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COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: RONELL WADE

I. OVERVIEW

On May 17, 2015, Ronell Wade was shot and killed by Harvey Police Officer Antoine Anderson and Phoenix Police Officer O'Neal Gray after Wade discharged a firearm multiple times at the officers. The Illinois State Police Public Integrity Task Force (PITF) conducted an investigation into Wade's death. During the course of the investigation, investigators interviewed numerous civilian and law enforcement witnesses and reviewed police reports, surveillance video, OEMC transmissions, medical records, the medical examiner's report and the results of forensic examinations. On October 12, 2016, PITF 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 May 17, 2015, at approximately 2:32 p.m., Ronell Wade committed an armed robbery at the Family Dollar store located at 15901 Halsted Street in Harvey, Illinois. Wade brandished a black handgun and demanded that the store manager open the register and place money into a bag. The manager complied and Wade fled the store. The manager contacted the police and reported the offense. Harvey Police Officer Antoine Anderson and Phoenix Police Officer O'Neal Gray were both dressed in

uniform and assigned to marked squad cars when they responded to the call of an armed robbery at the Family Dollar store.

A witness from the checkout line followed Wade on foot as he fled and reported Wade's whereabouts to the police. Wade hid behind a vehicle at the Grembowicz Hall located at 15801 Union in Harvey, Illinois. When Officer Gray arrived at that location, Wade pointed a gun at Officer Gray and discharged it at him. Wade then fled through the Grembowicz Hall building, followed by the officer, and, upon exiting the building, attempted to enter Officer Gray's squad car. Wade again fired at Officer Gray from the squad car and Officer Gray returned fire. Wade left the squad vehicle and a physical altercation and struggle ensued. Wade used his left hand to push off the driver's seat of the squad car and extended his right hand with the handgun in his hand. Officer Gray, using his left hand, kept Wade's handgun pointed upward and Officer Gray's left index finger was behind the gun's trigger preventing Wade from firing. Officer Gray and Wade fought for control of Wade's handgun. Wade then began punching Officer Gray in the body with his left fist.

During the struggle, Wade grabbed Officer Gray's pepper spray and sprayed the officer in the face as Wade and Officer Gray continued to struggle for control of Wade's handgun. As Officer Gray struggled with Wade, Officer Anderson arrived and requested several times that Wade drop his weapon. When Wade failed to comply with Officer Anderson's commands, Officer Anderson fired one shot that struck Wade in the head. Officer Gray gained control of Wade's handgun.

Wade was pronounced deceased on scene. A postmortem examination by the Cook County Medical Examiner's Office of Ronell Wade found that the cause of death was a gunshot wound to the head. The toxicology report revealed the presence of benzoylecgonine and cocaine in Wade's blood.

Evidence technicians recovered Wade's handgun and submitted it to the Illinois State Police Crime Lab for analysis. Numerous casings, projectiles and ammunition were also recovered from the scene and were submitted to the ISP lab for analysis. Ballistic examinations revealed that a PMC 380 auto caliber fired cartridge case recovered from outside the Grembowicz Hall was fired by Wade's handgun. Swabs taken from Wade's handgun were submitted for DNA analysis and an analyst identified low level human DNA profiles that were interpreted as a mixture of at least three people. The analyst concluded that the mixture was potentially incomplete and unsuitable for further comparison.

Radio communications included the original armed robbery call from the Family Dollar store, dispatch communications from the Harvey Police Department to officers with a description of the offender involved and updates on his movements and activities, reporting by the officers that shots had been fired and a request for medical assistance on scene.

The evidence at any trial would include evidence indicating that the officers reasonably believed

that Wade was trying to kill, or cause great bodily harm, to Officer Gray when he aimed a firearm and discharged it at Officer Gray several times as he fled after committing an armed robbery.

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 Anderson and Officer Gray were not legally justified in using deadly force against Wade. In other words, a judge or jury would need to conclude that each of the officers did not reasonably believe that he or others were in imminent danger of great bodily harm from Wade. The

uncontroverted evidence established that the officers' use of deadly force was objectively reasonable. The weight of the evidence shows that Wade confronted the officers with deadly force. Additionally, the officers responded to a call that an individual who matched Wade's description had just committed an armed robbery with a firearm. The officers used deadly force against Wade as he fled after he committed forcible felonies including armed robbery and the attempted murder of Officer Gray. Wade pointed his firearm at Officer Gray and shot at Officer Gray multiple times. Officer Gray and Officer Anderson fired at Wade, striking Wade once in the head. 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 Wade was reasonable under the totality of the circumstances. Therefore, 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 Harvey Police Department, the Phoenix 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.