

Initial Comments

On April 4, 2015, Justus Howell was shot by Zion police officer Eric Hill.

- After the shooting, many statements were made in the media based upon conjecture, speculation, rumor, and inaccurate information.
- I would like to clear up a number of misconceptions currently being circulated.
- Zion Police Department requested the Lake County Major Crimes Task Force to investigate this incident.
- The Task Force assumed this investigation.
- The Zion Police Department did not participate in any aspect of this investigation.
- The Task Force spoke to the FBI and requested their involvement to monitor, review, and aid in the investigation.
- The Task Force interviewed all witnesses (including some re-interviews) in order to determine what occurred prior to, during, and after the shooting.
- The Task Force recovered all physical evidence.
- The Task Force recovered surveillance videos that captured portions of these events.
- The Task Force has utilized independent audio/video experts in order to enhance the videos that were recovered.
- The Task Force has utilized the services of Force Science Institute, an independent agency to review witness's statements, physical evidence, video, and trajectory/wound angles in order to determine precisely what occurred at the moment of this shooting.
- The Task Force has received the entire autopsy report and findings.
- This is one of the most thorough investigations I have ever seen.

I have reviewed all of this information in detail.

The FBI and Department of Justice has seen every report and piece of evidence as well.

I believe it is critically important to summarize all of the facts so that the public fully understands all of the details surrounding this case.

- It has been reported that Justus Howell was shot by a police officer on April 4, 2015 at approximately 1:55 p.m. That much is true.
- However there was a series of incidents that occurred in the hours leading up to that shooting. Those acts included the desire of Justus Howell to buy a handgun in Zion, his seeking out a person who was willing to sell a gun, a violent confrontation/struggle with this would-be seller, a shot fired during this struggle, a "911" call made to the police, a pursuit of an armed Justus Howell, his refusal to heed the request of the officer to "stop," and what occurred after that point.
- I will now summarize the entire investigation:

Justus Howell seeks the purchase of a gun

- On April 4, 2015, witnesses provided information that Justus Howell wished to buy a street level handgun. Mr. Howell learned that Tramond Peet had a silver-colored semi-automatic pistol that Mr. Peet would sell for \$600.00.
- Mr. Howell was then introduced to Tramond Peet.
- A surveillance video-tape at Salem Meats and Grocery in Zion shows Mr. Howell and Mr. Peet in the store together. Additional surveillance video later shows the two of them leaving the store and walking through a neighborhood near Salem Grocery.
- At approximately 1:53 p.m. a surveillance video shows two people, Justus Howell and Tramond Peet, walking together eastbound on 24th Street. Both individuals then cross 24th Street from the south side of the road to the north side and continue eastbound.

I should also note one additional thing, and let me caution everyone that I do not do this to disparage the memory of Justus Howell. Rather, it is necessary to bring forth all of the evidence, including evidence that supports numerous civilian witness statements taken during the course of this investigation.

Facebook evidence has been received by investigators.

Justus Howell made Facebook postings under the name "Meachi Killin Shit."

In the weeks leading up to this incident, he makes reference to wanting a new gun. Under one posting, Mr. Howell is asked whether he has a gun ("you got some heats?"). Mr. Howell responds that he has a Glock Handgun Model 22, but that he wants a different gun ("yea, a Glock 22 buh finma get rid a dat bitch, I need smthin els."). There is a picture of Justus Howell holding what appears to be a Glock 22 with an extended magazine. Mr. Howell stated he wanted \$300.00 for the gun. He also stated that the gun can fire 22 bullets because the "clip" was extended.

This is further evidence supporting witness claims that Justus Howell was in search of a handgun.

Initial Confrontation Between Justus Howell and Tramond Peet

- Tramond Peet and Justus Howell were seen walking through a Zion neighborhood talking. Howell stated that he wanted to see Peet's handgun. Peet handed the loaded silver handgun to Howell. Howell placed the gun in his pocket and did not pay the \$600.00 to Peet.
- At one point, both individuals walked into an alley. Peet asked Howell for his gun. Howell stated "no" and said that the gun was "his now." Peet demanded the gun back once again.
- Howell turned away from Peet and pulled out the gun. Peet began running away. Howell followed Peet. Howell pointed the gun at Peet. Peet attempted to hide near a house. Howell located Peet.
- A fight began.
Howell pointed the gun at Peet and threatened to shoot him. Peet pushed the gun towards the ground. The gun discharged.
- A neighbor called 911. The neighbor stated that 2 people were fighting in an alley and that a gunshot had been fired. At least 5 witnesses heard this gunshot.
- It should be noted that this area is a high-crime area with countless reports of drug, gang, and gun/violence activity. In the last 11 months, there have been 7 police dispatches to the area of Galilee and 24th Street involving criminal activity ranging from Armed Violence, Aggravated Discharge of a Firearm offenses, Unlawful Use of Weapon by a Felon offenses, Unlawful Use of Weapon offenses, and Reckless Discharge of a Firearm offenses.
- Police were dispatched to the "shot fired" report.
- Peet attempted to break away from Howell and leave. Howell grabbed Peet and continued fighting.
- Again, Peet asked for his gun back. Howell began moving the slide back on the gun. Live ammunition was being ejected from the gun. Howell maintained control of the gun during the entire incident. Live 9mm ammunition was located in the area of this struggle.
- Police cars began to arrive in the area based upon the 911 "shot fired" notification.
- As the police were arriving, Howell began to run with the gun still in his hand.
- There is surveillance video that captures a large part of this physical confrontation.

Pursuit

- Zion Police Officers arrived to the area of a “shot fired” dispatch within 1-2 minutes. The officers arrived in marked police squads. The officers were in police uniform.
- When the police received a dispatch regarding a “shot fired,” they received a description of two possible parties involved: one of those individuals was wearing a green-in-color jacket.
- One of the officers arriving to the location of “shot fired” was Officer Eric Hill. Officer Hill has been a police officer with the City of Zion for 9 years. Prior to that, he served as a Community Service Officer for 2 years. He has received extensive training as a 3 ½ year member of NIPAS (Northern Illinois Police Alarm System). He trains a minimum of 16 hours per month with NIPAS. He attends a 40-hour training course twice per year regarding tactical and high-risk scenarios. He attended an 80-hour Tactics training through ILEAS (Illinois Law Enforcement Alarm System). Recently, he attended a 40-hour training course dealing with defense of person/defense of others techniques.
- When Officer Hill arrived to the area, he observed an individual in a green-in-color jacket running from East to West in front of his squad car - that person was later identified as Justus Howell. Mr. Howell matched the description of the earlier dispatch.
- Officer Hill noted that Howell appeared to be holding something in the area of his front waistband.
- Officer Hill got out of his squad. He took his officer-issued tazer with him. He saw other squads arrive and he noted their locations.
- As Howell was running between buildings, Officer Hill lost sight of him.
- Officer Hill looked through an opening in a fence in the backyard of 2319 Galilee Avenue. Officer Hill saw Howell once again at this point.
- Officer Hill gave the command “stop” and announced “police” three times as loudly as he could. Mr. Howell did not comply and continued to run.
- Mr. Howell then ran back and forth in a backyard area. Officer Hill saw a silver object in his hand. Based on the way Howell held this silver item, Officer Hill believed the individual was holding a gun.
- Mr. Howell then looked at Officer Hill and began to run again. As Howell started running to the South, Officer Hill could clearly see that Howell had a silver gun in his hand. At this point, Officer Hill transitioned from his tazer to his service weapon.
- It should be noted that multiple witnesses observed this pursuit. Multiple witnesses observed Mr. Howell fleeing. Multiple witnesses saw Howell with a gun in his right hand while ignoring the officer’s commands to “stop”.
- As Officer Hill was running after Howell, Officer Hill knew, based on the positioning of fellow officers, that Howell was running towards another Zion police officer.
- Officer Hill was unable to use the public service microphone on his police radio to warn his fellow officers of Howell’s approach and the fact that he possessed a handgun.

- Officer Hill saw Howell look back at him at least two times during his pursuit. Officer Hill then saw Howell turn to his left with the gun still in his right hand. As Howell turned his body towards Officer Hill, Officer Hill could see Howell's left eye and his hair on the left side of his head in addition to the gun. At this point, Officer Hill was positioned behind and to the left, or East, of Howell.
- Based upon the positioning of Howell's body, Officer Hill was in fear of being shot. Officer Hill fired two rounds in rapid succession at Mr. Howell.
- As Howell fell to the ground, he dropped the silver gun from his right hand. The gun ended up within one foot from his body, just south of his head. The gun had live ammunition in it. Multiple paramedics, police officers, and a civilian witness observed the gun next to Howell's body. Officers secured the gun in evidence as citizens gravitated to the scene of this incident.
- A short time later, Officer Hill saw an identification card with the name "Justus Howell". This was the first moment that Officer Hill became aware of his identity.
- Officer Hill had actually acted as a Juvenile Advocate for Mr. Howell approximately 2-3 weeks earlier in another criminal investigation. During that investigation, Officer Hill ensured that Mr. Howell understood his Constitutional Rights. In fact, Officer Hill had requested that Mr. Howell be re-read his rights to ensure that he was fully aware of his entitlements under the law. After that occurred, Mr. Howell confessed to his involvement in the crime, and he was then released that very same day.

At this point, I also feel the need to dispel some inaccurate information that is being disseminated based upon some verifiably untrue statements:

1. There is one witness who gave a statement to investigators, claiming that the officer who shot Mr. Howell stated "I shot his ass." Upon further review of her entire statement, this witness was originally in her house when she heard someone screaming "stop". The witness stated she did not see the shooting. The witness then said she proceeded to where the shooting had occurred. The witness next stated that she doesn't know whether the officer said "I shot his ass" or "I shot him".
Based upon other witness accounts and an on-board squad video that captured Officer Hill's statement, Officer Hill stated, "I shot him" in order to notify fellow officers what had just occurred and that he was the one who had fired the shots. There is no evidence that the officer made any derogatory comments towards or about Mr. Howell.
2. There was another witness who recounted that, from her vantage point; she did not see a gun in anyone's hand, including the officer. Upon a closer analysis of her statement, she indicated that she was lying in bed watching television. There was loud music on the TV and her window was closed. She said she heard two gunshots. She raised herself up to look out of her window (from her position in bed, she was approximately 100 feet away from the shooting incident). She saw a person take a step and then fall. She stated that she only saw the individual for a split second before he fell and was surrounded by police.

3. There is a witness who viewed this shooting from a considerable distance. This witness stated that prior to the shooting, Mr. Howell was holding a gun in his left hand and that he threw the gun to his left side towards the house at the corner of Galiee and 24th Street as he was trying to get on the ground.

This witness' account is contradicted by other civilian witnesses, including other witnesses that were with him. It is further contradicted by video surveillance. None of this evidence suggests that Mr. Howell ever threw the weapon away from him, nor is there any evidence that Mr. Howell tried, at any point, to comply with police requests to stop. There is video and evidence photographs that show the position of the gun in relation to Mr. Howell. There is also video and evidence photographs that show the police preserving, securing, and collecting that weapon as evidence. Any suggestion that Mr. Howell did not have a gun during this incident is not supported by any evidence.

Evidence

Officers collected all of the evidence from both crime scenes (the area between 2310 and 2312 Gilead where the initial fight over the gun occurred; and the area of 2391 Galilee where Justus Howell's body came to rest).

All of that evidence was sent to the Northeastern Illinois Regional Crime Laboratory (NIRCL) for analysis. This crime laboratory is an independent organization. These were some of their findings:

1. The weapon possessed by Justus Howell was a Kimber Model Solo Carry STS 9mm caliber semi-automatic pistol. It contained a magazine and a live 9mm cartridge. This firearm was examined, test fired, and found to be fully operational.

In order to determine the owner of the firearm, investigators submitted a firearms trace to the Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives National Tracing Center. The firearm was traced to a registered owner in Lake Villa, Illinois. Upon speaking to the owner of this handgun and additional witnesses, it was determined that this 9mm weapon had been stolen from the owner's home in the early morning hours of March 29, 2015.

2. One 9mm discharged cartridge casing was located near Justus Howell. The crime lab microscopically tested that casing and determined that it had been fired by the Kimber 9mm handgun found next to Mr. Howell.

3. The crime lab next examined the Kimber 9mm handgun and magazine for fingerprint evidence. It was determined that the right thumb print of Justus Howell was located on the Kimber Firearm Magazine.

4. The crime lab next performed DNA testing on the Kimber 9mm handgun. Blood was located on the gun slide and gun trigger area. These stains were extracted for DNA. DNA profiling was then conducted by the crime laboratory.

A DNA profile was obtained from the gun slide and gun trigger area that matches the DNA profile of Justus Howell.

Another DNA profile was found on the gun grips that originates from at least two contributors. The major profile matches the DNA profile of Justus Howell.

5. Ejected, live 9mm ammunition was located in the area of 2310 and 2312 Gilead where the initial struggle occurred over the handgun. Those rounds are the same caliber as the Kimber 9mm handgun and the same type as the round found in the gun.

6. An initial "presumptive test" for gunshot residue was performed on Mr. Howell that showed negative results. Evidence swabs have been sent to the lab for analysis. No results have yet been received. Experts have noted that gunshot residue tests are not conclusive as to whether an individual has fired a weapon, the results can be distorted by the type of gun used, weather, wind, quality of the gun, manipulation or disturbance of the hands of the person to be tested, and other environmental

conditions. Rather, a gunshot residue test is simply one-of-many factors to be considered when evaluating any criminal incident.

Pathology/Wound Details

An autopsy was performed on the body of Justus Howell on April 5, 2015.

The pathologist noted some indications of blunt force trauma to Mr. Howell's body including a ½" abrasion over the lateral right index finger, a ¼" abrasion over the back of the right fifth finger, and a ½" abrasion over the front of the left lower leg.

The pathologist noted two penetrating gunshot wounds to the torso of Mr. Howell.

One of the wounds was located to the right mid-back area. There was no stippling of the adjacent skin. There was no powder residue present in the wound track. The wound pathway was back to front, upwards, and left to right.

The second of the wounds was located in the left side of the lower back. Again, there was no stippling of the adjacent skin. There was no powder residue present in the wound track. The wound pathway was back to front, upward, and left to right.

“Force Science” Behavioral Analysis

Dr. William J. Lewinski, Ph.D. has been consulted in order to offer a “use of force” analysis in this case. Dr. Lewinsky is an expert with “Force Science,” an independent organization not affiliated with the Zion Police Department. Dr. Lewinski has qualified as an expert in numerous state and federal courts across the country as to action/reaction in force/lethal force encounters. Additionally, he has presented on crime scene analysis and reconstruction in multiple countries.

After reviewing the entire case file on this Zion incident, Dr. Lewinski has provided an analysis on what occurred.

This analysis includes the following:

1. Officer Hill was responding to an incident that involved a fight in progress accompanied by gunfire in the area of the backyard of 2312 Gilead Avenue. As Officer Hill arrived at the incident scene, he observed one of the suspects, later identified as Mr. Justus Howell, run in front of his squad. The subject matched the description of one of the individuals involved in the fight and gunfire call. He noticed this person was holding their hands as if running and concealing a gun in their waistband. Officer Hill then parked his car, grabbed his Taser, and began to pursue the suspect. During the foot pursuit, Officer Hill noted that the suspect was holding a silver object in his hand. At a later point he also noted that it was a silver handgun. Officer Hill further stated that at one point the suspect turned his body so that he could see the gun in the suspect’s hand. At that point, in fear of the suspect shooting him, he fired two shots. The suspect fell with the silver gun near his body.
2. A security camera captured a portion of this incident at a frame rate of 15 frames per second. Biodynamics Engineering, Inc. enhanced the original video, enlarged the significant section of the incident, converted it to 30 frames a second, and added a number of timing elements on the bottom of the video.
3. We know some of the officer’s perceptions and actions from his statement but we know nothing about Mr. Howell’s. For instance in the video at TC Frame 17:04, seconds 17:27 we cannot know why Mr. Howell was turning toward Officer Hill the way he did. However, this is approximately the type of threatening movement Officer Hill described in his statement. Mr. Howell has his head and body turned toward Officer Hill and his right hand with the 9mm Kimber in it, is pointed across his body and back toward Officer Hill, which any officer would perceive as an immediate lethal threat, particularly given the immediate history of this incident. Whether this turning and pointing of the gun is intentional or inadvertent is unknown.
4. Mr. Howell then disappears from the view of the camera as he runs behind a tree so we cannot know what he is doing and how he is moving. Three quarters of a second later at TC Frame 18:00, Seconds 18:00 Mr. Howell appears from behind the tree with his body still canted to his left at an angle that approximately matches the path of the bullets through his body.
5. Two frames later TC Frame 18:02, Seconds: 18:13 (13/100ths of second later) his upper body arcs up. The following frames (Sec: 18:33) show his right leg rigidly moving forward and in the following frames

he starts to collapse forward. This happened so quickly that during this time, while sprinting, Mr. Howell took a little over two strides.

“Force Science” Behavioral Analysis (con’t)

6. Officer Hill’s movement during this time is one of continuing to move forward and he is approximately in the area where his ejected cartridge casings were found—approximately at the junction point of asphalt driveway and the sidewalk.

7. The video does not show us any gunshot flash or the bullet strikes on Mr. Howell’s body. However, combined with the images from the enhanced video of both Officer Hill and Mr. Howell, the bullet path description from the forensic pathologist, Biodynamics illustrations of the bullet path, the statement of Officer Hill, the position of the ejected cartridge casings, research on the behavioral science elements of human performance including judgment, reaction time, firing time, etc. we can conclude that this shooting incident from the initiation of the apparently threatening action of Mr. Howell to the position where he apparently was struck took approximately less than one second—from the threat to the officer’s completed response.

Dr. Lewinski concludes:

In this incident, Mr. Howell, whether intently or inadvertently, turned and pointed a silver, 9mm Kimber at Officer Hill. Particularly within the context of this incident that was an immediate lethal threat. Officer Hill knew that Mr. Howell had been involved in a physical conflict that included the discharge of a firearm. Officer Hill also knew that Mr. Howell was not complying with his shouted commands to stop and show his hands. Mr. Howell’s behavior during the following foot pursuit by Officer Hill and other officers could be defined as desperate and defiant. Subsequently when Mr. Howell turned and pointed his gun at Officer Hill, Officer Hill reacted to this deadly threat. From a behavioral science perspective, if Mr. Howell had the intent to shoot at him as was perceived by Officer Hill, Mr. Howell, if he was an average naïve person with a gun could shoot at and hit Officer Hill multiple times before Officer Hill could respond.

As it was, Officer Hill’s response, whether compared to positions in the video or from our research, apparently took under a second to see the threat, align his gun, and fire two shots. This is consistent with an officer reacting as quickly as they can to a perceived threat. During this time Mr. Howell took two steps but was still turned to his left and toward Officer Hill as he was shot in the back at an angle that confirmed, within the context of this incident, the threatening body position identified by Officer Hill.

Conclusion

Based on the entire investigation, I conclude that Officer Hill was justified in his decision to use deadly force. This type of a decision by an officer can never be made lightly, nor is such a decision taken lightly by my office. Deadly force should be used only as a last resort. Officer Hill provided Howell ample opportunity to drop the weapon and only fired when he felt that his life and the life of his fellow officer was in danger. These are the facts: Justus Howell was armed and dangerous for those reasons Officer Hill was in fear of his life, and acted reasonably and justifiably to protect himself and his fellow officer.

I am aware that some may be disappointed by this decision.

But all decisions must be based upon facts, not speculation.

Facts include credible witness statements, physical evidence, video evidence, and scientific evidence.

I cannot make decisions based upon the outcry of some individuals nor can I make decisions based upon political expediency.

Decisions like this must be made upon a thorough, in-depth, and detailed analysis of all available evidence. That is precisely what I have done in this instance.

Early in the investigation, I assured the public that this decision would be based solely on facts and that those facts would be released to the public.

A large part of this investigation will be made available to the public for their own review. I am committed to being as transparent as possible, whenever possible. Because of the fact that Mr. Peet has a pending criminal case stemming from this incident and in order to assure that he has a fair trial, I cannot release any reports or video that may be used in his prosecution. Upon the conclusion of that case, those reports and video will be released to the public.

I would like to express my appreciation to the Community of Zion, the Federal Bureau of Investigation, and the members of the Lake County Major Crimes Task Force.

Again, my condolences to all of the members of Justus Howell's family.