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COOK COUNTY, ILLINOIS

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: WARREN H. CHRISTIAN III**

**I. OVERVIEW**

On May 26, 2016, Warren H. Christian III was shot and killed by Lansing Police Officer Joshua Scheeringa as Christian pointed a handgun in the direction of another Lansing Police Officer. Prior to Officer Scheeringa's arrival at the scene, Christian had struggled with a Lansing Police Officer who was attempting to place him in custody for committing a retail theft. During the struggle, the officer's handgun discharged and the bullet struck the officer in the foot. Christian then obtained control of the officer's handgun, pointed it at him, and pulled the trigger, but the weapon misfired and then fled toward the north end of the shopping center where he was confronted by Officer Scheeringa. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into Christian's death. During the course of the investigation, investigators interviewed numerous civilian and law enforcement witnesses, and reviewed audio recordings of police radio traffic, 911 calls, dash camera video, video surveillance footage from a nearby business, photographs of the scene, police reports, medical records and the results of forensic examinations. On May 8, 2017, 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. After a thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against Officer Scheeringa.

**II. STATEMENT OF FACTS**

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

On May 26, 2016, at approximately 3:40 p.m., Warren H. Christian III (age 43) was observed

committing a retail theft at Ultra Foods, 16777 Torrence Avenue, Lansing, Illinois. Employees contacted the Village of Lansing Police and confronted Christian. Christian dropped the proceeds of the retail theft and fled as Lansing Police Officer Brian Dornvoss arrived. A foot chase ensued. During the chase, Officer Dornvoss deployed his taser striking Christian in the back with no effect. Officer Dornvoss caught up to Christian and a struggle ensued. During the struggle, Christian grabbed a hold of Officer Dornvoss' duty weapon and attempted to disarm the officer. A struggle ensued for control of the firearm and it discharged, striking Officer Dornvoss in the right foot. Christian then gained control of Officer Dornvoss' handgun and pointed it at Officer Dornvoss. Christian pulled the trigger but the handgun misfired. Christian then ran north toward the stores on the north end of the shopping center. Officer Dornvoss radioed that he had been shot and that the offender had his handgun.

After hearing Officer Dornvoss' radio broadcast, Lansing Police Officers Butler and Scheeringa responded to the scene. The officers arrived separately and both observed Christian walking northbound holding a handgun. Officers Butler and Scheeringa ordered Christian to stop and drop the gun multiple times. Christian ignored the officers' commands and continued to walk northbound. Officer Butler moved toward Christian's left while Officer Scheeringa moved to his right. As Officer Butler walked around a parked SUV, Officer Scheeringa observed Christian turn and walk in Officer Butler's direction toward the rear of the parked SUV. As Christian walked toward Officer Butler, he held the handgun in a shooting position pointed toward Officer Butler. Officer Scheeringa then fired one shot from his rifle, striking Christian in the back. Christian dropped to the pavement with Officer Dornvoss' handgun still partially in his hand as the officers approached.

Officers recovered the handgun from the scene and discovered it had a double feed malfunction meaning the casing from the bullet which struck Officer Dornvoss' foot had not ejected prior to the next round entering the chamber. This malfunction prevented the weapon from firing again when Christian pointed it at Officer Dornvoss and pulled the trigger. Officers cleared the weapon to render it safe and submitted it to the Illinois State Police Crime Laboratory for analysis. An ISP analyst examined DNA swabs taken from the pistol grip of Officer Dornvoss' handgun and identified a DNA profile which matched the DNA profile of Warren Christian. A fired bullet jacket was recovered from Officer Dornvoss' boot, which was examined and determined to have been fired from Officer Dornvoss' handgun. Officer Scheeringa was armed with a semiautomatic rifle, which he fired one time. A casing recovered at the scene was determined to have been fired from Officer Scheeringa's rifle.

Christian was pronounced dead at St. Margaret Mercy Hospital. His body was transported to the Lake County, Indiana Coroner's Office where an autopsy revealed that Christian had sustained a through and through gunshot wound to the back. The toxicology report indicated positive results for cocaine and morphine.

### **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 Scheeringa was not legally justified in using deadly force against Christian. In other words, a judge or jury would need to conclude that Officer Scheeringa did not reasonably believe that he or others were in imminent danger of great bodily harm from Christian. The uncontroverted evidence established that Officer Scheeringa was justified in his use of deadly force to defend himself, his fellow officers and civilians against the deadly threat posed by Christian as he fled after committing a forcible felony. Both civilian witnesses and police officers observed Christian in possession of a handgun prior to, and at the time of, the shooting. Witnesses observed Christian struggle with Officer Dornvoss, shoot him in the foot, and flee with Officer Dornvoss' handgun prior to being

confronted by Officer Scheeringa. Officer Dornvoss broadcast information to his fellow officers, including Officer Scheeringa, that he had been shot, that Christian was armed, and the direction of Christian's flight. After being confronted by Officers Butler and Scheeringa, Christian continued to flee and refused all orders to drop the gun prior to being shot. 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 Scheeringa's use of deadly force against Christian 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 Lansing 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.