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WINNEBAGO COUNTY STATE'S ATTORNEY

DATE: August 28, 2025
TO: The People of Winnebago County
FROM: J. Hanley, State's Attorney 

POLICE INVOLVED SHOOTING DECISION MEMORANDUM
INJURED PARTY: Matthew Allison

I. Introduction

The Winnebago-Boone County Integrity Task Force ("Task Force") conducted the investigation of the shooting of Matthew Allison. During the course of their investigation, investigators interviewed civilian witnesses and reviewed body worn and "dash" camera video footage, photographs of the scene, and police reports. The Task Force provided the Office of the Winnebago County State's Attorney its final report of investigation.

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 the officers involved should be charged criminally for their actions that day. The involved officers are Loves Park Police Department (LPD) Sergeant Anderson, LPD Officer Polizzi, LPD Officer Wagner, Winnebago County Sheriff's Office (WCSO) Deputy Turkes, and Rockford Police Department (RPD) Officer Krischke.

As detailed below, I find that the officers use of force was justified as they acted reasonably and lawfully. Therefore, no criminal charges are warranted.

II. Review of Officer Involved Shootings

Whenever an officer-involved death occurs in Illinois, the distinct roles of investigators and prosecutors are governed by statute. Specifically, the Police and Community Relations Improvement Act ("PCRIA")(50 ILCS 727) mandates that the investigation of an officer-involved death be conducted by a team of investigators who are independent of the law enforcement agency that employs the officers involved in the officer-involved death.

Winnebago and Boone Counties go beyond what the statute requires as the Task Force investigates police shootings and other deadly uses of force, regardless of whether a death occurs - which is the case here. The Task Force is comprised of all law enforcement agencies in Winnebago and Boone Counties. The Task Force is headed by a commander from the Illinois

State Police. The sheriffs and police chiefs maintain authority to activate the Task Force when an officer involved shooting or other use of deadly force occurs. If the law enforcement agency has an officer that is the subject of the investigation, that agency's officers are excluded from participating in the investigation. As with all criminal cases, it is the primary responsibility of the investigating agency to collect all available evidence of a potential crime so that a determination of the facts can be made. The State's Attorney then reviews the evidence and makes the decision of whether criminal charges should be brought against the officers involved. 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

A. Generally

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.

B. Use of Force

In most cases involving an officer's use of force, whether lethal or not, the primary question to be decided is whether the officer was justified in the use of the force employed. As with any citizen, an officer may use force in defense of himself or another from bodily harm. The Illinois Use of Force in Defense of Person statute provides in relevant part:

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 5/7-1 (a).¹

¹ The elements justifying the use of force in defense of person are that (1) force is threatened against a person; (2) that the person threatened is not the aggressor; (3) that the danger of harm is imminent; (4) that the force threatened is unlawful; (5) that the person threatened must actually believe that a danger exists; (6) that the use of force is necessary to avert the danger; (7) that the kind and amount of force which he uses is necessary; and (8) that such

In the context of defense of person, Illinois law is well-established that “[j]ustifiable use of force is a defense in a murder prosecution when the person’s belief is reasonable even if it is mistaken.” *People v. Lockett*, 82 Ill. 2d 546, 550 (1980). “Consequently, the law does not charge a person, when he has reasonable grounds to believe himself in apparent danger of losing his life or suffering great bodily injury, to use inerrable judgment. It would be unreasonable to require such an exacting decision to be made in the space of a few seconds while one is fearful and under great stress.” *People v. White*, 87 Ill. App. 3d 321, 323 (1st Dist. 1980) (citing *People v. Motuzas*, 352 Ill. 340, 346 (1933)). See also *People v. Keefe*, 209 Ill. App. 3d 744, 751 (1st Dist. 1991) (“The privilege of using deadly force to protect oneself from another, if one reasonably believes he is in imminent danger of death or great bodily harm, exists even where one is mistaken or the danger is only apparent.”)

Accordingly, “it is the [person]’s perception of the danger, and not the actual danger, which is dispositive” (*People v. Sawyer*, 115 Ill. 2d 184, 193 (1986) (citing *People v. Johnson*, 2 Ill. 2d 165, 171 (1954))), and the “test is what the defendant, as a reasonable man, believed under the circumstances.” *People v. Willis*, 217 Ill. App. 3d 909, 922 (1st Dist. 1991); see also *People v. Rodriguez*, 187 Ill. App. 3d 484, 489 (1st Dist. 1989).

In addition to defense of person, a determination must also be made as to whether the officer’s actions were justified under 720 ILCS 5/7-5. That statute provides in pertinent part:

(a) 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 which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which 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. 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.

720 ILCS 5/7-5(a). See also, *Tennessee v. Garner*, 471 U.S. 1, 11 (1985) (“[I]f the suspect threatens the officer with a weapon, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.”)

beliefs are reasonable. *People v. Everette*, 141 Ill. 2d 147 (1990); *People v. Belpedio*, 212 Ill. App. 3d 155 (2nd Dist. 1991); *People v. Swanson*, 211 Ill. App. 3d 510 (1st Dist. 1991).

Moreover, “[t]he ‘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. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-7 (1989). *See also* 720 ILCS 5/7-5(f). In evaluating whether an officer’s actions were reasonable, the Supreme Court has stated courts must pay “careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham* at 396.

IV. Facts

Unless otherwise noted, the following recitation of the facts is derived primarily from reports of law enforcement officers involved in the incident, video footage, and witness interviews.

On Wednesday, February 26th, 2025, at approximately 10:57pm, the Winnebago County 911 Center received a call from a resident at 547 River Lane in Loves Park. The caller stated that her neighbor at 543 River Lane was acting erratically and walked away from the residence with a long gun. The caller described what her neighbor was wearing and the direction of travel away from 543 River Lane. The caller did not know the identity of the neighbor, but as detailed below, he was later identified as Matthew Allison.

Based upon video evidence from the Loves Park Police Department, it can be deduced that Allison traveled from his home at 543 River Lane to the Loves Park Police Department and then to the north to the intersection of Dale Avenue and Sheridan Drive, where the incident took place.

LPD Sgt. Anderson first responded to the area of Allison’s residence and located neighbors who said they heard Allison yelling and having “a mental breakdown.” Sgt. Anderson also made contact with Allison’s ex-fiance via phone. His ex-fiance told Sgt. Anderson that Allison was believed to be suicidal, but she had no knowledge of him having any firearms. Sgt. Anderson also learns that Allison’s firearm owner identification (FOID) card had been revoked. While Sgt. Anderson was gathering information from the ex-fiance, other officers located Allison in the area of Dale Avenue and Sheridan Drive in Loves Park at approximately 11:17 p.m. He was armed with what appears to be an “AK” style rifle.

The “dash cam” and body worn camera footage from the officers on scene show that Allison was holding a long item. The distance of the cameras and the darkness make the long item hard to discern; however, the officers all verbally acknowledge this as a gun and encourage Allison to drop it.

Sgt. Anderson parked his squad the closest to Allison and his wide-angle squad camera is the closest camera to this incident. Sgt. Anderson takes the lead in verbal communication with Allison and he does so from approximately 11:21pm to 11:27pm. During the time Sgt. Anderson

is talking to Matthew Allison, he says numerous times that he wants to help Allison, that he wants him to put the gun down, and he also tells Allison to stop pointing the gun back at him.

At 11:27:57 it appears on the video that Sgt. Anderson (duty pistol) fires first followed, nearly immediately, by four other officers. Those officers are LPD Officer Polizzi, (duty rifle), LPD Officer Wagner (duty pistol), WCSO Deputy Turkes (duty rifle), and RPD Officer Krischke (duty rifle). There were approximately 40 rounds fired.

Relevant portions of the involved officers' statements are included below.

A. LPD Sgt. Anderson

While speaking with Matthew he moved the gun around changing the direction the barrel was pointed. Matthew moved around a lot and clearly appeared to be struggling with the decisions he was making and position he was in. Matthew claimed he was not trying to hurt anyone however he continued to recklessly move the gun around and the direction it was pointed in and would not set it down. Matthew became increasingly reckless with the gun and switched from holding it with one hand while pointing it at his head to holding it with two hands with the muzzle pointed slightly down and in the direction of myself and other officers. Matthew raised the barrel a couple times slightly and then quickly lowered it. Matthew was ordered several times to stop pointing the rifle towards officers. Matthew eventually raised the gun to a point where I recognized it was pointed in my direction. At that time, I felt I was in immediate danger of getting shot and suffering great bodily harm or even death. Because of this I discharged my duty pistol several times in the direction of Matthew. I observed Matthew begin to move backwards and then fall to the ground. I stopped shooting and reassessed to determine if Matthew was still a deadly threat. I observed Matthew get back up to his knees and begin moving east back towards 604 Sheridan. I ordered Matthew to raise his hands up and stop. Matthew raised his hands and lowered them several times. I could see Matthew was no longer holding the rifle but I was not sure if he possessed any other firearms. I continued to point my duty pistol at Matthew while advancing towards him. Several other officers also advanced towards Matthew.

B. LPD Officer Polizzi

I could hear Sgt. Anderson attempting to talk to the male and gain compliance. Sgt. Anderson referred to the male as Matthew and he was responding. Matthew was telling Sgt. Anderson he would not put the firearm down. Matthew continued to pace in the area and move the position of the rifle. Matthew began to point the rifle in the direction of police and was warned to stop pointing the gun at police. Matthew continued to point the gun at police despite being ordered to stop. Matthew remained with the gun pointed at police. Due to Matthew refusing to stop pointing the rifle at police, I felt that Matthew had the intention to harm police. I know the area behind police and the direction Matthew's rifle was pointed was heavily residential. I feared for the safety of officers and residents in the area, so I discharged my duty rifle while aimed at Matthew. Matthew fell towards the drainage ditch and I no longer discharged the rifle. I advanced my position

and Matthew began to crawl towards police. I was able to clearly see that Matthew's hands were empty and did not continue use of force. Officers reached Matthew, took him in to custody, and rendered aid immediately.

C. LPD Officer Wagner

Matthew's movements were very erratic and he was not able to stand in one spot for very long. I observed Matthew point the rifle at officers who were located on the corner of Dale and Sheridan just west of my position. Matthew was told not to point the weapon at them, and he brought the muzzle of the rifle back down toward the ground. After a few seconds I observed Matthew point the rifle at officers again at which point I believed their lives were in danger and I fired my duty pistol at him multiple times. I stopped firing my weapon to reassess the situation and observed Matthew go down toward the drainage ditch.

D. WCSO Deputy Turkes

I observed the subject to be holding a rifle while he was facing towards the officers located south of Sheridan Dr. on Dale Ave. I also heard these officers attempting to speak to the subject by making several orders for him to put the rifle down. As the other officers did this however, I observed the subject ignore their commands and begin to point the rifle at his own head several times as he walked both away from officers and towards the them. This subject had even taken several steps towards officers while yelling at them. At this time I heard him yelling something to the effect of "No." As the situation progressed, I then observed the subject raise his rifle to point it in the direction of where I knew Deputy Rincon and other officers where located. It was at this moment I became fearful for their safety and believed due to his actions and behavior up to this point he was going to shoot and possibly injure/kill someone. Knowing that Deputy Rincon and other officers were in direct danger of being shot, I fired my rifle at the subject in order to neutralize his threatening and escalating behavior and to prevent any harm from being done to the officers who were in the direction of where he was pointing his rifle. Once the subject no longer had the rifle in his hand, and I observed him moving away from the rifle, I ceased firing.

E. RPD Officer Krischke

From my perspective, the suspect pointed the rifle in the direction of several law enforcement officers on scene. I feared for the lives of the law enforcement officers who the suspect was pointing the rifle at. Based upon the suspect's actions, I discharged my department issued rifle toward the suspect.

Matthew Allison sustained at least 6 gunshot wounds. Those wounds were to his groin, abdomen, and left arm.

The investigation revealed that the item Allison was holding during the incident was a replica-looking M-4 platform rifle. A photo of the replica firearm is attached as Exhibit A.

During the investigation, investigators interviewed close associates and relatives of Allison. They learned that Allison had a reported history of drug abuse and mental health issues, including suicidal thoughts and an attempted suicide in the past. Allison was not known to own firearms, but his ex-girlfriend knew him to have a fake "AK" rifle that shot water pellets. On the night of incident, at around 8:23 p.m., Allison had a text message conversation with his brother wherein he told his brother that he wants to take his fake AK rifle a couple blocks down to the police station and get himself killed.

V. Application of the Facts to the Legal Standard

A criminal prosecution for aggravated battery with a firearm or a similar charge would require proof beyond a reasonable doubt that the involved officers were not legally justified in using deadly force against Allison. In other words, a judge or jury would need to conclude that the officers did not reasonably believe that they were in imminent danger of death or great bodily harm from Allison.

Based upon the totality of the circumstances, the officers' belief that shooting Allison was necessary to protect themselves and others from great bodily harm was reasonable.

During the incident, Allison was wielding a replica looking rifle. The involved officers believed the firearm to be "real." This is made clear in their statements on their body worn cameras. The belief that Allison was wielding a firearm was reasonable, particularly in light of the appearance of the replica firearm (see Exhibit A) and the video evidence of the incident. Any indication that the firearm was a replica was not known to officers until after the incident. As such, the officers reasonable believed Allison had a firearm during the incident and that the firearm could inflict great bodily harm, including death. Despite multiple commands to drop his gun, Allison failed to do so. Allison continued to wield the gun, raising and lowering it and generally waiving it around.

At one point, Allison raised his gun and pointed it at officers, and specifically towards officers Anderson and Rincon. As a result, officers stated they believed they, and other officers, were in danger of suffering great bodily harm. Further, the incident took place in a residential area and the officers reasonably believed that residents of nearby homes were also in danger based upon Allison's actions.

The officers, having that belief, found it necessary to use deadly force, specifically to fire their firearms at Allison, to eliminate Allison's threat. This was a reasonable response to Allison's actions. Officers may respond to deadly force with deadly force. Additionally, the reasonableness of the officers' actions is bolstered in that five separate officers came to the conclusion that Allison posed a threat of great bodily harm and fired their duty issued weapons at Allison nearly simultaneously.

VI. Conclusion

Based upon the evidence reviewed and the applicable legal standards, LPD Sergeant Anderson, LPD Officer Polizzi, LPD Officer Wagner, WCSO Deputy Turkes, and RPD Officer Krischke's use of deadly force was justified and thus, no criminal charges will be filed in this case.



Exhibit # A