



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

KIMBERLY M. FOXX
STATE'S ATTORNEY

2650 SOUTH CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60608

POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: MICHELLE ROBEY

I. OVERVIEW

On February 10, 2017, Michelle Robey was shot and killed by Chicago Police Officer Stephen Romanski after Robey assaulted the officer with a knife. Robey's interaction with the police occurred approximately one hour after she threatened restaurant employees with a knife, as well as employees and patrons inside a CVS Pharmacy. The Independent Police Review Authority (IPRA) / Civilian Office of Police Accountability (COPA) and Chicago Police Department (CPD) conducted an investigation into Robey's death. During the course of the investigation, investigators interviewed numerous civilian and law enforcement witnesses and reviewed video surveillance footage, OEMC transmissions, photographs of the scene, police reports, medical records and the results of forensic examinations. On January 29, 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.

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 Officer Romanski.

II. STATEMENT OF FACTS

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

On February 10, 2017, at approximately 4:30 p.m., Michelle Robey was outside the Kentucky Fried Chicken (KFC) restaurant located at 2897 West Irving Park Road, Chicago,

Illinois. Robey attacked a KFC employee by punching him and repeatedly threatened a group of restaurant employees with a knife. Robey repeatedly referred to the group using derogatory language and, while swinging a knife, stated that they must die. After someone in the group picked up a pipe, Robey turned and walked across the street into oncoming traffic. Robey then walked to a bus stop near the 7-11 store located across the street. The police were called, but when they arrived Robey was no longer in the area.

About an hour later at approximately 5:45 p.m., Michelle Robey entered the CVS Pharmacy at 3944 North Western Avenue, Chicago, Illinois. Robey went directly to the pharmacy area where she was told to wait until the pharmacist was done assisting another patron. Robey paced around the store and came back to the pharmacy area at which time she began swearing at the pharmacist and other patrons. The pharmacist asked Robey to leave multiple times, but Robey refused. While the pharmacist was on the phone calling 911, Robey threw a can of peanuts at the pharmacist which struck the pharmacist. Robey then took out a knife and slashed a massage chair next to where she had been seated.

Next, Robey proceeded to the front of the store holding the knife, knocking items off the shelves with the knife as she proceeded down the aisle. A CVS employee confronted Robey and asked what she was doing. Robey then put the knife up to the employee's face and threatened to cut the employee with the knife. Robey went to the front of the store and was met by another CVS employee. Robey used extremely derogatory language and threatened to harm that employee with the knife and made an upwards motion with the knife toward that employee. As Robey came at that employee with the knife, the employee grabbed Robey's arm and pushed her away toward the exit. Robey exited the store and walked to a bus stop bench where she continued to hold the knife in her hand. Video surveillance cameras located throughout the CVS store captured Robey's activities.

Multiple people inside the CVS and outside in traffic called 911 reporting a woman with a knife. CPD Officer Stephen Romanski and Officer Angela Storce were dressed in their police uniforms and in a marked CPD vehicle and responded to the CVS. The officers met with CVS employees and other witnesses who informed the officers about Robey's actions and directed the officers to Robey who was sitting alone at a bus stop at the intersection of Irving Park Road and Western Ave. The officers approached Robey who held a knife in her hand. Officer Romanski unholstered his gun and ordered Robey to drop the knife several times. Robey failed to comply. Instead, Robey stood up from the bench while holding the knife with her arm extended and faced Officer Romanski. Officer Romanski placed his gun back into the holster and drew his Taser as he continued to give verbal commands for Robey to drop the knife. While pointing the knife at Officer Romanski and moving toward him, Robey threatened to kill Officer Romanski. As Robey continued walking toward Officer Romanski, the officer took steps backward and deployed his Taser at Robey but it did not affect Robey. Instead, Robey continued to walk

toward the busy intersection near a CTA bus stopped at the corner and again threatened to kill Officer Romanski. Officer Romanski deployed his Taser a second time but it still had no effect on Robey. Robey continued walking in the busy intersection and the officers followed while continuing their verbal commands. Robey abruptly turned back and moved at a fast pace toward Officer Romanski. As she continued approaching Officer Romanski, Robey held the knife in her hand, pointed it at Officer Romanski, stated that she was going to kill Officer Romanski and that he should kill her. Officer Romanski threw his Taser to the ground and unholstered his firearm. As Robey quickly advanced toward Officer Romanski, he backed away in an effort to create distance between him and Robey. Robey then lunged toward Officer Romanski coming within a few feet of him. Officer Romanski and Officer Storce each fired one shot at Robey. Robey was struck in the abdomen by the bullet from Officer Romanski's gun and fell to the ground. Officer Romanski kicked the knife away from Robey. Investigators recovered that knife from the pavement near the curb where it was kicked. The knife had a stainless steel, serrated four-and-a-half inch blade with a four-inch handle.

Chicago Fire Department Emergency Medical Services (EMS) personnel arrived on scene and found Robey unresponsive with a single gunshot wound to her abdomen. Robey wore multiple layers of clothing and EMS personnel found the Taser prongs and barb attached to Robey's clothing, not her skin. Robey was transported to Illinois Masonic Medical Center where she was subsequently pronounced dead at 6:30 p.m.

A postmortem examination by the Cook County Medical Examiner's Office of Michelle Robey concluded that Robey sustained one gunshot which entered Robey's abdomen and lodged in her posterior torso. A toxicology test performed on Robey revealed no positive findings of toxicological significance.

Video surveillance footage from multiple camera angles inside CVS showed Robey's actions that precipitated the police involvement. Video surveillance footage from the Mobil Gas Station located at 4000 North Western Avenue captured the interaction between Robey and the officers prior to, and during, the shooting.

Numerous civilians were present near the intersection at the time the officers discharged their weapons. The witnesses provided information regarding their observations of Robey's actions including that Robey walked toward the officers with an extended arm with a knife in her hand, lunged at the officers and made statements to the officers that she was not going to drop the knife and was going to kill them.

OEMC recordings reflect numerous 911 calls reporting Robey's actions as well as the police radio transmissions regarding Robey having a knife, the taser deployment, and the shots fired.

The evidence at any trial would include evidence indicating that Officer Romanski reasonably believed that Robey was trying to cause great bodily harm to Officer Romanski with the knife. The evidence would include video recorded evidence which depicts Robey assaulting CVS employees and patrons in the store and then disregarding Officer Romanski trying to speak to her and lunging at him with the knife.

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 Romanski was legally justified in using deadly force against Robey. 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 great bodily harm from Robey. The uncontroverted evidence established that Officer Romanski's use of deadly force was objectively reasonable. The weight of the evidence shows that Officer Romanski was confronted with an individual who had a weapon and was a threat to not only the officers' safety, but the public's safety as well. Both officers followed Robey and gave her repeated verbal commands to drop the knife which she ignored. As Robey got up from the bus stop and made her way across Western Avenue, Officer Romanski initially tried to use less than deadly force by combining verbal commands with the use of his Taser. When the Taser did not have an effect on Robey, Officer Romanski continued with verbal commands. It was not until Robey abruptly turned around in the middle of the street, rapidly approached Officer Romanski with the knife extended towards him, and threatened Officer Romanski's life, that Officer Romanski and Officer Storce used deadly force against Robey. Both officers reasonably discharged their service weapons and acted to prevent Robey from using a weapon likely to cause great bodily harm or death against them. 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 Romanski's use of deadly force against Robey 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 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.