

portant one. The legislature through the Police Training Act of 1965 has taken the first step toward providing a uniform educational program for the training of our police officers. This program should include effective riot control training and the individual departments should be adequately trained to anticipate and prevent the kind of outbreaks which have unfortunately occurred. There should also be a program of intercommunity cooperation developed so that riot situations can be handled promptly and with maximum manpower available.

2. *Make certain that insurance coverage is adequate.*—Many of the smaller communities have extensive liability insurance programs. It is incumbent upon the municipal attorney to make certain that this area is adequately covered. It is to be hoped that the insurance companies do not attempt to eliminate such coverage from municipal policies.

3. *Seek appropriate statutory amendments.*—Such amendment could involve setting up defenses for municipalities when the plaintiffs were guilty of contributory negligence or failed to exercise due care for their own safety. Again liability might be precluded if the municipality was not negligent and had made reasonable efforts to prevent mob violence. Finally the possibility of requiring the State of Illinois or the county to share in the liability should be examined.

4. *Prompt enforcement of criminal sanctions against violators.*—Article 25 of the Criminal Code²⁰ provides substantial penalties for participants in mob action. It would appear that the imposition of these strict penalties and proper circumstances might deter rioters in the future. Certainly token penalties or booking offenders on lesser charges can only contribute to a disrespect for the law and encourage further violations. As noted, the municipality does have a lien in the amount of moneys recovered by plaintiffs against persons participating in mob action. In practice these lien rights may be valueless.

It is, of course, possible that the Local Governmental and Governmental Employees Tort Immunity Act could be amended to specifically grant immunity to a municipality from claims arising out of mob action. The conflicting policy decisions involved in seeking such amendments, however, deserve careful consideration and the possibility of outright immunity or repeal of Section 1-4-8 of the Illinois Municipal Code seems unlikely. Thus it may be concluded that this is another problem that already overburdened municipal officials will have to assume, at least until the threat of mob violence is vitiated.

The only real answer to the problem must lie in the re-establishment of peace and security in our community. The mob violence statute is a recognition that respect for the law is not always prevalent. As lawyers we all have a basic responsibility to promote that respect for law and order which will render such statutes unnecessary.

Mr. WHITENER. Thank you very much, Mr. Friedel.

Are there any questions? Mr. McMillan?

Mr. McMILLAN. I assure you that our committee will do everything possible to expedite action on this bill.

Mr. FRIEDEL. Thank you.

Mr. McMILLAN. Thank you for taking your time to appear before us.

Mr. WHITENER. I notice on page two of your statement that you say: "But since the District government is responsible for maintaining law and order and for preventing and suppressing riots, looting and burning, then it seems only fair and reasonable to me that the District government should bear the cost of removing the resultant debris."

This is in line with the thinking of some of the citizens whose articles I have read in the papers, who are preparing law suits against the District government for not exercising due diligence in maintaining law and order and in the suppression of the rioting, as I understand it.

Mr. FRIEDEL. Mine does not go that far. This is as to the cost of removing the debris. I do not want to cast any reflections on the police department or the military. I think that they did a wonderful job.

²⁰ Ill. Rev. Stat. 1965, Ch. 38, § 25-1.