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Peter J. Nickell

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COMPENSABILITY OF LAW ENFORCEMENT OFFICERS' SUICIDE UNDER THE ILLINOIS WORKERS' COMPENSATION ACT

I. INTRODUCTION

The concept of workers' compensation has been around for thousands of years, with the earliest documented version appearing in modern day Iraq.¹ Prussian Chancellor Otto Von Bismarck is considered the "father" of modern workers' compensation laws after he enacted a system that not only provided benefits, both financial and medical, to injured employees, but also shielded employers from additional civil liabilities as a result of an injury.² Decades later, in 1908, the United States federal government established its own program for certain civilian employees before it expanded coverage to all of its employees in 1916, stopping short of mandating coverage for other workforces.³ In the absence of any federal workers' compensation mandates for private employers, states enacted their own.⁴ Illinois is no different. This Comment explores the ongoing mental health crises in law enforcement and explains why a police officer's suicide should be compensable under Illinois law.

Part II provides an overview of Illinois's workers' compensation law. It describes the workers' compensation process, the elements of a compensable injury, and explores specific types of injuries that courts have already ruled as being compensable. Part II will also provide information on mental health in law enforcement and statistics relative to policing in the city of Chicago. Part III argues that the liberal interpretation of workers' compensation laws by Illinois courts have paved the way for suicides that are not linked to a specific injury or event, to be compensable under current law. The Conclusion addresses the impact not expanding the scope of compensable injuries to include suicide will have on impacted families.

1. *A Brief History of Workers' Compensation*, INSUREON (Apr. 5, 2019), <https://www.insureon.com/blog/history-of-workers-comp> [<https://perma.cc/A75G-ZE7T>].

2. *See id.*

3. *Workers' Compensation Program Description and Legislative History*, SOC. SEC. OFF. OF RET. AND DISABILITY POL'Y, <https://www.ssa.gov/policy/docs/statcomps/supplement/2017/workerscomp.html> [<https://perma.cc/3FJU-H6D9>].

4. *Summary of the Major Laws of the Department of Labor*, U.S. DEP'T OF LAB., <https://www.dol.gov/general/aboutdol/majorlaws> [<https://perma.cc/3HGE-SYK7>].

II. BACKGROUND

This Part will examine the Illinois Workers' Compensation Act (the Act), and how Illinois courts have interpreted the Act relative to various types of accidental injuries. This Part will also provide a sample of how other states interpret workers' compensation claims relative to suicide. Finally, this Part will provide a glimpse of mental health and suicides in law enforcement and provide statistics illustrating the issues Chicago police officers deal with while performing law enforcement-related duties.

A. Illinois Workers' Compensation Claims Generally

Illinois's first workers' compensation bill was signed into law on June 10, 1911.⁵ It listed the industries that fell under the law and the injuries that were compensable.⁶ Since 1911, there have been multiple iterations of the Act.⁷ Over 100 years later, the Act now codifies a system of benefits that are provided to employees involved in employment-related accidents.⁸ In its current state, the Act requires an employee to show, "by a preponderance of the evidence, that he or she . . . sustained [an,] accidental injur[y] arising out of and in the course of employment."⁹ The workers' compensation system requires claims for such accidental injuries be filed with the Illinois Worker's Commission (the Commission) within the statutory period.¹⁰ After the claim is filed, the Commission assigns an arbitrator to the case.¹¹ If the arbitrator is unable to resolve the case, a party can appeal to a panel of three commissioners.¹² The panel of commissioners will review the arbitrator's decision, the evidence, and transcripts, and will hear arguments before issuing its decision.¹³

All decisions made by the Commission can be appealed to the State's circuit courts.¹⁴ When courts review the Commission's findings, "the conclusion of the Commission will not be disturbed . . . unless it

5. *100 Most Valuable Documents at the Illinois State Archives: 62. First Workers' Compensation Law in Illinois (1911)*, OFF. OF THE ILL. SEC'Y OF STATE, https://www.ilsos.gov/departments/archives/online_exhibits/100_documents/1911-worker-comp-law.html#:~:text=The%20Senate%20passed%20the%20bill,signed%20the%20bill%20into%20law [https://perma.cc/6HHR-HQYT].

6. *Id.*

7. *Id.*

8. ILL. WORKERS' COMP. COMM'N, HANDBOOK ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES 1, 3 (2013) [hereinafter HANDBOOK ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES].

9. 820 ILL. COMP. STAT. 305/1(d) (2023).

10. HANDBOOK ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES, *supra* note 8, at 3, 8.

11. *Id.* at 7, 13.

12. *Id.* at 10.

13. *Id.*

14. *Id.*

is contrary to the manifest weight of the evidence.”¹⁵ For a finding to be contrary to the manifest weight of the evidence, “an opposite conclusion must be clearly apparent.”¹⁶ The court’s scope of review is limited in that the courts will not discard the Commission’s inferences just because other inferences can be drawn from the evidence.¹⁷ Courts will not reweigh evidence that the Commission has already heard.¹⁸ Additionally, tort law is not controlling in these cases.¹⁹ The Act is meant to be “remedial in nature,” and is therefore meant to provide the financial protection an injured worker needs.²⁰ As a result, a court’s holding is unique to workers’ compensation claims and does not venture into the realm of Illinois torts.

B. Anatomy of a Compensable Injury

The phrase, “accidental injuries arising out of and in the course of employment” is not defined in the Act.²¹ As a result, Illinois courts have developed common law to define the phrase. The terms, “accident,” “arising out of employment,” and “in the course of employment” are all distinct elements that makes an injury compensable under the Act.²² The employee bears the burden of proving the accidental injury arose out of and in the course of employment.²³

I. “Accident”

“Accident” is not defined and “no legal definition has ever been given” because a broad scope of injuries may occur that qualify as compensable under the Act.²⁴ While the Illinois Supreme Court was unwilling to define the word accident, the court did state it is “any event which is unforeseen and not expected by the person to whom it happens”²⁵ Furthermore, to constitute an accident, the court has held it is not necessary that the employee receive “external violence.”²⁶ By this, the Illinois Supreme Court meant an injury does not have to be

15. *Eagle Disc. Supermarket v. Indus. Comm’n*, 412 N.E.2d 492, 495 (Ill. 1980).

16. *Bocian v. Indus. Comm’n*, 668 N.E.2d 1, 5 (Ill. App. Ct. 1996).

17. *Mem’l Med. Ctr. v. Indus. Comm’n*, 381 N.E.2d 289, 290 (Ill. 1978) (citing *Cnty. of Cook v. Indus. Comm’n*, 370 N.E.2d 520, 524 (Ill. 1977)).

18. *City of Bridgeport v. Ill. Workers’ Comp. Comm’n*, 44 N.E.3d 652, 663 (Ill. App. Ct. 2015).

19. *Pathfinder Co. v. Indus. Comm’n*, 343 N.E.2d 913, 916 (Ill. 1976).

20. *Id.*

21. *See generally* 820 ILL. COMP. STAT. 305/1(d) (2023).

22. *Matthiessen & Hegeler Zinc Co. v. Indus. Bd.*, 120 N.E. 249, 251 (Ill. 1918).

23. *First Cash Fin. Servs. v. Indus. Comm’n*, 853 N.E.2d 799, 803 (Ill. App. Ct. 2006).

24. *Matthiessen & Hegeler Zinc Co.*, 120 N.E. at 251.

25. *Id.*

26. *Cicero v. Indus. Comm’n*, 89 N.E.2d 354, 358 (Ill. 1949).

physically apparent, or seen by the eyes.²⁷ As such, an accident does not need to be a slip and fall-type injury. An accident can be a heart attack that occurred shortly after an employee had a dispute with their boss regarding such employee's job classification, coupled with the long hours and fatigue such employee's job induces.²⁸

2. "Arising Out of Employment"

An employee must also show their accidental injury arose out of employment. An injury that arises out of employment is one that has its origin in a risk connected to an employee's work, such that it creates a causal connection between the employer and the employee's injury.²⁹ Courts look at whether the employee was at a particular place he was required to be, or whether he was subjected to a risk of the injury at a greater degree than the "general public" as a result of the employment.³⁰ The term, "general public" refers to the public at large, as opposed to referring to other individuals in the general area or neighborhood such employee was in at the time of injury.³¹

Illinois courts categorize risks into three distinct buckets: (1) risks distinctly associated with the employment; (2) risks that are personal to the employee; and (3) neutral risks unrelated to employment.³² Risks distinctly associated with the employment are risks that are obviously related to employment, such as slipping on a wet floor, in a work area, while performing work-related duties; such injuries are typically compensable under the Act.³³ Under this risk analysis, courts look at whether the employee was performing an act: (1) they were instructed to perform; (2) they had a common law or statutory duty to perform; or (3) that would be reasonably expected of such employee.³⁴ Risks that are personal to the employee are risks that are caused by personal infirmities, such as falling at work, and may be compensable if the work being performed significantly contributed to the injury or exposed the employee to an increased risk of injury, while neutral risks unrelated to employment are risks that have no relation to employment and include events such as bombings, and hurricanes.³⁵

27. *Id.* ("If a workman's existing physical structure, whatever it may be, gives way under the stress of his usual labor, his death is an accident which arises out of his employment.")

28. *Kerz v. Indus. Comm'n*, 282 N.E.2d 710, 711–12 (Ill. 1972).

29. *Orsini v. Indus. Comm'n*, 509 N.E.2d 1005, 1008 (Ill. 1987).

30. *Id.*

31. *Ill. Inst. of Tech. Rsch. Inst. v. Indus. Comm'n*, 731 N.E.2d 795, 805 (Ill. App. Ct. 2000).

32. *Steak 'n Shake v. Ill. Workers' Comp. Comm'n*, 67 N.E.3d 571, 578 (Ill. App. Ct. 2016).

33. *McAllister v. Ill. Workers' Comp. Comm'n*, 181 N.E.3d 656, 666 (Ill. 2020).

34. *Caterpillar Tractor Co. v. Indus. Comm'n*, 541 N.E.2d 665, 667 (Ill. 1989).

35. *McAllister*, 181 N.E.3d at 666–67.

A neutral risk unrelated to employment is generally not compensable unless the employee is “exposed to a common risk more frequently than the general public.”³⁶

To illustrate, the Illinois Supreme Court ruled in *Steak ‘n Shake v. Illinois Workers’ Compensation Commission*, a restaurant manager’s injury, which was sustained while cleaning tables, was compensable under the Act.³⁷ In deciding this case, the court examined the manager’s testimony, in which she described her duties to include keeping the “flow of customers moving in an efficient manner” which at times, required her to bus or clean tables.³⁸ The court employed the “risk distinctly associated with [the] employment” analysis as they determined cleaning tables during a shift is something that her employer would reasonably expect from its managers.³⁹ Because the risk of injury was distinctly associated with employment, the court did not have to determine whether the manager faced a risk to a greater degree than the general public to determine if the injury was compensable.⁴⁰

In *Baldwin v. Illinois Workers’ Compensation Commission*, an Illinois Appellate Court ruled an employee who fell down a metal staircase while performing her duties as a security guard was *not* eligible for compensation under the Act.⁴¹ In deciding this case, the court reasoned there was no evidence that any condition existed that significantly contributed to her fall and this was a risk personal to the employee.⁴² Because the employee was unable to provide evidence that the conditions she was working in “significantly contributed” to her fall, such as a defective staircase, the court ruled the fall was “purely idiopathic” and the resulting injury was not compensable because it did not arise out of employment.⁴³

In *Metropolitan Water Reclamation District of Greater Chicago v. Illinois Workers’ Compensation Commission*, an Illinois appellate court decided an employee’s injury, which occurred when she slipped walking down a driveway while making a bank deposit for her employer, was compensable under the Act.⁴⁴ In deciding this case, the court determined the act of walking down the driveway was not a risk distinctly associated with her employment, nor was it caused by a physical defect

36. *Id.* at 667.

37. *Steak ‘n Shake*, 67 N.E.3d at 579.

38. *Id.*

39. *Id.*

40. *Id.*

41. *Baldwin v. Workers’ Comp. Comm’n*, 949 N.E.2d 1151, 1153 (Ill. App. Ct. 2011).

42. *Id.* at 1157.

43. *Id.*

44. *Metro. Water Reclamation Dist. of Greater Chi. v. Ill. Workers’ Comp. Comm’n*, 944 N.E.2d 800, 805 (Ill. App. Ct. 2011).

of the environment. Thus, the court employed the neutral risk unrelated to employment analysis, which required the court to determine whether such employee was exposed to slipping on ice more than the general public.⁴⁵ The court analyzed the facts under the street risk doctrine.⁴⁶ The street risk doctrine is used when an employee sustains an injury on a public street while performing their required duties and presumes the employee is, “exposed to risks of accidents in the street to a greater degree” than had they not been employed in their capacity, which entitles such claimant to benefits under the Act.⁴⁷ The court reasoned, while the risk of slipping is a “risk faced by the public at large, it was a risk to which the claimant, by virtue of employment, was exposed to a greater degree than the general public.”⁴⁸ The court concluded that the employee met the burden of proof by showing she faced an increased risk as she was “required to use the public way in making the bank deposits” multiple times every week.⁴⁹

3. “*In the Course of Employment*”

In the course of employment references the “time, place and circumstances of the injury.”⁵⁰ To be compensable, an injury must occur at a place the employee is expected to be while performing their duties or performing an action incidental to their duties.⁵¹ However, if an employee voluntarily and unexpectedly exposes themselves to a risk outside a reasonable exercise of their duty, they may not be entitled to benefits.⁵² Additionally, an accidental injury may still be found to be in the course of employment if the employer has knowledge of, or acquiesces, to the conduct that caused the injury.⁵³ For example, in *Segler v. Industrial Commission*, the Illinois Supreme Court held an employee who sustained a leg injury while using an industrial oven to heat his lunch was not compensable under the Act.⁵⁴ The court reasoned the employee “voluntarily undertook a course of action for his own benefit” by using the oven, which was twenty-five feet away from his own workspace.⁵⁵ The Illinois Supreme Court determined the employee

45. *Id.* at 804.

46. *Id.*

47. *Id.*

48. *Id.* at 804–05.

49. *Id.* at 805.

50. *Eagle Disc. Supermarket v. Indus. Comm’n*, 412 N.E.2d 492, 496 (Ill. 1980).

51. *Id.*

52. *Segler v. Indus. Comm’n*, 406 N.E.2d 542, 543 (Ill. 1980).

53. *Union Starch Div. of Miles Lab’ys, Inc. v. Indus. Comm’n*, 307 N.E.2d 118, 121 (Ill. 1974).

54. *Segler*, 406 N.E.2d at 543.

55. *Id.*

unnecessarily exposed himself to a risk that was unreasonable, relative to his job duties, and the employee therefore was not entitled to benefits under the Act.⁵⁶

C. *Compensable Injuries*

1. *Stress-Induced Compensable Injuries*

The Illinois Supreme Court has held stress-induced heart attacks are compensable under the Act if the employee's work causes stress.⁵⁷ In *Baggett v. Industrial Commission*, a high school industrial arts teacher collapsed from gastrointestinal tract bleeding, which ultimately led to cardiac arrest and other detrimental conditions.⁵⁸ During the teacher's workers' compensation hearing with the assigned arbitrator, several people, including the teacher's wife and current and former students, testified the employee worked under stressful conditions.⁵⁹ The school district argued the employee's stress was not unique to other teachers within the district, and the district did not trigger his stress levels to change at the time of his collapse.⁶⁰ Doctors who treated the employee and additional expert witnesses, provided varying accounts of what led to the gastrointestinal bleeding, though some opined a stress-induced ulcer was the cause.⁶¹ The Illinois Supreme Court granted review to decide whether the employee had to prove he was more stressed than his peers at the district, and whether he could show a "strict, scientific causal relationship between stress and the physical cause of injury."⁶²

The court determined stress-induced injuries require a claimant only show their stress was greater than the general public, not greater than their peers, nor do claimants have to show increased stress levels at the time of injury.⁶³ Additionally, the court said the "usual labor" an employee engages in may show the requisite causation to receive compensation under the Act.⁶⁴

56. *Id.*

57. *Baggett v. Indus. Comm'n*, 775 N.E.2d 908, 910 (Ill. 2002).

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.* at 910–11.

62. *Id.* at 910.

63. *Baggett*, 775 N.E.2d at 914. The court also stated the time at which a heart attack occurs, whether during working hours or outside working hours, is immaterial as to whether such heart attack is compensable. The employee only needs to show the work performed was a causal factor to the injury. This rule is limited in that if an employee's health is such that any normal activity would be considered an overexertion, then compensation will be denied. *Id.* at 913.

64. *Id.* at 913.

As such, the court ruled the employee's collapse and injuries arose out of and in the course of employment.⁶⁵ When the injury occurred, the employee was under substantial work-related stress.⁶⁶ The employee was required to lead classes responsible for building homes.⁶⁷ The homes had to be built within a specific time-frame and the school district reduced the number of classes, and amount of time the teacher was able to spend in his classes.⁶⁸ The students used power tools, which required the teacher to monitor their activities closely, and the teacher was responsible for resolving disciplinary issues and procuring the necessary materials.⁶⁹ The teacher's wife testified the teacher complained of stress and deadlines, and noticed his physical decline, which included complaints of gastrointestinal pain.⁷⁰ "[The teacher's] continuing stress over a period of time affected him cumulatively."⁷¹ The court reasoned, "we find no reason to deny compensability for continuing, mental stress that leads to physical injury."⁷² The court credited the teacher's stress with the pressure the teacher was facing, coupled with the strict construction deadlines, which was different than the stress experienced by the general public.⁷³ In making this ruling, the court also rejected the district's argument that the teacher was susceptible to stress because an employer accepts the employee "as it finds the employee."⁷⁴ The court further ruled the employee did not have to provide "any scientific correlation between the stress and the gastrointestinal bleed."⁷⁵ The employee merely had to show that he had an ulcer and it was more likely true than not true, that the stress from work aggravated it.⁷⁶

2. Repetitive Stress Injuries

Repetitive stress injuries are compensable under the Act.⁷⁷ Unlike injuries linked to specific accidents that have a definitive time and date, repetitive stress injuries are gradual and do not require a specific incident like other injuries under the Act.⁷⁸ This is because "[r]equiring complete

65. *Id.* at 914.

66. *Id.*

67. *Id.*

68. *Id.*

69. *Baggett*, 775 N.E.2d at 915.

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.* (citing *Rock Road Constr. Co. v. Indus. Comm'n*, 227 N.E.2d 65, 68 (Ill. 1967)).

75. *Baggett*, 775 N.E.2d at 916.

76. *Id.* at 917.

77. *Durand v. Indus. Comm'n*, 862 N.E.2d 918, 924 (Ill. 2006).

78. *Id.* at 925.

collapse . . . would not be beneficial to the employee or the employer because it might force employees needing the protection of the Act to push their bodies to a precise moment of collapse.”⁷⁹ Instead, the date of injury for repetitive stress injuries is the date in which both the presence of the injury and the relationship of the injury to a claimant’s job-duties become “plainly apparent to a reasonable person.”⁸⁰ It is usually the date in which medical treatment is sought or the date in which the employee can no longer work.⁸¹ However, because repetitive stress injuries are gradual, courts provide flexibility when deciding whether a reasonable person would “have plainly recognized the injury and its relation to work.”⁸² For example, an employee who seeks medical attention for wrist and hand pain will not have the statute of limitations run against her if it is not clear, at the time of such visit, such pains are related to her work.⁸³

3. *Psychological Disabilities*

Psychological disabilities, such as post-traumatic stress disorder (PTSD), may be compensable under the Act even if they are not connected to a physical injury sustained by the claimant.⁸⁴ In *Pathfinder Corporation v. Industrial Commission*, the Illinois Supreme Court explored the compensability of a claimant’s alleged “sudden, severe, emotional shock [that was] traceable to a definite time, [and] place . . . which caus[ed a] psychological injury”⁸⁵ The Illinois Supreme Court found an employee, who worked as a packager and suffered “peripheral neuritis and residual anxiety” after witnessing a machine sever a co-workers hand, eligible to recover compensation under the Act.⁸⁶ The employee presented evidence that she suffered from headaches and vision problems, experienced numbness in her hands and feet, and was unable to continue working for her employer as she had become afraid of the machines.⁸⁷ In ruling in favor of the employee, the court reasoned she experienced an emotional shock when she witnessed the severed hand and such reaction “would be the reaction of a person of normal

79. *Id.* (quoting *Peoria Cnty. Belwood Nursing Home v. Indus. Comm’n*, 505 N.E.2d 1026, 1028 (Ill. 1987)).

80. *Id.* at 926.

81. *Id.* at 929.

82. *Id.*

83. *Durand*, 862 N.E.2d at 930.

84. *Pathfinder Co. v. Indus. Comm’n*, 343 N.E.2d 913, 917 (Ill. 1976).

85. *Id.*

86. *Id.* at 915.

87. *Id.*

sensibilities”⁸⁸ Additionally, the court reasoned it had previously awarded compensation under the Act to claimants who suffered similar psychological disabilities “caused by an often minor physical injury” and that requiring a minor physical injury to award compensation for the same psychological injury would make for bad law.⁸⁹ As such, the Illinois Supreme Court rejected the requirement that a claimant has to be physically injured to award compensation for psychological disabilities in favor of a mere showing a psychological harm.⁹⁰

4. *Suicide*

Suicide may be compensable under the Act. To be compensable, a claimant needs to show the suicide was “causally related to a prior injury arising out of and in the scope of employment.”⁹¹ This requires evidence of an “‘unbroken chain’ from a work-related injury to suicide such that ‘without the injury there would have been no suicide’”⁹² A claimant must show evidence demonstrating a reasonable inference that the injury was a “causative factor [in the suicide].”⁹³ However, medical testimony is not required and a claimant need not show the mental state of the “decedent at the time he or she committed suicide”⁹⁴

The issue was examined in *Harper v. Industrial Commission*, in which the Illinois Supreme Court ruled a suicide, which was caused by extreme pain an employee suffered from a work-related injury, was compensable under the Act.⁹⁵ In deciding this case, the Illinois Supreme Court rejected a rule other jurisdictions had employed in determining whether a suicide is compensable.⁹⁶ The rejected rule, known as the Sponatski Rule, requires an individual to have “an insanity of such violence as to cause the victim to take his own life through uncontrollable impulse or in a delirium of frenzy without conscious volition”⁹⁷ The Sponatski Rule required a sudden outburst, but the Illinois Supreme Court took the position that the rule did not “recognize the role which pain or despair may play in breaking down a rational mental process.”⁹⁸ The court also observed the Act did not preclude intentionally self-inflicted

88. *Id.* at 919.

89. *Id.* at 917.

90. *Pathfinder Co.*, 343 N.E.2d at 917–18.

91. *Bocian v. Indus. Comm’n*, 668 N.E.2d 1, 5 (Ill. App. Ct. 1996).

92. *Id.*

93. *Id.* at 6 (quoting *City of Streator v. Indus. Comm’n*, 442 N.E.2d 497, 501–02 (Ill. 1982)).

94. *Id.*

95. *Harper v. Indus. Comm’n*, 180 N.E.2d 480, 483 (Ill. 1962).

96. *Id.* at 482–83.

97. *Id.* at 481 (citing *In re Sponatski*, 108 N.E. 466, 468 (Mass. 1915)).

98. *Id.* at 482.

injuries, as was the case in other states' workers' compensation laws.⁹⁹ Instead, the Illinois Supreme Court looked to Florida and California's common law, concluding a suicide is not an intervening, independent act if it can be shown that it was part of such chain of events and not "a cause intervening between the injury and the death" that would have occurred in the absence of the injury.¹⁰⁰ The Illinois Supreme Court loosened this standard, ruling the work-related injury does not have to be "the sole or principal cause of the suicide."¹⁰¹ This loosened standard requires evidence that such injury was merely *a* cause of the suicide, not *the* principal cause.¹⁰²

Under this set of rules, in *Bocian v. Industrial Commission*, an Illinois appellate court found a firefighter's work-related injury was part of the unbroken chain of events that led to the firefighter's suicide, and was therefore compensable under the Act.¹⁰³ The firefighter suffered two work-related injuries a little over one year apart.¹⁰⁴ Despite receiving a letter from the employer's workers' compensation carrier telling the firefighter to return to work, he never did.¹⁰⁵ The firefighter's wife testified that after the second injury, the firefighter became moody, complained he was in pain, and drank to the point where she considered him an alcoholic.¹⁰⁶ The firefighter filled out a disability pension application but did not submit it, as he was waiting for a letter from his treating physician which he hoped would state he was unable to perform his duties.¹⁰⁷ Upon such letter's arrival, the firefighter became distraught because the letter suggested he should undergo further testing, and did not state he was disabled.¹⁰⁸ Witnesses testified the firefighter was "not himself" after receiving the letter.¹⁰⁹ Still, another witness testified his attitude remained unchanged from the moment he met him until his death.¹¹⁰ The same witness testified the firefighter, on numerous occasions, talked about shooting himself with a gun.¹¹¹ Two psychiatrists provided evidence that the firefighter suffered from depression: one claimed it was related to the injury, the other claimed there was

99. *Id.*

100. *Id.* at 482–83.

101. *City of Streator v. Industrial Comm'n*, 442 N.E.2d 497, 502 (Ill. 1982).

102. *See id.* (emphasis added).

103. *Bocian v. Indus. Comm'n*, 668 N.E.2d 1, 6–7 (Ill. App. Ct. 1996).

104. *Id.* at 2.

105. *Id.* at 2–3.

106. *Id.* at 2.

107. *Id.*

108. *Id.* at 2–3.

109. *Bocian*, 668 N.E.2d at 3.

110. *Id.*

111. *Id.*

no causal connection between the injury and the firefighter's suicide.¹¹² The Commission found in favor of the employer, finding that the firefighter was an unhappy person who regularly talked about suicide years before the injuries.¹¹³ The circuit court reversed and the appellate court affirmed.¹¹⁴

In affirming the circuit court, the appellate court reasoned there was overwhelming evidence that showed the firefighter's inability to work was a causative factor to the suicide.¹¹⁵ The courts relied on testimony from family members, neighbors, friends, and the testimony from the psychiatrists who, despite coming to different conclusions, both noted the firefighter's change in personality after the second injury.¹¹⁶ The court also struck down the Commission's notion that a claimant must suffer from unbearable pain from a work-related injury so as to drive the employee to suicide.¹¹⁷ Rather, a claimant needs to only provide the injury has a causal connection to the suicide.¹¹⁸

D. Notes on Workers' Compensation and Suicide in Other States

Illinois does not vary considerably from other states in terms of rules for compensability of suicide. For other states, there is also a focus on the chain of events leading up to the suicide. For example, in New York, suicide is compensable if "a work-related injury causes 'insanity,' 'brain derangement' or a 'pattern of mental deterioration' which, in turn, causes suicide"¹¹⁹ Like Illinois, New York requires the work-related injury, including work stress, be a "contributing cause," not the only cause.¹²⁰ In California, suicide is compensable if an "industrial injury contributed to it."¹²¹ An industrial injury can be specific (injuries are those which are the result of one accident), or cumulative (injuries that occur due to repetitive traumatic activities, either mental or physical).¹²² Again, an industrial injury only needs to contribute to a suicide, not be the sole cause. In Indiana, suicide is compensable if it meets three elements: (1) there was a work-related injury; (2) such injury "directly caused the

112. *Id.* at 4–5. The second psychiatrist did, however, say the firefighter did not exhibit symptoms of depression until after the date of the second accidental injury. *Id.*

113. *Id.* at 5.

114. *Id.* at 8.

115. *Bocian*, 668 N.E.2d at 7.

116. *Id.*

117. *Id.*

118. *Id.* at 8.

119. *Kriete v. Port Auth. of N.Y. & N.J.*, 617 N.Y.S.2d 560, 561 (App. Div. 1994).

120. *Friedman v. NBC, Inc.*, 577 N.Y.S.2d 517, 519 (App. Div. 1991).

121. *Applied Materials v. Workers' Comp. Appeals Bd.*, 279 Cal. Rptr. 3d 728, 756 (Ct. App. 2021).

122. *Id.* at 752.

employee to become dominated by a disturbance of the mind of such severity as to override normal rational judgment[;]” and (3) such disturbance resulted in the employee’s suicide.¹²³ Indiana requires an injury be the principal cause of an employee’s suicide.¹²⁴

E. Mental Health in Law Enforcement

In law enforcement in the United States, death by suicide is more common than death in the line of duty.¹²⁵ In 2020, there were 116 confirmed suicides compared to 113 line of duty deaths.¹²⁶ In 2017, one study found 140 police officers committed suicide versus 129 who died in the line of duty.¹²⁷ This trend is not new. Between the years 2008–2011, the number of officer suicides was two or three times the number of officers killed by suspects.¹²⁸ A study found the police suicide rate to be about 18/100,000, compared to the general public’s 11.3/100,000.¹²⁹ Another study found nearly one in four officers have had thoughts of suicide and, when compared to the general population, law enforcement officers face higher rates of depression, PTSD, and other mental health conditions.¹³⁰

The Bureau of Justice Assistance, an arm of the Department of Justice, found the major causes of suicide is unhealthy coping exasperated by: (1) traumatic events; (2) stress; and (3) shift work and feeling undervalued.¹³¹ Officers who witness traumatic incidents and whom do not properly cope may experience PTSD at higher rates.¹³² The stress involved in policing may increase substance abuse (noting increased alcohol use was presented in 85% of “completed” officer suicides) and as such contribute to suicide.¹³³ Shift work can cause suicide by inducing

123. *Vandenberg v. Snedegar Constr., Inc.*, 911 N.E.2d 681, 689 (Ind. Ct. App. 2009).

124. *Id.*

125. HANNA SHAUL BAR NISSIM, JEFF DILL, ROBERT DOUGLAS, OLIVIA JOHNSON & CAITLYN FO-LINO, THE RUDERMAN WHITE PAPER UPDATE ON MENTAL HEALTH AND SUICIDE OF FIRST RESPONDERS 10 (2022).

126. *Id.*

127. *Id.* at 9.

128. ELLEN KIRSCHMAN, MARK KAMENA & JOEL FAY, COUNSELING COPS: WHAT CLINICIANS NEED TO KNOW 146 (2014). Note: these numbers do not include accidental deaths.

129. *Id.*

130. *Law Enforcement, NAT’L ALL. ON MENTAL ILLNESS*, <https://www.nami.org/Advocacy/Crisis-Intervention/Law-Enforcement> [<https://perma.cc/8TW4-52KR>] [hereinafter NAT’L ALL. ON MENTAL ILLNESS].

131. *Officer Suicide: Understanding the Challenges and Developing a Plan of Action*, BUREAU OF JUST. ASSISTANCE, DEP’T. OF JUST., <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/officer-suicide-understanding-challenges-executive-summary.pdf> [<https://perma.cc/9LBZ-M7YY>] [hereinafter *Officer Suicide: Understanding the Challenges*].

132. *Id.*

133. *Id.*

unhealthy coping due to long hours while feelings of underappreciation fester, and may cause issues for officers attempting to mentally transitioning from being on-duty to off-duty.¹³⁴ Unhealthy coping in and of itself increases PTSD rates, breaks officers' relationships, and triggers feelings of hopelessness.¹³⁵

Society is starting to recognize the psychological impacts policing may have on individual's mental health. For example, in 2019 the City of Chicago (the City) entered into a consent decree with the State of Illinois requiring the City implement certain reforms related to policing.¹³⁶ Within the consent decree, the City acknowledges the dangers officers expose themselves to and the "growing recognition" police work has on the psychological and emotional wellness of officers, and requires the City to implement a more robust officer wellness program.¹³⁷ Additionally, in May 2015, the President's Task Force on 21st Century Policing released a report urging Congress, the Department of Justice, and other federal agencies to invest in physical and mental programs for police officers.¹³⁸

While society is beginning to recognize the importance in wellness programs, mental health stigmas still exist in policing.¹³⁹ This stigma exists for several reasons including: (1) the value of toughness in the profession;¹⁴⁰ (2) fears of adverse impact on career advancement; and (3) lack of built-in programs to help officers.¹⁴¹ These factors similarly exasperate mental health issues.

F. Chicago Police Statistics

Officers in the City may be prone to mental impacts as a result of their police work. This claim is evidenced by the fact that, since 2018, over a dozen officers have committed suicide, including three within a

134. *Id.*

135. *Id.*

136. *See generally* Consent Decree, Illinois v. City of Chicago, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019), available at <https://www.chicago.gov/content/dam/city/sites/police-reform/docs/Consent%20Decree.pdf>.

137. *Id.* at 106.

138. *See generally* OFF. OF CMTY. ORIENTED POLICING SERVS., FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING (2015) [hereinafter FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING].

139. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

140. Althea Olson & Mike Wasilewski, *Suffering in Silence: Mental Health And Stigma in Policing*, POLICE1 (Sept. 7, 2016, 4:26 PM), <https://www.police1.com/police-products/human-resources/articles/suffering-in-silence-mental-health-and-stigma-in-policing-mjOp9cyzKIPz4jMz/> [https://perma.cc/MB77-CVA3].

141. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

one-week span in December 2022.¹⁴² While there are several reasons why an officer may take their own life, working in the City may be especially challenging. Since 2019, over 21,100 Chicago police officers have been involved in some type of use of force incident.¹⁴³ “Force is defined as any physical contact by [an officer, including with] . . . equipment, [used] to compel a subject’s compliance.”¹⁴⁴ Since 2019, there have been over 11,680 use of force incidents.¹⁴⁵ In 2022 alone, the City saw hundreds of homicides and thousands of shootings.¹⁴⁶ Additionally, a study conducted by the City’s Office of Inspector General found officers have previously worked between ten to thirteen days straight without a scheduled day off.¹⁴⁷ These working conditions may have significant adverse reactions to an individual’s wellbeing.

III. ANALYSIS

This Part analyzes the how Illinois courts can recognize officer suicides, that are not triggered by a specific event, as a compensable injury under the Act. It does so by explaining: (1) how workers’ compensation standards have become less stringent over time; and (2) how courts can use these less stringent standards to interpret suicidal events as meeting all of the required elements to be considered a compensable injury under Illinois law.

A. *The Shifting Nature of Workers’ Compensation*

In Illinois, workers’ compensation covers a spectrum of injuries. Early on, Illinois courts recognized the goal of the Act is to cover the “whole ground of liabilities of the master”¹⁴⁸ To that end, the Illinois Supreme Court has said the Act not only covers every injury that

142. Jeremy Gorner, *3rd Chicago Police Officer in a Week Dies in Apparent Suicide*, CHI. TRIB. (Dec. 22, 2022, 2:20 PM) <https://www.chicagotribune.com/news/criminal-justice/ct-chicago-police-officer-suicide-20221222-ud2yvhs7rgovfs6erakyfs5sm-story.html> [<https://perma.cc/CA6S-T3AT>].

143. *Use of Force Dashboard: 2018–Present*, CHI. POLICE DEP’T, <https://home.chicagopolice.org/statistics-data/data-dashboards/use-of-force-dashboard/> (last visited Feb. 19, 2024) [hereinafter *Use of Force Dashboard: 2018–Present*] (note that some officers may be involved in several use of force incidents hence this number being higher than the total number of officers in the Department).

144. *Id.*

145. *Id.*

146. Matt Masterson, *Chicago Tops 630 Homicides, 2,600 Shootings in 2022: Police*, WTTW (Dec. 1, 2022, 12:33 PM), <https://news.wttw.com/2022/12/01/chicago-tops-630-homicides-2600-shootings-2022-police>.

147. CITY OF CHI. OFF. OF INSPECTOR GEN., *CONSECUTIVE DAYS WORKED BY CHICAGO POLICE DEPARTMENT MEMBERS: APRIL–MAY 2022* 4 (2022) [hereinafter *CONSECUTIVE DAYS WORKED BY CPD MEMBERS*].

148. *Matthiessen & Hegeler Zinc Co. v. Indus. Bd.*, 120 N.E. 249, 251 (Ill. 1918).

existed at the time the Act was originally signed, but also covers injuries that were previously not compensable.¹⁴⁹ This line of thinking has created a large bucket of liability for employers. While traditional injuries, such as a burns resulting from a faulty tool or machine, fall squarely under the Act, the bucket of employer liability has been enlarged to the point where merely witnessing a traumatic event may be compensable under certain circumstances.¹⁵⁰ Additionally, the Illinois Supreme Court has determined injuries that are gradual in nature and not linked to one specific event are also compensable.¹⁵¹ These rulings seem to indicate the courts have and will continue to liberally interpret the Act. At this moment, the bucket should once again be enlarged because society, and employers of police, are starting to recognize the psychological toll policing may have on an individual officer's health.¹⁵² Therefore, Illinois courts should continue their trajectory of inclusion and make suicide compensable for officers, even those who have no documented history or treatment of mental illness.

B. Suicide as an Accident, Arising Out of and In the Course of Employment

Compensable injuries need to arise out of and in the course of employment. The Illinois Supreme Court has already held suicide compensable under the Act.¹⁵³ But in doing so, it requires the suicide be caused by an otherwise compensable injury.¹⁵⁴ As such, suicide is compensable, but only through a lens of direct causation.¹⁵⁵ Illinois courts have recognized how pain and despair can impact an individual.¹⁵⁶ However, Illinois courts still require a suicide be part of a foreseeable chain of events stemming from an injury caused by a single event.¹⁵⁷

While each workers' compensation case is unique to the respective employer and employee, there is evidence generally suggesting that police work is especially taxing to an individual's mental health. Using such evidence and precedential compensation cases as markers, the Illinois Supreme Court can enlarge the bucket of liability to the point

149. *Id.*

150. *Pathfinder Co. v. Indus. Comm'n*, 343 N.E.2d 913, 918 (Ill. 1976) (holding the Act does not require a physical injury).

151. *Durand v. Indus. Comm'n*, 862 N.E.2d 918, 924-25 (Ill. 2006) (holding complete physical collapse of one's body is not required under the Act).

152. Consent Decree, *Illinois v. City of Chicago*, No. 17-cv-6260, 106 (N.D. Ill. Jan. 31, 2019).

153. *City of Streator v. Indus. Comm'n*, 442 N.E.2d 497, 502-03 (Ill. 1982).

154. *Id.* at 502.

155. *Id.*

156. *Harper v. Indus. Comm'n*, 180 N.E.2d 480, 482 (Ill. 1962).

157. *Id.* at 482-83.

where a victim's family should only need to show an officer's suicide was, more likely than not, caused by the victim's employment.¹⁵⁸ To do this, suicide must be shown to be an accidental injury, arising out of, and in the course of employment.

I. Suicide as an Accidental Injury

Compensable injuries are those that are accidental.¹⁵⁹ As such, suicide would have to be accidental, that is, unforeseen and unexpected.¹⁶⁰ Though it seems contradictory for a self-inflicted wound to be accidental, the current common-law framework in Illinois could make it possible. It would require Illinois courts to not look for definitive proof of a single event causing the suicide, as it does now.¹⁶¹ Rather, it would require courts to take an approach akin to that of repetitive stress injuries and stress-induced injuries. That is, recognize the accidental injury as not caused by one sole event, but as one that is clearly linked to the employee's work¹⁶² and "gradual" in nature.¹⁶³ Illinois courts should be willing to apply this approach because as the Illinois Supreme Court has already reasoned in several cases, the Act is better served when it assists employees.¹⁶⁴

Because Illinois courts have already rejected requiring one specific traceable incident in repetitive stress injuries,¹⁶⁵ and stress-induced injuries,¹⁶⁶ it has opened the door to an approach that looks at the totality of an employee's circumstances, as opposed to the results of one singular event. For example, with repetitive stress injuries, the accidental injury is considered to have occurred the day the injury becomes plainly apparent to a reasonable person despite the fact that the injury occurred over an extended period of time.¹⁶⁷ Additionally, for stress-induced injuries, such as heart attacks, stress must be shown to have been caused by an employee's "usual labor."¹⁶⁸ That is, it must be clear the "daily activity would have led to a specific injury and the everyday mental stress of a work environment accumulating to the point that any

158. *Baggett v. Indus. Comm'n*, 775 N.E.2d 908, 917 (Ill. 2002).

159. *Matthiessen & Hegeler Zinc Co. v. Indus. Bd.*, 120 N.E. 249, 251 (Ill. 1918).

160. *Id.*

161. *Bocian v. Indus. Comm'n*, 668 N.E.2d 1, 6–8 (Ill. App. Ct. 1996).

162. *Durand v. Indus. Comm'n*, 862 N.E.2d 918, 925 (Ill. 2006).

163. *Id.*

164. *Id.*

165. *Id.*

166. *Baggett v. Indus. Comm'n*, 775 N.E.2d 908, 910 (Ill. 2002).

167. *Durand*, 862 N.E.2d at 926.

168. *Baggett*, 775 N.E.2d at 914.

further work-related stress would lead to physical injury.”¹⁶⁹ As such, when analyzing cases involving officer suicide, Illinois courts should: (1) recognize the gradual nature of psychological injuries; and (2) recognize the *entire event*, both, the usual labor (or daily activity) of being an officer, and the ensuing suicide, as being one that is unforeseeable to the victim, as opposed to viewing each individual action an officer may take to injure themselves as separate events.

Psychological injuries can be gradual in nature, especially in law enforcement. The nature of policing increases the risk of suffering from suicidal thoughts. Specifically, repeated exposure to trauma can increase rates of PTSD.¹⁷⁰ At least 7–19% of police officers show symptoms of PTSD compared to 4% in the general public.¹⁷¹ Additionally, law enforcement officers are susceptible to “cumulative PTSD” which, like a repetitive stress injury, is the result of repeated (i.e., *gradual*) exposure to trauma, as opposed to traditional PTSD, which is caused by exposure to one specific incident.¹⁷² Because PTSD increases the chances of suicide,¹⁷³ and officers are often subjected to cumulative PTSD as a result of their repeated exposure to trauma, courts should be willing to recognize the mental state that might lead to a suicide as one that could manifest over an extended period of time, while the officer conducts their usual labor.

In the same way courts give leeway to the gradual nature of repetitive stress injuries, courts should recognize the cumulative effects of PTSD and the subsequent suicide are one unforeseeable event. However, to do this, Illinois courts will have to modify the current “plainly apparent to a reasonable person” standard used for repetitive stress injuries.¹⁷⁴ Illinois courts would have to recognize psychological injuries, such as PTSD, which are not always plainly apparent.¹⁷⁵ Unlike physical injuries,

169. *Id.* at 915.

170. *Why High Rates of PTSD In Police Officers?*, NAT'L POLICE SUPPORT FUND (Aug. 14, 2019), <https://nationalpolicesupportfund.com/police-officers-experience-high-rates-of-ptsd/#:~:text=PTSD%20contributes%20to%20other%20mental%20health%20issues%20Post,and%20suicide%20when%20compared%20to%20the%20general%20public> [<https://perma.cc/58X8-BNZR>] [hereinafter *High Rates of PTSD In Police Officers*].

171. *Id.*

172. *Id.*

173. Hope Gillette, *The Link Between PTSD and Suicide*, PYSCHCENTRAL (Mar. 25, 2022), <https://psychcentral.com/ptsd/ptsd-suicide#statistics> [<https://perma.cc/L9PD-ZAZ5>].

174. Peoria Cnty. Belwood Nursing Home v. Indus. Comm'n, 505 N.E.2d 1026, 1029 (Ill. 1987).

175. See *National Center for PTSD: Police Officer Toolkit*, U.S. DEP'T OF VETERAN AFFS., <https://www.ptsd.va.gov/professional/treat/care/toolkits/police/policeworkRecognizingPtd.asp#:~:text=Avoidance%20symptoms%20may%20directly%20interfere%20with%20a%20police,because%20remembering%20such%20events%20is%20distressing.%20For%20example%3A> [<https://perma.cc/6CRV-3EZQ>].

mental health injuries are not easily ascertainable.¹⁷⁶ Given the constant exposure officers may have to traumatic incidents, they may not be able to point to a single event that injured them, but instead can point to a career that exposed them to death and violence. Additionally, Illinois courts should take this approach now rather than later because society is starting to recognize the importance of mental health in policing.¹⁷⁷ As society's views change, so should the courts, which will also ensure the Act continues to be better served.

2. *Suicide Arising out of Employment*

An accidental injury must rise out of employment. To arise out of employment, an employee must show the origin of the injury was caused by a risk connected to the employee's employment.¹⁷⁸ A risk can be analyzed under three common law categories.¹⁷⁹ Under each risk analysis, officer suicide can be shown to arise out of employment.

Suicide can be a risk "distinctly associated" with the law enforcement industry and a "risk personal to the employee." Suicide rates are higher within officer ranks than the general population.¹⁸⁰ The regular exposure to traumatic events, of which law enforcement officers are required to attend or lend aid at, and the ensuring stress is unique to first responders.¹⁸¹ Maybe even more so to police officers, as they often deal with unhappy, or at times, violent offenders in addition to acting as crowd control at fires and other disasters. As such, a suicide should fall under the risk distinctly associated with their work because officers are generally instructed to be at tragic scenes, acting in a manner that would be expected of them. Given the higher-than-the-general-public rates of mental illnesses among police officers, the labor of being an officer should be viewed as significantly contributing to a mental injury and suicide. The "significant contribution" is the bar set under the "risk personal to the employee" analysis.¹⁸² For these reasons, officer suicide meets the current threshold of that risk analysis required by Illinois courts.

Even under the courts' "neutral risk unrelated to employment" analysis, suicide can be seen as arising out of employment. While injuries

176. *Mental Health: What's Normal, What's Not*, MAYO CLINIC (Dec. 14, 2021), <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/mental-health/art-20044098> [<https://perma.cc/88EM-GVSM>].

177. Consent Decree, *Illinois v. City of Chicago*, No. 17-cv-6260, 106 (N.D. Ill. Jan. 31, 2019).

178. *Orsini v. Indus. Comm'n*, 509 N.E.2d 1005, 1008 (Ill. 1987).

179. *Steak 'n Shake v. Ill. Workers' Comp. Comm'n*, 67 N.E.3d 571, 578 (Ill. App. Ct. 2016).

180. KIRSCHMAN ET AL., *supra* note 128, at 146.

181. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

182. *McAllister v. Ill. Workers' Comp. Comm'n*, 181 N.E.3d 656, 666–67 (Ill. 2020).

under this risk analysis category are generally not compensable, they can be if it is shown an employee is exposed to such injury at a rate greater than the general public.¹⁸³ The risk of suicide is greater among law enforcement officers than the general public.¹⁸⁴ While members of the public may involuntarily attend gruesome, violent scenes, law enforcement officers are ordered to go, and therefore, by virtue of their work, are exposed to incidents that can potentially cause psychological injuries, at a greater rate than the public at large.

3. *Suicide in the Course of Employment*

An accidental injury must occur in the course of employment.¹⁸⁵ This means the accidental injury must occur at a place the employee is expected to be at while performing their duties.¹⁸⁶ However, the injury may still be compensable if the employer acquiesces or has knowledge of the employee's conduct that caused the injury.¹⁸⁷ Most officer suicides occur off-duty.¹⁸⁸ As such, these suicides would not qualify as they were not on-duty, at a place they were required to be. However, PTSD and depression rates, two causes of suicide,¹⁸⁹ are higher among law enforcement officers than the general public (as is the rate of suicide).¹⁹⁰ Illinois courts should recognize governments acquiesce to the continued trauma officers are exposed to because it is the nature of the profession. Because the government requires assistance at scene of trauma, and because officers answer the call, it is clear governments do, in fact, acquiesce to the mental trauma officers endure. This is also demonstrated by the lack of resources governments provided officers to cope with the trauma of police work. For these reasons, it can be argued suicide occurs in the course of employment.

183. *Metro. Water Reclamation Dist. of Greater Chi. v. Ill. Workers' Comp. Comm'n*, 944 N.E.2d 800, 804 (Ill. App. Ct. 2011).

184. KIRSCHMAN ET AL., *supra* note 128, at 146.

185. *First Cash Fin. Servs. v. Indus. Comm'n*, 853 N.E.2d 799, 803 (Ill. App. Ct. 2006).

186. *Eagle Disc. Supermarket v. Indus. Comm'n*, 412 N.E.2d 492, 496 (Ill. 1980).

187. *Union Starch Div. of Miles Lab'ys, Inc. v. Indus. Comm'n*, 307 N.E.2d 118, 120–21 (Ill. 1974).

188. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

189. William Hudenko, Beeta Homaifar & Hal Wortzel, *The Relationship Between PTSD and Suicide*, U.S. DEP'T OF VETERANS AFFS., https://www.ptsd.va.gov/professional/treat/cooccurring/suicide_ptsd.asp#three [<https://perma.cc/4J7Z-9GMN>]; *Suicide Prevention: Risk and Protective Factors*, U.S. DEP'T OF HEALTH & HUM. SERVS., <https://www.hhs.gov/answers/mental-health-and-substance-abuse/does-depression-increase-risk-of-suicide/index.html> [<https://perma.cc/F56H-WBOC>].

190. KIRSCHMANN, *supra* note 128, at 146; NAT'L ALL. ON MENTAL ILLNESS, *supra* note 130.

C. Why Suicide Needs to be the Accidental Injury

Suicide needs to be the accidental injury as opposed to being a result of an accidental injury because of the long-standing cultural stigma that exists in police departments¹⁹¹ and the lack of resources that exist for officers.¹⁹² While the courts have already recognized non-physical, psychological injuries as compensable, such claims require the employee provide evidence that the non-physical injury actually exists, such as testimony from a treating physician.¹⁹³ Due to the stigma that exists in departments, evidence of an officer's mental condition may not exist.¹⁹⁴ Officers may not want to appear weak in front of colleagues, which may not only lead to colleagues questioning such officer's reliability in the field, but also stifle career aspirations.¹⁹⁵ For example, Illinois requires officers to carry a Firearm Owners Identification Card (FOID Card).¹⁹⁶ FOID Cards can be revoked if a court, board, commission, or other lawful authority has determined an individual "lacks the mental capacity to manage his or her own affairs."¹⁹⁷ This regulation may cause officers to not seek treatment for fear of being fired because they cannot carry a firearm. Additionally, there is a lack of built-in mental health programs for officers to utilize.¹⁹⁸ This is why cities like Chicago are now required to address the issue and develop programs to help officers work through the trauma they experience.¹⁹⁹ Until these stigmas are broken down, and until proper programs are in place, the courts should recognize the predicament facing officers who may otherwise want treatment, but cannot seek it out.

IV. CONCLUSION

Illinois courts have provided a lot of leeway in terms of what injuries are compensable. The courts seemingly have continued to expand, rather than shrink, employer liability, and because suicide remains prevalent in society, and because policing and first responding in general is an essential service that is mentally straining, this continued expansion of compensable injuries should take place now.

191. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

192. *Id.*

193. *Pathfinder Co. v. Indus. Comm'n*, 343 N.E.2d 913, 918 (Ill. 1976).

194. *Officer Suicide: Understanding the Challenges*, *supra* note 131.

195. *Id.*

196. 430 ILL. COMP. STAT. 65/2(a)(1) (2023).

197. *Id.* 65/1.1.

198. FINAL REPORT OF THE PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, *supra* note 138, at 7.

199. See generally Consent Decree, *Illinois v. City of Chi.*, No. 17-cv-6260 (N.D. Ill. Jan. 31, 2019).

Regarding suicide, while Illinois is not too far off from neighboring states in terms of how suicide leads to compensability,²⁰⁰ other states do not have one of the largest police departments in the nation within their borders. Chicago police officers are involved in thousands of incidents every year and many of them are involved in situations where force is necessary to make a suspect comply.²⁰¹ Such officers are called to respond to hundreds of shootings and murder scenes annually.²⁰² They are regularly exposed to traumatic situations and are regularly called upon to serve with little to no time off.²⁰³ As a result of these factors, and a multitude of others, City officers are committing suicide with unsettling regularity.²⁰⁴ Not only are officers committing suicide, but the system of benefits that exist to help their families recover may be reduced because a suicide may not be considered a line of duty death.²⁰⁵ This means families who are left to pick up the pieces following a suicide may see payments they would otherwise receive reduced, despite such suicide being directly related to an officer's work. While the money paid out for a workers' compensation claim may not help alleviate the pain such families suffer, the reduced benefits likely feel like salt in an already gaping wound.

Suicide is a tragic event. It is made even more tragic when duly owed benefits to a decedent's family are denied. Illinois courts have determined non-physical psychological injuries are compensable under the Act.²⁰⁶ They have ruled a stress-induced heart attacks are compensable.²⁰⁷ They have morphed precedent to allow injuries that occur over time to be compensable.²⁰⁸ Policing takes an emotional, cumulative toll on an individual.²⁰⁹ This emotional toll can manifest itself as a suicide. Because courts have already expanded the bucket of compensable injuries, and because no cop takes the position with the intent to succumb to the trauma they experience, the bucket should be larger, and families should be protected.

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200. *See supra* notes 119–23.

201. *Use of Force Dashboard: 2018-Present, supra* note 143.

202. Masterson, *supra* note 146.

203. CONSECUTIVE DAYS WORKED BY CPD MEMBERS, *supra* note 147.

204. Gorner, *supra* note 142.

205. *Active Members, POLICEMEN'S ANNUITY & BENEFIT FUND OF CHI.*, <https://chipabf.org/members/> [<https://perma.cc/924V-2FBH>].

206. *Pathfinder Co. v. Indus. Comm'n*, 343 N.E.2d 913, 917 (Ill. 1976).

207. *Baggett v. Indus. Comm'n*, 775 N.E.2d 908, 910 (Ill. 2002).

208. *Durand v. Indus. Comm'n*, 862 N.E.2d 918, 924 (Ill. 2006).

209. *High Rates of PTSD In Police Officers, supra* note 170.