



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0221

by Rep. Christian L. Mitchell

SYNOPSIS AS INTRODUCED:

New Act

Creates the Investigation and Review of Deaths Involving Officers Act. Requires law enforcement agencies to have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by that agency. Allows law enforcement agencies to conduct internal investigations into officer-involved deaths, as long as they do not interfere with other investigations under this Act. Requires release of investigation reports to the public if no charges are filed against the officer. Provides for compensation through intergovernmental or interagency agreements for participation in an investigation of an officer-involved death. Defines "law enforcement agency", "law enforcement officer", and "officer-involved death".

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1 AN ACT concerning officer-involved deaths.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Investigation and Review of Deaths Involving Officers Act.

6 Section 5. Definitions.

7 "Law enforcement agency" means an agency of this State or
8 unit of local government which is vested by law or ordinance
9 with the duty to maintain public order and to enforce criminal
10 laws or ordinances.

11 "Law enforcement officer" or "officer" means any person
12 employed by this State, or by a county, municipality, or
13 township of this State, as a policeman, peace officer, or in
14 some like position involving the enforcement of the law and
15 protection of the public interest at the risk of that person's
16 life.

17 "Officer-involved death" means any death of an individual
18 that results directly from an action or an omission of a law
19 enforcement officer while the officer is on duty or while the
20 officer is off duty, but performing activities that are within
21 the scope of his or her law enforcement duties.

22 Section 10. Written policy.

1 (a) Each law enforcement agency shall have a written policy
2 regarding the investigation of officer-involved deaths that
3 involve a law enforcement officer employed by that agency. The
4 written policy shall require the following:

5 (1) An investigation conducted by at least 2
6 investigators, or an entity or agency comprised of at least
7 2 investigators, one of whom is the lead investigator and
8 neither of whom is employed by a law enforcement agency
9 that employs a law enforcement officer involved in the
10 officer-involved death.

11 (2) The investigators conducting the investigation
12 shall, in an expeditious manner, provide a complete report
13 to the State's Attorney of the county in which the
14 officer-involved death occurred.

15 (3) If the officer-involved death is traffic-related,
16 the investigation shall use an accident reconstruction
17 unit from a law enforcement agency that does not employ a
18 law enforcement officer involved in the officer-involved
19 death under investigation.

20 (4) If the State's Attorney determines there is no
21 basis to prosecute the law enforcement officer involved in
22 the officer-involved death, the investigators shall
23 publicly release a report.

24 Section 15. Intra-agency investigations.

25 (a) This Act shall not prohibit any law enforcement agency

1 from conducting an internal investigation into the
2 officer-involved death if the internal investigation does not
3 interfere with the investigation conducted according to the
4 policy under Section 10 of this Act.

5 (b) Compensation for participation in an investigation of
6 an officer-involved death may be determined in an
7 intergovernmental or interagency agreement.