

# SENATE BILL 1304 Includes the “Law Enforcement Body Worn Camera Act” and the “Police & Community Relations Improvement Act.”

## - Bill Summary Overview -

- SB 1304 is a *comprehensive package* of legislation on law enforcement use of body worn cameras, and reform aimed at improving community relations.
- SB 1304 is the *bipartisan, bicameral* result of various negotiation meetings with and input from interested stakeholders, including law enforcement entities, civil liberties organizations and equipment manufacturers.
- SB 1304 passed the Illinois General Assembly with bipartisan support, resulting in a vote of 45-5-6 in the Senate and 107-7-3 in the House of Representatives.

### Law Enforcement Officer-Worn Body Camera Act

#### *Minimum Guidelines*

- Establishes *minimum standards* for the use of body cameras that must be adopted by any agency utilizing officer-worn body cameras.
- Requires cameras to be turned on at all times when the officer is on duty and responding to calls for service, during any law enforcement-related encounter, and when the officer is engaged in any law enforcement-related activity that occurs while the officer is on duty.
- Requires cameras to be turned off when practicable at the request of a victim, witness, or community member reporting a crime or when speaking with a confidential informant.
- Allows officers the discretion to turn off the cameras when engaged in *community caretaking functions*, such as participating in town halls, conducting community outreach, or delivering death notifications.
- Requires officers whenever practicable to provide notice of recording in situations where an expectation of privacy exists, such as entering someone’s home or hospital room.
- Officers are allowed to review the recordings prior to making statements or filing reports; however, the officer must indicate doing so in incident reports or other documentation.
- Includes a mechanism to protect officers from discipline for *minor policy or procedure violations*, such as uniform

violations, that may be viewed on the recording by the officer’s supervisor.

- Clarifies that the eavesdropping act does not prohibit citizens from recording officers in their official duties in public or where the officer has no expectation of privacy.
  - However, provides that such recording by citizens may be limited as officers are *expressly permitted* to take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.
- Exempts officer-worn body camera recordings from disclosure under the Freedom of Information Act (FOIA), with some exceptions.
  - If a recording has been flagged due to a complaint, use of force, discharge of a firearm, arrest, or resulting death or bodily harm, the recording shall be disclosed in accordance with FOIA.
  - However, if a victim or witness has an expectation of privacy (i.e. sensitive situations in the home), the law enforcement agency must obtain the permission of the victim or witness prior to FOIA disclosure.
- Provides a grant funding mechanism to assist law enforcement agencies with purchasing officer-worn body camera equipment and storage.

### Police and Community Relations Improvement Act

- Requires *independent review* of all officer-involved deaths.
- Clarifies and codifies case law regarding the appointment of special prosecutors.
- Requires law enforcement agencies to report, on a monthly basis, the number of officer-involved shootings and arrest related deaths.
- Expands the basic training curriculum

to include courses on *procedural justice, cultural competency, implicit bias, proper use of force and law enforcement authority, dealing with the disease of addiction, the mentally ill, sexual assault victims, and more.*

- Requires annual in-service training on law updates and use of force and three-year training on *procedural justice, civil rights, cultural competency, and proper use of force.*
- Requires data collection on pedestrian stops which result in an arrest, frisk, or search.
  - Officers must also provide stop receipts for all “stop and frisks”.
- Provides additional funding to the State Crime Laboratory Fund to assist in the clearing of the backlog of DNA kits.
  - Requires the State Police to update to an electronic tracking system and submit quarterly reports on the processing of DNA evidence submitted to the lab.
- Defines *chokeholds* and limits the use of *chokeholds* to situations when deadly force is warranted.
- Creates a database for law enforcement to identify and keep track of officers dismissed for misconduct.
- Establishes the *Commission on Police Professionalism* to review performance standards governing the professionalism of officers, including the current training requirements and whether law enforcement officers should be licensed.

*As of press time, Senate Bill 1304 had been approved by both the Illinois House and Senate and was being sent to the Governor.*

