

**REPORT OF THE ROCK ISLAND
COUNTY STATE'S ATTORNEY
REGARDING THE ROCK ISLAND
POLICE USE OF DEADLY FORCE ON
APRIL 1, 2021**



STATEMENT OF RELEVANT FACTS

On March 31, 2021, local law enforcement received a social media video clip that depicted Deshawn Tatum waving a suspected firearm in Rock Island. Tatum is heard on the video making threats against law enforcement, and a white police SUV car is seen behind Tatum. At this same time, law enforcement were aware that Mr. Tatum had outstanding felony warrants, including a federal warrant for felon in possession of a firearm and a county warrant for criminal damage to property and fleeing & eluding.

On the following day, April 1, 2021, officers from the Rock Island Police Department were conducting surveillance hoping to apprehend Tatum on the outstanding warrants. Officers Lawler and Costas, both wearing body-worn cameras that were active, arrived at the Chippiannock Cemetery shortly after 6:15p.m on April 1st and observed Tatum standing with a group of people.

Lawler and Costas walked towards Tatum calling his name, and Tatum is seen running across the cemetery and dropping a black bag, which is picked up by Costas. Lawler and Costas both chase Tatum on foot across the cemetery, then west on 12th Street in Rock Island. Officers are heard yelling for Deshawn Tatum to “drop the gun” multiple times. A gun is later found lying on the ground in the path of the foot chase. An officer’s squad camera captures the moment Tatum runs by and throws the gun on the ground.

The foot pursuit to apprehend Tatum continued onto the next block until Tatum turned south towards the Chicken Shack gas station on 11th Street. A white Chrysler 300 is seen parked in front of the Chicken Shack and a female is opening the driver’s side door when surveillance captures Tatum push the female aside and get inside the driver’s seat. At that same time, Officer Scully, dressed in plain clothes and driving an unmarked car, drives into the gas station along with Officer Waddle in his squad.

Both officers exit their vehicles and run to the driver’s side with their weapons drawn and shout commands for Tatum to get out of the vehicle. Officer Lawler is seen approaching the vehicle from behind and walks to the passenger side with his gun drawn and yells for Tatum to get out. Both Waddle and Scully are seen trying to remove Tatum from the driver’s seat when the white car suddenly accelerates at a high rate of speed in reverse. Waddle and Scully are seen being dragged and appear under the driver’s side of the car when it ultimately collides into the gas station building with bricks landing on the trunk.

A gunshot is seen coming out of the passenger side window towards Officer Costas, who is standing outside of the vehicle, and Officer Scully and Lawler are seen firing at Tatum, who is still in the driver’s seat. Officers assist Waddle, who is picked up off the ground with blood coming down his face, and Scully reaches in the driver’s seat to retrieve a firearm—presumably Waddle’s duty weapon that he lost control of during the dragging and collision. Another officer arrives on scene and assists the officers in immediately giving CPR to Tatum, who has been brought to the ground next to the car. Officer Costas is assisting with CPR but can be seen stumbling and wiping blood off his face as well.

Within several minutes, a large crowd gathers at the scene and attempts to get in the officers' way. Other officers arrive to assist with crowd control. Tatum is given CPR continuously for seven minutes until paramedics are able to get into the area and transport him to the hospital. Deshawn Tatum was transported to Unity Point/Trinity West and was pronounced deceased by Deputy Coroner Mark Moore shortly thereafter. All four officers involved were transported to Unity Point for medical evaluations and/or treatment and then placed on administrative leave.

THE INVESTIGATION

An autopsy was completed at the Ogle County Coroner's Office on April 2, 2021 by Dr. Mark Peters and his assistant, Gene Conas. The Rock Island County Coroner, Brian Gustafson, and CSI Agents from ISP were also present. Dr. Peters advised the preliminary cause of death was gunshot wounds to the head and torso, a total of six of which were observed.

The backpack that was dropped by Tatum during the initial foot pursuit was secured by Crime Scene Investigators at the scene and taken to the State Police Department for examination. The contents included one Glock 9mm-17 round capacity magazine, two live 9mm Luger cartridges, one 50-round Luger 9mm box of ammunition; six sealed bags each containing suspected marijuana; and one orange medication bottle containing various unidentified pills.

The gun was found lying in the alley off 12th Street, where Officer Waddle's squad camera caught Tatum jumping and tossing a suspected firearm. The gun was secured at the scene and taken by CSI to the State Police for further examination. It was identified as a Glock Model 19-9mm with an extended magazine. The Glock had partially loaded magazine with a round loaded into the chamber. The Glock had a serial number which was traced back to an individual in Davenport, IA who purchased the firearm legally and was not aware it had left his property until he was contacted for this investigation. The owner had not given permission for Deshawn Tatum to take the Glock.

The Glock was sent for processing at our local NIBIN machine. NIBIN stands for the National Integrated Ballistic Information Network, and works as a DNA-like database for ballistics and firearms. The Glock that was discarded by Tatum during the foot pursuit was run for preliminary results and yielded six leads in recent shooting cases in the Quad City area. Since NIBIN results are only preliminary, the Glock was sent for further testing with Forensic Ballistics Expert at the Illinois State Police. The results have not yet been received by this office nor would they have a material effect on this legal analysis.

Several independent witnesses were interviewed for this case, including the owner of the Chicken Shack/Kum & Go gas station. The owner stated that shortly before the incident on April 1st, he had arrived in the white Chrysler 300 with his young niece and nephew to get them ice cream. The car was on loan to him, as his vehicle was getting repaired. His nephew was wearing a lanyard around his neck that had the keys to the White Chrysler, and he was unsure how Mr. Tatum was able to start the vehicle. He recognized Mr. Tatum as a frequent customer from the neighborhood and did not give him permission to

take the car on that evening.

His employee was also interviewed. She was at the gas station working when her boss arrived and parked the White Chrysler in front of the main doors. She asked if she could take a look inside the vehicle, and was thinking of purchasing it. She went outside and began to open the door when she saw Tatum come running from around the corner. She knew Tatum as a frequent customer and neighbor. Tatum was running towards her and asking her in a panicked voice if he could borrow her car, but she told him the car was not hers. She was pushed to the side, and Tatum jumped into the driver's seat of the car. At almost that same moment, several squad cars and police officers surrounded the area and her boss brought her inside for her own safety. Both the owner and employee felt the strong collision of the car into the back of the store and heard gunshots, though neither witnessed the actual shooting.

STATEMENTS OF THE INVOLVED OFFICERS

The four officers involved in this incident were all separately interviewed by Integrity Task Force investigators. Pictures of the injuries sustained by Officer Costas, Waddle and Scully were taken on the night of the incident. Medical records for the officers treated for their injuries were requested and reviewed for this investigation as well.

Officer Scully

Officer Scully has been employed through the City of Rock Island as a police officer for approximately 7½ years, he became a certified police officer through the Illinois Police Training Institution (PTI). Scully is also a member of the Rock Island Emergency Response Team. Scully has received narcotics training throughout his career, and is currently assigned to the narcotics unit Scully is not assigned a body camera and was operating an unmarked red Toyota Tacoma on April 1, 2021. Although Scully was wearing plain clothes on that day, he was wearing a black bulletproof vest with "Police" on the chest.

On April 1, 2021, Officer Scully was working from 2:00pm to 10:00pm. During his shift, he was conducting surveillance in the area of Chippiannock Cemetery, located at 2901 12th Street in Rock Island. The purpose of the surveillance detail was to locate Deshawn L. Tatum M/B DOB: 03/02/1996. Scully had knowledge that Tatum was wanted on felony warrants for felon in possession of firearm and aggravated fleeing and eluding. He also received information that Tatum was a suspect in a recent shooting, and, on a prior occasion, a confidential source had advised him that Tatum fled because he was in possession of a firearm.

Officer Scully explained that the night before, on March 31st, he observed a Snap Chat video of Tatum in front of two marked Rock Island squad cars waving a firearm and expressing a threat towards police officers. On April 1st, Scully was conducting stationary surveillance and observed Tatum in the cemetery, wearing a red outfit and carrying a black book bag.

Officer Scully contacted RICOMM and advised them to send marked police units toward the cemetery in preparation for serving the active arrest warrants. Officer Lawler and Officer Costas entered the cemetery through the north roadway. As Lawler and Costas began to approach Tatum; Tatum began to flee on foot. As Tatum was running westbound across 12th Street, Scully observed Tatum running with a firearm. Scully radioed to responding officers that Tatum was running with a firearm. Scully lost sight of Tatum and drove towards the south portion of the Chicken Shack, located at 2961 11th Street, Rock Island, Illinois.

As Scully pulled into the lot, he observed Tatum "rip" a female away from the driver's side door of a white sedan. Scully exited his vehicle, approached the driver's side door of the white sedan, and ordered Tatum out of the vehicle. Waddle was also at the driver's side door attempting to extract Tatum from the vehicle. He observed Tatum reach over towards the center console and could hear the engine revving, "like the gas pedal was to the floor." Tatum was able to get the car in gear and accelerated in reverse at a high rate of speed.

The driver's side door struck Scully and knocked him to the ground. He was able to hold onto the door and could see his lower body being dragged on the pavement. During this time, Scully heard one gun shot from inside the vehicle. Det. Scully felt his body being pulled underneath the vehicle. Det. Scully feared he was going to be killed or ran over by the vehicle. At this time, Officer Waddle disappeared from Scully's line of sight, and Det. Scully believed that Office Waddle may have been underneath the vehicle or may have been killed by the vehicle.

Once the vehicle backed into the Chicken Shack, the impact knocked Scully to the ground. He could see the vehicle in front of him. Officer Waddle was laying on the ground underneath the vehicle and Lawler was in front of the vehicle.

Officer Scully did not know if Waddle was alive and feared he was going to be ran over and feared that his fellow officers were going to be ran over and killed. In order to prevent them from being killed, he un-holstered his Glock 43 .9mm firearm and discharged it approximately five times. Once Scully observed Tatum to no longer be a threat, he pulled him from the vehicle, and an assisting officer arrived and began to administer CPR. Scully observed a firearm on the inside floorboard of the vehicle. He removed the firearm and gave it to Officer Waddle. Scully remained on scene and helped with scene security until he was transported to the hospital.

Officer Scully received road rash on his right hand and right forearm. He also has road rash and large bruises on the left side of his body, which required medical attention. An updated review of medical status, revealed that Scully is undergoing further shoulder injury treatment and examination.

Officer Waddle

Officer Waddle has been employed by the Rock Island Police Department for six years, after attending the Police Training Institute in Champaign, where he earned his certification to be a peace officer. Waddle received additional training as a Field Training Officer, ERT and Bicycle Officer. Additionally, Waddle served our country for 4 years with the United States Marines.

On April 1, 2021, Officer Waddle was working second shift patrol from 2:30pm-10:30pm and was wearing his department-issued patrol uniform, consisting of blue-colored pants and a uniform shirt. The uniform shirt displayed "Rock Island Police Department" patches on both shoulders. Officer Waddle's uniform also included a bulletproof vest with white lettering that says "police" on the front. Officer Waddle stated that he was in a fully marked Rock Island City Police Department squad car during his shift.

Officer Waddle had prior knowledge that Deshawn Tatum had a felon in possession of a firearm warrant, as well as other outstanding warrants. He was also aware of a Snapchat video showing Tatum waving a gun near a police vehicle. Officer Waddle was dispatched towards the Chippiannock Cemetery after other officers had observed DeShawn Tatum at the cemetery. Officer Waddle stated that when he arrived, he saw a group of subjects gathered in the Chippiannock Cemetery.

As he is arriving, Officer Waddle hears over the radio that Tatum is running from officers and wearing all red clothing. Waddle stated that he was westbound on 31st Ave. approaching 12th St. when he saw Tatum running and jumping a fence while his fellow officers were running after DeShawn Tatum. Waddle heard radio traffic from who he believed to be Officer Costas stating that Tatum had a gun. Waddle then drove behind the Chicken Shack to try and cut off Tatum, but Tatum ran past his squad car. Waddle followed Tatum from behind in his squad car as he turned southbound in front of the Chicken Shack and saw a female getting into or out of a white Chrysler 300 parked in front of the Chicken Shack.

Waddle observed Tatum pull the female away from the driver's side of the white car and get into it, so he pulled his squad car in front of the white Chrysler and exited it. Waddle drew his duty weapon due to prior dispatch reports of DeShawn Tatum possessing a gun and out of fear for his life, that Tatum would run him over with the car. Waddle stated he went to the driver side door and gave several commands for Tatum to get out of the vehicle. Waddle stated that the white Chrysler was running at this time, and that Tatum was attempting to get the vehicle in gear. Waddle stated the next thing he remembered was getting up from the ground near the vehicle and heard Scully stating "he has a gun," thinking that Tatum had his duty weapon. A supervising officer arrived on scene and told him to sit down. A paramedic later walked him to an ambulance and transported him to Unity Point. Officer Waddle sustained a concussion and head wounds that required stitches.

Officer Lawler

Officer Lawler has been employed by the Rock Island Police Department for 9 years. Officer Lawler attended the Police Training Institute in Champaign, earning his certification to be a peace officer. Officer Lawler has received additional training as an EMT, K9 Handler and Rifle Armorer.

On April 1, 2021, Officer Lawler was working on second shift in an unmarked car wearing a black department-issued uniform with police markings. Officer Lawler knows DeShawn Tatum on sight and has had prior involvements with Tatum. Officer Lawler also had knowledge of a Snapchat video where Tatum was displaying a handgun and made threats toward police. Officer Lawler also had prior knowledge that Tatum had outstanding warrants.

Officer Lawler stated surveillance was being conducted at the Chippiannock Cemetery and Maple Ridge Apartments under the belief that Tatum would be at these locations and officers would attempt to serve the outstanding warrants. Lawler was the passenger and Officer Costas was driving. Officer Lawler stated he and Officer Costas were conducting surveillance at Maple Ridge, while Officer Scully was conducting surveillance at Chippiannock Cemetery. Lawler heard Officer Scully notifying radio that DeShawn Tatum was at the cemetery and was wearing all red clothing.

Officer Lawler stated that he and Costas went to the cemetery and pulled in by other vehicles parked in the cemetery. Lawler stated that they get out of their vehicle and started walking towards the small group, which included Tatum. Tatum began walking away from them westbound and eventually took off running. Officer Lawler stated he began running after Tatum, who jumped a fence and proceeded westbound across 12th Street. Lawler saw the extended magazine of a gun under the left hand of Tatum while they were running westbound, and he also heard Scully on the radio state, "he has a gun," referring to Tatum.

While running after Tatum, Lawler observed Tatum jump up against a fence for unknown reasons. Lawler and Tatum continued westbound towards the Chicken Shack. Lawler lost sight of Tatum briefly when Tatum turned southbound and ran towards the front of the Chicken Shack.

When Lawler turned southbound towards the front of the Chicken Shack & gas station, he saw a white sedan with police squad cars in front of it. Officer Lawler stated that officers were yelling, "He's in the car," referring to the White Sedan. Lawler saw Officers Scully and Waddle at the front driver door of the white sedan, which was open. Lawler ran to the front passenger side door and drew his duty weapon, still believing that DeShawn

Tatum was in possession of a firearm that he saw during the foot pursuit. He shouted commands for Tatum to exit the vehicle.

Lawler then saw the car go into gear and abruptly accelerates in reverse. He stated that Scully and Waddle were caught in the driver's side door and were being dragged by the vehicle. As the vehicle went into reverse, Lawler heard a gunshot. Officer Lawler thought that DeShawn Tatum was still in possession of the firearm and had shot at his fellow officers. Lawler stated he was in fear for both Officer Scully and Officer Waddle's lives. Officer Lawler stated that the white sedan driven by DeShawn Tatum backed into the Chicken Shack and came to a stop.

At this time, Lawler saw Officer Waddle under the white sedan. Out of fear that DeShawn Tatum would drive forward and kill Officers Scully and Waddle by running them over, Lawler shot his firearm. Officer Lawler stated that Scully and Costas removed Tatum from the white sedan and began administering CPR. Lawler saw Officer Scully remove a gun from the sedan, which would later be determined to belong to Officer Waddle.

Officer Lawler stated he saw a dark backpack that Tatum had dropped by the fence while running, which was located by Officer Costas. Lawler later assisted in securing a handgun with an extended magazine in the area that Tatum jumped up against the fence. Officer Lawler stated that another officer relieved him of securing the handgun with the extended magazine. Lawler told Officer Costas to get medical assistance due to Officer Costas having a visible wound to his right side. Lawler was later transported to Unity Point Health by an assisting officer.

Officer Costas

On April 1, 2021, Officer Costas was assigned to work from 2pm to 11pm. Costas has been with the Rock Island Police Department since 2013. He formerly served in the Military and is a certified member of the Emergency Response Team. On April 1st he was wearing a black department-issued uniform with police markings. Officer Costas knew Deshawn Tatum had an active arrest warrant for felon in possession of a firearm and was aware that Tatum had posted Snapchat video of him waving a firearm in front of marked Rock Island Police vehicles, expressing threats towards police officers.

Officer Costas and Officer Lawler were in an unmarked Rock Island Police vehicle, conducting surveillance at an apartment where they believed Tatum frequented. Officer Scully notified Costas that he had located Tatum at Chippiannock Cemetery, in Rock Island. At this time, Costas and Lawler drove into the cemetery and attempted to serve the felony warrant on Tatum. Officer Costas and Officer Lawler exited the vehicle and began to run towards Tatum. Officer Costas chased Tatum on foot and ordered him to stop. Tatum refused and continued to run. Tatum was carrying a dark book bag, which is dropped and picked up

by Costas. As Tatum was running, Costas observed him running with a firearm equipped with an extended magazine. At this time, Costas also heard over the radio from Officer Scully that Tatum had a firearm. Costas gave commands to Tatum to drop the firearm.

Tatum turned south around the Chicken Shack, and as Costas caught up, he turned south and saw a white sedan accelerating at a high rate of speed towards him. In fear for his life, Officer Costas drew his duty weapon. He believed the white vehicle was going to strike him. Officer Costas deployed his firearm and placed the book bag on the ground. [It was clarified that Costas did not discharge his weapon, but only displayed it]. The vehicle made a left hand turn and struck the Chicken Shack. At that moment, Costas heard one shot come from inside the vehicle. He saw a bullet hole in the passenger side window, and at this time felt pain in his right temple.

Costas observed Scully by the driver's side door, Officer Waddle lying next to the vehicle, and Officer Lawler in front of the vehicle. Costas advised that if the vehicle would have taken off, someone would have been run over by the vehicle. Costas repositioned himself around the vehicle while shots were fired.

ROCK ISLAND COUNTY STATE'S ATTORNEY'S OFFICE REVIEW

On April 1, 2021, State's Attorney Dora A. Villarreal, was notified that the Integrity Task Force (ITF) had been alerted to respond immediately to an officer-involved shooting in the City of Rock Island. The State's Attorney visited the scene at approximately 8:30 p.m. on the night of the incident and was given a short briefing on the information known at the time. No body camera or video footage was available to view on the night of the incident.

All reports, interviews, video footage and additional evidence was requested by the State's Attorney's Office from ITF in order to review the case in its entirety and determine whether the use of deadly force was justified.

LEGAL ANALYSIS REGARDING THE USE OF DEADLY FORCE

A. Law governing police use of deadly force

In the United States, police officers are authorized to use deadly force in the line of duty to protect themselves and members of the public from death or great bodily harm. The United States Supreme Court recognized the use of deadly force by a police officer is justified where the officer has "probable cause to believe that the suspect pose[s] a threat of serious bodily harm either to the officer or to others."¹ In 1989, the Supreme Court again addressed the use of force by a police officer in *Graham v. Connor*,² holding that an objective reasonableness standard should be used to evaluate a police officer's use of deadly force. The assessment of reasonableness requires careful attention to the facts and circumstances of each case.

The *Graham* Court outlined a non-exhaustive list of factors for evaluating an officer's decision to use force: 1) the severity of the crime at issue; 2) whether the suspect poses an immediate threat to the safety of the officers or others; and 3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight.³ 4) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or 5) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

A. Illinois Law Governing Deadly Use of Force

Under Illinois law, a police officer has the right to use force he reasonably believes is necessary to effectuate an arrest. 720 ILCS 5/7-4. However, an officer is only justified in using force likely to cause death or great bodily harm (deadly force) 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.

The term "reasonable force" has been described as the minimum amount of force necessary given the circumstances of each situation. The circumstances of each situation include the presence of weapons, likelihood of continuing danger and presence of bystanders, amongst other factors.

The State of Illinois has passed updates to its use of force law in a sweeping set of criminal reform measures, set to take effect July 1, 2021. Due to the proximity of these new standards, the new use of force law will also be examined under this particular fact pattern.

¹ *Tennessee v. Garner*, 471 U.S. 1, 11 (1985).

² *Graham v. Connor*, 490 U.S. 386 (1989).

³ *Id*

In the updated 720 ILCS 5/7-5(a), the legislature uses a totality of the circumstances approach in reviewing the reasonableness of use of force used by an officer making an arrest:

A peace officer, or any person whom he has summoned or directed to assist him, 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 that he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force that he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest.

Use of force likely to cause death or great bodily harm may only be used when an officer reasonably believes that such force is necessary to prevent death or great bodily harm to themselves or another person, both when:

- (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; the officer reasonably believes that the person to be arrested cannot be apprehended at a later date, and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and
- (2) The person to be arrested just committed or attempted a forcible felony that 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.

The Illinois legislature places particular emphasis to the use of deadly force as by officers as force that must be reasonably necessary for the defense of human life in each particular situation. Threats of bodily harm and/or death against any officer are defined as “imminent” when there is an apparent intent to immediately cause such harm and must therefore be instantly confronted. 720 ILCS 7/-5(2)(b)-(d).

B. Vehicles as Deadly Weapons

Numerous instances of deadly force by officers have involved vehicles. Both our state and federal courts have reviewed the legality of not only vehicles as deadly weapons, but also whether officers can use deadly force against the driver or occupants of a vehicle after stepping in front of or otherwise coming into the path of a moving vehicle. In essence, many courts, in answering this question, have focused on the usual constitutional test set forth in *Tennessee v. Garner*, cited above, of whether the officer reasonably believes that they are acting in response to an imminent threat of death or serious physical injury to themselves

or other persons.

In *Thomas v. Durastanti*, 607 F.3d 655 (10th Cir. 2010), a federal Bureau of Alcohol Tobacco and Firearms (BATF) agent fired at a vehicle that was trying to elude a stop in a parking lot, narrowly missing another BATF agent and actually colliding with the firing agent. The agent arguably fired some shots before the car struck him and some after it did so, after he was knocked aside. The court held that the officer could still have reasonably believed that he was in danger. Additionally, the vehicle and its occupants, having assaulted and attempted to assault the officers, may have also posed a continuing danger to others. This case is instructive, as applied here. *Thomas*, 490 U.S. at 396.

C. Officers were Justified in Using Deadly Force on Deshawn Tatum

In this incident, Tatum jumped into a parked vehicle in front of the Chicken Shack in an attempt to flee officers. In video footage, Officers Waddle and Scully are seen opening the driver's side door and attempting to remove Tatum from the vehicle while giving commands for him to exit the car. Officer Lawler is also seen and heard coming to the passenger side of the vehicle with his gun drawn and shouting for Tatum to exit the vehicle or he will shoot. Although the vehicle's owner and keys were inside the Chicken Shack, Tatum was able to start the car and accelerated into reverse with great speed and force until he collided with a building.

During the collision, Scully and Waddle were dragged and appeared to be underneath the white vehicle. Upon closer examination of Waddle's body camera footage, Tatum is seen grabbing and pushing the slide on the officer's duty weapon which causes a shot to fire in the vehicle. This shot is believed to be the one that grazed Officer Costas on his right temple as he stood outside of the vehicle during the crash. After Waddle's weapon was fired, it is seen flying out of his hands with the clip falling out—presumably caused by the forceful collision of the vehicle into the building or the attempt to remove Tatum from the car. Shortly thereafter, "Gun, get the gun" is yelled from Waddle's direction.

Later, body camera footage from the first non-involved officer to arrive on the scene, shows Officer Scully with his duty weapon in his right hand and stating that he found "the gun" and reaching in the driver's side floorboard of the white car to retrieve another firearm with his left hand.

After reviewing all of the video and audio of the officers who were at the scene, along with the surveillance footage from the Chicken Shack, it is clear that although Tatum dropped the gun he had during the foot pursuit, he used a stolen vehicle as a weapon to drag and injure several officers and also attempted to disarm another during the collision into the Chicken Shack. After the white car collided with the wall and stopped, Tatum remained an imminent threat to all of the officers at the scene since the car was still running (a firefighter later pulled the parking brake on, per his interview with ITF).

Tatum could have put the car into drive and immediately run over any of the officers that were in close proximity to him, especially those that Tatum drug and injured with the car. Furthermore, Tatum, although not holding a weapon, had close and immediate access to Waddle's firearm, which landed in the driver's seat during the collision. Furthermore, it is reasonable to believe the statements of officers who thought that Tatum might still be holding the firearm they saw during the foot chase.

Given the totality of the circumstance in this very quick and very volatile incident: Tatum's outstanding warrants, his recent possession of a weapon, fleeing from officers, stealing a car and dragging officers into a building at a high speed, and grabbing an officer's weapon during the collision, it is reasonable to believe that the officers were all in imminent danger of great bodily harm or death from Tatum's attempt to escape arrest or apprehension.

The threat against all of the officers had not passed with Tatum's collision into the building. As previously stated, video footage and witness statements show that the car was still running and Tatum had an officer's weapon accessible to him. This threat was immediate and needed to be confronted instantly for the safety of the officers and any bystanders that could have approached the busy gas station where this unfolded.

D. Officers' Use of Force was Reasonable Under the Totality of the Circumstances on April 1, 2021

Officers Scully, Lawler and Waddle's use of deadly force against Mr. Tatum satisfies Illinois Stat. 720 ILCS 5/7-5, both in its current form and its July 1, 2021 update because the use of deadly force was necessary to protect themselves and their partners from a reasonable belief of imminent death or great bodily harm.

An objectively reasonable officer in the same situation would perceive that death or great bodily harm was imminent and that deadly force was necessary.

The circumstances known to the Officers at the time of the event also support their decision to use deadly force:

1. Officers knew that Tatum had outstanding warrants for felonies;
2. Officers were aware that there was a recent Snapchat video circulating that depicted Tatum holding a firearm and making threats against officers;
3. Officers Lawler and Costas had pursued Tatum on foot and saw him holding a weapon, which demonstrated that Tatum was attempting to resist apprehension and was armed;
4. During his attempt to escape arrest, Tatum committed other forcible felonies when he jumped into a stolen vehicle and then dragged several officers in reverse at a high rate of speed, crashing into a building; and

5. Officer Waddle observed Tatum grab and push the slide of his duty weapon, causing it to fire towards another officer, before the gun ended up in the driver's seat with Tatum, which would lead an officer to believe that his own gun could be used to shoot him or other officers in those moments;

The evidence in this case shows that Tatum would not relent in his attempt to escape and that he fully intended to hurt the officers and/or force the officers to hurt him, making their decisions to use deadly force objectively reasonable. The statements of Officers Scully, Waddle, Lawler and Costas, corroborate the conclusion that the use of deadly force was objectively reasonable.

The rest of the ITF's investigation is likewise corroborative. Witnesses reiterated their accounts of what took place during the incident. Their accounts were consistent with the information the officers gave during their interviews.

The owner of the Kum & Go station confirmed that the white vehicle parked in front of the Chicken Shack belonged to him. The owner knew Mr. Tatum and confirmed that he did not give Mr. Tatum permission to take the vehicle. At the time of the incident, his young nephew was inside the gas station with the car keys on a lanyard around his neck. A female employee of the gas station had gone out to look at the white car when Tatum came running towards her frantically asking to borrow it. She told Tatum that it wasn't hers, but he jumped inside before police surrounded it.

Crime Scene Investigators also recovered the weapon that Tatum threw on the ground during the foot pursuit. The weapon was a loaded and operational Glock 9mm with an extended magazine.

Finally, the force used by the officers was proportional to the threat Deshawn Tatum posed. Mr. Tatum was in a vehicle, a weapon capable of causing great bodily harm or death. The fact that he just dragged several officers to the ground while grabbing the gun of another suggested that he intended to use it in a deadly manner and that he may have been planning to use it. Because the officers faced deadly force, it was lawful for them to respond with equal or greater force, in a quick response due to the rapid unfolding of events. Under these facts, the officers' decision to shoot at Mr. Tatum was objectively reasonable and no criminal charges against any of the officers involved are supported.

Thank you to the Integrity Task Force, for their diligent work in gathering the extensive materials for this case and ensuring that all information was complete.

We also ask the community to share in our condolences to Deshawn Tatum's family, who is grieving the loss of a young life.