



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

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**POLICE INVOLVED DEATH DECISION MEMORANDUM  
DECEDENT: SHAON WARNER**

**I. OVERVIEW**

This matter involved the fatal shooting of Shaon Warner by Chicago Police Officers Peter Gurskis #14029 and Richard Johnson #3471. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed Chicago Police reports, Illinois State Police Crime Lab analysis and reports, Civilian Office of Police Accountability (COPA) reports, recorded video footage from body worn cameras, and the Cook County Medical Examiner's Report of Postmortem Examination.

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 Officers Peter Gurskis and Richard Johnson.

**II. STATEMENT OF FACTS**

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On September 5, 2020 at approximately 1:30 AM, Chicago Police Officers Peter Gurskis #14029, Richard Johnson #3471 and Sergeant Angela Salgado #2448 responded to a call of a man stabbed at 49<sup>th</sup> Street and LaCrosse. Upon arrival, the officers spoke with the

stabbing victim and other witnesses. They provided the officers with a description of the offender, now known as Shaon Warner, as a heavy-set male black with dread locks, wearing black shorts and carrying a large butcher knife. Officers Gurskis and Johnson returned to their squad car while Sergeant Salgado returned to her squad car, and they proceeded to search the area.

As she was driving, Sergeant Salgado encountered an individual driving an SUV who directed Sergeant Salgado and Officers Gurskis and Johnson to Warner's location in Vittum Park. As they proceeded toward Vittum Park, the officers observed a male black walk out of the bushes and onto the sidewalk. The officers stopped, approached and subsequently handcuffed the male who was then placed in Officers Gurskis and Johnson's squad car. The individual driving the SUV informed the officers that the male in custody was not the offender with the knife and then led the officers to Warner's location in Vittum Park. Sergeant Salgado parked her squad car and began walking across a grassy field toward Warner who was standing near a bush. Officer Gurskis also exited his squad car and joined Sergeant Salgado as she approached Warner while Officer Johnson remained in the squad car with the male in custody. As they approached, both Officer Gurskis and Sgt. Salgado issued commands for Warner to show his hands, which he ignored. As they grew closer, the officers observed a bag at Warner's feet and instructed him to not reach toward the bag. Warner, who continued to ignore the officers' commands, bent down and picked up the bag. Warner then took several steps toward Officer Gurskis who had moved out to the left of Sergeant Salgado. Warner then abruptly turned and began to walk toward Sergeant Salgado who had drawn her taser. The officers observed Warner holding a large knife and continued to order him to drop it as he walked toward Sergeant Salgado. Warner refused to comply with the officers' orders and Sergeant Salgado discharged her taser. Warner fell to the ground and then rolled onto his back, still clutching the knife. Sergeant Salgado then discharged her taser a second time. Warner then rolled to his side, stood up quickly and ran to Sergeant Salgado. Warner grabbed Sergeant Salgado's vest and began thrusting the knife toward her torso. Sergeant Salgado's ballistic vest prevented the blade from penetrating her abdomen. As Warner attacked Sergeant Salgado, Officer Gurskis and Officer Johnson ran forward and fired numerous shots toward Warner. It was determined that Officer Gurskis fired eleven (11) shots and Officer Johnson fired nine (9) shots. Warner was hit in the chest, back and legs and fell to

the ground still clutching the knife, a Greban brand 10” butcher knife, in his right hand and Sergeant Salgado’s vest in his left hand.

Warner was subsequently pronounced dead at the scene. Following the incident, Sergeant Salgado and Officers Gurskis and Johnson were transported to a local hospital. The following day, Sergeant Salgado discovered a small puncture wound near her navel.

On September 6, 2020, Assistant Cook County Medical Examiner, Dr. Stephanie Powers, performed a postmortem examination on Warner and determined Warner died from multiple gunshot wounds to the back, chest, and legs. The manner of death was homicide.

The incident was captured on the body worn cameras of Sergeant Salgado and Officers Gurskis and Johnson. The incident was not captured on any POD, in-car, or third-party video cameras.

Numerous ballistic items were recovered and sent to the Illinois State Police Crime Lab for analysis. Eleven (11) 45 Auto fired cartridge cases recovered at the scene and eight (8) fired 45 Auto bullets recovered during the postmortem examination were analyzed and determined to have been fired from Officer Gurskis’ handgun. Nine (9) 9mm fired cartridge cases recovered at the scene and seven (7) fired bullets recovered during the postmortem examination were analyzed and determined to have been fired from Officer Johnson’s handgun.

Sergeant Salgado’s blood-stained uniform shirt was submitted for DNA comparison to an oral swab taken from Warner during the postmortem examination. The analysis determined that Warner’s DNA is included in the blood stain with a statistical frequency of 1 in 29 Nonillion.

The Civilian Office of Police Accountability investigated Officer Gurskis’ and Officer Johnson’s use of deadly force while the Chicago Police Department’s Incident Response Team investigated Warner’s criminal actions regarding the stabbing incident to which the officers responded.

### **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 Shaon Warner. In other words, a judge or a jury would have to find that Officer Gurskis and Officer Johnson did not reasonably believe that Sergeant Salgado was in imminent danger of great bodily harm or death. In this case, however, the evidence shows that Officers Gurskis and Johnson reasonably used deadly force to defend Sergeant Salgado from Warner's attack upon her with a deadly weapon, a 10" butcher knife.

When reviewing the evidence and the potential issues involved in making a charging decision, the totality of the circumstances surrounding the incident and the applicable legal standards must be considered to guide the determination of whether a rational trier of fact would find Officer Gurskis' and Officer Johnson's use of deadly force to be reasonable and justified. Under the current case law, the trier of fact could reasonably conclude that the evidence

demonstrates that Officer Gurskis and Officer Johnson reasonably believed Sergeant Salgado to be in apparent danger of losing her life or suffering great bodily injury. The officers observed Warner charge toward Sergeant Salgado, while holding a 10” butcher knife, grab Sergeant Salgado’s ballistic vest and attempt to thrust the butcher knife into her torso, instead striking her bullet proof vest. The officers responded by firing multiple gun shots toward Warner until he fell to the ground.

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 Gurskis and Officer Johnson against Warner was reasonable under the totality of the circumstances. Therefore, the Office is not filing 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 March 14, 2022, has 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.