



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

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**POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: CHRISTOPHER WILLIS**

I. OVERVIEW

This matter involved the fatal shooting of Christopher Willis and the non-fatal shooting of RW, a minor, by Des Plaines Police Officer Jimmy Armstrong after Willis had robbed Bank of America in Des Plaines, hijacked a car and drove it to Chicago, shot an officer in the head, and fled into the Upbeat Music and Art Studio. The Chicago Police Department's Incident Response Team conducted an investigation into Willis' 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.

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 Des Plaines Police Officer Jimmy Armstrong.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On November 19, 2019, Christopher Willis entered the Bank of America in Des Plaines, Illinois and demanded that the tellers empty their drawers into a bag. Willis then fled the bank in a car, which he later left in an alley. As he ran, Willis approached a woman who was getting out of her car. He pointed his gun at her and demanded her keys. She gave Willis the keys to her white Buick and he drove away. Police officers from multiple agencies engaged in the vehicle pursuit of Willis who drove the car to Chicago. Des Plaines Police Officer Jimmy Armstrong was involved in the pursuit.

As Willis was driving eastbound on Irving Park Road in Chicago, Officer Armstrong and another police car positioned themselves in the eastbound lanes. Willis then drove head-on into the westbound lanes. Officer Armstrong then attempted to stop Willis by striking the rear passenger side of the Buick. The Buick spun around and ended up facing a Chicago Police car occupied by Officer Cajucom and Officer Regalado, who had also been pursuing Willis.

Willis got out of the car and fired his handgun toward the police squad car. Officer Cajucom was sitting in the front passenger seat of that car and was struck in the side of the head by the bullet. After he shot Officer Cajucom, Willis ran to Upbeat Music and Art Studio and entered by pushing past a student who was coming into the studio. Officer Armstrong, dressed in full police uniform, followed Willis into the studio and yelled several times for Willis to drop his gun. Willis ran to the back of the studio near the rear exit door, turned around, and pointed his gun in the direction of Officer Armstrong. In fear of his safety and those around him, Officer Armstrong fired his rifle at Willis.

When Willis had entered the studio, RW, an intern at the studio, was walking toward the main entrance. He saw Willis enter the studio carrying a gun in his hand. RW attempted to run away from Willis and ran in front of Officer Armstrong as he was discharging his weapon at Willis. RW was shot and ran into the band room. Instructors then led RW and other students out the back door. RW was transported to Lurie Children's Hospital and had multiple surgeries for his gunshot wounds to the stomach and arm.

After Officer Armstrong fired his rifle, students opened the locked main entrance to let in other officers. Upon entering the studio, the officers saw Willis facing the main entrance with his back against the back door and a gun on the floor next to him. Officers then kicked the gun away from Willis, placed him under arrest, and began administering chest compressions. Willis was taken to Illinois Masonic Hospital and pronounced dead at 7:55 p.m. On November 20, 2019, a Cook County Medical Examiner performed an autopsy on Willis and determined the cause of death to be multiple gunshot wounds.

III. LEGAL STANDARD

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code in effect at the time of the incident. The Illinois Use of Force in Defense of Person statute provided 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) (West 2018).

The statute regarding an officer's use of force provided 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(a) (West 2018).

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that the involved officer was not legally justified in using deadly force against Christopher Willis. In other words, a judge or a jury would have to find that Officer Armstrong's belief that he or others were in imminent danger of great bodily harm or death -- was not reasonable. In this case, however, the uncontroverted evidence shows that Officer Armstrong did have a reasonable belief that Christopher Willis put Officer Armstrong and others in imminent danger of great bodily harm or death.

Here, Officer Armstrong was justified in using deadly force against Willis. First, Officer Armstrong was justified in using deadly force in self-defense. Officer Armstrong's use of deadly force was in response to Willis' threat of deadly force with a gun. After Willis ran to the back of the studio, he turned and pointed his gun at Officer Armstrong. Willis had just shot an officer in the head and had previously displayed his gun during the armed robbery and aggravated vehicular hijacking. Thus, Officer Armstrong reasonably believed that when Willis pointed the gun at him -- he would shoot.

Second, Officer Armstrong was justified in using deadly force to prevent Willis from escaping. At the time that Officer Armstrong fired his rifle, Willis had committed numerous forcible felonies including armed robbery, aggravated vehicular hijacking, and attempt murder of a police officer. During the armed robbery and aggravated vehicular hijacking, he threatened great bodily harm by pointing his gun at the victims. He also inflicted great bodily harm on Officer Cajucom when he shot the officer in the head.

Because Willis had fled multiple crime scenes already, Officer Armstrong reasonably believed that Willis would flee from Upbeat as he observed Willis run to the rear of the building towards an exit door. Willis had demonstrated that he would use his gun to escape when he got out of the Buick, saw the police car and shot Officer Cajucom. Willis further demonstrated that he would use his gun to escape when he turned and pointed his gun at Officer Armstrong as he reached the back door of Upbeat. Willis had already pointed a gun at the bank tellers and the Buick owner. Those facts combined with his shooting of Officer Cajucom, demonstrate that

Willis would further endanger human life or inflict great bodily harm to others unless arrested without delay. Therefore, Officer Armstrong was justified in using deadly force to prevent Willis from escaping out of the rear door of Upbeat.

Although the surveillance videos do not show Willis in the back of the studio, witness statements and the autopsy corroborate Officer Armstrong's version of events. Several eyewitnesses saw Willis with his gun shooting at Officer Cajucom's car. Additionally, RW stated that he saw Willis run in the studio with a gun in his hand. As officers entered the studio, they observed Willis facing them with the gun right next to him. Also, Officer Klug stated that he kicked the gun away from Willis in order to place him under arrest. The Illinois State Police Lab analysis revealed that the magazine removed from Willis' gun had been damaged by bullet strikes which supports Officer Armstrong's version of events that Willis not only had a weapon but had it raised at the time Officer Armstrong shot him. Furthermore, the medical examiner's report supports Officer Armstrong's version of events. The majority¹ of the gunshot wounds entered on Willis' front, supporting that Willis was facing Officer Armstrong when the officer shot the rifle.

According to the transferred intent doctrine, because Officer Armstrong was justified in using deadly force against Willis, he should not be charged for RW's injuries. Although RW was an innocent bystander and unfortunately was injured, as stated above, Officer Armstrong acted reasonably when he fired his rifle at Willis. This justification transfers to RW's injuries.

Furthermore, there is no evidence to suggest that Officer Armstrong intended to shoot RW. As Officer Armstrong raised his gun at Willis, he lined up his right eye with the scope on his rifle. When looking at the surveillance video from Upbeat, RW was running on Officer Armstrong's left side. Additionally, Officer Armstrong's body-worn camera showed that his chest was facing slightly to his right when he shot his rifle. Before Officer Armstrong shot the rifle, RW is not seen on the body-worn camera video. Officer Armstrong indicated that he did not see anyone else besides Willis in his sight when he shot the rifle. The angles in the videos support Officer Armstrong's statement that while he was focused to his right firing at Willis, he

¹ There were four gunshot wounds that entered on the front of Willis' body, two that entered on the side of his leg, and one that entered his right buttock.

did not see RW to his left. Thus, there is no credible evidence to indicate that Officer Armstrong intended to shoot RW.

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 Armstrong against Willis was reasonable under the totality of the circumstances. Therefore, the Cook County State's Attorney's Office will not pursue 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 on July 7, 2021, 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 Des Plaines 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.