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COOK COUNTY, ILLINOIS

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**POLICE INVOLVED DEATH DECISION MEMORANDUM**  
**DECEDENT: LAMAR HARRIS**

**I. OVERVIEW**

On March 14, 2016, Chicago Police Officers Arturo Bracho, Antonio Herrera, and Alejandro Lagunas fatally shot Lamar Harris after Harris fired a weapon at the officers near 3716 West Polk Avenue, Chicago, Illinois. The Independent Police Review Authority (IPRA) / Civilian Office of Police Accountability (COPA) and Chicago Police Department (CPD) conducted an investigation into Harris' death. During the course of the investigation, investigators interviewed numerous civilian and law enforcement witnesses and reviewed OEMC transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner's Post-Mortem Report, the results of forensic examinations and video surveillance footage. On July 20, 2017, IPRA provided the Office of the Cook County State's Attorney its final report of investigation, pursuant to the Police and Community Relations Improvement Act.

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 officers.

**II. STATEMENT OF FACTS**

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

On March 14, 2016, at approximately 9:45 p.m., Chicago Police Officers Arturo Bracho, Michael Cantore, Antonio Herrera, and Alejandro Lagunas were traveling eastbound on Polk Avenue when they observed Lamar Harris (age 29) walking with a female companion toward the courtyard of an

apartment building located at 3716 West Polk Avenue, Chicago, Illinois. Harris fidgeted with his coat and waistband area as he walked. The couple continued walking and entered the courtyard of 3716 West Polk Ave. The couple then walked toward the rear of the courtyard, with Harris walking several steps ahead of his companion. Officers Bracho, Cantore and Lagunas entered the courtyard and began following Harris. Officer Herrera remained approximately 15 feet behind his fellow officers. Harris ignored an order to stop and stepped onto the concrete slab in front of the door to 3704 West Polk Avenue. As Officers Bracho, Cantore, and Lagunas continued towards Harris, Harris turned, pulled a weapon from his waistband and began firing toward the officers. Officers Bracho, Cantore and Lagunas retreated, while under gunfire, back through the courtyard and returned fire. Officer Bracho fired one shot from his handgun, while Officer Lagunas fired numerous shots from his handgun. When Harris began shooting, Officer Herrera took cover behind the northeast corner of the apartment building. Harris continued shooting as he advanced toward the officers and walked to the lawn on the east side of the courtyard. As Harris came into view, Officer Herrera fired multiple shots toward Harris. Harris, who had been shot numerous times, collapsed below the first floor window of 3700 West Polk Avenue. Harris' weapon fell on the lawn between his body and the building. Officer Herrera approached Harris and recovered a semi-automatic handgun from the ground next to Harris. Ten .40 caliber shell casings were recovered from the area by the door to 3704 West Polk and the lawn area where Harris collapsed. Evidence Technicians also recovered a blue plastic baggie containing unknown pills from the ground next to Harris' leg, along with a knotted plastic baggie containing green crushed plant from the ground underneath Harris' body.

Officer Bracho sustained a gunshot wound to his abdomen and back. Officer Cantore sustained a gunshot wound to his right heel. Officer Lagunas sustained two bullet impacts to his ballistic vest at the upper right chest that did not penetrate his skin. All of the officers were transported by Chicago Fire Department ambulance to Stroger Hospital. Harris was pronounced dead at the scene. The Cook County Medical Examiner's Office performed an autopsy on Harris that concluded that Harris had sustained numerous gunshot wounds to the torso, buttocks, arm, forearm, foot and two gunshot injuries to the right hand. Six deformed projectiles and bullet fragments were recovered from Harris' body and sent to the Illinois State Police Crime Lab for analysis. It was determined that two of the bullets were fired from Officer Herrera's gun and two of the bullets were fired from Officer Lagunas' gun. The lab was unable to determine from which weapon the remaining bullets and fragments were fired. Swabs taken from Harris' hands were submitted to the Illinois State Police Crime Lab for analysis and tested positive for gunshot residue.

Numerous fired cartridge casings were recovered from the courtyard and were submitted to the Illinois State Police Crime Lab for analysis. These casings were matched to the involved officers' weapons and Harris' .40 caliber handgun. Eleven .40 caliber casings that were fired from Harris' handgun were recovered at locations that were consistent with witness statements regarding Harris' movement through the courtyard. Several fired bullets and metal fragments were recovered from within

the courtyard and surrounding apartment building. A fired bullet and metal fragments were recovered from Officer Lagunas' ballistic vest. A fired bullet was also recovered at Stroger Hospital along with the injured officers' clothing. Analysis on the fired bullets was deferred.

### **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."

720 ILCS 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 Officers Bracho, Herrera, and Lagunas were not legally justified in using deadly force against Harris. In other words, a judge or jury would need to conclude that the officers did not reasonably believe that they or others were in imminent danger of great bodily harm from Harris. All available evidence reflects that the officers were justified in their use of deadly force to defend

themselves and their fellow officers against Harris who drew his handgun and began shooting at the officers. Harris possessed a firearm and began discharging the weapon at the officers prior to the officers discharging their weapons at him. Officers Bracho and Cantore sustained gunshot wounds and Officer Lagunas sustained two bullet impacts that lodged in his ballistic vest during the shooting. Harris' weapon was recovered next to his body and Illinois State Police Crime Lab analysis confirmed that eleven spent cartridge casings recovered from the scene were fired from that weapon. Those spent casings were recovered from locations within the courtyard that are consistent with witness statements regarding Harris' path of travel. In addition, the analysis of the gunshot residue samples taken from Harris' hands indicated that he had discharged a firearm.

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 Harris 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 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.