

PRELIMINARY REPORT
OF THE STATE'S ATTORNEY



Critical Incident

Normal Police Department

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McLean County State's Attorney

September 10, 2021

Incident: Officer Involved Fatal Shooting

Date: August 30, 2021

Location: Lambert Drive, Normal

Analysis team: Don Knapp, McLean County State's Attorney
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Conclusion: On August 30, 2021, officers from the Normal Police Department were dispatched to a lethal situation and engaged in a heroic course of conduct that saved several citizens' lives. This report details the analysis of the McLean County State's Attorney's Office which finds that the course of conduct engaged in by the officers was justified, reasonable and necessary to protect the public and themselves from great bodily harm and additional loss of life.

I. **Introduction**

At approximately 3:45 p.m. on August 30, 2021, Normal Police Department (hereinafter “NPD”) Officers responded to an active shooter situation at The Landings mobile home park in Normal, Illinois. At the time officers were dispatched to the scene, there was an active shooter incident in which multiple citizens had already been wounded. Upon arrival but before engaging the active shooter directly, the officers heard gun fire from the active shooter, observed at least one citizen who had been shot by the active shooter, and rendered aid to that citizen. While an officer had his weapon holstered rendering aid to a gunshot victim, the active shooter moved toward the officer and the wounded citizen’s location. The active shooter’s movements and actions led to an engagement between the active shooter and officers in which the officers returned fire toward the active shooter, ultimately killing the subject. Throughout this report, this individual will be referred to as “the subject” or “the active shooter.” The Illinois State Police (hereinafter “ISP”) were notified and took over the investigation a short time after the engagement between the officers and the subject, as is customary in officer involved shooting (hereinafter “OIS”) cases. The officers who discharged their weapons will be identified by name throughout this report with their knowledge and consent.

The role of the State’s Attorney at this juncture for this matter is to determine whether the conduct of the officers who discharged their weapons was justified under Illinois law. Below we set forth the sources of information reviewed, a factual summary of the OIS incident, applicable law, and our legal conclusions.

II. **Evidentiary Sources**

In preparing this preliminary report, my staff and I have reviewed the following evidentiary sources:

- A. Recorded 911 calls
- B. Recorded radio traffic
- C. Computer Aided Dispatch (CAD) System Report
- D. Approximately 92.5 gigabytes of video footage including officer bodyworn camera and squad car dash camera footage
- E. Initial State’s Attorney’s Analysis Team walk-through of the incident location

- F. Incident narratives (commonly known as police reports) by officers who were on scene including the three officers who discharged their firearms
- G. Interviews of civilian eye-witnesses to the incident
- H. Secondary State's Attorney's Analysis Team walk-through of the incident location
- I. Preliminary autopsy reports

The investigation by the Illinois State Police into this matter is ongoing and may not be finalized for several months due to the high volume of information that must be documented and forensic testing that must be completed due to the severity and complexity of this incident. However, based on the undisputed facts of this case and ample evidence available to us at this time, we are confident that receipt of additional items of evidence will not alter the legal opinions contained in this report.

III. **Factual Summary**

At approximately 3:44 p.m. on Monday, August 30, 2021, METCOM received the first of several 911 calls which reported an active shooter in The Landings mobile home park in Normal, Illinois. At approximately 3:45 p.m., Normal Police Department Officers were dispatched to The Landings, with the first officers arriving at approximately 3:50 p.m. Officer Shane Bachman, Officer Evan Easter, and Officer Cory Phillips were among the first officers on scene. All three were wearing full Normal Police Department uniforms and were equipped with functioning bodyworn cameras. These bodyworn cameras recorded audio and video of all their activity upon arrival on scene. All three were armed with their duty handguns. Together, the three advanced towards the subject's location based on the sounds of gunfire and their observations of the subject as he moved through the mobile home park. Weaving among buildings, the subject furtively approached officers and began firing at them. The three officers continued advancing on the subject and returned fire until the subject fell, which occurred at approximately three minutes later. The subject was immediately unresponsive, had no pulse or other signs of life, and was ultimately pronounced dead at the scene. An autopsy performed on September 1, 2021, indicated that the subject died instantly from multiple gunshot wounds, including shots to the head.

A. *Radio Traffic*

As officers were arriving on scene, they were receiving information from dispatchers via radio. Not all of these transmissions are audible on bodyworn camera systems as officers are equipped with earpieces to listen to such radio traffic. Nevertheless, these transmissions are one of many critical pieces of information necessary to understand the mental state of the officers at the time they exercised force against the subject. Other than officers calling out their locations, the following substantive statements were transmitted via radio prior to the officers' use of deadly force which subdued the subject:

- "We've got a report of an armed subject at [redacted], possibly a person shot, we're having a hard time getting information from the caller right now."
- "Shots."
- "Shots."
- "Shots."
- "We've got a victim [redacted] shot in the neck, squirting out blood, rescue's in route."
- "Where's the shooter, do we know?"
- "Sounds like he's out in the street, white male, black cut-off shirt, short gray hair, walking southbound on Lambert."
- "He still armed?"
- "Still has the gun in his hand, stopping cars, walking up and down the road. Victim's been taken into [address redacted]."
- "He's shooting at a white car right now, and just shot a male in a silver car."
- "[Inaudible] this is an active shooter [inaudible]. Metcom notify all other agencies."
- "Just fired another shot."
- "He's out in the middle of the road."
- "Another shot fired, another shot fired!"
- "Got a victim on Linden, uh just outside [redacted] North Linden."
- "He's out in the middle of the street."
- "There's a white male, black shirt, standing out in the middle of the street on Lambert."
- "He's headed back to the east."

- “Philips, watch out, he’s comin’ back towards you with a pistol”
- “Everybody stay off the air!”
- “Back to the north.”
- “Shots fired, shots fired!”
- “Shots fired!”

B. *Officer Bachman Bodyworn Camera Footage*

The bodyworn camera footage of Officer Bachman shows him arriving on scene at approximately 3:50 p.m., drawing his weapon, and advancing toward where the subject is believed to be located. As he is advancing, a gunshot can clearly be heard, at which time Officer Bachman calls out “another shot fired, another shot fired!” He follows the treeline that is parallel with Linden towards the sound of the gunfire, and notifies Officer Easter that he is “paralleling him on the backside” of the Lambert Drive mobile homes. Someone can be heard yelling “drop the gun, drop the gun!” in the distance. As Officer Phillips can be seen rendering aid to a victim who had been shot, Officer Bachman tells Officer Phillips “I got you” and remarks that “he’s on the other side of that shed, he’s still up in front right there!” Officers Phillips and Easter are in view at this point as the three continue to advance together towards the subject’s location. Multiple gunshots can then be heard, and Officer Phillips calls out “shots fired, shots fired.” Officer Bachman splits off from Officers Phillips and Easter and advances towards the subject on the west side of the mobile home while Officers Phillips and Easter advance on the east side of the mobile home. As Officer Bachman rounds the mobile home, the sound of additional gunfire is heard. He calls out “shots fired, shots fired!” and continues to advance towards the subject. He observes the subject in front of a neighboring mobile home and discharges his firearm in the subject’s direction. He yells “drop the gun, drop it now!” and the subject can be seen looking directly towards Officer Bachman with his gun raised and pointed at officers. Bachman then fires additional shots in his direction until the subject falls to the ground. Officer Bachman then approaches the subject along with other officers, assists in securing him, rolling him over, and stands by while Officer Phillips checks for a pulse. While searching for additional weapons, Officer Bachman checks the subject’s pockets and locates an additional firearm magazine as well as a box cutter knife. Officer Bachman removes and throws both items into the grass.

C. Officer Easter Bodyworn Camera Footage

The bodyworn camera footage of Officer Easter shows him arriving on scene at approximately 3:50 p.m. Immediately upon his arrival, he hears a radio transmission of “another shot fired, another shot fired”. Officer Easter advances to the area from which shots are being fired, observes the subject and calls out, “He’s out in the middle of the street. There’s a white male, black shirt, standing out in the middle of the street on Lambert. He’s got a pistol.” Officer Easter then shouts and instructs the subject to “drop the gun, drop the gun!”. Thereafter, Officer Easter notes that the subject is “headed back to the east, back to the east.” Officer Easter can be seen pointing to the area in which Officer Phillips is rendering aid to a shooting victim. As Officer Easter moves towards Officer Phillips, he warns, “Phillips, watch out, he’s coming back towards you with a pistol!”. Officer Easter clearly loses sight of the subject for a short time as he remarks, “he might be on the side of this...” while pointing to the corner of a building. The sound of multiple gunshots can then be heard. Officer Easter regains knowledge of the subject’s location and calls out “back to the north.” Officer Phillips can be seen in front of Officer Easter advancing with his weapon drawn. Officer Easter says “watch your corner, Phillips” as Officer Phillips nears the corner of a wood privacy fence. At this time, the subject can be seen rounding a shed a short distance from Officers Easter and Phillips with his gun drawn and pointed at the officers. An officer yells “drop the gun!” and there is an exchange of gunfire between the subject and the officers. During this exchange, the subject is observed moving back west for cover behind the shed and adjacent trailers. Officer Easter and Officer Phillips advance toward the subject firing additional shots until the subject falls. A black handgun can be seen on the ground near the subject and Officer Easter says “there’s a pistol right there.” Officer Easter then immediately seeks to render aid to others and observes a surviving gunshot victim bleeding from the neck. He continues his search for victims at which time he makes contact with another surviving gunshot victim who had been shot in both arms. Officer Easter continues his search for victims by running toward another residence where he observes a deceased gunshot victim.

D. Officer Phillips Bodyworn Camera Footage

The bodyworn camera footage of Officer Phillips shows him arriving at The Landings mobile home park at 3:50 p.m. and running north along the tree line parallel with Linden Street.

Within seconds of his audio activating, Officer Phillips is heard informing METCOM that he has encountered a victim with a severe gunshot wound. Officer Phillips holsters his weapon to provide aid to the victim by applying a tourniquet to victim's upper arm. The victim tells Officer Phillips that "he shot me" and "he was going nuts." Officer Phillips asks, "Do you know who he is?" The victim responds "yeah, [name redacted], my neighbor." From Officer Easter's bodyworn camera and recorded radio traffic, it is clear that while Officer Phillips is rendering aid to the victim, he is informed that the subject is heading his direction and the subject is armed with a pistol. After completing the tourniquet, Officer Phillips draws his handgun and joins with Officer Easter to advance towards the subject. The subject appears north of the officers in the tree line leading Officer Phillips to discharge his firearm towards the subject. Officer Phillips then advances north along a fence and, upon reaching the corner of the fence, Officer Phillips says "I see him right here," shots are fired, then Officer Phillips yells, "Get on the ground, get on the ground!" to the subject as the officer continues to advance to the north. He and Officer Easter round a corner of a trailer and head west between two mobile homes. As Officer Phillips turns the corner around the shed and the trailer, a bullet exit hole through the trailer which Officer Phillips used for cover can be observed on Officer Phillips' bodyworn camera indicating a trajectory from the subject's location toward the officers' location. The subject can be seen walking west and then turning back, with his gun raised, towards Officer Phillips and Officer Easter. As officers retreat for cover, the subject uses a trailer to the north for cover and disappears behind a corner of that trailer. The officers continue advancing toward the subject's location. As Officer Phillips clears the corner of the trailer which was shielding the subject, he observes the subject with his right arm raised pointing his pistol in Officer Phillips' direction. Officer Phillips and Officer Easter then fire at the subject until he falls. Officer Phillips approaches the subject, kicks the subject's gun away from the subject's body, and helps secure him. Officer Phillips then checks for the subject's pulse.

IV. **Legal Analysis**

A. ***Use of Force***

In Illinois, the rules governing use of force by a peace officer are set forth in Article 7 of the Criminal Code of 2012. This statute was recently amended by Public Act 101-652 to impose

additional legal duties and requirements on an officer's use of force. Under Illinois law, a peace officer is justified in using force likely to cause death or great bodily harm when he "reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or [another]." 720 ILCS 5/7-5(a). Prior to using force, "where feasible, a peace officer shall *** make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used, unless the officer has reasonable grounds to believe that the person is aware of those facts." 720 ILCS 5/7-5(a-5).

The remaining provisions of the statute emphasize the gravity of an officer's decision to exercise force, with a focus on the use of deadly force, and set forth the manner in which such use of force will be evaluated. Section 7-5(c) states that the "authority to use physical force conferred on peace officers" by Illinois law is "a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life." Deadly force is to be used "only when reasonably necessary in defense of human life," under the particular circumstances of each situation. 720 ILCS 5/7-5(d). When an officer uses force, that decision "shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." 720 ILCS 5/7-5(f).

It is our unequivocal opinion that Officers Bachman, Easter, and Phillips were legally justified in their use of deadly force against this subject on August 30, 2021. It is clear that upon arrival, they were aware that there was an armed subject at-large in The Landings mobile home park who had shot citizens within the neighborhood. They knew the subject continued to discharge his weapon after their arrival. They knew that the subject was actively approaching and firing into vehicles. They knew one of the victims who had been shot was "squirting out blood" from the neck and thus needed emergency assistance. They were given a detailed physical description that matched the description of the armed white male they personally observed upon their arrival. Again, after arrival, they heard the sound of the subject's gunfire.

In addition to hearing gunfire, they personally observed a gunshot victim near Linden Street as they advanced toward the subject. This all occurred in a heavily populated residential neighborhood in the middle of the afternoon when children were arriving home from school.

Furthermore, the subject was shooting near Linden Street which is a highly travelled thoroughfare, and every stray bullet fired from the subject's gun posed a lethal risk to motorists including school bus passengers. In fact, a school bus can be seen on Linden Street in Officer Phillips' bodyworn camera video. The bus is located in the direction the subject was firing. Ultimately, each of the three officers who discharged their weapons were imminently reasonable in their belief, based on the totality of the circumstances, that deadly force was necessary to prevent death or great bodily harm to themselves or others. Their conduct comported with the mandates of Article 7 of the Criminal Code of 2012 that deadly force be "exercised judicially" and "only when reasonably necessary in defense of human life."

All three officers were wearing full NPD uniforms and arrived in fully-marked NPD squad cars having traveled to the area using police lights and audible sirens. While in full NPD uniform before any officer discharged a weapon, Officer Easter yelled "drop the gun, drop the gun" to the subject. Officer Easter gave this command when he first observed the subject holding a gun while the subject was standing in the middle of a residential street. Similarly, Officer Phillips yelled "get on the ground, get on the ground" to the subject prior to the final exchange of gunfire. The subject was close enough to the officers to observe their uniforms. There can be no doubt that the subject knew that police officers were on scene and prepared to use force against him to terminate his killing spree, yet he nonetheless chose to engage officers by approaching and firing at them.

B. Duty to Render Aid

Public Act 101-652 also imposes a duty on law enforcement officers to, "as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary." 720 ILCS 5/7-15. As depicted in the bodyworn camera footage, at great peril to himself, Officer Phillips holstered his weapon to render aid to an injured victim. After the final engagement with the subject, immediately upon it being safe for officers to approach the subject to a distance at which they could render aid, they took his pulse and determined he was deceased. At the point of that determination, medical aid was no longer necessary and therefore there was neither a legal nor moral obligation to render aid. The officers can then be seen immediately directing their attention to other victims.

V. **Concluding Comments**

The State's Attorney's office expresses our sincere condolences to families of the deceased victims and our hopes for a speedy recovery for the surviving victims of these senseless acts of violence. We are grateful for the heroic acts of the officers of the Normal Police Department whose courage and selflessness undoubtedly prevented additional civilian casualties.

Relevant portions of various audio and video files reviewed and analyzed in the preparation of this report can be found here: https://youtu.be/ZcTO5_8zTFg.