



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: MADELINE MILLER-SPELLS AKA MADELINE MILLER

I. OVERVIEW

This matter involved the fatal shooting of Madeline Miller-Spells by Flossmoor Police Officers Michael Carden and James VanWitzenburg. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed 911/dispatch 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 Flossmoor Police Officers Michael Carden and James VanWitzenburg.

II. STATEMENT OF FACTS

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

On July 10, 2022, Officers James VanWitzenburg and Michael Carden were on duty when they each received a call for service to 1437 Joyce Drive for a report of a domestic disturbance in which a female, later identified as Madeline Miller-Spells, was threatening her cousin with a knife.

Both Officer VanWitzenburg and Officer Michael Carden responded to the scene at approximately 12:14 p.m. When they arrived on scene, Officer VanWitzenburg knocked on the door and the officers heard yelling inside the residence. After a short time, an elderly woman opened the door. The cousin then ran down the hallway yelling that she [Miller-Spells] had a knife. The cousin grabbed onto the elderly woman who was standing near the front door.

Officer VanWitzenburg observed Miller-Spells running down the front hallway with a large kitchen knife in her hand which she raised above her head in a stabbing posture. Officer VanWitzenburg and Officer Carden commanded Miller-Spells to drop the knife. Officer VanWitzenburg backed away from the residence down the driveway and unholstered his firearm. Miller-Spells ran out of the residence and continued to charge at Officer VanWitzenburg with the knife raised. Officer VanWitzenburg discharged his weapon one time at Miller-Spells. After firing his weapon, the firearm went into slide lock. Miller-Spells was still moving toward Officer VanWitzenburg with the knife, so Officer Carden discharged his firearm twice at Miller-Spells. She fell to the ground and the knife fell from her hand.

Officer VanWitzenburg radioed shots fired and requested an ambulance. Officer VanWitzenburg provided medical attention to Miller-Spells until paramedics arrived. Miller-Spells was transported to the hospital where she was pronounced deceased at 1:09 p.m.

The officer involved shooting of Miller-Spells was captured on Body Worn Camera, In Car Camera, and surveillance video from 1437 Joyce Drive and neighboring residences.

A Cook County Medical Examiner performed an autopsy on Miller-Spells and determined that the cause of death was multiple gunshot wounds and the manner of death was 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] . . . [n]eed 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 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) (Lexis 2021).

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 Miller-Spells. In other words, a judge or a jury would have to find that Officers Carden and VanWitzenburg did not hold a reasonable belief that they themselves or any others were in imminent danger of great bodily harm or death. In this case, however, the evidence shows that Officers Carden and VanWitzenburg each had a reasonable belief that Miller-Spells put the Officers and others in imminent danger of bodily harm or death.

The analysis for making a charging decision must look at whether the decision by Officers Carden and VanWitzenburg to use deadly force was reasonable under the totality of the circumstances. The evidence in this case establishes that Officers Carden and VanWitzenburg were dispatched to 1437 Joyce Drive for a report of Miller-Spells threatening an individual with a knife and were told she had a knife when they arrived on scene. When Miller-Spells began running toward the front door where Officer VanWitzenburg was standing, she was holding a knife in her hand which she raised above her head in a stabbing motion. This was all captured on video from Officer VanWitzenburg's BWC and surveillance video from inside the house. Officers Carden and VanWitzenburg both commanded Miller-Spells to drop the knife, but she refused.

When Officer VanWitzenburg backed down the driveway away from Miller-Spells, both Officer VanWitzenburg and Officer Carden observed Miller-Spells continue to charge at him with the knife and refuse commands to drop the knife. Fearing Miller-Spells would stab him, causing death or great bodily harm, Officer VanWitzenburg fired his weapon one time at Miller-Spells before his weapon jammed. Officer Carden then fired his weapon two times at Miller-Spells in defense of Officer VanWitzenburg.

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 Madeline Miller-Spells by Officers Carden and VanWitzenburg 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 12, 2023 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 Flossmoor 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.