



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: JOSHUA JONES

I. OVERVIEW

On January 20, 2017, Joshua Jones was shot and killed by off-duty Robbins Police Department Officer Erik Daniel during the course of Jones committing an armed robbery against Officer Daniel. The Chicago Police Department conducted an investigation into Jones' death. During the course of their investigation, investigators interviewed civilian witnesses, and reviewed photographs of the scene, OEMC transmissions, medical records, and the results of forensic examinations. In late 2017, Chicago Police Detectives provided the Office of the Cook County State's Attorney its final reports of investigation, pursuant to the Police and Community Relations Improvement Act.

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 officer.

II. STATEMENT OF FACTS

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

On January 20, 2017, at approximately 6:45 a.m., Robbins Police Officer Daniel was off-duty and working as a process server. He was dressed in civilian clothing and wore a badge showing his credentials around his neck. Officer Daniel double parked his personal vehicle in front of 12349 South Wallace Avenue to serve a summons at that address. Officer Daniel left his keys in the ignition with the car's engine running when he exited and approached the home. While on the front steps of 12349 South Wallace, Officer Daniel turned toward his vehicle and

observed Joshua Jones, wearing dark clothing and a black mask covering his face, approaching him from the north. Jones entered the front yard and approached Officer Daniel while simultaneously removing a handgun from his waistband area. Jones pointed the gun inches from Officer Daniel's face and demanded Daniel's money. Jones reached for Officer Daniel's coat pocket, but Officer Daniel used his right hand to deflect Jones' hand. At the same time, Officer Daniel deflected Jones' gun with his left hand. Officer Daniel reached into his own pocket and removed approximately \$38 United States Currency and handed it to Jones. While continuing to point his gun at Officer Daniel's head, Jones asked if the officer had more money, told him he should shoot the officer and asked if Daniel was the police. Officer Daniel responded that he was a process server and pleaded with Jones not to shoot him. Jones then demanded Officer Daniel's badge. Officer Daniel took the badge, consisting of a black leather case containing his identification, a gold badge, and a State of Illinois Court Officer Process Server ID card and handed them to Jones. Jones put the credentials around his own neck.

Jones asked if the car keys were in the car and Officer Daniel replied affirmatively. Jones walked backwards toward Officer Daniel's car while pointing his gun at Officer Daniel. Jones walked around the front of the car to the driver's side while continuing to point the handgun at Officer Daniel. Officer Daniel drew his service weapon from his holster and announced that he was a police officer. Jones continued to point his handgun at Officer Daniel. Officer Daniel then fired his weapon at Jones. Glass shattered which likely came from the passenger side window of Officer Daniel's vehicle. Jones ran around the front of Officer Daniel's vehicle while ducking, then appeared at the rear of the vehicle. Jones raised his gun in the direction of Officer Daniel and Officer Daniel fired again at Jones.

Jones fled and again pointed his gun at Officer Daniel while continuing to run south. Officer Daniel again fired his gun in the direction of Jones. Jones continued to run south on Wallace to 124th Street and then stumbled and appeared to fall. After Officer Daniel lost sight of Jones, he entered his vehicle and drove to where he last saw Jones. Jones was lying face down, motionless on the parkway on 124th Street just east of Wallace Street. Officer Daniel drove closer to Jones, exited his vehicle and called 911 when he realized Jones had been shot.

At 6:49 a.m., Officer Daniel called 911 and reported that he was an off-duty police officer who was just involved in a shooting, that a man pulled a gun on him, and that he was not shot but the other man got shot. He also requested an ambulance. Chicago Police and Chicago Fire Department Emergency Medical Services personnel responded and found Jones lying on his stomach on the ground with Officer Daniel's credentials around his neck. Jones' right arm was extended with his right hand clenched. A semi-automatic handgun in partial slide-lock was recovered on the ground approximately one foot from Jones' right hand. The weapon was recovered, examined, and found to be a semi-automatic blank firing replica pistol which had a plugged barrel and was not designed to fire standard handgun ammunition. Jones was wearing a

black ski cap and black mask obscuring most of his face. Jones was pronounced dead at the scene. Jones had \$37 United States Currency in his left pant pocket. The front passenger side window of Officer Daniel's car was broken and the door had two bullet holes in it.

The Cook County Medical Examiner's Office performed an autopsy on Joshua Jones and concluded that Jones' death was caused by a gunshot wound that entered his upper mid right back and exited through his mid right chest.

There were no eyewitnesses to this incident, however, the residents of 12349 South Wallace heard a knock on the door and subsequently heard gunshots. Other residents of the 12300 block of South Wallace heard people arguing, gunshots, and heard someone yelling about being robbed.

The evidence at any trial would include evidence indicating that Officer Daniel's use of deadly force was objectively reasonable. Jones threatened deadly force against the officer to evade arrest after he committed the forcible felony of aggravated robbery. Further, Officer Daniel reasonably believed that Jones was trying to kill, or cause great bodily harm, to Officer Daniel when he aimed a firearm at Officer Daniel.

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 Daniel was not legally justified in using deadly force against Jones. In other words, a judge or jury would need to conclude that Officer Daniel did not reasonably believe that he or others were in imminent danger of great bodily harm from Jones or that Jones was not attempting to flee from a forcible felony. The uncontroverted evidence established that Officer Daniel’s use of deadly force was objectively reasonable. The weight of the evidence shows that Jones confronted Officer Daniel with the threat of deadly force and took Officer Daniel’s property from his person by that threat of deadly force. Jones pointed his gun inches from Officer Daniel’s face and demanded money. After Officer Daniel gave Jones his money, Jones’ threat of deadly force continued when he pointed his gun at the officer and inquired if the officer had any more money, stated that he should shoot the officer, and inquired whether Officer Daniel’s keys were in his car. Officer Daniel announced that he was a police officer as Jones approached the driver’s side door of the officer’s car, while continuing to point his gun at the officer. It was reasonable for Officer Daniel to believe that the use of deadly force was necessary to defend himself from great bodily harm or death in making the arrest of Jones for armed robbery and attempted vehicular hijacking.

Officer Daniel’s use of deadly force was further justified by the fact that Jones had committed one forcible felony (aggravated robbery) and was in the process of attempting to commit another (vehicular hijacking) and then flee, all by the threatened use of deadly force. Jones attempted to evade arrest by resistance and escape through the threat of deadly force as he ran around Officer Daniel’s car, pointed the gun at the officer, and fled. Officer Daniel’s use of deadly force was reasonable in an attempt to prevent Jones from escaping the scene of his forcible felonies by threatening the use of deadly force against Officer Daniel. 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 Officer Daniel's use of deadly force against Jones was reasonable under the totality of the circumstances. Therefore, 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 Robbins 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.