

## ILLINOIS STATE POLICE DIRECTIVE OPS-085, IDENTIFIED OFFENDER PROGRAM

<b>RESCINDS:</b> New Directive	<b>REVISED:</b> 01-04-2016 <b>2016-008</b>
<b>RELATED DOCUMENTS:</b>	<b>RELATED CALEA STANDARDS:</b> 42.1.3, 42.1.4, 42.1.5, 42.1.6, 42.2.2

### I. POLICY

The Illinois State Police will conduct Criminal History Analysis (CHA) investigations as part of the Identified Offender Program (IOP) in conjunction with the Illinois Department of Public Health (IDPH).

### II. AUTHORITY

#### II.A. 210 ILCS 45/1-101et seq., "Nursing Home Care Act"

II.A.1. The IDPH administers the Nursing Home Care Act, (210 ILCS 45/1-101). The Act mandates that IDPH commence a CHA within statutory guidelines. The ISP, as central repository for Criminal History Record Information (CHRI), has the authority to provide IDPH with CHRI. Therefore, the ISP agrees to assist IDPH in performing CHA reports of identified offenders in long and short-term care facilities. Each fiscal year, this agreement is renewed by the signing of a Memorandum of Understanding by the directors of the ISP and IDPH.

II.A.2. The ISP maintains an annual agreement with a forensic psychologist for the purposes of evaluating Identified Offenders and/or sex offenders. These agreements will be kept on file and available to be produced at audit.

II.A.3. The ISP maintains an annual agreement with the Federal Bureau of Investigation (FBI) regarding the use and dissemination of Federal Criminal History Record Information.

#### II.B. 210 ILCS 49/2-105, "Criminal History Report"

#### II.C. 20 ILCS 2630/0.01 et seq., "Criminal Identification Act"

#### II.D. 730 ILCS 150/1 et seq., "Sex Offender Registration Act"

#### II.E. 20 ILCS 2635/1 et seq., "Illinois Uniform Conviction Information Act" (UCIA)

### III. DEFINITIONS

III.A. Administrator - A person charged with the general administration and supervision of a facility and licensed, if required, under the Nursing Home Administrators Licensing and Disciplinary Act.

III.B. Criminal History Analysis (CHA) - Reporting document consisting of an administrator/resident interview, nursing home documentation, IDPH identifying documentation, and the subject's criminal history. The document is to be used by a forensic psychologist to create a risk assessment.

III.C. Forensic Psychologist - A licensed practitioner who represents himself/herself as an expert in this specific practice of psychology and is responsible for providing such expertise to assist the judicial system.

III.D. Identified Offender Program (IOP) - In conjunction with the IDPH and under the Division of Internal Investigation, the IOP conducts CHA investigations to determine the risk level a resident represents in a care facility.

III.E. Identified Offender Risk Assessment - A report generated by a licensed forensic psychologist that provides an assessment for risk of potential violence a nursing home resident may commit.

III.F. Identified Offender:

- III.F.1. Any person who has been convicted of, found guilty of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for any felony offense listed in Section 25 of the Health Care Worker Background Check Act.
- III.F.2. Any individual who has been convicted of, adjudicated delinquent for, found not guilty by reason of insanity for, or found unfit to stand trial for any sex offense as defined in Subsection C of Section 10 of the Sex Offender Management Board Act.
- III.F.3. Any other resident as determined by the Illinois State Police.

III.G. Identifying Offenses - Any felony offenses listed in Section 25 of the Health Care Worker Background Check Act and/or any sex offenses as defined in Subsection C of Section 10 of the Sex Offender Management Board Act.

IV. PROCEDURES

IV.A. The ISP, Bureau of Identification, Division of Administration will:

- IV.A.1. Receive electronic UCIA name check requests from licensed care facilities.
- IV.A.2. Provide a timely response to the UCIA inquiry.
- IV.A.3. Receive fee applicant fingerprint requests from care facilities and provide a criminal history response to an authorized receiver of the fee applicant criminal history fingerprint response.
- IV.A.4. Send fingerprint responses to the receiver in an encrypted format to ensure privacy.
- IV.A.5. Provide support to the IOP in the area of identifying offenders residing in care facilities.
- IV.A.6. Comply with FBI policies and procedures regarding the use and dissemination of federal criminal history information.

IV.B. Identified Offender Program will:

- IV.B.1. Receive case openings from IDPH after identifying offenses have been determined by the criminal history response.
- IV.B.2. The IOP will keep copies of facsimile records to ensure statutory timelines can be proven at audit. All completed files which consist of CHA Reports, Risk Assessments, and facsimile receipts will be maintained on ISP servers for audit purposes.

IV.C. IOP Supervisor/Assistant will:

- IV.C.1. Download the case openings onto the ISP network servers.
- IV.C.2. Enter the case into Microsoft Access or similar database for tracking purposes.
- IV.C.3. Assign each case a unique tracking number.
- IV.C.4. Assign a due date one day prior to IDPH due date (e.g., IDPH due date of the 8<sup>th</sup>, IOP will return on 7<sup>th</sup>).
- IV.C.5. Disseminate the case to each Internal Security Investigator (ISI) based on geographical proximity to the nursing home.
- IV.C.6. Ensure statutory guidelines are met by ISIs.
- IV.C.7. Ensure copies of CHA reports along with facsimile receipts are maintained on ISP servers for audit purposes.

- IV.C.8. Serve as liaison for the ISP and IDPH.
- IV.D. Internal Security Investigators will:
  - IV.D.1. Gather all information necessary to complete CHA reports (e.g. CHRI, police reports, sex offender registry information, probation/parole reports).
  - IV.D.2. ISIs **are not** allowed to use LEADS to complete a CHA.
  - IV.D.3. Interview the nursing home's administrator or his/her designee.
  - IV.D.4. Complete the CHA interview with the nursing home resident.
  - IV.D.5. Examine the resident's room and living area.
  - IV.D.6. Prepare a CHA report, to include:
    - IV.D.6.a. Identifying information of the resident.
    - IV.D.6.b. Nursing Home "face sheet" and nursing notes.
    - IV.D.6.c. Copies of the offender's parole, mandatory release, or probation orders.
    - IV.D.6.d. Detailed summary of the entire criminal history of the offender, including arrests and convictions.
    - IV.D.6.e. A sex offender evaluation conducted by a sex offender evaluator, if the identified offender is a sex offender.
  - IV.D.7. The IOP will return CHA reports to the IDPH portal one day prior to the due date which is set by IDPH to ensure Statutory Guidelines are met. **All CHA reports are statutorily required to be returned to IDPH within ten business/working days from the date the report is received by the IOP from the IDPH.**
- IV.E. Licensed forensic psychologist will:
  - IV.E.1. Complete the Identified Offender Risk Assessment within 14 business days after receiving the CHA report and submit to ISP.
  - IV.E.2. The ISP will provide the Identified Offender Risk Assessment to the following:
    - IV.E.2.a. The long-term care facility where the identified offender resides.
    - IV.E.2.b. The Chief of Police of the municipality where the facility is located.
    - IV.E.2.c. The State of Illinois Long Term Care Ombudsman.
    - IV.E.2.d. Illinois Department of Public Health.
- V. Under the Nursing Home Care Act, the Director is authorized to designate a person as an Identified Offender to the Supervisor of the IOP, provided that such designation shall only be made in the absence of other statutory criteria when exigent circumstances warrant a criminal history investigation of an individual consistent with the Nursing Home Care Act.

-End of Directive-