



STATE'S ATTORNEYS APPELLATE PROSECUTOR

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April 20, 2023

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Honorable Kimberly M. Foxx
State's Attorney of Cook County
Cook County State's Attorney's Office
69 West Washington, Suite 3200
Chicago, IL 60602

COPY

RE: Forest Park Police Department Officer Involved Shooting of Tony Smith

Dear State's Attorney Foxx:

Pursuant to your request, this Agency has thoroughly reviewed the evidence provided to us by your office in the above matter.

Our goal was to address whether the fatal shooting of Tony Smith on March 24, 2021, by Forest Park Police Officer Laura Battistoni #257 and Forest Park Police Sergeant Daniel Pater #122, warranted the filing of criminal charges, and whether the evidence was sufficient to overrule the declination of charges previously submitted by the Cook County State's Attorney's Office on or about January 18, 2023, and formally closed on January 20, 2023.

Based upon a comprehensive and independent evaluation of the information provided, we find that the decision by the Cook County State's Attorney's Office to decline prosecution is consistent with the evidence. This finding is strictly limited to the conclusion as to criminal charges and makes no determination regarding the existence of any administrative violations or the potentiality of civil liability.

We are returning all material sent by your Office directly to Lynn McCarthy, LEAD Supervisor, 2650 South California – Room 13 B 40, Chicago, IL, 60608.

Please let me know whenever we can be of assistance.

Very truly yours,

Patrick J. Delfino
Director