



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: TERRELL EASON

I. OVERVIEW

This matter involves the fatal shooting of Terrell Eason by Chicago Police Officers Larry Lanier and David Taylor after Eason fled from police officers, while armed with a handgun, and refused all commands to stop and drop the weapon. The Independent Police Review Authority (IPRA) / Civilian Office of Police Accountability (COPA) and the Chicago Police Department (CPD) conducted an investigation into Eason's death. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed OEMC transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner Post-Mortem Report, the results of forensic examinations, video surveillance and body camera footage. On February 9, 2020, 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 Chicago Police Officers Larry Lanier and David Taylor.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On July 3, 2018, at approximately 8:00 PM, an anonymous citizen contacted 911 and reported a “man with a gun” at 4708 W. Fulton. The citizen reported that a man, later identified as Terrell Eason, had a handgun inside his right pant pocket. The citizen described Eason as a male black with an orange baseball cap, white short-sleeve shirt, beige pants, and Timberland boots walking eastbound on Fulton. The description was then broadcast over Chicago Police radio.

Chicago Police officers proceeded to West Fulton Ave. and immediately observed the offender, Terrell Eason, walking toward 4702 W. Fulton. As the officers approached, Eason fled and ran eastbound on Fulton towards Kilpatrick. The officers pursued Eason and observed a black, semi-automatic handgun inside the right side of his waistband. The officers notified responding officers via radio that Eason was armed. The officers shouted commands at Eason to “stop” and “drop the handgun.” As Eason fled northbound onto Kilpatrick from Fulton, he pulled the handgun out from his waistband and ran with the handgun in his right hand. The officers continued to chase Eason down the alleys and through the yards of the neighborhood as responding officers arrived. An 11th District tactical vehicle arrived at 4732 W. Fulton and Officer Taylor and Officer Lanier exited the vehicle and ran northbound on Fulton. Eason continued to flee with the handgun in his right hand while ignoring the officers’ commands to stop. Eason ran southbound and jumped over a fence at 4730 W. Fulton. Officer Taylor and Officer Lanier were heard yelling, “Drop the gun,” multiple times as they reached the same yard as Eason. Officer Taylor jumped the side fence of 4730 W. Fulton as Eason entered the yard with the handgun still in his right hand. Officer Lanier remained along the fence line, south of Officer Taylor, in the neighboring yard. Eason ignored the officers’ commands to drop the gun and ran through the yard in the direction of Officer Lanier. Officer Lanier fired toward Eason, who dropped to his knee and then stood up still holding the handgun in his right hand. Officer Taylor then fired several shots and Eason dropped to the ground.

Officer Taylor ran up to Eason and requested an ambulance as other officers entered the yard. Eason’s handgun was lying on the ground next to him. Officers continued to administer first aid to Eason until Chicago Fire Department (CFD) personnel arrived and transported Eason to Stroger Hospital where he was pronounced dead.

A post-mortem examination performed by the Cook County Medical Examiner's Office revealed that Eason died from multiple gunshot wounds. Eason was shot a total of six times and five projectiles were recovered during the examination which revealed two entry wounds in the front (one in the front right chest and one in the front left abdomen) and four wounds on Eason's back (two in the right middle of his back and two in the lower left of his back). The manner of death was homicide.

Officer Taylor's body-worn camera captured part of the incident. Officer Taylor turned his camera on seconds before the shooting occurred and therefore, due to the audio delay, audio recording did not start until after all shots were fired. The video footage depicts Officer Taylor standing on the west side of a chain link fence that separates the rear yards of 4732 W. Fulton and 4730 W. Fulton. As Officer Taylor turned and faced east into the rear yard of 4730 W. Fulton, Eason is shown running out from the east side of the garage with a black handgun in his right hand. Officer Lanier can be seen on the west side of the fence and south of Officer Taylor. As Eason ran in the direction of Officer Lanier with the gun in his hand, Officer Taylor hopped the fence into the rear yard of 4730 W. Fulton and his camera pointed toward the ground. As Officer Taylor stood and turned, Eason is observed going to the ground with the gun still in hand. Officer Taylor then approached Eason, who was on his hands and knees, gun still in hand. Eason then stood up, gun in hand, took four strides away from Officer Taylor and then dropped to the ground. A black handgun is shown on the sidewalk near Eason's right foot.

Several ballistic items were recovered and sent to the Illinois State Police Crime Lab for analysis. The black handgun recovered next to Eason, a Taurus 9mm semi-automatic handgun which was loaded with seventeen live rounds, and its magazine were submitted to the Lab for fingerprint analysis however neither exhibit revealed latent impressions suitable for comparison. Four fired bullets, two fired bullet jacket fragments, and two metal fragments were analyzed and could not be identified or eliminated as having been fired from the officers' handguns. Seven 9mm fired cartridge cases recovered from the backyard of 4370 W. Fulton were tested and determined to have been fired from Officer Taylor's handgun. Two 9mm fired cartridge cases recovered from the backyard of 4732 W. Fulton were tested and determined to have been fired from Officer Lanier's handgun.

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.

III. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that the involved officers were not legally justified in using deadly force against Terrell Eason. In other words, a judge or jury would need to conclude that the involved officers did not reasonably believe that they or others were in imminent danger of great bodily harm from Eason. The uncontroverted evidence shows that the involved officers were justified in their use of deadly force to defend themselves and others against the deadly threat posed by Eason as he fled from the responding officers with his weapon in hand in the direction of Officer Lanier.

The evidence in this case demonstrates that the intent of the involved officers was to defend themselves and others. The evidence revealed that Eason refused multiple commands to stop and drop his handgun. Instead, he continued to flee from the officers to avoid apprehension. After scaling the

fence and entering the rear yard of 4730 W. Fulton, Eason again refused orders from the officers to drop the gun. Instead, Eason ran diagonally across the grass, with gun in hand, in the direction of where Officer Lanier stood at the fence line. As depicted in his body worn camera footage, Officer Taylor was several feet away from Officer Lanier observing Eason run toward Officer Lanier. Officer Taylor and Officer Lanier had to make a split-second judgment in a tense, uncertain, and rapidly evolving circumstance in which Eason was attempting to escape arrest with a deadly weapon in his hand and could utilize the weapon to inflict great bodily harm or death.

There is significant evidence to support the assertion that the recovered weapon was in Eason's possession at the time of the shooting. Eason's gun was recovered from next to his body where he was shot. Furthermore, Officer Taylor's body-worn camera depicts Eason with the gun in hand. Accordingly, it was reasonable for the involved officers to believe that the use of deadly force was necessary to prevent death or great bodily harm to themselves and others.

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 use of deadly force by the involved officers against Eason 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 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.