




J. Hanley

WINNEBAGO COUNTY STATE'S ATTORNEY

DATE: September 14, 2022
TO: The People of Winnebago County
FROM: J. Hanley, State's Attorney 

**JAIL INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: David C. Reimann**

I. Introduction

On April 6, 2022, David C. Reimann 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 Reimann's death. During the course of their investigation, investigators interviewed jail personnel, civilian witnesses, 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 law enforcement officer, including jail personnel, should be charged criminally for their actions that night.

As detailed below, Reimann was alone in his cell and died as a result of "peritonitis caused by ruptured duodenal ulcer." Criminal charges are not appropriate and none will be filed.

II. Review of Officer Involved Deaths

Whenever an officer-involved death occurs in Illinois, the distinct roles of investigators and prosecutors are governed by statute. Specifically, the Police and Community Relations Improvement Act ("PCRIA")(50 ILCS 727) mandates that the investigation of any officer-involved death be conducted by a team of investigators who are independent of the law enforcement agency that employs the officers involved in the officer-involved death.

Based upon the facts of this case, Reimann's death would likely not be characterized as an "officer-involved death" and thus, not subject to the PCRIA. Under the PCRIA, officer involved death means "any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional

failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on duty.”

As the facts below indicate, there was no action or intentional omission which caused Reimann’s death. Nevertheless, and pursuant to the 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 Reimann’s death and video evidence – including footage from pod 2G and Reimann’s cell.

Reimann was lodged into the Winnebago County Jail on April 1, 2022 pursuant to an arrest warrant from Boone County. On April 4, 2022, Reimann was moved to cell 1 of Pod 2G (2G1), which is a camera monitored cell.

At approximately 2:30 p.m. on April 6, 2022, Corrections Officer (CO) Curtis was doing “his rounds.” When viewing Reimann’s cell, he noticed that Reimann was sitting in the same place he had been sitting during his earlier round – approximately fifteen minutes before. Looking closer, CO Curtis did not see any chest rise and grew concerned Reimann was not breathing. CO Curtis used his foot and nudged Reimann and called out his name, however Reimann did not respond. CO Curtis grew concerned and called for medical assistance from the nursing staff as well as other corrections officers. CO Curtis ensured the other inmates were secured in their cells as assisting staff arrived.

CO Curtis and assisting officers opened the cell door to Reimann’s cell and pulled Reimann out into the pod.

Video evidence taken from Reimann's cell and Pod 2G show the following:

From 1:01 to 1:56 p.m., Reimann appears to be in discomfort and having some medical issues.

At 1:43, CO Curtis checks 2G1, looking in the window.

At 1:50, Reimann is laying on his cell floor and appears to be unconscious. At 1:53, Reimann moves his right arm on his stomach and left arm towards his face. At 1:55, Reimann moves his head and at 1:56 he moves his hand.

At 2:13, CO Curtis comes out of the office and begins his rounds. He checks 2G1 and moves on. At 2:31, CO Curtis is on his rounds again and checks Reimann's cell and determines Reimann is unresponsive.

Three nurses responded to the scene. The first nurse who arrived checked Reimann for a pulse but did not feel one. She started cardiopulmonary resuscitation (CPR) and told one nurse to get a mask, and the other to get the Automated External Defibrillator (AED). The AED was used on Reimann but he remained unresponsive. At approximately 2:40 p.m, nasal Narcan was administered to Reimann by one of the other nurses or a Correction Officer. There was no response to the Narcan. Right after, an epinephrine injection (epi pen) was used on Reimann's right thigh. Again, there was no response. The nurses and correctional officers continued CPR, rotating positions amongst themselves for approximately ten to fifteen minutes until Rockford Fire Department personnel arrived on scene and took over.

Rockford Fire Department personnel transported Reimann to UWHealth, Swedish American Hospital. He arrived at the hospital at 4:04 p.m. He was treated at the hospital and pronounced dead at approximately 4:33 p.m.

On April 7, 2022, Mark Peters, M.D., Forensic Pathologist, completed Reimann's autopsy. The toxicological results showed drugs in Reimann's system, including fentanyl, methadone, and cannabinoids.

Dr. Peter's found that Reimann's death was attributed to "peritonitis caused by ruptured duodenal ulcer."

V. Application of the Facts to the Legal Standard

In order to charge an officer criminally for Reimann's death, there would have had to be some *action* that caused Reimann's death. For example, 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 in Reimann's death, the facts do not support the crime of involuntary manslaughter, or any other crime. Reimann was found unresponsive, life saving measures were taken, and despite those measures, Reimann died. Further, Reimann's cause of death was attributed to "peritonitis caused by ruptured duodenal ulcer."

VI. Conclusion

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