



J. Hanley

WINNEBAGO COUNTY STATE'S ATTORNEY

DATE: January 13, 2023

TO: The People of Winnebago County

FROM: J. Hanley, State's Attorney

**JAIL INVOLVED DEATH
DECISION MEMORANDUM
DECEDENT: Christian K. Littrell**

I. Introduction

On August 9, 2022, Christian K. Littrell was found unresponsive in his jail cell at the Winnebago County Jail. He was later pronounced dead at UWHealth, Swedish American Hospital. The Winnebago-Boone County Integrity Task Force ("Task Force") conducted the investigation of Littrell's death. During the course of their investigation, investigators interviewed jail personnel, reviewed video evidence, and the results of an autopsy. The Task Force provided the Office of the Winnebago County State's Attorney its final report of investigation pursuant to the policies and procedures of the Task Force.

The purpose of this memorandum is to provide the community with an explanation of the facts of the incident, the legal principles involved, and this Office's decision as to whether any corrections officer or jail personnel should be charged criminally for their actions that night.

As detailed below, Littrell was alone in his cell and died as a result of "cardia arrhythmia caused by left ventricular hypertrophy." Criminal charges are not appropriate and none will be filed.

II. Review of Officer Involved Deaths

Pursuant to an agreement of the participating law enforcement agencies in Winnebago and Boone Counties, the Task Force may investigate any death occurring in the jail. When this occurs, the State's Attorney determines whether criminal charges are appropriate.

The State's Attorney does not make any determinations regarding whether an officer may have violated police department policy or civil (non-criminal) laws.

III. Prosecutorial Standard for Filing Criminal Charges

In making a charging decision, the State's Attorney makes a determination of whether there is sufficient admissible evidence to prove each element of an offense beyond a reasonable doubt. This analysis is consistent with the American Bar Association Criminal Justice Standard 3-4.3 which provides: "A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interest of justice."

This is the same standard that the Winnebago County State's Attorney's Office applies to all criminal prosecutions. This analysis also requires the State's Attorney to evaluate whether there is sufficient evidence to overcome any affirmative defense that the accused is likely to raise.

IV. Facts

Unless otherwise noted, the following recitation of the facts is derived primarily from interviews of those working in the jail at the time of Littrell's death and video evidence – including footage from pod 2C and Littrell's cell.

A. Arrival at the Jail

On Sunday, August 7, 2022, at approximately 11:05 a.m., Rockford Police Department officers arrested Christian Keir Littrell at 269 Deane Dr. Rockford, Illinois pursuant to a warrant. Officers transported Littrell to the Winnebago County Jail.

B. Housing Arrangement

Littrell's initial housing allocation was Class 1A38, Bed 1. Littrell refused all medical attention including vitals on August 8, 2022 and August 9, 2022.

On August 8 and the early parts of August 9, Littrell was seen laying on his floor with little movement. He had been vomiting all over his cell. At approximately 11:20 a.m. on August 9, 2022, Littrell was moved to Pod 2C, Cell 15 - a camera monitored cell.

C. Discovery of Littrell's Medical Emergency

While in Cell 15, from approximately 11:17am to 5:30pm, video footage shows that Littrell remained lying on his mattress and is seen adjusting his position multiple times while remaining under his blanket. From approximately 5:30pm until approximately 8:57, the video shows that Littrell does not move.

Officer Marchini conducted rounds approximately every 15 minutes from 5:56pm until 8:28 pm. Officer Graika conducted the next round at approximately 8:46pm.

Officer Marchini started his assigned shift at 5:56 p.m. He stated that at the 6 p.m. “headcount,” Littrell appeared to be sleeping on his side with his blanket covering most of his body. During his rounds between 6 p.m. and 8:57 p.m., Officer Marchini observed Littrell in his cell and believed him to be sleeping. Officer Marchini said that this is consistent with his experience because inmates who are having withdrawals from drug use “sleep a lot.”

Officer Marchini conducted a round at approximately 8:56pm and at that time, and because he had not seen Littrell move for “awhile,” Officer Marchini went into Littrell’s cell and attempted to “raise” him.

D. Emergency Response

At approximately 8:58 pm, Officer Marchini opened the door to 2C15, entered the cell and shook Littrell’s left shoulder. Littrell did not respond and Officer Marchini called the medical code over his radio. In the next one to three minutes, nine corrections officers arrived and Littrell is moved to the floor. Three of the officers perform Cardiopulmonary Resuscitation (CPR). Two nurses then arrive and take over performing life saving measures on Littrell. During these life saving efforts, an AED device was used to determine whether “shocks” were advisable, smelling salts were used to get a response from Littrell, oxygen was administered to Littrell, and Littrell was administered Narcan nasally.

At approximately 9:08pm, Rockford Fire/EMS arrived and continued life saving measures on Littrell. At approximately 9:16pm, Littrell was taken out of pod 2C on a stretcher and transported to UW Health, Swedish American Hospital where he was later pronounced dead.

D. Cause of Death

The pathology report provided Littrell’s cause of death to be “Cardiac Arrhythmia due to left ventricular hypertrophy.”

V. **Application of the Facts to the Legal Standard**

In order to charge a corrections officer criminally for Littrell’s death, there is one potential applicable charge - involuntary manslaughter. To prove that charge, there would have had to be some action that caused Littrell’s death. In order to prove involuntary manslaughter, the State would have to prove each of the following elements: (1) an act which causes death, (2) that act was likely to cause death or great bodily harm, and (3) that act was performed recklessly. *People v. Sexton*, 31 Ill.App.3d 593 (5th Dist., 1975). *See People v. Bolden*, 103 Ill.App.2d 377 (1st Dist., 1968) (The gist of the offense is the reckless performance of an act likely to cause death.)

With respect to all those involved, including Officer Marchini, the facts do not support the crime of involuntary manslaughter. Littrell was found unresponsive, life saving measures were taken, and despite those measures, Littrell died. There was no act, committed recklessly or otherwise that caused Littrell’s death. Further, Littrell’s cause of death was attributed to “cardiac arrhythmia due to left ventricular hypertrophy.”

Next, as part of the recently passed “SAFE-T Act,” the Illinois legislature created a “duty to render aid” for “law enforcement officers.” 720 ILCS 5/7-15. The statute reads:

It is the policy of the State of Illinois that all law enforcement officers must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary.

A failure to render aid would subject a law enforcement officer to prosecution for the crime of “official misconduct.” 720 ILCS 5/33-3(a)(1).

It is almost certain that the definition of “law enforcement officer” would not apply to corrections officers. Nevertheless, a detailed analysis of whether it applies to corrections officers is not necessary because Officer Marchini’s actions did not violate the “duty to render aid” statute. There is no evidence that prior to Officer Marchini entering Littrell’s cell, Marchini knew that Littrell was in need of medical attention. Rather, Officer Marchini believed Littrell to be sleeping, which was consistent with his experience because, as he stated, inmates who are having withdrawals from drug use sleep a lot.

VI. Conclusion

Based upon the evidence reviewed and the applicable legal standards no criminal charges will be filed in this case.