



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

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: TYREE DAVIS**

**I. OVERVIEW**

This matter involved the fatal shooting of Tyree Davis by Chicago Police Officer Antar Khan #15274. 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, POD video surveillance, third-party 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 Antar Khan.

**II. STATEMENT OF FACTS**

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On January 4, 2020, Chicago Police Officers were dispatched to a call of two robberies. One victim was outside the Family Dollar Store when Tyree Davis approached from

behind her holding a large knife in his right hand. Davis demanded her money and phone, which she gave to him. Davis then fled the scene. A second victim was located inside the Dollar General Store. As she was about to pay, Davis snatched a twenty-dollar bill from her hand and threatened her with an empty Hennessy bottle. Davis then left the store and ran down 79th Street. The second victim followed him out of the store, flagged down a police squad car, and told them she was robbed.

After the second victim alerted them to the direction Davis fled, Officer Khan and Officer Ruiz searched for Davis. They first saw him running on 79th Street. They pulled the squad car up next to him and told him to drop the weapons, but Davis did not comply. Instead, he kept running toward Burnham Avenue with the knife and bottle in his hands. The officers exited their squad and began to follow Davis who eventually turned around and ran back on 79th Street. As the officers followed Davis, Officer Khan pulled out his gun and Officer Ruiz pulled out her taser. Both officers repeatedly yelled for Davis to drop his weapons.

When Davis got to the corner of 79th Street and Marquette Avenue, he turned and faced the officers. Upon seeing Davis turn toward her with the knife and bottle in hand, she deployed her taser. When the taser had no effect on Davis and he again came toward Officer Ruiz, she deployed her taser a second time. Again, the taser had no effect on Davis who then started slashing his knife in the direction of Officer Ruiz and advanced toward her. Officer Khan saw Davis advancing toward Officer Ruiz and then fired his gun three times at Davis. Davis fell to the ground but still had a hold of the knife and bottle. Officer Khan and another officer approached Davis, secured the knife, and placed Davis in handcuffs.

After Davis was secure, Officer Khan began giving medical assistance to Davis. An ambulance came and transported him to University of Chicago Hospital. At the hospital, Davis was pronounced dead at 4:08 p.m. The Cook County Medical Examiner determined that the cause of death was multiple gunshot wounds and the manner of death was homicide. The Chicago Police Department's Incident Response Team and COPA investigated this incident.

### **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).

Additionally, forcible felony was defined as:

“Forcible felony” means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.

720 ILCS 5/2-8 (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 Davis. In other words, a judge or a jury would have to find that Officer Khan did not reasonably believe that Officer Ruiz was in imminent danger of great bodily harm or death or that Davis was attempting to escape the commission of a forcible felony. In this case, however, the evidence shows that Officer Khan reasonably used deadly force in defense of Officer Ruiz as well as to prevent Davis' escape from the commission of two robberies.

First, Officer Khan reasonably believed that Davis threatened death or great bodily harm to Officer Ruiz. Officer Khan and Officer Ruiz had chased Davis down the street demanding that he drop his weapons. However, Davis did not comply with those commands and continued running with his weapons. When he reached the corner of 79th Street and Marquette Avenue, he turned around, faced Officer Ruiz, and threatened her with the knife and bottle. Officer Ruiz had deployed her taser twice at Davis, and yet Davis still was charging at her. Not only was Davis charging at Officer Ruiz, but he was also slashing a large knife in her direction and threatening her with the bottle while he rushed at her. At that point, it was reasonable for Officer Khan to believe that Davis would cause Officer Ruiz death or great bodily harm with the knife or bottle. Therefore, Officer Khan was justified in using deadly force in defense of Officer Ruiz.

Second, Officer Khan was justified in using deadly force in order to prevent Davis' escape from the commission of multiple forcible felonies. Not only was Davis attempting to commit an aggravated battery against Officer Ruiz, a forcible felony, Officer Khan was also aware that Davis had just committed two robberies during which he threatened the victims with bodily harm while armed with a knife during the first robbery and the bottle during the second. Officer Ruiz had already unsuccessfully tried using less-than-lethal force by deploying her taser twice at Davis. The taser failed to have any effect on Davis' actions and Davis, in his attempt to defeat his arrest, continued to advance toward Officer Ruiz. Thus, Officer Khan reasonably believed that his use of deadly force was necessary to prevent Davis' escape.

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 Khan against Davis 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 December 28, 2021, 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.