



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

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: DEVON SMITH

I. OVERVIEW

On March 20, 2025, Devon Smith was fatally shot by Chicago Police Officer John Dalcason. In furtherance of the investigation into this matter, investigators from several agencies including the Civilian Office of Police Accountability (COPA), and the Chicago Police Department's Investigative Response Team (IRT), subsequently interviewed law enforcement witnesses, civilian witnesses, and fire department personnel. They also reviewed radio transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner Post-Mortem Report, Toxicology Report, Illinois State Police Crime Lab Reports, Body-Worn Camera (BWC) footage, and video surveillance footage.

The CCSAO, 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 CCSAO has concluded that the evidence is insufficient to support the filing of criminal charges against any officer involved in this case.

Pursuant to policies and enacted legislation, the CCSAO referred the case to the Office of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional independent review. ILSAAP reviewed the case and concurred that the evidence does not support criminal charges against any officer.

II. LEGAL STANDARD

In making any charging decision, the CCSAO is bound by the Illinois Criminal Code in effect at the time of the incident. The analysis and charging decision regarding this matter are governed by 720 ILCS 5/7-5(a) which states in part that:

[A peace officer] 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...

In pertinent part, Section 7/5 further mandates:

(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

Additionally, in assessing the reasonableness of a police officer's use of deadly force, the United States Supreme Court has held that "the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 386, 396 (1989). Accordingly, in assessing the evidence in this incident, the CCSAO's analysis regarding whether the actions of Officer Dalcason were reasonable requires consideration of the totality of the circumstances available to the officers on the scene as the incident was unfolding.

III. STATEMENT OF FACTS

On March 20, 2025, Chicago Police Officers responded to two separate, but related domestic disturbance calls in the 900 block of east 100th Street, Chicago, IL. At 6:49 a.m., a family member called 911 to report that her younger sister and mother were being held inside her mother's residence by her mother's boyfriend, later identified as Devon Smith. She related that Smith had a gun, had put the gun to her mother's head and was fighting with her mother. The family member who placed the initial 911 call had received the information from her younger sister who called her from inside the residence and advised what was taking place. The younger sister then fled the residence and went to the home of another family member who lived nearby. Officers responded to the residence and knocked on the front door. During this initial response,

no one appeared to be present, the door to the residence was locked, they were unsuccessful at gaining entry, and there were no obvious signs of trouble. A few minutes later at 7:04 a.m., the younger sister called 911 to report that her mother's boyfriend, Smith, had pulled a gun on her and her mother and that she had escaped to her aunt's house nearby. Shortly after making that 911 call, the younger sister returned to the apartment complex to wait for the police to arrive.

Officers, including Officer John Dalcason, met the daughter in the parking lot of the apartment complex. In speaking with her, Officer Dalcason learned that Smith had pointed a gun at her, had struck her mother in the head with the gun, and had held the gun to her mother's head. He also learned that Smith had been in jail for shooting at the police in the past, and that Smith was still inside holding her mother in the bedroom of the residence.

The front door was opened to allow the officers access to the townhome. Multiple officers entered the residence and began doing a safety sweep of the basement, the main level and the upstairs. Officer Dalcason went upstairs and continued to announce that police were present. At the top of the stairs was a doorway that led to a bathroom. Officer Dalcason entered the bathroom and once inside saw a pass-through doorway which led to an adjacent bedroom. As Officer Dalcason entered the bathroom, he again announced the presence of the Chicago Police Department. Four seconds after Officer Dalcason entered the bathroom, the pass-through door popped open. Almost immediately thereafter, Smith was observed on BWC video in the bedroom making a reaching motion toward a radiator and then pointing the gun at Officer Dalcason. Approximately three seconds later, a woman ran out of the bedroom barely clothed, past Officer Dalcason, and out the main door of the bathroom. At approximately this same time, Officer Dalcason ordered Smith to show his hands. Smith did not comply and continued pointing his gun at Officer Dalcason. Officer Dalcason then fired five shots at Smith, hitting him three times.



Smith pointing a weapon at Officer Dalcason seconds before Officer Dalcason discharged his firearm at Smith.

Smith immediately fell to the ground and did not move. Officer Dalcason called for EMS and placed Smith into handcuffs. Smith's weapon was recovered from the floor next to his body. Shortly after these events, Smith was transported via CFD ambulance to the University of Chicago Hospital where he was later pronounced deceased.

On March 21, 2025, the Cook County Medical Examiner's Office conducted a post-mortem examination of Smith and determined the cause of death to be multiple gunshot wounds and the manner was homicide.

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 Devon Smith. In other words, to sustain criminal charges in this case, a judge or a jury would need to conclude that the officer **did not** reasonably believe that he or others were in imminent danger of great bodily harm or death.

The evidence shows that upon arrival, officers learned that Smith had previously threatened a minor and her mother with a firearm, had held the mother at gunpoint overnight against her will, and had served prior jail time for shooting at police officers. Officers were also advised that Smith was currently inside the townhome with the mother whom he was holding hostage. When Officer Dalcason entered the residence to investigate, he encountered Smith, who immediately grabbed a firearm and pointed it at the officer at close range. At nearly the same moment, a pass-through bedroom door burst open and the mother ran past Officer Dalcason, confirming that she had been confined inside the room against her will.

Furthermore, in evaluating the decision to use force likely to cause death, the decision shall be viewed from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officers at the time of the decision.

Considering the totality of the circumstances, it was objectively reasonable for Officer Dalcason to believe he faced an imminent threat of death or great bodily harm when Smith aimed the firearm at him. The officer was therefore justified in using deadly force to protect himself. Additionally, given his knowledge that Smith had been holding the woman hostage at gunpoint—

and having just witnessed her flee the room as Smith stood armed—the officer was likewise justified in using force to defend her from an ongoing forcible felony. Accordingly, based on the evidence reviewed in this matter and the applicable legal standard, the evidence is insufficient to support a finding beyond a reasonable doubt that Chicago Police Officer John Dalcason was not legally justified in using deadly force against Smith. Based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges for the use of deadly force by Chicago Police Officer John Dalcason. Therefore, the CCSAO will not pursue criminal charges in this case.

Pursuant to policies and enacted legislation, the CCSAO referred the review of the case to the Office of the Illinois State’s Attorneys Appellate Prosecutor (ILSAAP) for an additional independent review. ILSAAP reviewed the case and on February 4, 2026, 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 CCSAO expresses no opinion regarding the propriety or likelihood of success of any such actions.