



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: SARGE JUNIOR

I. OVERVIEW

This matter involves the fatal shooting of Sarge Junior by Chicago Police Officer Ivan Romo after Junior and another individual attempted to steal Officer Romo's personal vehicle at gunpoint. The Civilian Office of Police Accountability (COPA) and the Chicago Police Department conducted an investigation into Junior'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 Worn Camera (BWC) footage. On May 8, 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 Officer Ivan Romo.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On November 22, 2018, Thanksgiving, at approximately 1:45 A.M., Officer Ivan Romo was off duty when he parked his personal vehicle on the street near his home. Officer Romo remained seated in the driver's seat of his vehicle, which was closest to the curb, for a few minutes as he consulted his cell phone and vehicle owner's manual for a technical issue. Within minutes, there was a knock on his closed driver's side window. When Officer Romo looked up, he observed Sarge Junior, wearing a ski mask and gloves pointing a black handgun at him. Junior opened the unlocked driver's side door. Officer Romo put his hands in the air. Junior continued to point the gun at Officer Romo and demanded the officer's cell phone and wallet. Officer Romo retrieved his wallet from his left pant pocket and the cell phone from his lap and handed

them to Junior. Junior then took a step away from the car, while continuing to aim the gun at Officer Romo. Junior's juvenile co-offender "A.N." was wearing a red coat and drew closer. A.N. reached across the front of Officer Romo's body toward his right side and patted down Officer Romo's chest, stomach, and legs. When A.N. got to Officer Romo's right pant pocket, he felt Officer Romo's second wallet which contained his Chicago Police credentials and inquired of Officer Romo. Officer Romo gave A.N. the second wallet. A.N. stepped back toward Junior who continued to point the gun at Officer Romo. A.N. then went through Officer Romo's wallets. Junior and A.N. were parallel, but slightly behind Officer Romo's vehicle as Junior shouted to Officer Romo, "Don't reach for anything." Officer Romo moved out of the driver's seat, unholstered his weapon, turned and fired two shots at Junior. Junior spun 360 degrees while holding his gun and remaining standing. Officer Romo fired one more shot. Junior then fell to the ground and dropped his gun in the process. Officer Romo saw A.N. wearing the red coat running away from his location. Officer Romo yelled that he was a Chicago Police Officer, shots were fired by the police, and that an ambulance was needed because there was a person shot.

Multiple residents of the block heard the shots and called 911 to report shots were fired, someone was shot, and an ambulance was needed. Residents described hearing two shots, a pause, and then an additional shot. Three residents heard shots, then a voice yelled, "Get your hands up" and then one additional shot rang out. Officer Romo's cell phone was recovered approximately one block away from the scene by a civilian who turned it in to the police.

Numerous Chicago Police officers responded, equipped with BWC, which captured Junior lying on his back with his feet on the curb and a Beretta handgun laying near his left hand. During this time, it was learned that Sarge Junior and the Beretta he possessed were the subjects of a missing person and a stolen gun police report from earlier in the evening on November 21, 2018. While responding officers were still on scene, A.N. returned to the scene of this incident multiple times and explained he was looking for his friend, "Sarge." Two cell phones and a set of keys, connected to other Armed Robbery and Aggravated Vehicular Hijacking police reports, were recovered on A.N.'s person. A.N. was charged in a criminal juvenile petition and, following a bench trial, was adjudicated delinquent for the Armed Robbery, Aggravated Robbery, and Robbery of Officer Romo.

Chicago Fire Department Emergency Medical Services Paramedics found Junior unresponsive lying on his back. Lifesaving procedures were performed, and Junior was transported by ambulance to St. Francis Hospital, where he was pronounced deceased at 3:16A.M. A post-mortem examination performed by the Cook County Medical Examiner's Office revealed Junior died from multiple gunshot wounds. Junior had one gunshot wound which entered the left side of his chest, one which entered the left mid-lower back, and another which entered his upper inner left thigh. Three projectiles were recovered during the examination. The manner of death was homicide.

The gun possessed by Junior during this incident, a Beretta Semi-Automatic handgun, was recovered from the parkway grass near Junior. The Beretta's ten-round capacity magazine contained nine live Luger 9MM cartridges and there was one live Luger 9MM cartridge in the chamber. No suitable latent prints were obtained from the Beretta, the magazine, or the ten live cartridges recovered within. This firearm was determined to be operable.

Three fired 9MM cartridge casings were recovered from the parkway near Officer Romo's vehicle and Junior's body. Illinois State Police Forensic testing confirmed that these three fired cartridges were fired from Officer Romo's firearm.

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 Romo was not legally justified in using deadly force against Sarge Junior. In other words, a judge or jury would need to conclude that Officer Romo did not reasonably believe that he or others were in imminent danger of great bodily harm from Junior. An analysis of the facts and evidence with applicable law shows that Officer Romo was justified in his use of deadly force to defend himself against the perceived deadly threat posed by Junior as he continued to point his weapon at Officer Romo after taking the officer's cell phone and wallet. The evidence revealed that Junior continuously

aimed his loaded pistol at Officer Romo throughout the incident. Immediately prior to exiting his car and shooting at Junior, Officer Romo could see Junior continuing to aim the gun at him as Junior and A.N. examined Officer Romo's wallet. Further, after Officer Romo fired twice at Junior, he observed Junior spin around but not fall, and continue to hold the gun. At this point, it was reasonable for Officer Romo to fire a third time as it did not appear that Junior's threat of deadly force had subsided. Officer Romo had to make a split-second judgement in tense, uncertain, and rapidly evolving circumstances in which Junior was taking his possessions at gun point and could utilize the weapon to inflict great bodily harm or death. Officer Romo's use of deadly force was further justified by the fact that Junior had committed the forcible felony of Armed Robbery and was using the continued threat of deadly force to prevent apprehension.

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 Officer Romo against Junior 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 Attorney 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.