




**J. Hanley**

WINNEBAGO COUNTY STATE'S ATTORNEY

DATE: December 20, 2023  
TO: The People of Winnebago County  
FROM: J. Hanley, State's Attorney 

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**POLICE INVOLVED DEATH  
DECISION MEMORANDUM  
DECEDENT: Taylor M. Benham**

**I. Introduction**

On April 2, 2023, Taylor M. Benham fled from Winnebago County Sheriff's Deputies in the Jeep she was driving. After traveling through the intersection at Auburn Street and Ridge Avenue, Benham lost control of her car and hit a tree at Ridge and Vernon. Benham was transported to the hospital, where she was pronounced dead.

The Winnebago-Boone County Integrity Task Force ("Task Force") conducted the investigation of Benham's death. During the course of their investigation, investigators reviewed reports, video evidence, a crash reconstruction, and the results of an autopsy. The Task Force provided the Office of the Winnebago County State's Attorney its final report of investigation pursuant to the policies and procedures of the Task Force.

The purpose of this memorandum is to provide the community with an explanation of the facts of the incident, the legal principles involved, and this Office's decision as to whether any law enforcement officer should be charged criminally for their actions that night.

As detailed below, criminal charges are not appropriate and none will be filed.

**II. Review of Officer Involved Deaths**

Pursuant to an agreement of the participating law enforcement agencies in Winnebago and Boone Counties, the Task Force may investigate any death incident to a police pursuit. When this occurs, the State's Attorney determines whether criminal charges are appropriate.

The State's Attorney does not make any determinations regarding whether an officer may have violated police department policy or civil (non-criminal) laws.

### **III. Prosecutorial Standard for Filing Criminal Charges**

In making a charging decision, the State's Attorney makes a determination of whether there is sufficient admissible evidence to prove each element of an offense beyond a reasonable doubt. This analysis is consistent with the American Bar Association Criminal Justice Standard 3-4.3 which provides: "A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interest of justice."

This is the same standard that the Winnebago County State's Attorney's Office applies to all criminal prosecutions. This analysis also requires the State's Attorney to evaluate whether there is sufficient evidence to overcome any affirmative defense that the accused is likely to raise.

### **IV. Facts**

On Sunday, April 2, 2023 at approximately 3:00 a.m., Winnebago County Sheriff's Deputies Savino and Ortega were assigned as a two-man squad and working near Auburn St. in Rockford, Illinois. Earlier that night, a stolen Silver Jeep fled from deputies. Deputies Ortega and Savino located a Jeep fitting the description from earlier and attempted to stop it around near the corner of Vernon St. and Rockton Ave.

After getting behind the Jeep, deputies observed it turn onto Knight St. from Rockton Ave. and briefly stop. Deputies saw a tall black male with short hair and a thin build exit the driver seat and run away from the Jeep. Deputy Ortega exited the squad car in order to approach the Jeep, but the Jeep then began to flee.

Deputy Ortega called out the vehicle description via his radio and began to follow the Jeep. During the pursuit, deputies observed and dash cam footage showed the following: (a) the Jeep did not come to a stop at the stop sign at Knight Ave. and Kilburn Ave; (b) did not come to a stop at the stop sign at Summerdale Ave. and Glenwood Ave.; (c) the driver of the vehicle threw a small unknown object out of the window in the vicinity of Glenwood and Edgemont; (d) did not come to a stop at the Red light at Glenwood Ave. and N. Rockton Ave.; (e) did not come to a stop at the stop sign at Glenwood and Ridge Ave.; (f) did not come to a stop at the stop sign at Glenwood Ave. and Huffman Blvd. While following the Jeep westbound on Auburn Street from S. Main Street, deputies speeds were 75 mph in a 30 mph zone and the Jeep was gaining distance on deputies.

During the pursuit, Benham entered the intersection of Ridge Ave. and Auburn St. traveling northbound on Ridge, lost control of the Jeep, and struck a tree at the northwest corner of Ridge Ave. and Vernon St.

A traffic crash reconstruction combined with dash cam video showed that the Jeep was traveling approximately 92 miles per hour as it was entering the intersection of Auburn Street and Ridge Avenue, approximately six seconds before striking the tree. The pursuit lasted approximately 7:30 minutes from the time it was initiated until the crash.

The Rockford Fire Department transported Benham to St. Anthony's Hospital where she was pronounced dead on April 4<sup>th</sup>, 2023. An autopsy was conducted on April 10, 2023. The coroner and pathologist concluded the cause of death was blunt force trauma to the head and neck. A toxicology report taken shortly after the crash showed Benham's blood sample had a blood alcohol content of .250, Amphetamine of 5.0 ng/mL, and Methamphetamine of 56 ng/mL.

While Benham was fleeing from deputies, Benham was "livestreaming" on Facebook. During the livestream, Benham can be heard saying "I got these bitches on high speed, bro" and "catch me if you can, bitch." It appears that the video ends when Benham hit the tree.

## **V. Conclusion**

There are no criminal charges appropriate based upon the results of the investigation. Deputies did not take any action - or inaction - which caused Benham's death. Further, deputies and officers immediately rendered aid to Benham after she crashed.

Criminal charges are not appropriate in this incident and none will be filed.