



JUSTICE PLAN

Helping with Justice Reformation

ABSTRACT

The following document contains a few strategic thoughts on how to achieve the policing reforms we need.

Patrick A. Sellers

Supervisor of the Freeport Township

Dear Social Justice Committee Members,

Although I was not selected to be part of the Social Justice Committee, I would, however, like to offer my assistance. The following document contains a few strategic thoughts on how to achieve the policing reforms we need.

These strategies align closely with new federal and state mandates which could prove beneficial in obtaining grant funds. Some of these strategies may already be in place, but not actively in practice, while others may require significantly more ingenuity and open-mindedness.

I humbly request that this esteemed committee, take an objectively pragmatic look at the following document, and consider its content.

Respectfully,

Patrick A Sellers

“The philosophies of change can come from anyone, but the implementations of change must come from everyone.” - Patrick A. Sellers

Send letter of support to the United States House of Representatives leadership supporting Qualified Immunity Reform:

Qualified immunity is a judicially created doctrine that shields government officials from being held personally liable for constitutional violations.

- *Title 1, Sec. 102, p. 6. QUALIFIED IMMUNITY REFORM. Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: “It shall not be a defense or immunity to any action brought under this section against a local law enforcement officer (as defined in Section 2 of the Justice 20 in Policing Act of 2020)*

Send letter of support for the Justice in Policing Act of 2020: This legislation introduced by Congressional Black Caucus Chair Karen Bass calls for a number of reforms to law enforcement practices, policies and procedures aimed at increased police accountability and community trust building.

The Justice in Policing Act of 2020 would:

- Remove the barriers to prosecuting police misconduct and recovering damages from officers who have violated civilians’ rights and end qualified immunity for law enforcement;
- De-militarize police by limiting the transfer of military weaponry to state and local police departments;
- Combat police brutality, by requiring body and dashboard cameras, banning chokeholds and enacting steps to end racial profiling;
- Stepping up pressure on the Justice Department to address systemic racial discrimination by law enforcement;
- Make lynching a federal hate crime, as the House did in passing H.R. 35 earlier this year.

Send a letter of support to Illinois Attorney General Kwame Raoul: Illinois Attorney General Kwame Raoul is proposing legislation calling for police officers to be licensed by the state.

Under this proposal an officer cited for repeated misconduct could have their licenses stripped and be unable to work in law enforcement. Taking a stand such as this sends a message to citizens that our city is serious about judicial reform, it also sends a message to police officers that their actions are being watched and that consequences will be rendered.

Request all taxing bodies with individual boards to approve and sign a unified Resolution Condemning Police Brutality: Showing the citizens of Freeport that their local governmental bodies stand with them in the fight against police brutality, will help to ease tensions and make dialogues about racial injustice more productive.

These taxing bodies include:

- City of Freeport
- Stephenson County Board
- Freeport School District #145
- Freeport Park District
- Freeport Township
- Other Taxing Bodies

Establishing a Consent Decree: A consent decree is a court order that establishes an enforceable plan for reform. Typically, consent decrees are detailed documents, outlining specific requirements and deadlines for actions. Establishing an independent monitor, which has to be a federal judge, will monitor the police departments progress, ensuring that the police department is successfully implementing the changes required in the consent decree. The consent decree method has been proven to be the most effective and transparent way to protect residents and ensure constitutional policing.

What areas would a consent decree cover?

- Community policing
- Impartial policing

- Crisis intervention
- Use of force
- Recruitment, hiring and promotion
- Training
- Supervision
- Officer Wellness and Support
- Accountability and Transparency
- Data Collection, Analysis and Management

The Police and Fire Commission: Seek new members to replace ones whose terms have expired, make sure no members are appointed to no more than 2 consecutive terms. Ensure that there is a good mixture of people on commission, citizens of diverse backgrounds, retired law enforcement, clergy, business segments should be equally represented. A member from the Police and Fire Commission should also serve as an ad-hoc member of the Civilian Complaint Review Board (*CCRB, which will be discussed later on in this document*). Look at the procedures of selecting Police and Fire Commissioners as well as the hiring procedures of Police officers and ensure that those procedures include:

For Police and Fire Commissioner Candidates

- Thorough background checks of all Police and Fire Commissioner candidates.
- Cross reference for any potential conflicts of interest.
- Cross reference Police and Fire Commission candidate’s name with any known hate or separatists’ groups, checking for any and all levels of affiliation. (supporter, sympathetic to cause or full fledged membership.)
- Complete contact information for all Police and Fire Commissioners
 - Names
 - Addresses (City Hall address would suffice)
 - Phone number
 - Email address

- Members of this commission must be mandated to go to educational seminars in order to learn the legalities and responsibilities of their respective roles.
- Members of this commission must be mandated to attend continued education seminars to keep up with new legislation in order to perform their respective duties.
- Members of this commission must be mandated to take cultural diversity training, facilitated and taught by an independent accredited organization.

- **For Police Officer Candidates**
 - Thorough background checks of police candidates
 - Tougher psychological examinations and analysis of police candidates
 - If a police candidate has a Military background, make sure that they have been psychologically evaluated and have successfully transitioned back to civilian life.
 - If a police candidate was released from another police department or arbitrarily resigned, FIND OUT WHY.
 - Check Facebook and other social media pages of all police candidates.
 - Cross reference police candidate's name with any known hate or separatists' groups, checking for any and all levels of affiliation. (supporter, sympathetic to cause or full fledged membership.)
 - Publish Commission Rules as required under:
 - **Illinois Municipal Code (65 ILCS 5/10-2.1-5)**
 - *Sec. 10-2.1-5. Rules-publications. The board shall make rules (1) to carry out the purpose of this Division 2.1, and (2) for appointments and removals in accordance with the provisions of this Division 2.1. The board, from time to time, may make changes in these rules.*

All these rules and changes therein shall be printed immediately for distribution. The board shall give notice (1) of the places where the printed rules may be obtained, and (2) of the date, not less than 10 days subsequent to the time of publication, when the rules or changes therein shall go into operation. This notice shall be published in one or more

newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality.

Another alternative is to outsource the Hiring of Police Officers to an Outside Independent and Certified Hiring Firm:

Questions have been raised in reference to the hiring practices of the Police and Fire Commission. The hiring of an outside firm, totally independent of the Police Department would help to eliminate the alleged questionable hiring practices.

What this would do:

- Helps to reduce the possibilities of the hiring of poor officers.
- Eliminates potential favoritism in hiring.
- Makes the hiring practices fair and equitable.
- Outside eyes and unbiased recommendations on candidates who have applied.
- End alleged discrepancies in the scoring process of officers.

Create a Civilian Complaint Review Board (CCRB): The creation of a CCRB, places more eyes on police behaviors, by the citizens to whom they have sworn to protect and serve. This also serves as a great accountability and communication measure, which will in turn help to ease citizen fears, while helping to heal police and community relationships.

Reviewing past and current citizen complaints

Creating new avenues to accept citizen complaints such as:

- Complaint email addresses, monitored daily
- Citizen complaint cards made readily available to citizens and placed in high traffic areas and businesses
 - Gas stations
 - Grocery Stores
 - Downtown Businesses
 - Local Convenience Stores
 - Churches
 - Governmental Offices
 - Library

- Etc.
- Citizen Complaints mailing address
- Complaint drop box locations
 - Not near the Police Station or City Hall
 - 2 to 3 boxes strategically located throughout the City
 - These boxes check once to twice per week and its contents given to CCRB
- Citizens Complaint website, where information can be submitted electronically
- Reviewing past citizens' complaints
- Reviewing current citizens' complaints

Make CCRB, OMA compatible

- Make citizen complaints public documents susceptible to FOIA Law
- Make meeting minutes and agenda's available on CCRB's website
- Common citizens should reserve the rights to review police complaints submitted to the Civilian Complaint Review Board
- Video record and archive CCRB meetings.

Rationale: *Offering citizens a way to voice their concerns and complaints, to a board comprised of their peers, could help ease civil unrest. It also gives citizens a vested interest in our City's law enforcement.*

Review and amend the City of Freeport's Police Use of Force Policy: as described by the International Association of Chiefs of Police as "amount of effort required by police to compel compliance by an unwilling subject."

Make this policy readily available to Police Officers, Police and Fire Commission members, Civilian Complaint Review Board members and Freeport citizens are well aware of the policy and well educated on its content.

**** Make sure the City of Freeport's Use of Force Polices adhere to all applicable Federal, State, and local laws. ****

- **Ban choking and strangling holds**
 - *H.R. 4408, the Eric Garner Excessive Use of Force Prevention Act, which would make the deployment of chokeholds by law enforcement officers unlawful under federal criminal statute.*
- **Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor, without the fear of reprimand**
- An ongoing training should be mandated for officers to help sharpen skills in the area of crisis/ situational management and conflict resolution.
- Require officers to report each time they use force or threaten to use force against civilians
- Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.
- **Require officers to exhaust all other reasonable means before using any level of force.**
- When applicable, require officers use less lethal means of force such as rubber rounds and bean bags.

- **Amend the body camera usage policy**
 - Establish clear and strictly enforced policies of when body cameras will be on and recording and do not leave that decision to the discretion of individual police officers.
 - Video must be stored for a sufficient time in order to allow accused to obtain evidence.
 - Arrested and their attorney must be granted prompt access to all body camera video pertaining to the case.

- Policy crafted and equipment designed to minimize concerns of misinterpretation of video.
 - Officers should not have access to body camera video prior to preparing their initial reports.
 - This Policy must prohibit the use of any biometric technologies in collaboration with body cameras.
 - *The Fourth Amendment protects citizens against unreasonable searches. Using body cameras as dragnet surveillance tools of individuals, most of whom are suspected of no crime, raises serious privacy concerns and implicates the constitutional rights of individuals whose biometric data is collected and searched.*
 - **Body camera videos must not be viewed to search for additional crimes or take other disciplinary action against an individual.**
 - *The Fourth Amendment has long protected individuals' expectation of privacy against overzealous police action.*
 - **Sufficient resources must be available to ensure ongoing officer training on the use of body cameras.**
 - **An independent, NON-POLICE agency must retain and control access to body camera footage.**
- If any police officer, blocks, turns off or physically removes a body camera or dash camera, or if any officer insinuates stoppage, forces stoppage or attempts to force stoppage of bystanders recording of police, citizen or suspect interaction, the officer must be placed on unpaid leave. If force was used during that interaction and the use of that force comes into question, then the officer should be terminated and if applicable, charged with Obstruction of Justice per Illinois Compiled Statute [\(720 ILCS 5-31/4\)](#) which states:
- *Sec. 31-4. Obstructing justice.*
 - (a) *A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any*

person, he or she knowingly commits any of the following acts: (1) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information.

Rationale: *Reviewing and amending the City of Freeport's Police Use of Force Policy, shows our citizens that we are serious about the prevention of police brutality in our city.*

Review, Amend or Implement a Use of Force Continuum Policy: This policy describes an escalating series of actions an officer may take to resolve a situation.

Make this policy readily available to Police Officers, Police and Fire Commission members, Civilian Complaint Review Board members and Freeport citizens.

Here is a quick example of a Use-of-Force Continuum:

- **Officer Presence — No force is used. Considered the best way to resolve a situation.**
 - The mere presence of a law enforcement officer works to deter crime or diffuse a situation.
 - Officers' attitudes are professional and nonthreatening.
- **Verbalization — Force is not-physical.**
 - Officers issue calm, nonthreatening commands, such as "Let me see your identification and registration."
 - Officers may increase their volume and shorten commands in an attempt to gain compliance. Short commands might include "Stop," or "Don't move."
- **Empty-Hand Control — Officers use bodily force to gain control of a situation.**
 - *Soft technique.* Officers use grabs, holds and joint locks to restrain an individual.
 - *Hard technique.* Officers use punches and kicks to restrain an individual.
- **Less-Lethal Methods — Officers use less-lethal technologies to gain control of a situation.**
 - *Blunt impact.* Officers may use a baton or projectile to immobilize a combative person.
 - *Chemical.* Officers may use chemical sprays or projectiles embedded with chemicals to restrain an individual (e.g., pepper spray).
 - *Conducted Energy Devices (CEDs).* Officers may use CEDs to immobilize an individual. CEDs discharge a high-voltage, low-amperage jolt of electricity at a distance.

- **Lethal Force — Officers use lethal weapons to gain control of a situation. Should only be used if a suspect poses a serious threat to the officer or another individual.**
 - Officers use deadly weapons such as firearms to stop an individual's actions.

Once a suspect has complied with an officer's demands, and no longer poses a threat to himself or herself, the officer and or other civilians, force is no longer necessary. Any force rendered beyond the point of suspect compliance must result in officer reprimand, including but not limited to termination of employment and if applicable, criminal charges filed.

Rationale: *Reviewing, amending or implementing a Use of Force Continuum, helps to give further guidance to Police officers. Copies of this policy must be made available for the public, placed on the City's website.*

The reintroduction of Community Oriented Policing Practices: These practices will help to improve community relations by creating and strengthening bonds between officers and the citizens that they serve.

- Fostering healthy and sustainable relationships of trust between police and community.
- Placing a strong focus on engagement with the city's youth.
- Writing standards for community policing initiatives so that these initiatives have clearly-defined objectives and contribute to the overall community policing effort.
- Promote a structure that reinforces community policing in every aspect of policing.
- Provide robust community-oriented training for all members of the police department.
- Officer training on how to eliminate cultural biasness and how to impartially listen to both sides of a story.
- Racially motivated 911 calls must be thoroughly investigated and if claims are false then the caller should face prosecution per **(720 ILCS 5/26-1)** which states:
 - (6) *Calls the number "911" or transmits or causes to*

*be transmitted in any manner to a public safety agency for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; **Violation of this Section is a Class 4 felony.***

- Encourage effective problem-solving exercised jointly with the community and other City agencies.
- Provide officer training on how to interact with mentally impaired citizens.
- Provide officer training on how to interact with citizens suffering from substance abuse.
- Arrange regular evaluation of the quality of community policing throughout the police department.
- Mandate by stander training for all Police Officers.
- Utilization of the Liberty Street Police house as a community outreach and education post.
- Connect Community Development Department with Community Oriented Policing Practices.
- Reintroduce bicycle patrols back into our neighborhoods.
- Bring back the Officer Friendly program into our elementary schools.
 - Bring policing vehicles to elementary schools and talk to kids about them.
 - Allow classroom field trips to Police Station.
 - Have police coloring and essay contests for elementary school children with winner being “Chief for a Day.”
 - Other youth building and community relation efforts.

Rationale: *Reimplementing Community Oriented Policing will not only have an effect on Police and Community relationships, it could also create a passion for our children from our own community to become police officers and serve with integrity, right here at home. Copies of this policy must be made available for the public, placed on the City’s website and available for download.*

Establishing a Mental Health Sustainability Protocol: Our officers have tough jobs, and stressors can take their toll whether they know it or not. A collaboration with a certified counseling service could help to ensure that our police officers are maintaining a good mental health status while performing their duties.

Establishing a protocol mandating active patrol officers to speak with a certified counselor at least once per month could help combat burnout as well as preserve mental health. This service should be provided free to police officers, utilizing grant funding to cover the costs.

Establish an Early Warning System: The establishment and successful implementation of an Early Warning System will help to identify the officers who may require intervention.

The Early Warning System should:

- Check for patterns of abuses of power performed by police officers.
- Granted full access to all policing complaints without exception.
 - Official police complaints as filed with the police department.
 - Complaints as collected through the Citizen’s Complaint Review Board.
- Have established officer intervention processes and procedures in place.
- Communicate effectively with other local Judicial stakeholders.
- Archive all reporting information.

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Conclusion

Implementation of these strategies will require grant funding, but as stated in *SEC. 5 (b). LEGISLATION AND GRANT PROGRAMS OF PRESIDENTIAL EXECUTIVE ORDER FOR SAFE POLICING FOR SAFE COMMUNITIES* issued on June 16, 2020, funding opportunities will be made available to municipalities who are adhering to these and other policing reformation strategies.

Like all other meaningful reforms, policing reforms require sound decision making, honesty, transparency, accountability, collaboration, and commitment, these same attributes must be reflected in the actions of this committee.

This plan merely serves as a starting point, designed to encourage thought-provoking dialogue all the while establishing a potential foundation upon which to build our community policing reforms.

Please understand, no plan could ever cover all the judicial issues affecting our community, but this plan addresses some of the major concerns of our citizens.

Respectfully,

Patrick A Sellers

“The philosophies of change can come from anyone, but the implementations of change must come from everyone.” - Patrick A. Sellers