

## ILLINOIS STATE POLICE DIRECTIVE OPS-089, OFFICER INVOLVED DEATH INVESTIGATIONS

<b>RESCINDS:</b> OPS-089, 2021-013, Revised 07-01-2021.	<b>REVISED:</b> 01-03-2023 <b>2023-096</b>
<b>RELATED DOCUMENTS:</b> 50 ILCS 727, OPS-010, OPS-046, OPS-042, OPS-002, OPS-029, OPS-087, OPS-061, OPS-081, OPS-003, PER-057, EQP-003, PER-013, Control and Arrest Tactics Manual	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 26.2.1, 26.3.1, 42.01.04, 42.02.01, 42.02.02

### I. POLICY

The Illinois State Police (ISP) will comply with existing laws and policies regarding the investigations of officer involved deaths that are either intentional or unintentional.

### II. AUTHORITY

50 ILCS 727/1-1 et. seq., "Police and Community Relations Improvement Act"

730 ILCS 210/3-5 et. seq., "Deaths in Custody Act"

### III. DEFINITIONS

- III.A. Deadly force – Force likely to cause death or great bodily harm, including all intentional and unintentional weapons discharges, as defined in 720 ILCS 5/7-8.
- III.B. Department vehicle crash – A crash involving a department vehicle subject to the full reporting requirements of EQP-003 and review requirements of PER-013.
- III.C. Emergency/high speed response driving – The operation of an authorized emergency vehicle by a sworn officer at speeds in excess of the speed limit and/or disregard for other traffic laws as permitted by 625 ILCS 5/11-205 and while responding to an Emergency Call or Life-Threatened call.
- III.D. Illinois State Police (ISP) officer – Any and all persons employed by the Illinois State Police as a sworn officer, or Inspector appointed by the Director of the ISP.
- III.E. In-custody death – Death, whether intentional or unintentional, to a person while in custody of ISP sworn officer or inspector.
- III.F. Lead Homicide Investigator (LHI) – An officer certified per ISP Directive OPS-087, "Lead Homicide Certifications," to be lead investigator on death investigations.
- III.G. Life threatening injuries – An injury involving a substantial risk of death; loss or substantial impairment of the function of a bodily member, organ, or mental faculty that is likely to be permanent; or an obvious disfigurement that is likely to be permanent. These injuries would be at the most severe level of a Class "A" injury on the traffic crash report.
- III.H. Motor vehicle crash – The movement of a vehicle resulting in damage to the vehicle, another vehicle, property, or causes injury or death to an individual.
- III.I. Officer-involved death (OID) – Any death of an individual that results directly from an action or intentional omission of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties. Intentional omission includes unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent. "Officer-involved death" includes any death resulting from a motor vehicle crash, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.

IV. RESPONSIBILITIES

Investigative Responsibilities

- IV.A. When an ISP officer is involved in an incident which has caused or is likely to cause great bodily harm or death, the Division of Internal Investigation (DII) is responsible for the OID investigation and corresponding administrative investigation of the incident. These incidents include, but are not limited to:
  - IV.A.1. Incidents involving the use of force likely to cause death or great bodily harm;
  - IV.A.2. Vehicle pursuit with traffic crash resulting in life threatening injuries or death of any individual;
  - IV.A.3. Department vehicle crash resulting in life threatening injuries or death of any individual, as defined in section III.I;
  - IV.A.4. In-custody death; or
  - IV.A.5. Emergency/high speed response driving.
- IV.B. If an ISP officer who is involved in any of the above incidents which has caused or is likely to cause death or great bodily harm is assigned to DII, the Division of Criminal Investigation (DCI) will be responsible for conducting the OID investigation only.
  - IV.B.1. DII will remain responsible for conducting any administrative investigation deemed necessary, regardless of the involved officer's Division of assignment
  - IV.B.2. DCI will share all reports with DII as soon as reasonably possible, considering the sensitivity of any possible criminal case.
- IV.C. Each OID investigation will be conducted by a minimum of two investigators. The lead investigator will be LHI certified.
- IV.D. Other ISP units may be contacted to assist with the investigation, under the direction of the work unit leading the investigation, depending on the incident. These other units include, but are not limited to:
  - IV.D.1. Traffic Crash Reconstruction Unit (TCRU);
  - IV.D.2. Crime Scene Services;
  - IV.D.3. Troop personnel;
  - IV.D.4. Zone investigative personnel; or
  - IV.D.5. DII personnel.
- IV.E. The scope of the OID investigation will be limited to the ISP employee's involvement with the life threatening injury or death. Other criminal investigations relating to non-ISP employees will be investigated by ISP Zone personnel.
- IV.F. Requests from outside law enforcement agencies to investigate OID cases will be subject to approval from the Director, or his designee, and assigned to DCI.

V. PROCEDURES

- V.A. Deadly force investigations – In accordance with ISP Directive OPS-002, "Weapons Discharge/Deadly Force Investigations," DII and DCI will be notified and respond to investigate any incident where deadly force is used against an individual by an ISP employee.

- V.B. In accordance with ISP Directives EQP-003, "Department Vehicle Crash and Incident Reporting" and OPS-061, "Traffic Crash Investigations," DII will be notified when an ISP department vehicle crash results in life threatening injuries or death of any individual.
  - V.B.1. DII will respond to conduct the OID investigation traffic crashes defined in section III.I. In such crashes involving a DII employee, DCI Zone Investigations will also be notified and will respond to conduct the OID investigation of the crash.
  - V.B.2. The TCRU will assist the work unit leading the OID investigation of the vehicle crash.
- V.C. In-custody death – In accordance with ISP Directives OPS-046 "Use of Force," OPS-002 "Weapons Discharge/Deadly Force Investigations," and OPS-010, "Significant/Unusual Incident Notification," DII and DCI will be notified and respond to investigate any time an individual dies while in the custody of an ISP sworn officer or Inspector appointed by the Director of the ISP. Once an individual in custody is transferred to another law enforcement agency, the ISP will not investigate the death of the individual unless otherwise determined appropriate by the Deputy Director of the work unit that would be leading the OID investigation or their designee(s).
  - V.C.1. The DII shall report all deaths of persons in-custody of the ISP to the Illinois Criminal Justice Information Authority (ICJIA) within 30-days of the in-custody death.
  - V.C.2. The in-custody death report shall be made in the manner prescribed by ICJIA and shall contain the following information:
    - V.C.2.a. Facts concerning the death including, but not limited to, the race, age, and gender of the decedent;
    - V.C.2.b. Whether emergency medical care was requested by ISP personnel in response to any illness or injury, and details concerning emergency medical care that was provided to the decedent if emergency medical care was provided.
- V.D. Emergency/high speed response driving and vehicle pursuits – DII and DCI will be notified and respond to investigate when an ISP sworn officer, or Inspector appointed by the Director of the ISP, is involved in a pursuit or utilizes a high speed response in the course of their duties and any individual causes life-threatening injuries or death of any individual as a result of involvement in the pursuit or high speed response.
  - V.D.1. The OID investigation will concern the actions of the ISP officer or Inspector.
  - V.D.2. The death or injury of another person may be the responsibility of an ISP Troop or Zone, or a local law enforcement agency.

| Indicates new or revised items.

**-End of Directive-**