

## BATAVIA POLICE DEPARTMENT – FAIR AND IMPARTIAL POLICING MESSAGE

The notion that “all lives matter” in our country should be obvious to all. But those who would use this phrase as a rebuke or in opposition to the basic tenets of the Black Lives Matter movement in our country miss the point entirely; whether through a misunderstanding or as a conscious refusal to receive the message at all. The message is not that Black Lives Matter more than other lives. The message that has been reiterated day after day in our nation over the past several weeks (and years) is that Black Lives Matter, too. That Black Lives Matter, also. That Black Lives Matter, as much as. That Black Lives Matter, equally. For too many people of color in our country, that has simply not been their experience. This fact should be jarring to us all. It is something that must be acknowledged. It is something that we should all be working to eradicate, no matter how difficult the task. And this work should continue no matter how long the task takes.

The Batavia Police Department sets as a standard the goal of creating an environment in which all our citizens feel “a sense of safety” living in our community. This is a much higher goal than achieving statistical “safety”, as it is subjectively determined by each person who receives of our services and is mainly determined by the way we provide these services to them. Especially for people of color and those from other underrepresented groups who have had negative experiences with law enforcement in their lives, achieving a “sense of safety” is an extremely high bar. But it is the goal we need to continually try to attain. And it is a goal we must strive for each and every time we respond to the needs of a member of our community, regardless of their age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition, or any other classification that is protected by law.

Over the course of the past several weeks, a number of questions have been asked by members of the public regarding what we are doing locally to ensure that our officers are engaging in ethical, fair and impartial policing practices while providing police services to all members of our community. We know that gaining the trust of our community is extremely difficult to achieve, and that it is also very easy to lose. When asked what we are doing to achieve these goals, the answer can never be that “we’ve done it all”, or “there is nothing more we can do”. We know that this is a never-ending process through which there is always “one more thing” that can be done to improve police/community relations. To illustrate some of the measures that have been taken or will be under consideration, we have included comments on a number of the main topics that members of the public have inquired about to show that, while there is much work still to be done, there are positive, progressive steps being taken locally, and at the state level, to achieve the ultimate goal of equal treatment under the law for all of our citizens.

**RECRUITMENT AND SELECTION OF POLICE OFFICERS:** The Batavia Police Department goes through a painstaking process to select new police officers for service in our community. This process is completed in 3 phases: a) initial testing, which includes a written examination and oral interview b) pre-selection background investigation, which includes a thorough personal history and criminal background investigation, polygraph exam and an extensive psychological assessment and c) professional training, which includes a 560 hour (14 week) basic academy training program (at a regional training academy certified by the State of Illinois) as well as a 640 hour (16 week) local field training and evaluation program during which each new officer is assigned to a certified Field Training Officer. This entire process from the time a prospective candidate receives an initial phone call to the time a new officer responds to their

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first police call for service in our community takes on average 9-12 months. After training is complete, our officers are still subject to an 18 to 24-month probationary period, during which they remain under the close observation of our Field Training cadre, and may be terminated for any deficiency. Batavia Police Officers are selected not by the Police Department, but by a civilian commission (Board of Fire and Police Commission), who are appointed by the Mayor and approved by City Council. This civilian Board is responsible for establishing criteria for testing processes, hiring and discipline of our officers.

### **QUESTIONS REGARDING THE MILITARIZATION OF THE POLICE IN THE U.S.:**

This is topic has been a regular part of the national discourse since the time of civil unrest which occurred after the death of Michael Brown at the hands of a police officer in Ferguson, Missouri in 2014. To many who saw those events unfold on TV, the images of armed police officers (many in camouflage uniforms), using armored vehicles to patrol U.S. city streets bore an unsettling resemblance to American soldiers patrolling in the streets of Iraq or Afghanistan. Some of this has been a result of years of the blurring of the roles that the police and the military assumed in society in the post-9/11 world. To some, the military remained our forward force that would “take the fight to the enemy” abroad, while the police became “warriors” and guardians of the “homeland”. (This had never previously been the intended role of local police forces in our country before.) Gear and equipment meant for military application became readily accessible to local police departments (oftentimes for little or no cost). Agencies across the country tapped into these low-cost resources, in preparation for a next attack. As time wore on, some agencies began to find applications for these tools that were outside the scope of what was originally intended for them.

Adding an additional layer of complexity to this issue is the undeniable access to and proliferation of military-grade weapons that currently exist in our society, coupled with the fact that these weapons have been utilized with a high degree of frequency in many of the ever-growing number of mass shooting incidents in our country over the past decade. The public demands that the women and men of law enforcement take immediate and decisive action to defend our citizens (often our youngest and most vulnerable among the targets) when these events occur. To demand that our officers do so without the equipment necessary to defeat these threats would be unreasonable and ill-advised. There must be some balance.

To be clear, the Batavia Police Department does not participate in the Federal 1033 Military Surplus procurement program (or any other like it) established for the transferring of military equipment to civilian law enforcement agencies. BPD currently owns no military surplus equipment. The Batavia Police Department does equip its personnel with ballistic shields, ballistic helmets (for protection against gunfire) and impact helmets for crowd control operations. Our officers are authorized to carry a sidearm and patrol carbine (rifle) while on duty. Additionally, each Batavia Police car is deployed with one fixed-sight, tactical 12-gauge shotgun. BPD officers are also fully trained and equipped with various other less-lethal options such as: straight baton, Oleoresin Capsicum Spray (aka pepper spray), Conducted Energy Weapons (Taser). These items are purchased by the Department and not supplied through surplus equipment agreements with the military or any other federal supply chain system. Batavia Police Department does not own any armored vehicles, and never has. Our Patrol fleet is made up mostly of Ford Explorer Police Utility vehicles supported by various make/model administrative vehicles. All vehicles purchased by the Department are acquired through civilian channels.

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**USE OF FORCE:** One of the most critical topics in law enforcement that requires constant review, discussion and education is the use of force by a peace officer. Every sworn officer in Batavia receives annual training on the use of force. Specific topics of discussion related to Illinois use of force laws include ethical issues in the use of force, use of force in making an arrest, what is deadly force, and what is reasonable force. There is also a focus on protections that are afforded to all citizens by the 4<sup>th</sup> Amendment of the U.S. Constitution specific to excessive force and the use of deadly force as it pertains to case law. By Illinois statute (720 ILCS 5/7-5), an officer is justified in the use of any force which is reasonably believed to be necessary to effect an arrest or to be necessary to defend himself or another from receiving great bodily harm or death. Lethal force is allowed only when necessary in certain very limited situations. Excessive force is never acceptable and will result in discipline by the department and can also include simultaneous criminal prosecution and civil penalties against an officer.

**CHOKEHOLDS:** Notwithstanding a lawful deadly force application, chokeholds are strictly prohibited by Illinois state law (and have been since 01/01/16) for usage by police officers as a control measure:

(720 ILCS 5/7-5.5)

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer shall not use a chokehold in the performance of his or her duties, unless deadly force is justified under Article 7 of this Code.

(b) A peace officer shall not use a chokehold, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.

(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

**OFFICER-INVOLVED DEATH (OID) INVESTIGATIONS:** Investigations involving a use of force incident by police which results in the death of any person must be investigated by an objective, third party law enforcement organization. Investigators from the involved agency may not be involved in an OID, excluding technical traffic crash reconstruction duties, are prohibited from being involved in the OID investigation. Findings of this investigation are turned over, by law, to the local state's attorney's office for review, and charges (if applicable). Furthermore, apart from the criminal OID investigation, Illinois state law requires that a concurrent internal investigation be initiated by the involved agency into the details of any OID incident. Finally, any officer involved in an OID is required by state law to be drug/alcohol tested as soon as is practicable after an OID event.

**POLICE FAILURE TO INTERVENE – INSTANCES OF EXCESSIVE FORCE:** This is a topic that is sure to be taken up by the Illinois General Assembly soon for future uniform application throughout the state. However, the Conduct Policy of the Batavia Police Department currently requires all members to: promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under Department policy, which includes;

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unreasonable and unwarranted force against a person encountered or a person under arrest, and; exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

### **OFFICER TRAINING IN SUBJECT MATTER AREAS PERTAINING TO SOCIAL INJUSTICE:**

Illinois state law requires that all Illinois peace officers are trained in the following subject matter areas, of which the Batavia Police Department is in compliance with:

- Annually: Legal Updates, Use of Force (with scenario-based or simulator training)
- Every 3 Years: Civil Rights, Constitutional and Proper Use of Law Enforcement Authority, Cultural Competency, Human Rights, Procedural Justice, Mental Health Awareness Training (first round of this due by 1/1/21)

**DEFUNDING or DISBANDING THE POLICE INITIATIVES:** This topic is of growing interest in the country right now. Each community that funds police resources will ultimately have to address this issue individually. While we believe that law enforcement plays a vital role of protection and safety of our society, we do believe that the roles our officers play in society have in many ways, grown far beyond the parameters that anyone had ever expected of us. Decades of defunding social service agencies and a significant lack of access to medical and mental health care systems for all have forced the uniformed peace officer into difficult roles that social workers, medical and mental health professionals are much better suited and trained to deal with.

In our society, the police still get called when people don't know who else to ask for help. Absent a robust social services network (which has not existed adequately in at least the past 20 years), law enforcement officials have been forced to try filling these gaps as best we can, (usually without any additional funding sources). So, the modern police officer now carries tools and is trained in skill sets to prepare them for responsibilities that an officer of the 1980's or 1990's even would never have dreamed of fulfilling. In addition to our traditional law enforcement roles, our officers must now be trained to accurately diagnose the symptoms of mental and stress-related crisis; to know the signs of a potential overdose and administer life-saving medication to the victim when seconds mean the difference between life or death; to deliver electric shock to a heart attack victim because there is not enough time to wait for an ambulance to arrive; to make sure a homeless person doesn't freeze to death in the middle of a winter night because a) there is nowhere else for them to go or b) their mental health and/or substance abuse issues inhibit them from accepting the help we can provide for them.

We in the law enforcement community do fully support a nationwide effort to provide adequate funding to these important societal support networks so we can more acutely focus on our traditional role of providing high quality law enforcement services to our communities.

**CRISIS INTERVENTION TEAM (CIT) TRAINING:** CIT training is one of the many ways we try to develop these skill sets in our officers. Currently, 32 Batavia Police Officers have been certified in this 40-hour training course. The Department goal is to have all 38 sworn field services personnel certified by end of Fiscal Year 2021 (this has been extended from 2020 due to numerous COVID-19 course cancellations throughout the beginning of this year)

**(CIT)** is an in-depth law enforcement 40-hour state-certified specialized course. These officers will use their skill and knowledge of mental illness and substance abuse to effectively handle the crisis situations.

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The key components of this course cover the following:

- Officers are exposed to the basic dynamics of common types of mental illness. This allows the officer to make quick decisions utilizing non-traditional options to resolve a crisis.
- Officers are exposed to the experiences, viewpoints, and concerns of persons with mental illnesses, people under duress, and their families.
- Officers receive instruction and demonstrations in active listening and responding skills.
- The CIT model of intervention can be a department-wide model, or an officer-specific career development designation (BPD utilizes a department-wide model).

Topics include, but are not limited to:

- Mental illness recognition.
- Substance abuse and dual diagnosis.
- Child and adolescent disorders.
- Psychotropic medications.
- Geriatric issues.
- Medical conditions that mimic mental illness.
- Autism and persons with disabilities.
- Excited delirium.
- Risk assessment and crisis intervention skills.
- Symptoms of PTSD and the Police Response;

### **STATE OF ILLINOIS ESTABLISHES A PROFESSIONAL MISCONDUCT DATABASE:**

Effective 6/8/2016, and Pursuant to 50 ILCS 705/6.2, all law enforcement agencies are required to notify the Illinois Law Enforcement Training and Standards Board within 30 days of any final determination of willful violation of department or agency policy, official misconduct, or violation of law when:

(1) the officer is discharged or dismissed as a result of the violation; or

(2) the officer resigns during the course of an investigation and after the officer has been served noticed that he or she is under investigation that is based on the commission of a Class 2 or greater felony. This includes violations of Illinois statutes or statutes of other state or federal agencies when the elements of the offense are substantially similar to an Illinois criminal offense which is a Class 2 or greater felony.

**BODY-WORN and IN-CAR CAMERA PROGRAM:** The Batavia Police Department does not currently have a body-worn or in-car camera program. These programs incur a significant cost along with extensive management and oversight for any participating agency. However, they do increase organizational transparency and can increase the level of trust that the public has in its

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law enforcement agency. Body-worn and in-car cameras are matters that are under discussion and consideration for implementation at Batavia Police Department in the near future.