



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

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**POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: MIGUEL VEGA**

I. OVERVIEW

This matter involved the fatal shooting of Miguel Vega by Chicago Police Officer Matthew Krzeptowski. 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 Matthew Krzeptowski.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On August 31, 2020, at approximately 11:09 pm, Chicago Police Officers Matthew Krzeptowski and his partner, Zachary Kuta, were on patrol, in full uniform and riding in an unmarked squad car when they responded to a dispatch regarding suspicious male

individuals with a gun at 1339 W. 19th Street. Officer Kuta was the driver and Officer Krzeptowski was the front seat passenger. As they approached 1337 W. 19th Street, the officers observed a group of five males that they recognized from past encounters. One of the males, later identified as Miguel Vega, wearing a black shirt and black face mask, produced a handgun and began to fire shots toward the officers. Officer Kuta stopped as the squad car was struck by gunfire. Officer Kuta then opened the driver's door and exited the squad car as Officer Krzeptowski, who was still seated in the front passenger seat, fired two shots toward Vega. Officer Krzeptowski then exited the passenger door as Vega fled east down 19th Street. Vega then turned toward Officer Krzeptowski and fired again. Officer Krzeptowski returned fire, discharging nine shots, one of which struck Vega in the back of the head. Upon observing Vega, who was lying further east on the sidewalk in front of 1327 W. 19th Street, the officers discovered that he had sustained a gunshot wound to the head. The officers called for an ambulance and administered aid until Chicago Fire Department personnel arrived. Responding officers then searched the area and found a black semi-automatic handgun under a parked car located in front of 1321 W. 19th Street. Vega was transported to Stroger Hospital where he was pronounced dead at 2:45 am. A review of the crime scene revealed that several parked vehicles sustained gunshot damage including the unmarked squad car which sustained a shattered front passenger door window, and bullet strike damage to the front passenger window frame, near the side view mirror, and the lower center of the window frame.

The body worn cameras of both Officer Krzeptowski and Officer Kuta captured the events surrounding the shooting. A Glock 19, 9mm semi-automatic pistol with a capacity of thirty-two rounds was recovered at the scene. Four (4) fired cartridge cases recovered from the sidewalk at 1337 W. 19th Street were analyzed at the Illinois State Police Crime Lab. It was determined that the fired cartridge cases were fired from the Glock 19.

Chicago Police Evidence Technicians examined and photographed four vehicles with bullet damage that were parked along the south curb of 19th Street. A review of the crime scene reports, videos and photographs reveals that the bullet damage is consistent with gunshots fired toward the squad car from the sidewalk in the area of where the 9mm fired casings, that were matched to the Glock 19, were recovered.

Primer gunshot residue (PGSR) samples were obtained from Miguel Vegas' clothing. Analysis of the sample obtained from the left chest area of Miguel Vegas' t-shirt indicated that it was in the environment of a discharged firearm or contacted a PGSR related item.

A Cook County Medical Examiner performed an autopsy on Vega and determined the cause of death to be a gunshot wound to the head 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 Miguel Vega. In other words, a judge or a jury would have to find that Officer Krzeptowski'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 Krzeptowski did have a reasonable belief that Miguel Vega put Officer Krzeptowski and others in imminent danger of great bodily harm or death.

The analysis for making a charging decision must look at whether Officer Krzeptowski's decision to use deadly force was reasonable under the totality of the circumstances. The evidence in this matter established that Officer Krzeptowski and his partner, Officer Kuta, responded to calls of a man with a gun on 19th Street. After they turned onto 19th Street and proceeded east, they observed several persons gathered between parked cars and on the sidewalk. As they drove closer to the group, Miguel Vega stepped forward and fired several gunshots toward the officers' squad car striking the front passenger door and shattering the window glass. Officer Kuta rolled out of the driver's door as Officer Krzeptowski took cover below the dashboard, then sat up and returned fire. As the group fled east on 19th Street, Vega turned and fired again toward Officer Krzeptowski. Officer Krzeptowski exited the squad, stood behind the front passenger door and fired several more shots toward Vega, one of which struck Vega in the back of the head. After responding officers arrived, a handgun was recovered under a car parked just east of Vega. Spent casings recovered at the scene were subsequently matched to the recovered handgun. An inspection of the scene revealed bullet strike damage to a parked car that was consistent with gunshots fired from the sidewalk toward the squad car. Furthermore, an analysis of Vega's shirt was positive for gunshot residue.

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 Krzeptowski against Miguel Vega 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 27, 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 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.