



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: WILLIAM W. BURRUSS JR.

I. OVERVIEW

This matter involved the fatal shooting of William W. Burruss Jr., by Blue Island Police Officer Bryan Holwell that occurred on June 1, 2023. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation, interviewed civilian witnesses, reviewed law enforcement reports, examined Blue Island Fire Department reports, medical records, the results of forensic examinations, 911 calls, the Cook County Medical Examiner Post-Mortem Report and body-worn camera video 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 Blue Island Police Officer Bryan Holwell.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On June 1, 2023, at or about 1:34 am, Blue Island Police Officer Bryan Holwell #143 discharged his weapon at William Burruss after Mr. Burruss reached towards a weapon while seated in his vehicle after ignoring multiple commands to not move, show his

hands, and exit the vehicle. Mr. Burruss sustained a fatal injury from a single gunshot wound. Blue Island Police Officers were equipped with body-worn cameras at the time of this incident.

There was one fired 9mm casing found on scene. It had to be removed from the barrel of Officer Holwell's Glock Model 19; therefore, Officer Holwell fired only one shot and no other firearms were fired. Mr. Burruss had a pistol on the passenger seat next to him at the time of the incident. The Cook County Medical Examiner performed an autopsy and determined that the cause of death was a single gunshot wound, and the manner was 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 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, 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 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.

* * *

A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.” 720 ILCS 5/7-5(a).

Additionally, Illinois case law has established that “the law does not charge a person, when he has reasonable grounds to believe himself in apparent danger of losing his life or suffering great bodily injury, to use an inerrable judgment. It would be unreasonable to require

such an exacting decision to be made in the space of a few seconds while one is fearful and under great stress.” People v. Parker, 260 Ill. App. 3d 942, 946 (1st Dist. 1994). The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” See Graham v. Connor, 490 U.S. 386, 396-397 (U.S. 1989).

IV. ANALYSIS AND CONCLUSION

A criminal prosecution would require proof beyond a reasonable doubt that Officer Holwell was not legally justified in using deadly force against Mr. Burruss. In other words, a judge or a jury would have to find that Officer Holwell’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 demonstrates that Officer Holwell had a reasonable belief that Mr. Burruss’ actions were putting Officer Holwell and others in imminent danger of great bodily harm or death.

The analysis for making a charging decision must consider whether Officer Holwell’s decision to use deadly force was reasonable under the totality of the circumstances. A review of the evidence in this case reveals that Officer Holwell acted reasonably in response to Mr. Burruss’ actions. On the date of the incident, Blue Island police were originally dispatched to a wellness check concerning Mr. Burruss sitting in his car for an extended period of time with the door open. Officer Holwell, the responding officer, observed Mr. Burruss’ firearm displayed on the front passenger seat and requested assistance, concerned that any action could escalate the interaction. In the eleven minutes prior to engaging with Mr. Burruss, Officer Holwell acted to avoid a violent outcome. He requested assistance and asked that the assisting officers come in quietly so as not to alarm Mr. Burruss. Officer Holwell attempted to open the vehicle doors to see if access to the vehicle could be established prior to awakening Mr. Burruss in an alarm but the doors were all locked. Upon arrival of the assisting officers and sergeant, it was determined that Mr. Burruss could be having a medical emergency and he needed to be assessed. The officers also positioned themselves so as to avoid any crossfire in case Mr. Burruss did attempt to fire on them; however, body-worn camera captured Officer Holwell vocalize that he “hope(d) it doesn’t come to that.”

The officers then attempted to wake Mr. Burruss while ordering him to keep his arms raised; Mr. Burruss repeatedly ignored those orders. The officers repeatedly warned Mr. Burruss that they would shoot if he did not keep his hands raised. He refused to acknowledge those orders and lowered his hands repeatedly. The officers ordered Mr. Burruss to exit the vehicle while keeping his hands away from the firearm that was on the passenger seat. While Mr. Burruss said he would comply and exit, he made no attempts to unlock the doors. The officers then attempted to break the window and obtain access to the vehicle; Mr. Burruss still would not sit back with his hands raised. Instead, he reached in the direction of the weapon at his side. Officer Holwell, seeing the danger Mr. Burruss posed, fired one round – fatally wounding Mr. Burruss - and then retreated.

The evidence, including the video footage, clearly supports that Officer Holwell discharged his weapon only once at Mr. Burruss and only after Mr. Burruss had ignored commands not to reach for the firearm that posed a deadly threat to himself and the others nearby. Blue Island police officers, including Officer Holwell, attempted to resolve the matter without escalation; but when Mr. Burruss reached in the direction of the firearm a threat of great bodily harm arose. 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 Holwell against Mr. Burruss was not unreasonable 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 31, 2024, 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 Blue Island 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.