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COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: THURMAN REYNOLDS

I. OVERVIEW

On March 19, 2016, Thurman Reynolds was shot and killed by Park Forest Police Officers Darin Studer, James Kessler, James Jachymiak, Justin Malachowski and Timothy Jones after Reynolds committed a residential burglary, attempted to flee, and fired a gun. During this, Park Forest Officer Timothy Jones was wounded in the head, jaw and chest. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into the fatal police involved shooting. On October 21, 2016, the PITF 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. During the course of the investigation, investigators interviewed numerous law enforcement witnesses who were not involved in the discharge of weapons, civilian witnesses, 911 transmissions, photographs of the scene, police reports, medical records and the results of forensic examinations. After a thorough review, the Office has concluded that there is no conduct by any of the officers of the Park Forest Police Department which would give rise to criminal charges.

II. SUMMARY OF FACTS

On March 19, 2016, at approximately 5:00 a.m., a resident who lived on the 400 block of Suwanee Street in Park Forest, Illinois discovered that he had been burglarized and observed his vehicle being driven away from his residence at a high rate of speed by an unknown offender. He reported this burglary to the police.

At approximately 5:30 a.m., a resident of Neola Street observed an unusual car parked at the residence of 314 Neola Street, Park Forest, Illinois. That resident called 911 and reported what he

believed was a break in at 314 Neola Street. That resident observed police arrive and then went back to sleep.

Multiple officers responded to 314 Neola Street to investigate the burglary in progress. Officers observed the vehicle in the driveway which had been stolen a half hour earlier from Suwanee Street. Officers also observed signs of forced entry to the residence. Commander Eliot, Corporal Boulden, Corporal Studer, Officer Kessler, Officer Jachymiak, Officer Malachowski and Officer Jones, all of the Park Forest Police Department, responded to the residence.

Officers observed the burglary suspect, Thurman Reynolds, inside the residence at 314 Neola armed with a firearm. Officers established a perimeter around the house and gave repeated verbal commands for Reynolds to exit and surrender.

Thurman Reynolds pushed out a screen and exited through a window on the north side of the residence. Officers gave verbal commands announcing their office and telling Reynolds to stop. Officer Jones, along with other officers, attempted to stop Reynolds and get him to surrender. In the course of attempting to apprehend Reynolds, Officer Jachymiak attempted to subdue Reynolds with the use of a Taser. The Taser did not penetrate to Reynolds' skin and he was not stunned. During the attempts to subdue and stop Reynolds, multiple gunshots were fired and Officer Jones was shot.

Thurman Reynolds continued to flee with a gun in his hand. Reynolds pointed and fired his weapon in the direction of police officers. Multiple officers returned fire at Reynolds, striking him multiple times in the neck, back, buttock and thighs. He died from these injuries. He was pronounced dead on scene.

Officer Jones was rushed to St. James Hospital in Olympia Fields and was subsequently airlifted to Christ Hospital in critical condition. He sustained gunshot wounds causing injury to his head, jaw and chest.

Crime scene and crime lab reports reveal five officers discharged firearms. Those Officers were Corporal Darin Studer, Officer James Kessler, Officer Justin Malachowski, Officer James Jachymiak and Officer Timothy Jones. The officers' weapons were recovered and examined and multiple fired cartridges were recovered from the scene and identified to the officers' weapons. In addition, a Taser was deployed by Officer Jachymiak which was ineffective.

Car keys to the stolen motor vehicle were recovered from the person of Thurman Reynolds and proceeds from burglaries on Suwanee Street were also recovered from Reynolds' backpack and in the stolen motor vehicle.

Thurman Reynolds was found in possession of a Lorcin 380 caliber handgun which was recovered on the ground next to his body. Three cartridges were recovered from the scene, which were excluded from all officers' firearms. These cartridges, based on class characteristics, are believed to be fired from Reynolds' Lorcin 380 but scientifically cannot be identified or eliminated as there are insufficient individual marking characteristics. Reynolds was also found in possession of an inoperable Smith and Wesson 22 caliber firearm in his backpack.

A postmortem examination by the Cook County Medical Examiner's Office of Thurman Reynolds identified gunshot wounds to Reynolds' neck, back, buttock and thighs. A report of blood toxicology revealed the presence of benzodiazepine in Reynolds' blood.

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 the Park Forest Officers were not legally justified in using deadly force against Reynolds. In other words, a judge or jury would need to conclude that the officers did not reasonably believe that they were in imminent danger of great bodily harm from Reynolds. The uncontroverted evidence established that the Park Forest Officers' use of deadly force was objectively reasonable. Park Forest Officers responded to a call of residential burglary and encountered Reynolds armed and inside the residence in question. The officers initially attempted to have Reynolds surrender peacefully. The evidence shows that Reynolds used deadly force against the officers to evade arrest from his commission of a forcible felony, residential burglary. He confronted the officers with deadly force and was shot as a result. 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 officers' use of deadly force against Reynolds 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.

V. ADDENDUM

After a complete review of all competent and admissible evidence, and a determination that no criminal charges could arise based upon the evidence provided to the Cook County State's Attorney's Office, the compelled statements of the involved officers were reviewed to obtain additional details and facts regarding the shooting of Officer Timothy Jones and the fatal shooting of Thurman Reynolds. The following additional information was obtained:

Officer Jones was initially assigned to the burglary and motor vehicle theft on Suwanee Street. Officers Kessler and Malachowski were first assigned to the residential burglary on Neola Street. Officers observed forced entry being broken glass from a window at the residence and officers observed Reynolds in the residence. Multiple additional officers arrived.

Officers announced their office and ordered Reynolds to surrender multiple times. Officers observed Reynolds spread the blinds apart and close them.

Officer Jones informed other officers by radio that there was a man with a gun in the house. Soon thereafter, Reynolds fled the residence through the northwest window in a quick and tumultuous manner. Officer Timothy Jones was heard ordering Reynolds to stop, get on the ground and drop the weapon. He subsequently tackled Thurman Reynolds. Reynolds was ordered to put his hands behind his back. Officers got Reynolds on his stomach but his hands were beneath him. It was during this time

that a Taser was deployed. Officers heard muffled gunshots and muzzle flash was observed from Reynolds' gun. Reynolds then stood up and fled away from Officer Jones.

As Reynolds fled, he pointed his handgun at officers and fired a gunshot in the officers' direction. Multiple officers returned fire and Reynolds was struck multiple times.