



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: FRANK CAMPBELL

I. OVERVIEW

This matter involved the fatal shooting of Frank Campbell by Chicago Police Officer Orlando Sanchez Jr. #19244. 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 Orlando Sanchez Jr.

II. STATEMENT OF FACTS

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

On April 3, 2022, officers received a call to respond to the apartment complex located at 4260 W. Ford City Drive in Chicago for a report that a person had been shot. The victim of the shooting called 911 and informed them that her boyfriend, Frank Campbell, had shot her and that she was numb and unable to move. District officers responded to the apartment complex and went to the apartment at approximately 1:23 PM. Officer Lopez and Officer Kirkel entered the

apartment and saw the shooting victim bleeding on the floor of the living room. The officers did not initially see Campbell in the apartment, but while Officer Lopez verbally directed Campbell to show himself, Campbell approached the living room from the back of the apartment, pointed a revolver and fired the weapon twice at the officers. None of the officers were struck by the gunfire. The officers pulled the shooting victim out of the apartment, and she was transported to the hospital where she recovered from her injuries. She informed Officer Lopez that her father was in the apartment and had also been shot.

Officer Lopez remained in the hallway outside the apartment and continued to communicate with Campbell, directing him to drop his weapon. SWAT officers responded to the scene, and SWAT Officer Sanchez took over communications with Campbell. Officer Sanchez arrived at approximately 2:02 PM and continued to communicate with Campbell until approximately 3:15 PM. Both Officer Lopez and Officer Sanchez directed Campbell at multiple points to drop his weapon and to come out of the apartment, but Campbell did not comply. Campbell stated that he “f***ed up” and talked about killing himself. There is no video of Campbell in the apartment after SWAT arrived because SWAT officers were not equipped with body worn cameras (BWC) at that time, though audio of the interaction was captured on the BWC of district officers who repositioned themselves down the hall from the apartment. Four SWAT officers in addition to Officer Sanchez were positioned outside the apartment door, none of whom were able to see Campbell’s positioning or actions at the time of the shooting or during the communication between Officer Sanchez and Campbell. At approximately 3:15 PM, Campbell discussed killing himself. Officer Sanchez told him not to do it. Officer Sanchez then stated, “Drop the gun,” shortly before firing five shots at Campbell. Officers entered the apartment and found the shooting victims’ father lying on the ground with gunshot wounds. He was transported to the hospital where he recovered from his injuries. Campbell was transported to the hospital where he was pronounced deceased. A medical examiner ruled 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 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, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, 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: (i) he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or (ii) when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; 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.

* * *

A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.

720 ILCS 5/7-5(a) (2021)

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that Officer Sanchez was not legally justified in using deadly force against Frank Campbell. In other words, a judge or a jury would have to find that Officer Sanchez did not hold a reasonable belief that he himself or anyone else was in imminent danger of great

bodily harm or death. In this case, however, the evidence shows that Officer Sanchez had a reasonable belief that Frank Campbell put a civilian, Officer Sanchez, and other responding SWAT officers in imminent danger of bodily harm or death.

The analysis for making a charging decision must look at whether the decision by Officer Sanchez to use deadly force was reasonable under the totality of the circumstances. The evidence in this case establishes Campbell had already shot two individuals in the apartment when the district officers arrived on scene. When Officer Sanchez arrived on scene, it appears based on OEMC records and statements of his fellow officers that he was informed that one person had been shot, there was potentially another elderly victim in the apartment who had also been shot, and that Campbell had fired upon police officers who had entered the apartment. This would indicate to Officer Sanchez that Campbell was prepared to use deadly force against those in the apartment with him and against responding police officers.

During Officer Sanchez's communications with Campbell, he indicated several times that he was there to help Campbell and offered Campbell many opportunities to leave the apartment and go to the hospital. Campbell continuously stated he would leave the apartment without ever doing so, and he did not appear to comply with verbal commands to put down the weapon or come out based on Officer Sanchez's continued direction to do so. The fact that Officer Sanchez directed Campbell to put down the gun, to drop the gun, or to put the gun on the ground so many times during the course of the communications, indicates that Campbell was armed with the weapon during the entirety or at least much of the conversation with Officer Sanchez. Officer Sanchez indicated to IRT detectives that he fired his weapon only when Campbell pointed a firearm at him. Campbell raising the weapon and pointing it in the direction of the officers justified Officer Sanchez in using deadly force against Campbell to protect himself, other officers, and anyone in the apartment from death or great bodily harm.

Campbell's actions prior to Officer Sanchez's arrival on scene, including shooting his girlfriend and her father and firing at police officers, as well as his lack of compliance with verbal directions given by Officer Lopez and Officer Sanchez provides support for Officer Sanchez's statement that Campbell pointed a weapon at him before he fired. Because there is no video evidence of Campbell at the time of the shooting and no other witness was in a position to observe Campbell's actions at the time of the shooting, there is no other evidence to either corroborate or

refute Officer Sanchez's statement that Campbell pointed his weapon at Officer Sanchez before Officer Sanchez discharged his weapon.

Based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges because the use of deadly force against Frank Campbell by Officer Sanchez 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 February 14, 2024, 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.