

2023 Illinois Annual Report of Deaths in Custody

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Section 1: Background

The Illinois Reporting of Deaths in Custody Act (730 ILCS 210/3; RDCA) requires the Illinois Criminal Justice Information Authority (ICJIA) to publish an annual report tabulating and evaluating trends and information on Illinois deaths in custody. This includes summaries of the decedents' demographic information and the circumstances of their deaths, jurisdictional and law enforcement information if the death was in custody, as well as recommendations and efforts to reduce deaths in custody. This report provides the required information as well as updates on ongoing efforts to improve data collection and reduce deaths in custody.

ICJIA receives data directly from the following entities:

- Illinois State Police (ISP) law enforcement agency provides reports of both Arrest-Related Deaths (50 ILCS 709/5-12-1; ARD) and Use of Force incidents resulting in death (50 ILCS 709/5-12-8; UOF).
- Illinois Department of Corrections (IDOC) Planning and Research provides death records (730 ILCS 210/3-5-b) on deaths in adult correctional settings.
- Illinois Department of Corrections Jail and Detention Standards Unit provides death records (730 ILCS 210/3-5-b) on deaths occurring in county and municipal jails.
- Illinois Department of Juvenile Justice provides reports on deaths (730 ILCS 210/3-5-b) occurring within state youth correction centers.

Additionally, law enforcement agencies¹ may report deaths in custody via ICJIA's online reporting tool. Notably, this direct reporting method is optional; law enforcement agencies, generally report deaths via ARD reports submitted to ISP. The direct report method, however, can be used effectively to provide supplemental details related to circumstances that may not have been captured elsewhere.

Summary of Illinois Criminal Justice Information Authority Responsibilities

Under RDCA (730 ILCS 210/3-5-b; 210/3-5-d), ICJIA is required to collect information on all deaths in Illinois that occur:

1. While in the custody of
 - a. an (Illinois) law enforcement agency (see 730 ILCS 210/3-5-a),
 - b. a local or state correctional facility,
 - c. a Peace officer.
- or-
2. As a result of a peace officer's use of force.

The RDCA requires ICJIA to publish this annual report on its public website (RDCA; 730 ILCS 210/3-5-i).

Additionally, the federal Death in Custody Reporting Act (34 U.S.C. § 60105; DCRA) establishes reporting requirements for all deaths in custody, details of which ICJIA must submit to the Bureau of

¹ RDCA (730 ILCS 210/3-5-a) provides the following definition: "'law enforcement agency' includes each law enforcement entity within this State having the authority to arrest and detain persons suspected of, or charged with, committing a criminal offense, and each law enforcement entity that operates a lock up, jail, prison, or any other facility used to detain persons for legitimate law enforcement purposes."

Justice Assistance (BJA) on a quarterly basis. Reportable death in custody incidents under DCRA include but are not limited to incidents where people die:

1. While detained or arrested.
2. In the process of being detained or arrested.
3. Incarcerated in a municipal or state correctional facility.

The Illinois Uniform Crime Reporting Act (50 ILCS 709/5) requires reporting by law enforcement agencies² to the Illinois State Police on:

1. Arrest-Related Death (50 ILCS 709/5-12-1, ARD).
2. Deaths Resulting from Use of Force (50 ILCS 709/5-12-8, UOF).

Because many RDCA deaths are first submitted via mechanisms built for compliance with the Uniform Crime Reporting Act, ICJIA leverages ISP's reporting under the Uniform Crime Reporting Act to ensure compliance with RDCA and DCRA. A summary of the State and Federal Requirements, including how differing definitions impact current reporting, is included in an appendix section of this report.

² ICJIA does not have reporting requirements under this act, except that ISP is required to submit certain data including ARD reports to ICJIA.

Section 2: Summary of Reported Deaths

Information on deaths in custody contained in this report are based on death reports collected by ICJIA as mandated by the Illinois Reporting of Deaths in Custody Act (730 ILCS 210/3).

Agencies in Illinois reported 134 deaths in custody occurring in calendar year 2023. Table 3 lists data collected on these deaths as well as total deaths in 2021 and 2022 for comparison.³

Table 3

Illinois Deaths in Custody Reported to ICJIA, 2021-2023

Field	N (% of Field Total)		
	2021	2022	2023
Decedent age			
20 or younger	0 (0.0%)	1 (0.7%)	2 (1.5%)
21-25	3 (2.2%)	9 (6.5%)	9 (6.8%)
26-35	3 (2.2%)	23 (16.7%)	20 (15.0%)
36-45	18 (12.9%)	17 (12.3%)	27 (20.3%)
46-55	21 (15.1%)	30 (21.7%)	24 (18.8%)
56-65	39 (28.1%)	28 (20.3%)	21 (15.8%)
66-79	45 (32.4%)	27 (19.6%)	22 (16.5%)
80 or older	10 (7.2%)	3 (2.2%)	7 (5.3%)
<i>Total</i>	139	138	132*
Decedent gender			
Male	136 (97.1%)	132 (93.6%)	126 (94.0%)
Female	4 (2.9%)	9 (6.4%)	8 (6.0%)
<i>Total</i>	140	141	134
Decedent race/ethnicity			
Asian	3 (2.5%)	3 (2.5%)	1 (0.8%)
Black	51 (42.5%)	51 (42.5%)	55 (44.7%)

³ Total counts of deaths may vary by field due to instances of missing data, which were excluded in order to avoid skewing percentages. These lower totals are indicated with an *.

Hispanic	14 (11.7%)	14 (11.7%)	6 (4.9%)
White	52 (43.3%)	52 (43.3%)	60 (49.6%)
<i>Total</i>	<i>120</i>	<i>120</i>	<i>123*</i>

Type of location where event causing death occurred

At arrest scene/while affecting an arrest	1 (0.7%)	8 (6.0%)	8 (6.0%)
Booking center	0 (0.0%)	0 (0.0%)	0 (0.0%)
Municipal or county jail	10 (7.1%)	35 (26.3%)	35 ⁴ (26.1%)
State prison	125 (89.3%)	81 (60.9%)	81 (60.4%)
Temporary holding facility	0 (0.0%)	4 (3.0%)	4 (3.0%)
Other	4 (2.8%)	4 (3.0%)	6 (4.4%)
<i>Total</i>	<i>140</i>	<i>141</i>	<i>134</i>

Manner of death

Death attributed to use of force by a peace officer	1 (0.7%)	12 (8.5%)	9 (6.7%)
Homicide	0 (0.0%)	1 (0.7%)	2 (1.5%)
Natural causes	121 (86.4%)	60 (42.6%)	58 (43.3%)
Suicide	4 (2.9%)	26 (18.4%)	15 (11.2%)
Unavailable ⁵	8 (5.7%)	42 (29.7%)	45 (33.6%)
Other	6 (4.3%)	0 (0.0%)	5 (3.7%)
<i>Total</i>	<i>140</i>	<i>141</i>	<i>134</i>

Responsible agency type

Police department	2 (1.4%)	20 (14.2%)	14 (10.4%)
Sheriff's office ⁶	13 (9.3%)	45 (31.9%)	39 (29.1%)

⁴ 34 of 35 deaths in jail were reported by county sheriff's offices, this is expected as most county jails are operated by the sheriff. This also means 34 of 39 deaths reported by sheriffs were jail deaths.

⁵ Manner of death was listed as unavailable in cases pending investigation. ICJIA plans to increase follow-up procedures in 2024 in order to reduce the number of deaths with an undetermined manner of death.

⁶ As previously noted, 34 of 39 deaths reported by sheriff's offices were in jail, and 5 were arrest/apprehension related.

State prison	125 (89.3%)	76 (53.9%)	81 (60.4%)
<i>Total</i>	<i>140</i>	<i>141</i>	<i>134</i>

Figure 1 shows monthly death in custody trends from January 2023 through December 2023. For the most part, the data (which include medical-related deaths of people serving long-term prison sentences) show that deaths in custody fluctuated from eight to as high as 15 in any given month. The average number of deaths per month was roughly 11.

Figure 1

2023 Deaths in Custody by Month

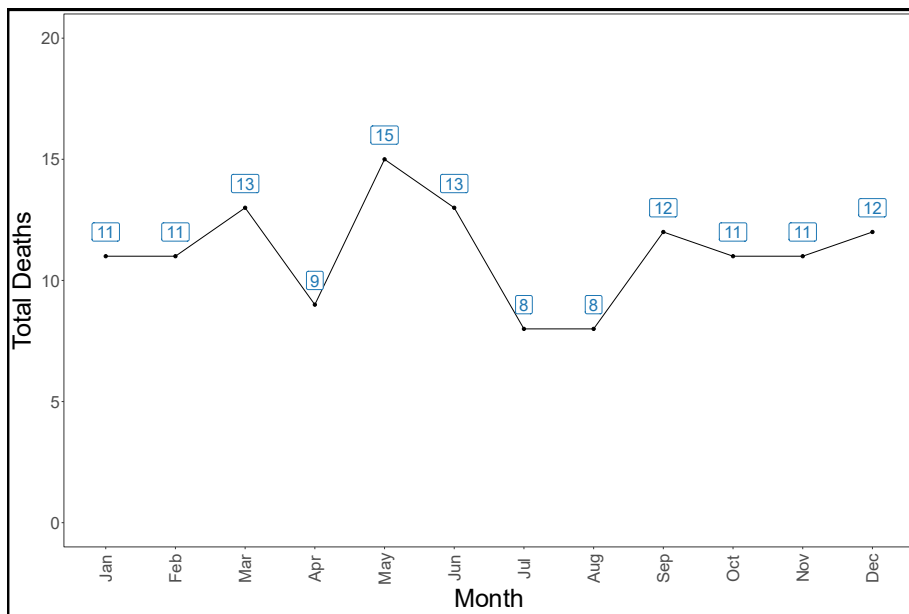
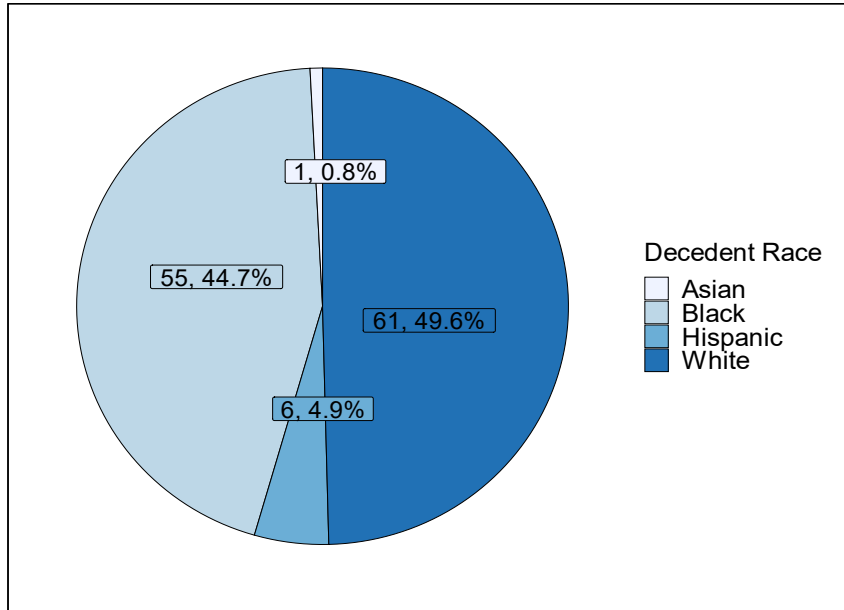


Figure 2 shows deaths in custody by decedent race for the 2023 calendar year. Nearly all decedents were identified as Black or White, while about seven percent were identified as Hispanic.

Figure 2

2023 Deaths in Custody by Race of Decedent



Ninety-four percent of reportable in-custody deaths were male decedents (Figure 3).

Figure 3

2023 Deaths in Custody by Decedent Gender

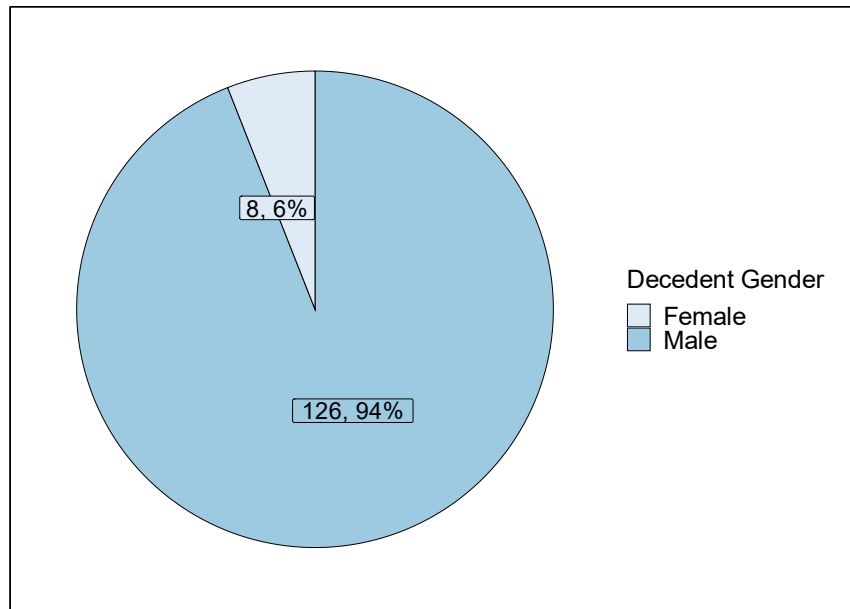
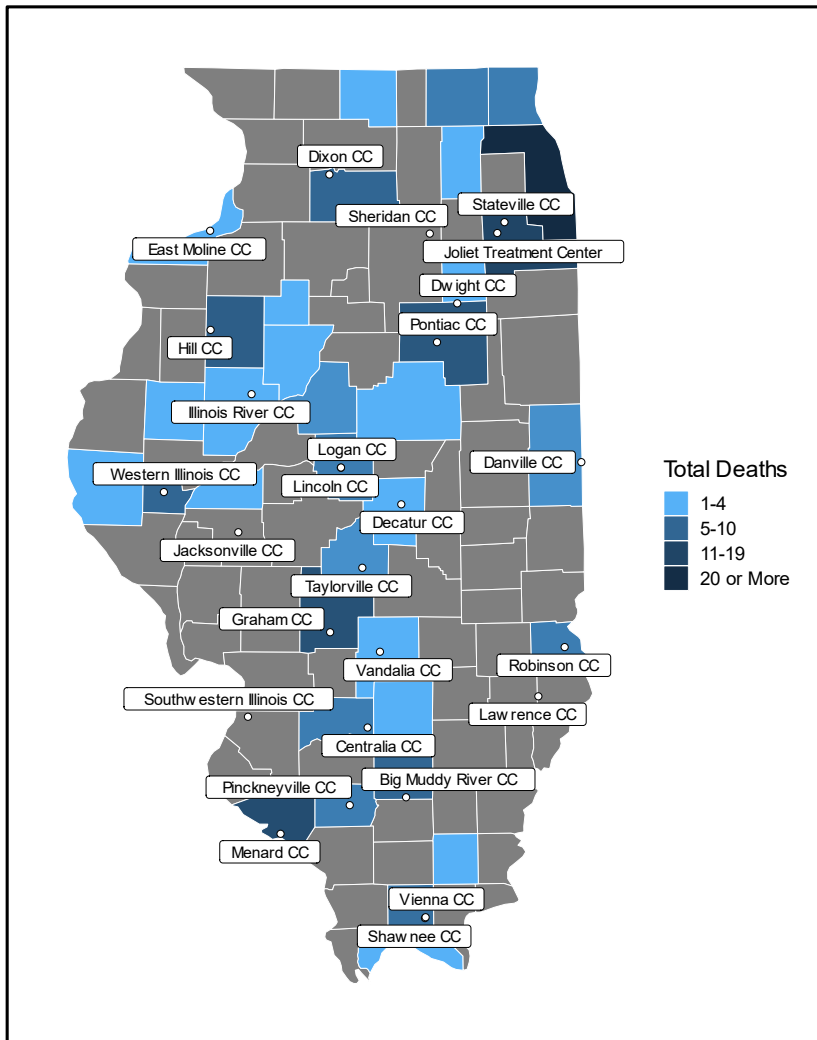


Figure 4 shows Illinois in-custody deaths by county of the responsible correctional center (CC) for calendar year 2023. Grey counties reported no deaths in custody during that period. Illinois Department of

Corrections (IDOC) facilities were located in counties that reported the most deaths in custody (7 or more), with the exception of Cook. Cook County has no IDOC facility, however reported the most deaths (21), including deaths during apprehension as well as deaths in Cook County Jail. Deaths that occurred in prison settings accounted for over 60% of all deaths (Table 3). Note that prison locations are indicated for reference, however deaths in prison are included in the county total.

Figure 4

2023 Deaths in Custody by County



Roughly 40% of the decedents were under the age of 46 (Figure 5). Individuals between the ages of 36 and 65 accounted for 55% of deaths in custody.

Figure 5

2023 Deaths in Custody, by Age at Death

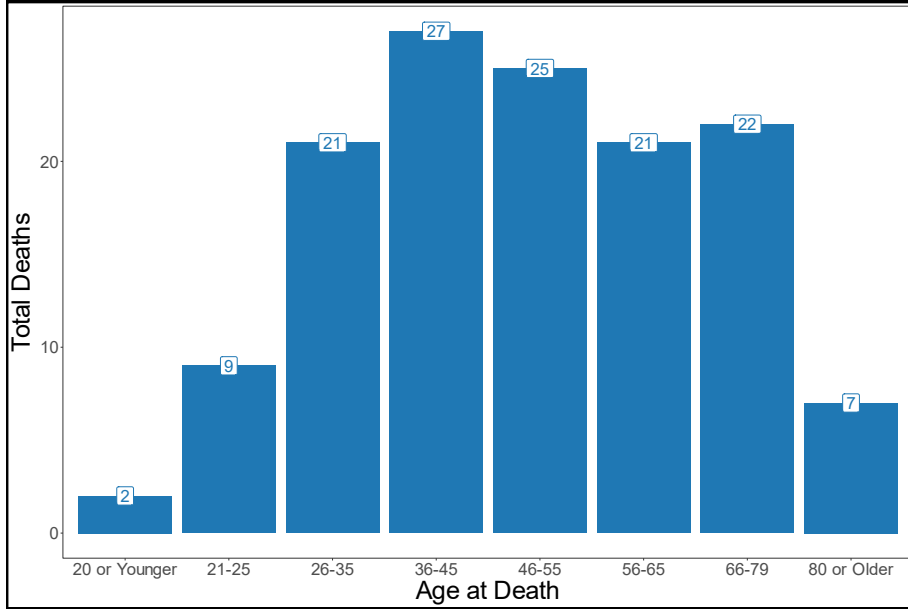
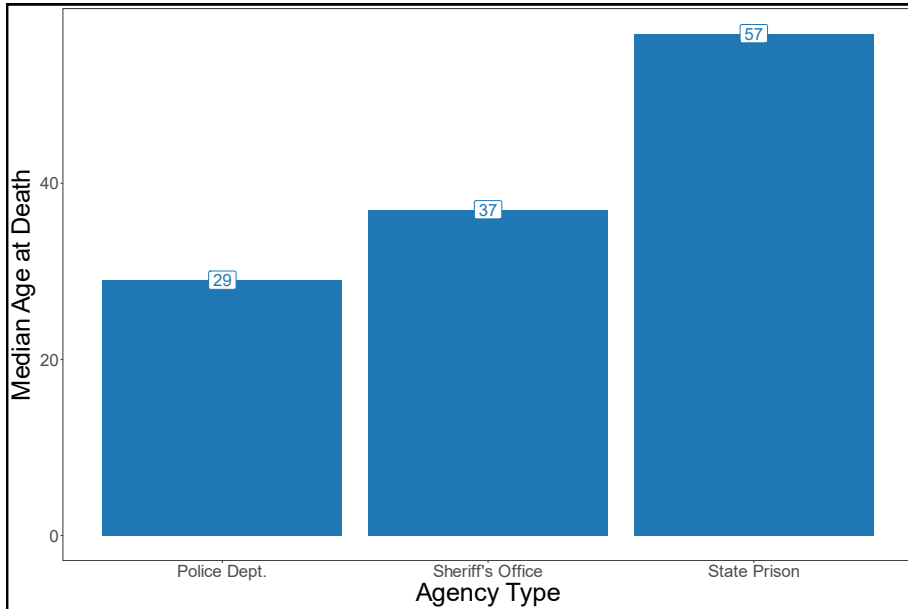


Figure 6 shows the median decedent age at death by agency type. Those decedents reported by police, whether from arrests or jail custody were substantially younger, than those who died while in the custody of a state prison.⁷

Figure 6

2023 Median Age at Death, by Agency Type



⁷ All but 1 death reported by police departments was related to arrest/apprehension, whereas 34 of 39 deaths reported by county sheriffs occurred in county jails. Agency type is, therefore, highly indicative of whether the decedent was in the process of being arrested/apprehended, being held in jail, or in a correctional facility.

Figure 7 shows the percentages of all deaths in custody by involved agency type for calendar year 2023. State prisons accounted for 61% of all deaths in custody, while police departments accounted for less than 10%.

Figure 7

2023 Deaths in Custody by Agency Type

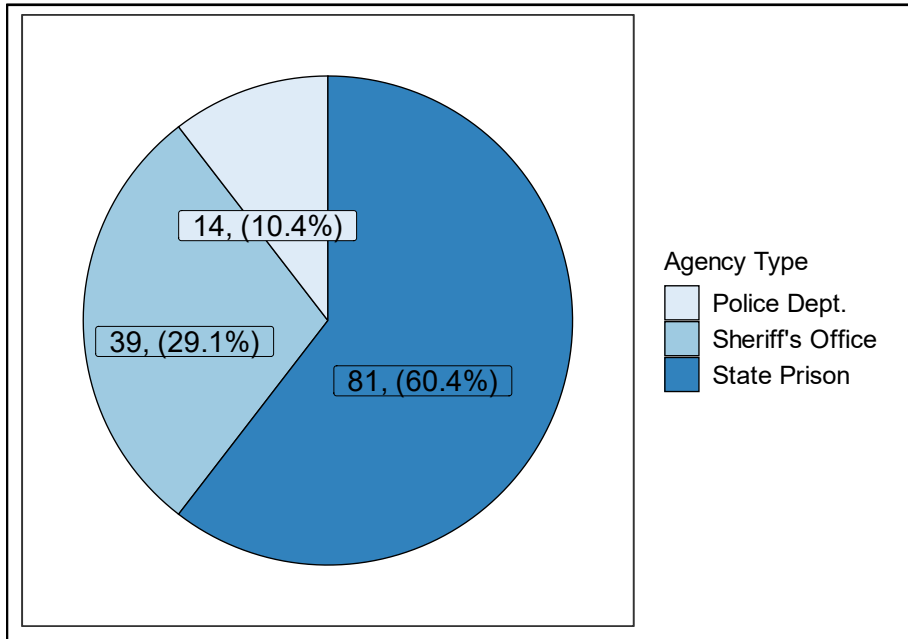


Table 4 lists the manners of death as reported by agency types. The manner of death of the deceased is usually determined by either the County Coroner or County Medical Examiner, depending on the county in which the person is declared deceased. However, for the purposes of reporting death in custody incidents, manner of death also may be determined by other staff, such as correctional officers, police officers, medical staff, or other staff responsible for reporting. The manner of death is considered pending if a determination has not been made at the time of reporting. In 2023, nearly all deaths caused by an officer’s use of force involved municipal police departments and sheriff’s offices. Over 90% of all deaths attributed to natural causes occurred in Illinois state prisons. The majority of deaths caused by suicide occurred while the individuals were in the custody of state prisons or sheriff’s offices.

Table 4

2023 Determined Manners of Death by Agency Type

Agency Type	Manner of Death									
	Natural Causes		Officer Use of Force		Suicide		Other		Undetermined	
	n	%	n	%	n	%	n	%	n	%
Police Department	1	1.7	8	88.9	1	6.6	2	28.6	1	2.3
Sheriff’s Office	3	5.2	1	11.1	7	46.7	4	57.1	24	54.5
State Prison	54	93.1	0	0.0	7	46.7	1	14.3	19	43.2
Total	58	100	9	100	15	100	7	100	44	100

Section 3: Examining Efforts to Reduce Deaths in Custody

ICJIA statutorily is required to report on current state and local efforts to reduce deaths in custody (730 ILCS 210/3-5-i-3). This section describes ICJIA’s plans for surveying Illinois law enforcement and correctional agencies in the future regarding policies and programs for reducing death in custody incidents.

Future Data Collection Plans

ICJIA conducted a cursory review of publicly available use-of-force policies⁸ published by Illinois law enforcement agencies.⁹ This review revealed that those agencies had adopted policies that adhere to certain state use of force regulations, such as banning chokeholds and restricting lethal force (720 ILCS 5/7). However, a systematic review of a more representative sample of agencies is required in order to gauge statewide adherence to state and federal regulations properly.

In order to improve ICJIA’s capabilities and practices for gathering information more systematically and broadly, ICJIA is in the planning phase of a formal survey of the efforts being made across the state to reduce custody and arrest-related deaths pursuant to the Illinois Reporting of Deaths in Custody Act (730 ILCS 210/3-5d). In 2024, this survey will be developed and distributed to law enforcement agencies. The survey and other inquiries will ask law enforcement agencies about their strategies for death reduction and prevention. In addition, ICJIA will directly contact a sample of law enforcement and correctional agencies requesting a short interview, and it will review agency-wide efforts toward reducing death in custody incidents.

Eligible agencies will include local law enforcement and county sheriffs. Representative contact information for each eligible agency will be sourced through the Illinois State Police. The survey will include, but not be limited to, questions regarding:

- Current use of the force/medical treatment policy.
- Planned or anticipated amendments to the current use of the force/medical treatment policy.
- All relevant training for peace/correctional officers related to the use of force.
- Training on reporting and investigating the use of force and death in custody incidents.
- Programs and efforts that may help reduce deaths in custody.

Section 4: Data Quality Control

In the 2022 Deaths in Custody Annual Report, ICJIA identified important considerations toward statutory compliance. They include strategies for improving record quality and completeness and for auditing missing records. This section will address these strategies, including progress made in 2023 and plans for further improvements.

⁸ Researchers examined recently modified use of force policies available on law enforcement agencies’ websites. The Chicago Police Department’s policy was not evaluated, as internet sources seemed to provide contradictory information as to the substance of the current policy.

⁹ Agencies include Aurora Police Department (Policy No. 300, eff. May 5, 2020), DeKalb Police Department (Policy No. 103.3, eff. June 16, 2020), Illinois State Police (OPS-046, 2023-163), and Springfield Police Department (Policy No. UOF-01, 20-057, eff. August 14, 2020)

Improving Record Quality and Completeness

In 2023, ICJIA collected most data required by DCRA and RDCA and made improvements to data completeness for 2023 reports and beyond. Following the communications noted in the 2022 Death in Custody Annual Report between IDOC Planning & Research staff and ICJIA staff, the 2023 in-custody death reports provided by IDOC included more robust information than previous years' reports did on the location of events causing deaths. Current reports, for example, now give the full address and location name. In addition, more detailed accounts of the circumstances of a death event were added to most death in custody reports. ICJIA staff has also stayed in close communication with ISP staff to continue making necessary changes to existing reporting procedures.

In another improvement to data collection and access, ICJIA staff now accesses ISP's Illinois Uniform Crime Reporting system to directly review ARD and UOF reports. This development has facilitated more efficient and timelier retrieval of arrest-related death reports as submitted to ISP and accessed by ICJIA staff. IDOC's Jail Detention Standards Unit has also made improvements to their internal reporting forms. The forms now include decedent gender identity and sexual orientation information as well as death investigation information.

ICJIA has begun efforts to improve record keeping as well. For deaths that have multiple separate reports (either submitted by separate agencies or resubmitted with updated information), ICJIA plans to maintain separate records for each report. For example, a law enforcement agency may submit an arrest-related death report and, at the same time, report the death through ICJIA's online reporting tool. Both records would be kept. In the first quarter for which multiple records of the same death were tracked (October – December 2023), three of the 33 deaths had multiple reports. From these records, ICJIA will be able to manually create a new record with the best available information for each field consolidated from the multiple records. Additionally, ICJIA is putting in place the ability to track any changes made to records and to use error codes to identify missing information for standardized error reporting. For example, error code "TOD" would indicate missing data for the time of death. These changes to data maintenance procedures will improve our tracking of different sources of information and any changes or updates made to records. Additionally, the missing data codes will help track any gaps in data completeness for auditing purposes. Given the high proportion of 2023 cases in which manner of death data were missing, ICJIA will use this method to track missing data and to identify cases that require follow-up more efficiently.

Although substantial progress has been made, there are still multiple issues related to the completeness of death in custody reports. ISP and IDOC improved their reporting procedures during 2023 to aid ICJIA toward the goal of full statutory compliance. Yet, death in custody information was still occasionally left incomplete on certain reports received or accessed by ICJIA. In some instances, fields were left blank or partially completed by reporting agencies. ICJIA has also identified that agencies were inconsistent in submitting so-called 'zero reports.' In zero reports, agencies proactively indicate their reporting operations are active, but no deaths have occurred. Throughout 2024, ICJIA will continue to engage in conversation with source agencies on areas of improvement toward achieving this goal and the broader goal of improved data completion.

Identifying Missing Records

ICJIA made progress in its efforts to identify missing records in 2023. Under the federal DCRA, ICJIA is required to submit all deaths covered by DCRA to the Bureau of Justice Assistance (BJA). Following this procedure in 2023, the BJA audited all submitted data and made ICJIA aware of specific media reports of arrest-related death incidents that they could not match with previously submitted death reports. ICJIA reviewed the reports and determined that, while some did match with reported incidents (but were

overlooked due to missing or incorrect data in the media and/or official reports), there were several for which no corresponding reports were in ICJIA's possession. Through correspondence with ISP and the involved agencies, ICJIA determined that most of the identified arrest-related deaths were, in fact, reported to ISP as Use of Force reports.¹⁰ ICJIA, consequently, has added a review of Use of Force reports for fatal incidents to its quarterly reporting process.

As it pertains to these initially unreported cases, ICJIA's preliminary investigation has indicated that these cases are due to varied interpretations of ARD, RDCA, and UOF statutes as summarized in Section 1 of this report and detailed further in the appendix section. Given this finding, the interpretation of these statutes will also be a specific focus when reviewing training materials, which is part of the ICJIA planned 2024 survey project. Concurrently, ICJIA is implementing its own processes for reviewing media and matching coverage to submitted records and for clarifying any discrepancies or missing reports with the applicable law enforcement agencies. As of this writing, the review and matching process has already resulted in ICJIA identifying two apparent unreported deaths in custody in its end-of-year review. It has yet to contact the respective law enforcement agency to clarify how it categorized these deaths. These processes, both media review and follow-up with reporting agencies, will be formalized during 2024.

Finally, ICJIA has started to conduct the audits previously described in the 2022 Annual Report of Deaths in Custody and will further develop them. In addition to reviewing media reports for deaths missing from or not matching official reports, ICJIA continues to pursue and grow its cross-referencing with other official data sources. For example, data from the Illinois Violent Death Reporting System (IVDRS) may be used as a cross-reference for deaths resulting from the use of force. Cross-checking with other data sources will help ensure greater data quality and identify potential lapses or shortcomings in the current and planned data collection processes.

¹⁰ ARD did not explicitly require all deaths due to officer use of force to be reported. For a fuller discussion, see the Appendix.

Conclusion

ICJIA made significant progress toward improving data collection standards in 2023. Accomplishments include improving record completeness through collaborative efforts with other source agencies and increasing the scope of record collection with new access to ISP use of force reports. ICJIA also conducted external audits of Illinois deaths in custody data, which helped identify missing records and increased utilization of Illinois use of force records. These efforts expanded the coverage of reportable deaths. Going forward, ICJIA's enhanced record maintenance procedures and formatting will improve data source tracking and aid ICJIA staff in identifying cases with missing information. ICJIA will seek ways to continue improving data collection and prioritize soliciting information from law enforcement agencies and peace officers on death prevention practices. These efforts will further improve the quality of death in custody data in terms of completeness and accuracy for 2024 and beyond.

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Appendix: Summary of State and Federal Reporting Requirements

Managing statewide compliance with RDCA and DCRA requires consideration of several statutory reporting mechanisms related to deaths in custody or law enforcement use of force. Depending on the circumstances of a death, a death in custody may be covered by all, or some, of the following laws:

1. The Illinois Reporting of Deaths in Custody Act; 730 ILCS 210/3-5-i, referred to as RDCA.
2. The Uniform Crime Reporting Act requirement for law enforcement to report Arrest-Related Deaths; 50 ILCS 709/5-12-1, referred to as ARD.
3. The Uniform Crime Reporting Act requirement for the State of Illinois to report to the FBI Use of Force Database; 50 ILCS 709/5-11, referred to as UOF.
4. The federal Death in Custody Reporting Act; 34 U.S.C. § 60105, referred to as DCRA.

RDCA and ARD require reporting of all deaths to ICJIA. DCRA does not require law enforcement to report to ICJIA, but requires ICJIA (in its role in managing federal grants) to report all Deaths in Custody to the Bureau of Justice Assistance in order to be eligible for federal justice assistance grants.

While this report is intended to satisfy ICJIA's obligations under RDCA, the required ARD, UOF, and DCRA is included herein.

The Use of Force (UOF) statute is included in this review because when officer use of force leads to death, the death must be reported under all four statutes and, particularly, must be reported twice: once as a RDCA/ARD incident and once as a UOF incident. There have been multiple cases in which a death was reported as a UOF but not as an Arrested-Related Death or Death in Custody. These cases are particularly pertinent to understanding ongoing ICJIA efforts to improve reporting. Due to the intersecting requirements and specific verbiage in each statute, there can and does arise ambiguity and confusion over whether certain deaths should be reported. In practice, law enforcement agencies periodically reach out to ICJIA for clarification or ICJIA identifies areas of ambiguity when contacting law enforcement agencies about unreported deaths.

Two such circumstances in which ambiguity exists are:

1. Incidents where it is unclear if the deceased had 'freedom to leave' (ARD) or was 'in custody' (RDCA) at the time of death. These can occur, for example, during voluntary medical or mental health crisis transport or in response to wellness checks and/or domestic incidents.¹¹
2. Deaths of bystanders during apprehension, arrest, or other activity such as crowd control.¹²

There are also several situations in which a death is not reportable as a death in custody under any of the four laws, including:

1. Individuals who are not in physical custody but on probation, parole, or electronic monitoring, and died due to circumstances unrelated to officer use of force or arrest.

¹¹The specific incidents often fit a pattern where an individual in mental or emotional distress was ordered to drop a weapon and did not comply and was shot, often on their own property. RDCA clearly requires such deaths be reported. Under ARD, there may be room to argue that the individual disarming and voluntarily leaving would have been not only a possible but the preferred outcome from the perspective of involved officers. In practice, some law enforcement agencies do not interpret these as reportable deaths under the ARD statute. However, others do report such incidents as ARD.

¹²None of the statutes explicitly addresses the possibility of deaths of bystanders due to accidents. The RDCA and UOF statutes require that law enforcement agencies report all deaths as a result of officer use of force. ARD and DCRA are limited to deaths of individuals where 'freedom to leave is restricted' or 'detained, under arrest, in the process of being arrested, en route to being incarcerated, or incarcerated' respectively, which excludes witnesses and bystanders. The BJA has made this explicit in its guidelines for DCRA submissions, ICJIA is working to ensure that this ambiguity does not impact reporting in the future.

2. Incidents where individuals died after being pursued by police but after the pursuit was canceled, such as in car chases.

The four statutes related to the reporting of deaths also require slightly different information to be reported. Table 2 summarizes which information is collected for each death in custody incident and which legislation requires it. This is relevant as it also pertains to data that ICJIA engages in collecting and collating for the public under RDCA.

Table 2

Required Data by Statute for Deaths in Custody/Arrest

Field	Legislation
Decedent Name	DCRA
Decedent Race	DCRA, RDCA, UOF
Decedent Ethnicity	DCRA
Decedent Age/Birth Year	DCRA, RDCA, UOF
Decedent Gender	DCRA, RDCA, UOF
Decedent Height, Weight	UOF
Decedent Sexual Orientation	RDCA
Decedent Gender Identity	RDCA
Officer Details	ARD, UOF
Date of Death	DCRA
Time of Death	DCRA
Location of Death ¹³	DCRA, RDCA
Date and Time of Incident Leading to Death	UOF
Circumstances of Incident	ARD
Circumstances Surrounding Death	DCRA
Type of Location Where Event Causing Death Occurred	DCRA, UOF
Manner of Death	DCRA, RDCA, UOF

¹³ Including as applicable local or state facility where the death occurred.

Responsible Agency/Jurisdiction	DCRA, RDCA, UOF
Investigating Agency/Approximate Investigation End Date	DCRA ¹⁴ , RDCA
Circumstances of Death ¹⁵	DCRA, RDCA, ARD
Emergency Care Details	RDCA
Decedent Conduct (Offenses, Resisting, Drug Use, MH)	UOF
Weapons Used by Officer or Decedent	ARD, UOF
Other Involved Law Enforcement Agencies	UOF

¹⁴ Required in instances where the manner of death is reported pending investigation.

¹⁵ ARD and RDCA both require reporting of circumstances but for different aspects of the events. RDCA and DCRA focus on the circumstances of death, while ARD focuses on the incident that led to the death, meaning the arrest and/or use of force.



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