



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: TRAVON CHADWELL

I. OVERVIEW

This matter involved the fatal shooting of Travon Chadwell by Chicago Police Officers Jack Kwa #7726 and Tobias Houston #10647. During 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, helicopter news footage 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 Jack Kwa and Chicago Police Officer Tobias Houston.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding would be as follows: On March 25, 2021, at approximately 4:55 p.m., Travon Chadwell was approached by security guards working at a Home Depot store located at 4555 South Western Boulevard after he was observed shoplifting.

Chadwell refused to go into the store with the guards, and he and the guards began physically struggling. During the struggle, in which the guards tried to stop Chadwell from using the large machete style knife he had strapped to his body, Chadwell produced a gun and shot one of the security guards in the head. Chadwell then fled from the scene westbound across Western Avenue.

Chicago Police Officer Michael Kocerka and his partner, Officer Bernard Lee, monitored a call from dispatch describing the shooting and detailing Chadwell's physical description. They responded to the scene in their squad car. While they were driving on Western Avenue, Officer Kocerka and Officer Lee encountered a group of pedestrians nearby who were pointing them westward. Officer Kocerka and Officer Lee turned west on 46th Street, and came across Chadwell, who matched the description they were given. Chadwell fled into an alley, and both officers, who were dressed in their full uniforms, exited their marked squad car and followed him on foot. Officer Kocerka entered the alley where he encountered Chadwell who stood facing the approaching officer. Officer Kocerka called out to Chadwell. Chadwell then raised his gun and fired it at Officer Kocerka who tried to turn and duck behind a building. Officer Kocerka was struck in the upper back and fell to the ground but was able to communicate over his radio that an officer was shot. Officer Lee was able to pull Officer Kocerka into a back yard area and render aid.

Officer Tobias Houston, along with his partner Officer Adam Tapling, were responding to the Home Depot to investigate the shooting when Officer Tapling heard from a dispatch operator that a police officer had been shot around 2451 West 46th Street by the offender. They responded to that address, entered the nearby alley in their car, and saw Chadwell run into the backyard of the property located at 2540 West 46th Place. The two officers initially followed him into the yard, but Chadwell fired at them, forcing both to take cover behind the yard's fence and stay in the back alley. The officers could see that there was a male individual seated in the driver's seat of a car parked in that yard. While retreating into the alley, Officer Houston fired once at Chadwell.

While Officer Houston and Officer Tapling were in the alley, several other police officers arrived in the alley behind the house. Officer Houston directed the male individual to get out of his car and lay on the ground, and he complied. Officer Tapling instructed three of the officers to head around the block to the front of the property to defeat any escape attempt by Chadwell. The three officers went to the front of the property and attempted to move to the backyard via a gangway near the house to flank Chadwell who was hiding behind a black Honda vehicle. After the officers proceeded down the gangway and approached the back yard, Chadwell fired his

weapon at the officers forcing them to retreat to the front of the house. Officer Houston fired several rounds at Chadwell immediately after Chadwell fired at the officers. As Officer Houston fired those shots, the male individual who had exited his parked vehicle was able to flee to safety.

While Chadwell was cornered in the backyard, Officer Jack Kwa arrived in the alley in his squad car. Officer Kwa exited the car and entered the backyard of an adjacent property at 2540 West 46th Place. The two properties were separated by a white fence. Hiding behind the fence, Officer Kwa made his way from the alley to the adjacent house so he would be parallel with Chadwell.

Chadwell fired another shot at Officer Houston, who fired multiple shots back. Chadwell began to reposition himself in the backyard, when Officer Kwa stepped on a folding chair so he could see over the fence. Officer Kwa and Chadwell made eye contact, and Officer Kwa fired three rounds, striking Chadwell. Chadwell fell to the ground and his weapon fell next to him and was secured by officers. Several police officers, as well as paramedics rendered first aid, but Chadwell died of his wounds before arriving at the hospital. The total time elapsed between the time Chadwell entered the backyard and the time Officer Kwa shot him was approximately five minutes. In the intervening time, several officers repeatedly ordered Chadwell to put down his gun and surrender, which he consistently refused to do.

A Cook County Medical Examiner performed an autopsy on Chadwell which revealed that he had been shot three times: once in his left leg, once on the right part of his groin, and once in his chest. The medical examiner determined the cause of death to be multiple gunshot wounds and the manner of death to be a homicide.

A forensic analysis of Chadwell's weapon revealed that he fired a minimum of four shots. Officer Houston fired at least six shots, and Officer Kwa fired at least two shots. It was determined to be impossible to match the bullet fragments recovered from Chadwell's body to either of the officers' guns.

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 Travon Chadwell. In other words, a judge or a jury would have to find that Officer Houston and Officer Kwa's belief that themselves, their fellow police officers, or anybody else nearby were in imminent danger of death or great bodily harm was not reasonable. In this case however, the evidence shows that Officer Kwa and Officer Houston reasonably used deadly force in defense of themselves and others.

Officer Houston knew that a man matching Chadwell's description had just shot a security guard and a police officer. Officer Houston chased after Chadwell into a backyard and Chadwell immediately shot at him. For the next five minutes, Chadwell stayed in the same backyard, intermittently shooting at Officer Houston and other members of the Chicago Police Department who gave verbal commands for Chadwell to get down on the ground. Officer Kwa witnessed these

same events, and made eye contact with Chadwell, revealing his position behind a thin plastic fence. Because Chadwell had already fired at Officer Houston, and presumably knew Officer Kwa's location, their belief that they, their partners, and the male individual who had been seated in his vehicle were all in serious danger, were reasonable. Chadwell showed no indication that he was going to stop shooting at the police and surrender at any point. Therefore, both officers were legally justified in shooting Chadwell.

Accordingly, 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 officers' use of deadly force against Chadwell was reasonable under the totality of the circumstances. The Cook County State's Attorney's Office will not be pursuing 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, 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.