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COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM **DECEDENT: CHARLES BROWN**

I. OVERVIEW

On April 13, 2014, Charles Brown was shot and killed by Harvey Police Officers Anthony Steel and Jose Gomez after Brown attempted to evade arrest and flee in his vehicle, threatening the lives of both officers as he drove his vehicle towards them during his escape. Both officers discharged their duty weapons in the direction of Brown's vehicle and Brown suffered three gunshot wounds. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into Brown's death. During the course of the investigation, investigators interviewed numerous civilian witnesses and law enforcement witnesses not involved in the shooting, and reviewed surveillance video footage, OEMC transmissions, medical records, the medical examiner's report and the results of forensic examinations. On September 4, 2015, PITF provided the Office of the Cook County State's Attorney its final report of investigation.

The Office of the Cook County State's Attorney, as the agency responsible for making criminal charging decisions under Illinois law for incidents that occur in Cook County, reviewed the evidence collected during the investigation to determine whether there was a good-faith basis for filing criminal charges. After a thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against the officers.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows:

On April 13, 2014, at approximately 10:22 a.m., Harvey Police Officers Anthony Steel and Jose Gomez were in uniform and assigned to marked squad cars when they responded to a call of an armed robbery at the Motel 6 located at 16940 South Halsted Avenue in Harvey, Illinois. A member of the

hotel housekeeping staff reported that the armed robbery occurred in Room 316. Further investigation revealed that Charles Brown had robbed occupants of adjoining Rooms 316 and 318. Brown produced a small silver colored handgun and searched both rooms and purses within those rooms for cash and other valuables.

Upon arrival at the location, the front desk clerk identified Brown, who was walking out of the motel lobby. The officers confronted Brown in the parking lot and told him to stop. Brown failed to comply with the officers' verbal commands and a foot pursuit ensued. Brown entered a red KIA sedan and reversed the car out of its parking spot at a high rate of speed. One of the officers pounded on the driver's side window of the vehicle while the other officer pounded on the passenger side window. Brown continued to drive in reverse and struck a vehicle that was parked in a parking spot in the next row. The collision removed the bumper of that vehicle. Brown then drove toward the officers. Both officers fired their duty weapons in the direction of the oncoming vehicle. Multiple bullets struck Brown. The officers removed Brown from the vehicle. Officer Gomez recovered an unloaded small silver Jennings .25-caliber semiautomatic firearm from Brown's person where he lay on the ground near his vehicle after the shooting. The serial number for the firearm had been removed and the firearm had been previously reported stolen. PITF investigators recovered proceeds of the armed robbery including \$1,432 in cash from Brown's person.

Charles Brown was transported by ambulance to South Suburban Hospital. A postmortem examination by the Cook County Medical Examiner's Office of Brown identified gunshot wounds to the right side of Brown's head and to his right shoulder as well as blunt force injuries and sharp force injuries. His cause of death was multiple gunshot wounds.

Video from the surveillance cameras at the Motel 6 did not capture the shooting, but it did capture the desk clerk's identification of Brown, the officers' chase of Brown and a partial view of Brown hitting the vehicle in the parking lot. The front desk clerk's call to 911 indicated that a man at the hotel was robbing several people inside Room 316 and the man had people on the ground.

The evidence at any trial would include evidence indicating that it was reasonable to believe that when Charles Brown drove his vehicle at a high rate of speed toward Officers Steel and Gomez, he was placing them both in danger of death or great bodily harm. In addition, Brown was armed with a firearm and attempting to flee after the commission of multiple forcible felony offenses.

III. LEGAL STANDARD

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code. The Illinois Use of Force in Defense of Person statute provides in pertinent part:

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

720 ILCS 5/7-1 (a).

The statute regarding an officer's use of force provides in pertinent part:

A peace officer . . . need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.”

720 ILCS 5/7-5.

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that Officers Steel and Gomez were not legally justified in using deadly force against Brown. In other words, a judge or jury would need to conclude that each of the officers did not reasonably believe that he or others were in imminent danger of great bodily harm from Brown. The uncontroverted evidence established that the officers' use of deadly force was objectively reasonable. The weight of the evidence shows that Brown confronted the officers with deadly force. Brown drove his vehicle at a high rate of speed at the officers, attempting to escape after the commission of multiple forcible felonies while armed with a firearm. Under Illinois law, it is well settled that a vehicle can be used as a deadly weapon. *People v. Schmidt*, 392 Ill App. 3d 689, 704 (1st Dist 2009). Officer Steel and Officer Gomez both discharged their duty weapons in the direction of Brown's vehicle to defend themselves and the general public and to prevent Brown's escape. Based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of

criminal charges as the officers' use of deadly force against Brown was reasonable under the totality of the circumstances. Therefore, the Office is not filing criminal charges in this case.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Harvey Police Department or civil actions where less-stringent laws, rules, and legal standards of proof apply.