



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

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POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: JEMEL ROBERSON

I. OVERVIEW

On November 11, 2018, Jemel Roberson, who was working as a security guard at Manny's Blue Room Lounge Bar in Robbins, IL, was shot and killed by Midlothian Police Officer Ian Covey who arrived at Manny's in response to a call of an active shooter who discharged a gun inside Manny's and wounded several individuals. The Illinois State Police Public Integrity Task Force conducted an investigation into Roberson's death and the Cook County Sheriff's Police conducted an investigation into the civilian shootings. During the course of their investigations, investigators interviewed over 100 law enforcement and civilian witnesses, and reviewed 911 calls, police radio transmissions, police in-car cameras, cell phone videos, private surveillance video, photographs of the scene, police reports, medical records and the results of forensic examinations. The Illinois State Police 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 officer.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows:

At approximately 4:00 A.M., a physical altercation erupted inside of Manny's Blue Room Lounge which necessitated security guards, including Jemel Roberson, removing patrons from the establishment. The altercation escalated and several individuals fired multiple gunshots inside and outside of the lounge, resulting in four people being shot. At the time of the shooting, Robbins Police officers were on scene and requested assistance from surrounding police departments. Several patrons and a wounded employee called 911 seeking police assistance.

Officers from approximately ten police agencies, including local, county, and state responded to the calls for assistance. Midlothian Police Officer Ian Covey arrived in the parking lot of Manny's dressed in full police uniform in a marked police vehicle equipped with an in-car camera and microphone. Officer Covey was not issued a Body-Worn Camera. None of the suburban police officers who responded prior to or during the officer-involved shooting were issued Body-Worn Cameras.

When Officer Covey exited his police vehicle, he was approached by at least one patron who indicated that someone had been shot in the bar and there was someone with a gun inside. Officer Covey retrieved his medic bag and rifle and entered the bar. Officer Covey encountered a loud and chaotic scene inside and outside of the bar including individuals who sustained gunshot wounds, police officers tending to injured individuals, and a crowd that had formed behind the bar where an employee who sustained a gunshot wound to the head laid. In an attempt to provide cover for those tending to the injured individuals, Officer Covey stood on top of the bar and shouted for the crowd to stop, get down, and not move.

On his way into the bar and again inside of the bar, Officer Covey encountered two separate security guards who identified themselves as such. Officer Covey acknowledged them. Patrons and a security guard directed Officer Covey to the side door of the lounge which led to the parking lot, indicating the shooter was out there. Officer Covey went to the side door where he viewed the parking lot. Officer Covey observed a male, now known to be Jemel Roberson, wearing all black clothing with no identifying markings, straddled over a male who he held face down on the ground. Mr. Roberson held the gun in his right hand which he pointed toward the front area of the bar where patrons were exiting and responding officers were arriving. Mr. Roberson's clothing had no indication that he was a security guard. Officer Covey ordered Mr. Roberson repeatedly to, "Get down" and drop the gun. Mr. Roberson turned in Officer Covey's direction but did not acknowledge or follow Officer Covey's verbal commands. Believing Mr. Roberson was the active shooter, Officer Covey fired his Rock River Arms Model LAR-15, 5.56 mm caliber rifle four times, striking Mr. Roberson four times on his right side and right back which was the part of Mr. Roberson's body facing closest to Officer Covey. A Glock 17 semi-automatic handgun fell from Mr. Roberson's right hand and was recovered by officers.

Officer Covey performed life-saving measures on Mr. Roberson until the scene was secured for Emergency Medical Services to enter. Mr. Roberson was transported by Bud's Ambulance Service to Advocate Christ Medical Center in Oak Lawn, Illinois. Mr. Roberson was pronounced deceased at approximately 5:00 A.M. The Cook County Medical Examiner performed a postmortem examination of Mr. Roberson and concluded that he died as a result of multiple gunshot wounds and the manner of death was homicide.

No video footage captured the shooting. However, Officer Covey's in-car camera microphone recorded the verbal commands Officer Covey gave as he entered Manny's as well as those he gave to Mr. Roberson.

Twenty-three fired bullet cartridge casings comprised of four different types of caliber ammunition were recovered on scene. One fired bullet, one unfired bullet cartridge, and a magazine, without a gun, containing sixteen unfired rounds were recovered on scene. Six fired

bullets or bullet fragments were recovered from the bodies of the gunshot victims. One fired bullet and three bullet fragments were recovered from Mr. Roberson's body. Fired bullets were also removed from two individuals who were wounded in the civilian shootings. A firearm was anonymously turned over to law enforcement officers during the course of this investigation which was linked to a portion of the firearm evidence. Of the twenty-three fired bullet casings recovered on scene, seven are linked to known firearms that were recovered by law enforcement.

The evidence at any trial would include evidence indicating that when Mr. Roberson did not acknowledge or follow Officer Covey's verbal commands to get down and drop the gun, it was not unreasonable for Officer Covey to believe that Mr. Roberson was the active shooter on the scene who was intending to cause further harm than already inflicted by killing, or causing great bodily harm to the patrons, employees, and police officers on scene.

III. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that Officer Covey was not legally justified in using deadly force against Jemel Roberson. In other words, a judge or jury would need to conclude that the officer did not reasonably believe that he or others were in imminent danger of great bodily harm from Mr. Roberson. The evidence established that Officer Covey's use of force was objectively reasonable. The totality of the evidence showed that Officer Covey arrived at Manny's in response to reports of an active shooter or shooters who wounded four patrons, several 911 calls pleading for help, and requests for assistance from Robbins Police Officers who were on scene. When Officer Covey arrived at the lounge, patrons immediately approached and informed him that people were injured and there was an individual with a gun on the scene. Officer Covey encountered other security personnel who identified themselves as such and Officer Covey acknowledged them. He was directed by multiple individuals that the shooter was outside the side door. When he encountered Mr. Roberson, Officer Covey gave verbal commands that were not acknowledged or followed. Mr. Roberson continued to hold an individual on the ground and point his gun in the direction of patrons exiting and police arriving in the parking lot. Officer Covey then fired his weapon multiple times at Mr. Roberson. Accordingly, based on the evidence reviewed in the matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges as the officer's use of deadly force against Mr. Roberson was not unreasonable under the totality of the circumstances. Accordingly, the office is not filing criminal charges in this case.

Pursuant to policies and legislation enacted at the urging of State's Attorney Foxx, after making its declination determination, the State's Attorney's Office referred the review of the case to the Office of the Illinois State's Attorney Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and has concurred that no criminal charges are appropriate.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Midlothian 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.