



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: CURTIS STAGGER

I. OVERVIEW

This matter involved the fatal shooting of Curtis Stagger by Chicago Police Officer Philip Strazzante. 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 Chicago Police Officer Philip Strazzante.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On May 28, 2019, Chicago Police Officers Philip Strazzante, Rogelio Borjas, Jason Toliver, and Marcus McGrone were assigned to the Fugitive Apprehension Unit to arrest Subject A for the offense of First Degree Murder. Their investigation led them to a house at

8130 S. Chappel Avenue, where they set up surveillance. In order to identify Subject A, the officers had a picture of him in their car. During their surveillance, they were in contact with U.S. Marshals who informed the officers that Subject A's Facebook account was being used inside the house.

Around 1:40 p.m., an individual, now known as Curtis Stagger, exited the house. When he exited the house, the officers determined that Stagger fit the physical description of Subject A. It was later learned that Curtis Stagger was a family member of Subject A. The officers observed Stagger approach the passenger side of a red Dodge Journey parked in the driveway. He entered the car on the passenger side then slid over to the driver's seat. Once Stagger was in the driver's seat, the officers approached the Dodge Journey from behind on the passenger side.

As they were approaching, Officer Borjas could see Stagger looking back at the officers. When they reached the front passenger door, Officer Borjas saw Stagger holding a gun in his hand and pointing it at the officers. Seconds later, Officer Borjas yelled, "Gun! Police!" He then heard a gunshot and the front passenger window shattered. Officer Strazzante then fired at Stagger through the front passenger door window and again through the front windshield.

After Officer Strazzante fired his gun, he and Officer Borjas ran behind the car and took cover near the street. Shortly after, other officers arrived with a ballistic shield. Multiple officers approached the Dodge Journey behind the ballistic shield. When they approached, the officers found Stagger unresponsive and found a gun lying in the car between the front passenger seat and the door. Officers called for an ambulance which then took Stagger to University of Chicago Hospital where he was pronounced dead at 2:33 p.m.

A Cook County Medical Examiner performed an autopsy on Stagger and determined the cause of death to be multiple gunshot wounds and the manner of death to be a homicide.

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 Curtis Stagger. In other words, a judge or a jury would have to find that Officer Strazzante's belief that he or others were in imminent danger of great bodily harm or death -- was not reasonable. In this case, however, the evidence shows that Officer Strazzante did have a reasonable belief that Curtis Stagger put Officer Strazzante and others in imminent danger of great bodily harm or death.

In this case, Officer Strazzante was justified in his use of deadly force because he had a reasonable belief that Curtis was threatening death or great bodily harm to himself and his fellow officer. When examining the information available to Officer Strazzante at the time of the incident, he acted reasonably in self-defense and defense of Officer Borjas. The officers were positioned near the house at 8130 S. Chappel Avenue to arrest Subject A for the offense of First

Degree Murder. Their investigation using, Subject A's Facebook account location, information led them to that house. Using the picture of Subject A as a comparison, the officers believed that the individual who came out of the house and entered into a car was Subject A. The fact that they were approaching a suspect who was known to be involved in a homicide put the officers at a heightened sense of awareness. As they approached the car, the officers saw Curtis Stagger, who they believed to be the offender wanted in a murder investigation, pointing a gun in their direction. When Stagger pointed the gun at the officers, his threat of deadly force caused Officer Strazzante to shoot at Stagger in order to protect himself and Officer Borjas. Although Stagger was the individual in the car, rather than Subject A, this information was determined after the incident and thus does not change the analysis of the reasonableness of Officer Strazzante's actions in firing upon Stagger as Stagger pointed a gun in his and Officer Borjas' direction.

The physical evidence corroborates the officers' version of events. The gun was found in Stagger's car between the front passenger seat and the door. The location is consistent with Officer Borjas' statement that Stagger was pointing a gun at them. Because Stagger was sitting in the driver's seat, and the gun was pointed at the officers, who were on the passenger side, it is logical that the gun would fall toward the passenger side of the car. Additionally, the location of the gunshot wounds on Stagger support that he was facing the officers at the time he was shot. Both wounds had a directionality of front to back, indicating that he was not turning away when Officer Strazzante shot him.

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 Strazzante against Stagger 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 October 13, 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 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.