



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: DARREN GREEN JR.

I. OVERVIEW

This matter involved the fatal shooting of Darren Green, Jr. by Illinois State Police Trooper Christopher Ehlers after Green drove a vehicle through a glass bus station and into a cement light pole base while Trooper Alec McCarthy was hanging from the window of the vehicle. The Illinois State Police Department of Internal Investigations conducted an investigation into Green's death. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed 911 calls, police radio 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 In-Car Camera footage, as well as Body-Worn Camera footage of officers who responded after the shooting.

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 Illinois State Police Trooper Christopher Ehlers.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: At approximately 12:30 A.M., on October 7, 2020, Illinois State Police Trooper Christopher Ehlers was on patrol in an unmarked squad car in the area of 147th Street and Halsted Street. Trooper Ehlers performed a traffic stop of a black Jeep which was driving without its lights activated. The driver of the Jeep, Individual A, pulled over as assisting Illinois State Police Trooper Alec McCarthy arrived. Trooper Ehlers parked his unmarked vehicle directly behind the Jeep. Trooper McCarthy parked his marked vehicle directly behind Trooper Ehlers. Both vehicles had In-Car Cameras which were activated and recording. Neither Trooper was equipped with a Body-Worn Camera, but their In Car Cameras captured video and audio of this incident.

Trooper Ehlers approached the driver's side window of the Jeep while Trooper McCarthy approached the passenger's side window. Both troopers were dressed in full uniform. Due to the Jeep having all-tinted windows, Trooper Ehlers requested the windows be rolled down and the occupants complied. Individual A was seated in the driver's seat, Darren Green, Jr. was seated in the front passenger's seat, Individual B was seated in the rear driver's side seat, and Individual B's eight-year-old child, Individual C, was seated in the rear passenger's seat. Trooper Ehlers requested license and proof of insurance from Individual A and explained that the traffic stop was based on the vehicle traveling with no lights. Individual A then activated the exterior lighting on the Jeep.

The Troopers smelled burnt cannabis emanating from the vehicle and observed a plastic baggie of what appeared to be cannabis in the front passenger's side door handle. Trooper Ehlers requested Green pass the baggie to Trooper McCarthy at the passenger's side window. Green complied. Trooper McCarthy then requested identification from Green which Green tendered to Trooper McCarthy. Both Troopers noticed Green breathing heavily as Green sat and stared forward with his body rotated away from Trooper McCarthy and avoiding eye contact when speaking with the Troopers.

After searching for approximately two and a half minutes, Individual A was unable to find proof of insurance and was asked to exit the vehicle. Trooper Ehlers briefly interacted with Individual A outside the vehicle. Trooper McCarthy requested Green exit the vehicle. Green

turned his back toward Trooper McCarthy, who stood at the closed passenger's side door. Green then reached toward his lower left hip area. Trooper Ehlers stood at the driver's side door looking through the open window and saw Green shift his body toward the center console and reach his arms toward his lower back. Trooper Ehlers opened the driver's side door and saw Green handling a black handgun with an extended magazine. Trooper Ehlers alerted to the presence of a gun several times and repeatedly ordered Green to not move. Trooper McCarthy reached through the passenger's side window and tried to gain control of Green's right arm while giving verbal commands for him to not move. Trooper Ehlers leaned into the open driver's side door and physically struggled with Green to recover the gun. Trooper Ehlers was able to gain possession of Green's gun.

Trooper McCarthy held onto Green's right arm and left shoulder through the open passenger's side door window. At this time, the passenger's side door was still closed. Green moved from the passenger seat and straddled the center console. Both troopers struggled with Green to prevent him from climbing into the driver's seat and driving off. Trooper McCarthy was positioned at the open window of the closed passenger side door and leaned farther into the vehicle as he tried to pull Green back toward the passenger's seat. At the same time, Trooper Ehlers knelt on the driver's seat and pressed his body against Green attempting to push Green back into the passenger seat. Trooper Ehlers called for emergency assistance and pressed the ignition button in order to turn off the vehicle, but it did not turn off. Individual B and juvenile Individual C quickly exited from the rear driver's side door. As Green straddled his legs over the center console, he shifted the vehicle into drive. The Troopers felt the vehicle rapidly accelerate. While Trooper Ehlers knelt on the driver's seat and Trooper McCarthy reached through the window of the closed passenger's side door, Green drove the Jeep forward and to the right. The Jeep jumped the curb and struck a glass and metal bus shelter which shattered. The Jeep then struck the concrete base of a light pole and jolted backward from the impact.

The left side of Trooper Ehlers's body was pushed into the dashboard and he lost sight of Trooper McCarthy, who had been hanging from the front passenger's side window. When the Jeep crashed into the bus station, Trooper McCarthy had detached from the vehicle and landed on the ground near the back-passenger's side door. Trooper Ehlers believed that Trooper McCarthy was run over or stuck under the Jeep and he observed Green still attempting to drive

off. In Car-Camera video footage showed that after hitting the second barrier, the Jeep's brake lights never activated and the sound of screeching tires can be heard. Trooper Ehlers gave verbal commands to Green to not move. Trooper Ehlers was in a kneeling position in the driver seat area, not properly secured, holding Green's gun in his right hand. Trooper Ehlers then fired the gun one time at Green's head as Green's body was positioned across the front seats leaning into the driver's seat area. Green sustained one gunshot wound to his head.

The Troopers rendered aid until an ambulance arrived. The ambulance transported Green to Christ Hospital where he was pronounced deceased at 4:25 A.M. A Cook County Medical Examiner performed an autopsy on Green and determined the cause of death to be a gunshot wound and the manner of death to be homicide.

Green's gun, a Glock 19 pistol, contained an extended magazine with a capacity of holding thirty-rounds. The magazine contained twenty-six live 9-millimeter rounds.

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 Trooper was not legally justified in using deadly force against Darren Green, Jr. In other words, a judge or a jury would have to find that Trooper Ehlers'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 Trooper Ehlers did have a reasonable belief that Darren Green, Jr. put Trooper Ehlers and others in imminent danger of great bodily harm or death.

In this case, Trooper Ehlers was justified in his use of deadly force because he had a reasonable belief that Green was threatening death or great bodily harm to himself and Trooper McCarthy. When Green was asked to exit the Jeep and both Troopers observed Green had a gun, they gave verbal commands for Green to not move. The Troopers physically struggled with Green to gain possession of his gun. Green disregarded their commands to not move. Green removed himself from Trooper McCarthy's grasp and moved himself toward the driver's seat enough to have control of the gas pedal and the gear shifter, despite Trooper Ehlers pushing him in the opposite direction. With Trooper McCarthy hanging from the closed passenger's side door window and Trooper Ehlers kneeling on the driver's seat, Green shifted the vehicle into drive and stepped on the gas causing the Jeep to accelerate rapidly and jump the curb. The vehicle, with Trooper McCarthy still hanging onto the passenger side door, struck a glass and metal bus shelter causing it to shatter and causing injury to Trooper McCarthy. The impact caused Trooper McCarthy to become detached from the vehicle. The vehicle continued forward and struck the concrete light pole base with such force it caused the vehicle to jolt backward. Trooper Ehlers lost sight of Trooper McCarthy and gave more verbal commands for Green to not move. At that point it was not unreasonable for Trooper Ehlers to believe that Green's use of the

Jeep constituted threatening use of deadly force against both Trooper Ehlers and Trooper McCarthy.

Trooper Ehlers was also justified in using deadly force to prevent Green from escaping after Green committed the forcible felony of aggravated battery. Green had made clear his intention to defeat arrest throughout his interactions with the Troopers by failing to exit the vehicle, struggling with the Troopers over his loaded gun, and disregarding verbal commands to not move as he moved from the passenger seat towards the driver's seat. Green was then able to put the vehicle into drive and accelerate while Trooper McCarthy's body hung from the passenger side window. Green drove the vehicle over the curb and crashed the vehicle and Trooper McCarthy into a metal bus shelter, causing injury to Trooper McCarthy, and then also struck a concrete barrier. At this point, Trooper Ehlers's use of deadly force to prevent Green from continuing his efforts to escape was justified under the totality of the circumstances.

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 Trooper Ehlers 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 Officer of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and on December 9, 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 Illinois State Police or civil actions where less stringent laws, rules, and legal standards of proof apply. The Office expressed no opinion regarding the propriety or likelihood of success of any such actions.