



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: RASHAD WELLS

I. OVERVIEW

On May 17, 2017, Rashad Wells was shot and killed by off-duty Cook County Correctional Officer Dionne Griggs after Wells brandished a firearm and threatened Griggs with that firearm during the course of committing an armed robbery. The Chicago Police Department, the Cook County Sheriff's Office Use of Force Review Unit and Office of Professional Review conducted an investigation into Wells' death. During the course of the investigation, investigators interviewed numerous civilian and law enforcement witnesses and reviewed OEMC transmissions, footage from POD cameras, CTA and private surveillance cameras, photographs of the scene, police reports, medical records and the results of forensic examinations. In early 2018, the Chicago Police Department provided the Office of the Cook County State's Attorney its final reports 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 officer.

II. STATEMENT OF FACTS

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

On the afternoon of May 17, 2017, off-duty Cook County Correctional Officer Dionne Griggs was at Marquita's Hair Studio located at 132 West 69th Street in Chicago with her daughter. Officer Griggs noticed two men acting suspiciously outside the salon and commented to her daughter about the

behavior of the two men. One of these men, Rashad Wells, entered the salon wearing a hooded jacket, cocked a silver gun, and announced a robbery. Wells pointed the gun at one of the other patrons in the salon and demanded her purse, which she gave to him. Wells next demanded the salon owner's cellular phone password. Officer Griggs grabbed her own purse, which contained her service weapon, and ran into the bathroom, locking the door to prevent Wells from entering. Wells attempted to gain entry into the bathroom and demanded that Officer Griggs open the door. When Officer Griggs failed to do so, Wells kicked open the bathroom door and pointed the gun at her. Officer Griggs announced her office and ordered Wells to relinquish his weapon. Wells did not comply and Officer Griggs fired at him three times. Wells sustained a single gunshot wound to the chest.

Wells dropped the patron's purse and ran out of the salon. Officer Griggs followed Wells out of the salon as he ran several hundred feet west on 69th Street to a nearby alley. At that time, Wells met up with a juvenile who was seen walking in front of the salon with Wells before the armed robbery. Wells handed the gun to the juvenile, revealed that he had been shot, and collapsed as the juvenile ran away.

Wells was found lying on his stomach at 140 West 69th Street at the mouth of the alley. Wells was transported to Stroger Hospital by ambulance where he was pronounced deceased.

The Cook County Medical Examiner's Office performed an autopsy of Rashad Wells and determined that Wells' death was caused by a single gunshot wound to the mid-left chest.

OEMC records reflect that approximately three 911 calls were made regarding the incident. The callers reported information including that Wells was armed when he committed the robbery and that Officer Griggs shot Wells.

CPD detectives identified and interviewed the juvenile who confirmed that he was with Wells outside the beauty salon but Wells went into the salon alone. After three gunshots were fired, Wells ran outside toward the juvenile and informed the juvenile that he was shot. Wells then handed a black gun to the juvenile. The juvenile took the gun and ran home. He then called an Uber to drive him out of the area. Prior to entering the Uber vehicle, the juvenile threw the gun but would not provide further details about the location of where he threw the gun. The Uber fare was confirmed. Footage from CTA, POD and video surveillance cameras depicted Wells and the juvenile walking and standing at locations near the salon prior to and following the shooting.

The evidence at any trial would indicate that Officer Griggs reasonably believed that her life and the lives of others were in danger when Wells aimed his firearm at the officer after committing multiple forcible felonies, and the officer discharged her own weapon at Wells when he failed to comply with her order to relinquish his weapon.

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 Officer Griggs was not legally justified in using deadly force against Wells. The State would need to prove that Officer Griggs did not reasonably believe that she or others were in imminent danger of great bodily harm from Wells. The uncontroverted evidence established that the officer's use of deadly force was objectively reasonable. The weight of the evidence shows that Wells

confronted the officer with deadly force. Wells committed multiple forcible felony offenses in Officer Griggs' presence and then turned his attention and firearm on Officer Griggs. Officer Griggs provided Wells with an opportunity to de-escalate and relinquish his weapon; when Wells refused to drop his weapon, Officer Griggs discharged her weapon three times. 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 Wells was reasonable under the totality of the circumstances. Accordingly, the Office is not filing 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 has 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 Cook County Sheriff's Office 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.