 2022 and 2025 based on the size of a municipality in which a police department is located.
- **Uniform Crime Reporting Act** (50 ILCS 709 et seq.), (eff. 7/1/21). Establishes new monthly reporting requirements for police departments relating to incidents involving a person experiencing a mental health crisis, the use of force resulting in the death or serious bodily injury of a person, and the discharge of an officer's firearm.

- **The Illinois Municipal Code** (65 ILCS 5/1 et seq.), (eff. 7/1/21). Police departments will now be prohibited from requesting or receiving specified military equipment.
- **The Criminal Code of 2012** (720 ILCS 5/1 et seq.), (eff. 7/1/21). Expansive amendments to the Criminal Code of 2012 that impact policing operations, standards of officer conduct, and techniques. They include the following:
 - *Use of Force Requirements*: New standards governing a police officer's use of force, which are to be based on the *totality of circumstances* necessary to effect the arrest or to defend the officer or another from bodily harm during an arrest.
 - *Use of Deadly Force Requirements*: Enhanced criteria for determining whether the use of deadly force is permitted based on the totality of the circumstances. Notably, the use of force in certain circumstances as well as the type of force an officer may use (e.g., chokeholds or above-the-shoulder restraints) will be prohibited.
 - *Use of Force Involving Disabled Individuals*: All police departments and law enforcement agencies are encouraged to develop and adopt policies regarding the use of force involving individuals with physical, mental health, developmental, or intellectual disabilities.
 - *Affirmative Duties to Render Aid*: Establishes an affirmative duty to render aid, including the use of AEDs, and request emergency medical assistance when necessary.
 - *Newly Established Duties Relating to Officer Misconduct*: Establishes an affirmative duty on police officers to prevent other law enforcement officers from using unauthorized force, without regard to chain of command, and to report related violations.
 - *Police Officer Misconduct*: Criminalizes specific acts of police misconduct, including the withholding of information from other law enforcement officers and failing to comply with laws relating to officer-worn body cameras.
- **Public Officer Prohibited Activities Act** (50 ICLS 105/1 et seq.), (eff. 7/1/21). Strengthens protections for reporting police misconduct and other improper governmental actions, defined under the Act to include conduct that poses a danger to the safety of the community or constitutes an abuse of power.
- **Code of Criminal Procedure** (725 ILCS 5/1 et seq.), and **Custodial Arrest Statutes**, (eff. 7/1/21). Includes specific reforms relating to custodial arrests, with a general presumption in favor of pretrial release by the arresting officer. Also affords arrestees new rights relating to access to attorneys and family members.

For more detailed information regarding P.A. 101-0652, please review our firm's comprehensive abstract of P.A. 101-0652 [here](#) or contact a Robbins Schwartz attorney.