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December 20, 2024

A/Lt. Eric Weston
Illinois State Police
Division of Criminal Investigations – Zone 4
Via Email: Eric.Weston@illinois.gov; William.Dorwart@illinois.gov

Re: Springfield Police Department – September 4, 2024 - Officer Involved Shooting
ISP Investigation #24-41813600163

Dear Lt. Weston,

The Sangamon County State's Attorney's Office has concluded its review of the Illinois State Police investigation into the September 4, 2024, officer involved shooting by a Springfield Police officer. After a thorough and extensive investigation surrounding the shooting of Carrington James by Springfield Police Officer Jesse Schmillen, the evidence does not support the filing of criminal charges against Officer Schmillen.

In reaching this conclusion, the Sangamon County State's Attorney's Office carefully reviewed the applicable law and thoroughly examined all of the evidence contained in the Illinois State Police investigation. This letter is somewhat lengthy, but it is important to mention the relevant facts available to Officer Schmillen at the time he made the decision to discharge his firearm. It is also important to understand Illinois law as it applies to this case.

The Law

This case must be evaluated in the context of Illinois law governing the justifiable use of deadly force. In accordance with Illinois law, the facts and circumstances of the case were viewed with special consideration given to the perspective of the officer on the scene. It is important to remember pursuant to 720 ILCS 5/7-5(f), the decision by a peace officer to use force 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."

State of Illinois law as it applies to the use of force in this matter is set forth in 720 ILCS 5/7-1, Use of force in defense of person, and 720 ILCS 5/7-5, Peace officer's use of force in making arrest.

720 ILCS 5/7-1, Use of force in defense of person, states:

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

720 ILCS 5/7-5, Peace officer's use of force in making arrest, states in part:

(a) A peace officer 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 which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when: (i) 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 such other person; or (ii) when he reasonably believes, based on the totality of the circumstances, both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape 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 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.

The Facts

On September 4, 2024, Springfield Police Officer Jesse Schmillen was field training another SPD officer (Officer Stouffe). At 5:50 p.m. they responded to the 1600 block of South 16th Street for a ShotSpotter alert of 3 shots fired. On the way to the location, dispatch advised the officers that a residence was possibly struck by gunfire. Officer Schmillen was further advised that a grey car and a white car were seen leaving the scene. While on the scene of the shots fired call, the officers observed a fresh bullet hole in the front picture window of the residence. No suspects were located at the scene. After assisting with the investigation and the collection of evidence, Officers Schmillen and Stouffe left the scene. Dispatch provided the officers with updated information on the shooting suspects. Dispatch advised that the suspect vehicle was a white car driven by a black female wearing a pink hooded sweatshirt and the front seat passenger was Carrington James who was not wearing a shirt.

At 8:25 p.m. an attempt to locate was put out over dispatch for the suspect vehicle, being a white Kia with Illinois registration EP61372 possibly driven by Desiree Breedwell and occupied by Carrington James. The attempt to locate was aired with instructions to stop and hold the vehicle in reference to the earlier aggravated discharge of a firearm. Officers were further advised by dispatch to use caution and that the occupants of the vehicle could be armed. Officer Schmillen placed the vehicle information into the license plate reader FLOCK system, which provides notification to the officer if the vehicle license plate passes a FLOCK camera reader. At 11:24 p.m., a FLOCK notification alerted that the suspect Kia was traveling

east on Carpenter Street, at 12th Street. Officer Schmillen and Officer Stouffe headed in the direction of the FLOCK hit. They eventually located the suspect vehicle as it was pulling into Mr. Gyros located at 1100 South Martin Luther King Drive. Officer Schmillen then conducted a traffic stop of the vehicle as it pulled into the location of Mr. Gyros. Dispatch was notified of the traffic stop being conducted on the attempt to locate vehicle believed to be involved in the earlier shots fired call, and additional officers were sent to the location. At this point, Officer Schmillen, per Springfield Police Department policy, turned on his body worn camera.

Officer Schmillen approached the passenger side of the vehicle, while Officer Stouffe approached the driver's side. The passenger side passenger matched the description given earlier – that of a black male not wearing a shirt – here the passenger was only wearing basketball shorts. Based upon previously provided information the passenger appeared to match the description of Carrington James. Officer Schmillen began a conversation with the passenger who after arguing for some time eventually indicated that he was Carrington James. This was the same name from the attempt to locate from the shots fired call. Additional officers had arrived by this point, and Officer Schmillen along with Officer Baker approached Mr. James, who was still sitting in the passenger seat, and asked him to exit the car. Mr. James continued to argue but was eventually forcefully removed from the vehicle. After he was removed from the vehicle, Mr. James broke free from the grasp of the officers and began running away. At the same time, Mr. James reached into his pants and discharged a gun in close proximity to the officers. At this point Officer Schmillen unholsters his gun and fires several rounds at Mr. James, striking him with one of the rounds. This use of deadly force, the discharging of Officer Schmillen's weapon, is the subject of the review conducted by the Sangamon County State's Attorney's Office to determine if Officer Schmillen was justified in the shooting of Carrington James.

The Springfield Police officers clearly had probable cause to detain Carrington James to investigate the earlier shooting. Having determined that Officer Schmillen was a police officer acting in the line of duty and probable cause existed to detain Mr. James for the earlier shooting, the question becomes: was Officer Schmillen legally authorized to use the force he used? Under 720 ILCS 5/7-5(f), "the decision by a peace officer to use force 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." Officer Schmillen in his report asserts self-defense, stating "Due to the proximity of the shot being fired, it was my belief the shot came from Mr. James and was directed at myself and other officers on scene." Officer Schmillen then continues in his report to say, "with Mr. James attempting to escape arrest after having just fired at officers, and indiscriminately discharging a firearm into a residence earlier in the evening I believed Mr. James to be an imminent threat of death or great bodily harm against the public and officers unless taken into custody." Once self-defense is raised the legal analysis places the burden on the State to prove beyond a reasonable doubt that the force used by Officer Schmillen was not justified.

In analyzing Officer Schmillen's actions, the focus must be on his perceptions and actions in determining whether it was objectively reasonable for a police officer in Schmillen's position to believe he or others were in imminent fear of death or great bodily harm when he discharged his firearm. In determining whether Officer Schmillen's actions were objectively reasonable, the United States Supreme Court has held that "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 389, 396 (1989). Simply put, when making a criminal charging decision the issue becomes can the State prove beyond a reasonable doubt that Officer Schmillen was not justified in using deadly force.

The body worn camera videos from the scene show the chaotic nature of the scene and the short time frame in which Officer Schmillen reacted after Mr. James discharged his firearm. The law requires 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). Carrington James discharged a gun in close proximity to Officer Schmillen and other Springfield Police officers as they were conducting a lawful investigation. Mr. James was the suspect in an aggravated discharge of a firearm into a home earlier in the evening. Mr. James was resisting and discharged a firearm in close proximity to Springfield officers, so close that according to Schmillen in his report he, "could smell an odor known to me to be burnt gunpowder furthering my realization a firearm was discharged in close proximity to myself and Officer Baker." According to Officer Schmillen's report, he feared and believed that James was firing at him or other officers. This in addition to the knowledge that Mr. James had fired shots into a house earlier in the evening led Officer Schmillen to reasonably believe that Mr. James was an imminent deadly threat to officers or the public. This reasonable belief by Officer Schmillen justifies his subsequent use of deadly force in discharging his firearm.

Based on a review of the results of the thorough independent investigation conducted by the Illinois State Police, there is not sufficient evidence to file criminal charges against Officer Schmillen for the discharge of his service weapon that resulted in Carrington James being struck. Indeed, as required by the law, taking into consideration the totality of the circumstances at the time of the shooting, Officer Schmillen was justified in the use of deadly force and the discharge of his firearm.

Thank you to the Illinois State Police for taking the time to meet with me and family members of Mr. James to go over the ISP investigation and allow them to view the video evidence prior to it being released to the general public. I would like to commend the Illinois State Police for its professional and thorough investigation into this officer involved shooting. Now that the investigation has been completed, the video evidence and other reports contained in the ISP investigation may be made public pursuant to FOIA.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Milhiser". The signature is fluid and cursive, with a long horizontal stroke at the end.

John C. Milhiser
Sangamon County State's Attorney

Cc: Springfield Police Chief Ken Scarlette