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COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: CRAIG HALL

I. OVERVIEW

On October 24, 2014 Craig Hall was shot and killed by Maywood Police Officer Lonell Whitlock after Hall pointed a handgun at Officer Whitlock. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into Hall's death. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses, and reviewed photographs of the scene, police reports, medical records and the results of forensic examinations. On May 24, 2016, PITF provided the Office of the Cook County State's Attorney its final report of investigation.

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 the officer.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows:

On October 24, 2014, at approximately 11:00 p.m., Officers Whitlock and Ryan Gatz were on-duty, in plain clothes with police insignia, and driving an unmarked vehicle when they observed a speeding van near 12th Street and 14th Street in Maywood, Illinois. During the traffic stop, the driver of the vehicle, Ted Wynn, admitted to having cocaine in the van. Wynn indicated that he was going to meet Craig Hall to purchase narcotics from him. Wynn provided an address and a description of Hall's vehicle.

At approximately 2:11 a.m., Officers Whitlock and Gatz drove to a covert location near the 2000 block of 13th Avenue, Maywood, Illinois. Shortly thereafter, a vehicle matching the description that Wynn had provided pulled into a driveway where Wynn's van was parked. Hall exited the vehicle, approached the passenger side window of Wynn's van, and entered the van. Hall tendered Wynn narcotics. Hall exited Wynn's van.

Officer Gatz drove his unmarked police vehicle and parked it, blocking all vehicles in the driveway from leaving. Officer Whitlock exited the passenger side of the vehicle, announced his office, and yelled to see Hall's hands. Hall reached for his waistband and obtained a firearm. Officer Whitlock shouted to Officer Gatz notifying him of the weapon and fired his handgun multiple times, striking Hall. Hall began to walk backwards toward the van and into the street with his gun in his right hand, pointed at Officer Whitlock.

Simultaneously, the vehicle which Hall had arrived in pulled out and started driving south across the lawns towards Officer Whitlock's location. Officer Whitlock dove out of the path of the vehicle. Officer Gatz and Officer Whitlock fired multiple shots towards the moving vehicle. The driver and possible occupants of the vehicle were able to escape.

Hall was located in the street, on the ground. A firearm was recovered on the sidewalk near where Hall was located in the street. The firearm was loaded with a bullet in the chamber. The safety of the weapon was engaged. The weapon was swabbed and the swabs were subsequently analyzed at the Illinois State Police Forensic Science Center. A major DNA profile obtained from the gun matched Craig Hall. In addition, the weapon was tested by the ISP firearms section and was also determined to have been used in an unsolved Aggravated Discharge of a Firearm case from the same year.

Hall was transported by ambulance to Loyola Hospital where he was pronounced deceased. The Cook County Medical Examiner's Office conducted a postmortem examination of Craig Hall. The Medical Examiner identified gunshot wounds to Hall's neck, left arm, and right buttock and determined Hall died as a result of multiple gunshots.

The evidence at any trial would include evidence indicating that the officers reasonably believed that Hall was trying to kill, or cause great bodily harm, to Officer Whitlock when he ignored orders to show the officer his hands and obtained a firearm which he was observed pointing at Officer Whitlock.

III. LEGAL STANDARD

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code. The Illinois Use of Force in Defense of Person statute provides 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).

The statute regarding an officer's use of force provides 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.”

720CS 5/7-5.

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second- degree murder would require proof beyond a reasonable doubt that Officer Whitlock was not legally justified in using deadly force against Hall. In other words, a judge or jury would need to conclude that Officer Whitlock did not reasonably believe that he or others were in imminent danger of great bodily harm from Hall. The uncontroverted evidence established that the officer's use of deadly force was objectively reasonable. The weight of the evidence shows that Hall failed to respond to verbal commands to show his hands, and retrieved a firearm and subsequently pointed his firearm at Officer Whitlock. Officer Whitlock responded by discharging his firearm striking Hall multiple times. Additionally, a firearm was recovered near Hall that was loaded and contained Hall's DNA swabbed from the grip, trigger, and slide.

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 officer's use of deadly force against Hall was reasonable under the totality of the circumstances. Accordingly, the Office is not filing criminal charges in this case.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Maywood 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.