



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

ERIC H. SUSSMAN
FIRST ASSISTANT STATE'S ATTORNEY

POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENTS: QUINTONIO LeGRIER AND BETTIE JONES

I. OVERVIEW

On December 26, 2015, Quintonio LeGrier and Bettie Jones were shot and killed by Chicago Police Officer Robert Rialmo, who was responding with his partner to several 911 calls made from 4710 W. Erie in Chicago. An investigation into the deaths of LeGrier and Jones was conducted by the Independent Police Review Authority (IPRA) and the Federal Bureau of Investigation, with assistance from the Illinois State Police. During the course of the investigation, investigators interviewed approximately 85 witnesses, including police officers, first responders (firemen and paramedics), and lay witnesses. Investigators also reviewed photographs of the scene, police reports, medical records, results of forensic examinations, and recordings of 911 calls and officer communications.

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 thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against Officer Rialmo.

II. 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

720 ILCS 5/7-5.

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 Rialmo's actions were reasonable is limited to information available to Officer Rialmo on the scene as it was unfolding.

Under Illinois law, when an individual acts in self-defense and accidentally kills a bystander, he is not criminally liable for the bystander's death. *See, e.g., People v. Getter*, 2015 IL App (1st) 121307.

III. ANTICIPATED EVIDENCE AT TRIAL

This memorandum is not intended to provide a comprehensive description of all of the facts. In making a charging decision the CCSAO relied on the following evidence, which we anticipate would be introduced in a trial and which was the basis for our conclusion that we would be unable to meet our burden of proof in a criminal proceeding.

On December 26, 2015, Chicago Police Officer Robert Rialmo and his partner were dispatched to 4710 W. Erie, Chicago, Illinois in response to four separate 911 calls requesting urgent police assistance. Three of the calls were made by Quintonio LeGrier, during which he told the dispatcher that someone was threatening his life and requested a police officer. Shortly thereafter, Antonio LeGrier, Quintonio LeGrier's father, also called 911. Antonio LeGrier told the dispatcher that his son was armed with a baseball bat and was trying to break down the door to get into Antonio's bedroom. Neither Quintonio nor Antonio LeGrier offered additional detail regarding the need for assistance.

The building at 4710 W. Erie is a two-flat. Four external steps lead to a front landing that is approximately five feet wide and four feet deep. The front door opens inward to the inside

foyer. Upon entering the foyer, there are two doors. The door on the left leads to the first floor apartment of Bettie Jones and the door on the right opens to a stairwell leading to the upstairs apartment of Antonio LeGrier.

Both officers approached the residence and went up the stairs onto the front landing. Rialmo approached the front door with his partner just behind him and to his right and rang the doorbell. Bettie Jones opened the front door for the police and pointed towards the upstairs apartment. At that moment, Quintonio LeGrier could be heard opening the upstairs apartment door and running down the stairs toward the foyer where Jones was standing. At the foot of the stairs, Quintonio LeGrier opened the door into the foyer and stepped between Rialmo and Jones wielding an aluminum baseball bat. As the officers began to back up onto the front landing, Quintonio LeGrier moved towards them with the aluminum baseball bat raised in both hands above his head.

Rialmo and his partner backed onto the front landing and began moving backward down the front stairs. Quintonio LeGrier continued to advance toward the officers. As the officers walked backward down the stairs, Rialmo's partner tapped Rialmo on his back and told him to look out. Quintonio LeGrier continued to wield the aluminum bat. Rialmo drew his service weapon and fired eight shots toward LeGrier while backing down the front staircase. LeGrier was shot multiple times and fell across the threshold of Jones' open apartment door. Jones, who was still standing nearby, was also shot once in the chest and fell on the floor near the entrance to her first floor apartment. LeGrier and Jones died from their injuries.

Based on the limited information provided by the 911 calls, the 911 dispatchers and the responding officers were unaware that Quintonio LeGrier may have suffered from mental illness and had prior contact with law enforcement in which he demonstrated erratic behavior. Although this information was unknown to the 911 dispatchers and the responding officers at the time of the incident, LeGrier's prior conduct and any medical condition would likely be admissible in any criminal proceeding against Rialmo, as corroborative evidence of witness statements describing LeGrier's behavior on the night of the incident as threatening and erratic.

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for first or second degree murder would require proof beyond a reasonable doubt that Rialmo was not legally justified in using deadly force against LeGrier. In other words, a judge or jury would need to conclude that Rialmo did not reasonably believe he or his partner were in imminent danger of great bodily harm from LeGrier. The uncontroverted evidence from the investigation into the shooting establishes that LeGrier was armed with an aluminum baseball bat when the officers encountered him and LeGrier wielded the bat in a threatening manner while in their close proximity. Under Illinois law, a baseball bat may be considered a deadly weapon. 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 Rialmo was not legally justified in using deadly force against LeGrier.

Similarly, the evidence does not support a prosecution for the death of Bettie Jones. Under Illinois law, when an individual acts in self-defense and accidentally kills a bystander, he is not criminally liable for the bystander's death. *See, e.g., People v. Getter*, 2015 IL App (1st) 121307. In other words, if Rialmo was legally justified in using deadly force against LeGrier, he could not be found to have the intent required to criminally charge him with the death of Jones, the unintended victim. Accordingly, any potential criminal prosecution against Rialmo for the death of Jones is barred by the same legal analysis as the shooting of LeGrier.

Based on the totality of the evidence in this matter and the applicable law, the CCSAO does not believe that it could establish to a trier of fact, beyond a reasonable doubt, that Rialmo engaged in any criminal conduct when he discharged his weapon causing the deaths of Quintonio LeGrier and Bettie Jones. Accordingly, the CCSAO 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 IPRA or 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.