



OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: DARIUS JONES**

**I. OVERVIEW**

On November 18, 2016, Darius Jones was shot and killed by Chicago Police Officer Matthew Meehan and Chicago Police Officer Danny Arroyo after Jones shot and wounded a civilian. The Independent Police Review Authority (IPRA) / Civilian Office of Police Accountability (COPA) and Chicago Police Department (CPD) conducted an investigation into Jones' death. During the course of the investigation, investigators interviewed law enforcement witnesses and civilian witnesses, and reviewed OEMC transmissions, video, photographs of the scene, police reports, medical records and the results of forensic examinations. On July 17, 2018, COPA provided the Office of the Cook County State's Attorney its final report of investigation, pursuant to the Police and Community Relations Improvement Act (PCRIA).

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 November 18, 2016, at approximately 11:48 p.m., Chicago Police Officers Matthew Meehan and Danny Arroyo were in uniform and assigned a marked Chicago Police SUV. While on patrol, the officers turned westbound on 69<sup>th</sup> Street from southbound Damen Avenue. Their vehicle stopped

because two individuals, Individual A and Darius Jones, were physically fighting in the middle of the street.

Jones pulled out a silver handgun and Individual A was able to flee southbound down an alley. Jones shot multiple times toward Individual A, hitting a third individual, Individual B, who was standing on the south sidewalk of 69<sup>th</sup> Street. Jones started to walk backward as he continued to fire his gun at Individual B. The Officers exited their vehicle and ordered Jones to drop his weapon. Jones continued to shoot in the direction of Individual B, discharging a total of eight shots. Officer Meehan, on the driver's side of the police vehicle, partially exited and stood next to the vehicle with the door shielding him, and fired at Jones. Jones then shifted his body and walked diagonally in the direction of a vacant lot next to where the CPD vehicle was stopped. Officer Arroyo partially exited the police vehicle on the passenger's side and fired two shots at Jones. Officer Meehan also fired additional shots at Jones. Officer Meehan fired a total of ten shots. Jones lowered his gun, took a few steps, and collapsed onto the sidewalk. One of the officers communicated the incident over their radio and requested an ambulance. Chicago Fire Department Emergency Medical Services arrived on scene and transported Jones to Christ Hospital where he was pronounced deceased at approximately 12:49 a.m. on November 19, 2016.

Officers recovered a silver semi-automatic 9 millimeter Taurus handgun from the north sidewalk near Jones' body. The handgun contained one live round in the chamber and five live rounds in the magazine with the hammer in the cocked position. Samples were taken from Jones' gun, magazine, and live cartridges and submitted to the Illinois State Police (ISP) Crime Laboratory for forensic comparison. The examination of the gun and live cartridge did not reveal any latent impressions suitable for comparison. An ISP analyst concluded that the magazine and live rounds revealed a latent impression suitable for comparison, but did not match Jones' fingerprint. An ISP analyst examined the ballistics evidence and concluded eight of the recovered cartridge casings were fired from Jones' gun. Gunshot Residue (GSR) samples were taken from both of Darius Jones' hands and submitted to the ISP Crime Lab where an ISP analyst concluded they were negative for the presence of (GSR).

The Cook County Medical Examiner's Office conducted an autopsy and examined Darius Jones and identified a total of five gunshot wounds: in the posterior skull, rear right bicep, upper middle of left back, and two in the right buttock. Toxicology testing revealed Jones blood alcohol content was .157. The cause of death was multiple gunshot wounds.

Video surveillance footage from the exterior of Rainbow Grocery Liquor Store at 2003 W. 69<sup>th</sup> Street captured the entirety of this incident and corroborated the above-described facts.

The evidence at any trial would include evidence indicating that Officer Meehan and Officer Arroyo reasonably believed that Darius Jones was in the process of committing a forcible felony and

was trying to kill or cause great bodily harm to the officers and civilians as he fired repeatedly at Individual B in the street directly in front of the marked police vehicle.

### **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 Officer Meehan and Officer Arroyo were not legally justified in using deadly force against Jones. In other words, a judge or jury would need to conclude that the officers did not reasonably believe that they or others were in imminent danger of great bodily harm from Jones. The uncontroverted evidence established that the officers’ use of deadly force was objectively reasonable. The weight of the evidence shows that Jones was armed with a gun and committed multiple forcible

felonies as he fired at Individual A and Individual B, who were unarmed. Witness and video evidence show that Jones was involved in a physical altercation, which resulted in Jones using his gun to fire repeated shots at Individual A and Individual B, directly in front of Officer Meehan and Officer Arroyo's marked police vehicle. Lab testing confirmed that eight fired cartridge casings recovered from the scene belonged to the weapon found next to Jones.

Further, Jones continued to shoot at the Individuals while in close proximity to the police and showed no indication that his threat of deadly force would cease as he continued to hold his weapon. The officers responded to Jones' threat of deadly force by firing and striking Jones.

Accordingly, 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 officer's use of deadly force against Jones was reasonable under the totality of the circumstances. Accordingly, the Office is not filing criminal charges in this case.

Pursuant to policies and legislation enacted at the urging of State's Attorney Foxx, after making its declination determination, the State's Attorney's Office referred the review of the case to the Office of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and has concurred that no criminal charges are appropriate.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Chicago Police Department or civil actions where less-stringent laws, rules, and legal standards of proof apply. The Office expresses no opinion regarding the propriety or likelihood of success of any such actions.