



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

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**POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: DARIUS WASHINGTON**

I. OVERVIEW

This matter involved the fatal shooting of Darius Washington by Chicago Heights Police Detectives Anthony Bruno #144, Blake Naylor #168, Timothy Hannagan #148 and Petros Visvardis #140. During the course of the investigation, investigators interviewed law enforcement witnesses, civilian witnesses, fire department personnel, reviewed radio transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner Post-Mortem Report, the results of forensic examinations, social media video, 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 these detectives.

II. STATEMENT OF FACTS

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

The Chicago Heights Police Department crime suppression unit, including Detective Anthony Bruno #144, Detective Blake Naylor #168, Detective Timothy Hannagan #148, and Detective Petro Visvardis #140, were patrolling the area of 17th Street and 5th Avenue on July 18, 2020, at approximately 9:30PM. All four detectives were wearing black polo shirts and black ballistic vests with their name and star insignia embroidered on the front and the word "POLICE" on the back. Detectives Hannagan and Visvardis were in a black unmarked Crown Victoria and Detectives Naylor and Bruno were in a fully marked white Chevrolet Impala. As the fully marked squad car turned onto 5th Avenue and proceeded northbound, the detectives observed a group of four men and two women standing by a black SUV which was parked. As the marked squad car approached, the four men suddenly ran. Detective Naylor, who was driving the fully marked squad car, followed the subjects in his squad. As he did so, Detective Naylor observed one of the subjects place an object on the ground in the tall grass and alerted his partner, Detective Bruno. This object was later recovered and found to be a firearm. Detective Naylor continued to drive north in the north/south alley to the east/west alley at the north end of 5th Avenue. Detective Naylor then turned and drove west in the east/west alley and as he was crossing over Portland, he observed a black male, now known as Darius Washington, running into the south end of the open field. Naylor pulled his squad into the north end of the field.

At this same time, Detective Hannagan was driving the unmarked vehicle which was positioned behind the marked squad prior to its turning onto 5th Avenue. Detective Hannagan drove down several streets attempting to cut off the fleeing subjects. Detectives Hannagan and Visvardis observed some of the fleeing men run west across Portland Avenue to an empty field on the west side of the street. Detective Visvardis exited the vehicle and started to chase after them. As he did so, Detective Visvardis heard a crashing noise and turned around and observed Darius Washington getting up off the ground in front of a fence on the east side of Portland Avenue. Washington continued to run south along the east side of the road and Detective Visvardis ran towards Washington to cut him off. Washington stopped and ran west across Portland in front of the black squad car and then into an empty field.

Washington came to a stop in the south end of the field near a tree line, the same field where Detective Naylor's squad was stopped on the north end. The detectives observed Washington holding a gun in his right hand down near his thigh. Washington looked back and forth between the two sets of detectives on either side of him and then raised his handgun in the

direction of Detectives Visvardis and Hannagan. Detective Bruno observed Washington discharge his firearm in the direction of Detectives Visvardis and Hannagan and then fired his weapon at Washington. Detectives Visvardis, Hannagan, and Naylor all heard a single gunshot but did not see who fired it, and then fired their weapons at Washington, who fell to the ground. Washington started to get up and then pointed the handgun at Detectives Naylor and Bruno at which time Detectives Bruno, Naylor and Visvardis fired their weapons at Washington again, causing him to fall to the ground. Both Detective Naylor and Detective Bruno reported that they observed what they believed to be a “muzzle flash” prior to discharging their weapons the second time after Washington was observed raising up from the ground. It cannot be determined with certainty as to whether the “muzzle flash” was caused by a second discharge of Washington’s weapon, or if another object created the light which was perceived as a “muzzle flash” by the detectives. Washington was struck in the right torso, the outer right thigh and the outer left thigh during this incident and was later pronounced deceased at St. James Olympia Fields Hospital. The Cook County Medical Examiner’s Office performed an autopsy and determined the cause of Darius Washington’s death to be multiple gunshot wounds and the manner of his death to be homicide.

A firearm was recovered near Washington’s body and a transparent extended magazine was found on the ground east of Portland Avenue in the area where Washington was observed getting off the ground. Additionally, it was discovered that Washington was observed holding an identical gun and transparent clip earlier that day in a video which had been posted on social media. Ballistics testing by the Illinois State Police Crime Lab confirmed that a spent shell casing recovered from the open field where Washington was observed standing had been fired by the firearm recovered near Washington and forensic testing confirmed that Washington had tested positive for gunshot residue. Portions of this incident were recorded on body worn cameras, including video of the detectives ordering Washington to, “Drop the gun,” and Washington with his arm outstretched toward the road where officers were located, immediately before gunshots were heard.

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 officers were not legally justified in using deadly force against Darius Washington. In other words, a judge or a jury would need to conclude that each of the detectives did not reasonably believe that he or others were in imminent danger of great bodily harm or death. In this case, however, the evidence has established that the use of deadly force by Chicago Heights Police Detective Anthony Bruno, Detective Blake Naylor, Detective Timothy Hannagan and Detective Petros Visvardis was objectively reasonable. Each detective had a reasonable belief that Darius Washington put the detectives and others in imminent danger of great bodily harm or death.

In this case, the evidence has established that despite being ordered to drop the gun, Washington continued to hold the gun and said something which the officers could not hear at the

time. A review of the body worn camera video established Washington said, “Y’all are going to have to shoot me...” providing after-the-fact insight into Washington’s state of mind as he stood in that field.

Washington then followed up that statement by slowly raising his firearm in the direction of Detectives Visvardis and Hannagan. According to Detective Bruno, Washington discharged his firearm first and then the four detectives fired at Washington. Though Detective Bruno was the only officer who observed Washington fire first, the fact that Washington had raised his firearm and pointed it in the direction of the two detectives, created a situation in which an officer could reasonably believe his use of deadly force was necessary to prevent death or great bodily harm to himself or his partners. Furthermore, the fact that Washington was using his firearm as a means to escape, could have been seen by the officers as an indication that he was capable of endangering human life or inflicting great bodily harm unless Washington was arrested without delay. This holds true whether Washington fired first upon the officers, or second.

Detective Visvardis recalled hearing one gunshot and then discharged his weapon several times as he moved behind a bush, looking for cover. Washington then fell to the ground but then raised his pistol once more while lying on the ground, which prompted Detective Visvardis to discharge his weapon several more times. Detective Hannagan recalled he and Detective Visvardis shouted commands for Washington to drop the gun which were not followed. Instead, Washington raised his handgun and pointed it towards the detectives. Detective Hannagan turned to his left and heard a single gunshot. Detective Hannagan then discharged his weapon multiple times at Washington. Detective Naylor explained that when Washington deliberately raised his firearm and pointed it in the direction of Detective Visvardis, he believed Washington was going to kill Detective Visvardis, as he had no cover. Detectives Bruno and Naylor initially fired their firearms in defense of Detectives Visvardis and Hannagan, and then fired in defense of themselves after Washington raised up from the grass and pointed his firearm at Detectives Bruno and Naylor. Detective Bruno recalled ordering Washington to stay down after the first volley of shots and then Detective Bruno discharged his weapon a second time after viewing what he believed to be a “muzzle flash.” Detective Naylor also recalled ordering Washington to stay down, however, Washington started to get up off the ground and subsequently raised his handgun towards Detectives Naylor and Bruno. Detective Naylor also recalled observing a flash of light, which he

believed to be a “muzzle flash” after which Detective Naylor discharged his weapon several times again.

The physical evidence corroborates the detectives’ accounts of what occurred. A handgun was found in the grass near Washington. The recovered spent shell casing recovered in the grassy area where Washington was located was examined and found to have been fired by the firearm recovered near Washington. Additionally, Washington tested positive for gunshot residue. Though it cannot be confirmed that Washington discharged his weapon more than a single time, given the fact that the magazine was not in the handgun at the time it was recovered, whether or not Washington caused the “muzzle flash” as seen by Detectives Naylor and Bruno prior to the second volley of shots does not change the analysis of the officer’s actions. The possibility for great bodily harm or injury existed in the officers’ minds when Washington pointed his weapon at them. By raising his firearm, Washington created a potentially life-threatening situation for the officers on scene, to which they reasonably reacted.

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 Chicago Heights Police Detectives Anthony Bruno, Blake Naylor, Timothy Hannagan and Petros Visvardis 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 May 11, 2022, 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 Heights 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.