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COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM **DECEDENT: LESLIE VAUGHAN**

I. OVERVIEW

On December 9, 2018, Leslie Vaughan was shot by Palatine Police Officer Lucas Sopcak after Vaughan intentionally drove his vehicle directly at Officer Sopcak and his partner Officer Mesch. Officer Mesch was able to jump out of the way of the moving vehicle but Officer Sopcak and a civilian were struck by Vaughan's vehicle as it crashed into the front of an apartment building, pushing them into the building's vestibule area. Officer Sopcak fired his weapon multiple times as he retreated up a stairwell. Vaughan was struck six times and died from his injuries. The Major Case Assistance Team (MCAT) conducted an investigation into Vaughan's death. During the course of their investigation, investigators interviewed numerous civilian and law enforcement witnesses, and reviewed radio transmissions, video, photographs of the scene, police reports, medical records, crash data and the results of forensic examinations. In September 2019, MCAT provided the Office of the Cook County State's Attorney its final reports 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 officer.

II. STATEMENT OF FACTS

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

On December 9, 2018 at approximately 1:50 a.m., Leslie Vaughan called 911 to report a murder at the location of 304 North Brockway Street, Unit 1B. Palatine Police Department Officer Lucas Sopcak and Officer Dan Mesch were dispatched to the location. While en route to the location, the 911 operator informed the officers that the call from Leslie Vaughan was plotting to the location of 308 N. Brockway. Officers Sopcak and Mesch parked their vehicles and approached the apartment building on foot. A civilian ride along who accompanied the officers stayed back approximately 35 feet away from the front door of the building. The officers encountered a male resident at the apartment building located at 308 N. Brockway. As the officers were speaking to the resident, a vehicle driven by Leslie Vaughan rapidly accelerated towards the three men. Officer Mesch was able to jump out of the way of the oncoming vehicle, but Officer Sopcak and the male resident were struck by the vehicle which then crashed into the front of the building. As a result, Officer Sopcak and the male resident were pushed into the building's vestibule area. As the vehicle continued to rev its engine while rocking back and forth, Officer Sopcak fired his weapon numerous times towards the vehicle, striking its driver, Leslie Vaughan. Vaughan was pronounced dead at the scene.

Officers subsequently went to the apartment where the murder was to have occurred and discovered Leslie Vaughan's mother deceased with multiple stab wounds. Multiple knives were recovered in the apartment. Additionally, a large knife was recovered from the floorboard area of Vaughan's vehicle. During the processing of the crime scene by evidence technicians, shell casings were recovered from the stairs leading from the vestibule entry area up to the first floor hallway which corroborated that Officer Sopcak fired as he was retreating up the stairs. Additionally, Officer Sopcak's clothing contained markings, blood and other evidence to confirm that he had been struck and injured by Vaughan's vehicle. Evidence gathered from the vehicle's "black box" data recorder reflects an increase in speed seconds before the crash with no brake application and an accelerator input of 99%.

The Cook County Medical Examiner's Office conducted an autopsy and examined Leslie Vaughan and identified multiple gunshot wounds including wounds to the left side of his chest, left shoulder, abdomen, left upper arm, and left buttock. The cause of death was multiple gunshot wounds.

The evidence at any trial would include evidence that Officer Sopcak reasonably believed that Leslie Vaughan was trying to kill, or cause great bodily harm, to the officers and the male resident as he accelerated and intentionally struck Officer Sopcak and the resident with his 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 Sopcak was not legally justified in using deadly force against Leslie Vaughan. In other words, a judge or jury would need to conclude that the officer did not reasonably believe that he or others were in imminent danger of death or great bodily harm from Vaughan. The uncontroverted evidence established that the officer's use of deadly force was objectively reasonable. The facts of the case show that Vaughan was using his vehicle as a deadly weapon against the officers and the male resident. The evidence at trial would establish that while speaking at the entrance to building 308, Officer Sopcak and the male resident were violently struck by a vehicle operated by Leslie Vaughan. Further, the evidence would reveal that Vaughan intentionally aimed and accelerated his

vehicle toward the men. Vaughan's intent to cause death or great bodily harm was clearly shown by the force with which Vaughan struck the building and the resulting damage. After striking the building, Officer Mesch ordered Vaughan to show his hands but Vaughan failed to comply. Vaughan continued to rev his vehicle's engine, rocking the vehicle back and forth, further evidence he intended to carry on with his acts of violence and destruction. At that moment, it was reasonable for an officer to fear for his own life and the lives of those around him and discharge his weapon at the threat Vaughan and his vehicle posed. 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. Officer Sopcak's use of deadly force against Vaughan 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 Palatine Police Departments 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.