

**County of Jo Daviess**

**John D. Hay, State’s Attorney**

**Adam J. North, Assistant State’s Attorney**

**FOR IMMEDIATE RELEASE**

 Jo Daviess County State’s Attorney John D. Hay would like to inform the public of the following information pertaining to an officer involved shooting in which Officer Sean Patridge of the Stockton Police Department fired shots, which resulted in the death of Troy Boyle in Stockton, Illinois at approximately 12:15 p.m. on Wednesday, March 29, 2017.

 The Illinois State Police conducted an independent and detailed investigation of this incident. The investigation included, but was not limited to, interviewing the police officers and civilian witnesses who were at the scene at the time of the shooting, interviewing the ambulance and EMS personnel who responded to the scene and a neighborhood canvas to determine if neighbors saw or heard the incident. The following is a summary of the investigation findings:

On March 29, 2017 at approximately 12:04 p.m., Officer Sean Patridge with the Stockton Police Department received a call on the Stockton PD non-emergency phone line. The caller was at 526 W. Hillside Lane in Stockton, Illinois. The caller reported there was a suspicious vehicle with three people he did not know parked just south of his residence on a private driveway. The three subjects were carrying bags back and forth down to a tree line, acting erratically and the caller did not know what they were doing.

Officer Patridge first responded to 526 W. Hillside Lane, but he did not observe the vehicle or suspicious people. He then drove to the intersection of Front Avenue and Blackhawk Drive. He observed people on the Stockton Township property near a salt shed on the south side of Front Avenue when he reached the area. He observed one subject, later identified as Timothy J. Hess, walking eastbound away from him and the other two subjects walking southbound into the tree line.

Officer Patridge instructed Mr. Hess to stop and come back to him, which Mr. Hess did. Mr. Hess provided a false name to Officer Patridge and attempted to walk away from him. Officer Patridge then attempted to detain Mr. Hess by grabbing his left arm and Mr. Hess attempted to pull away from him. Jo Daviess County Sheriff’s Deputy Chad Heidenreich arrived on scene at this time and observed Mr. Hess start to pull away from Officer Patridge. Deputy Heidenreich ran over to assist Officer Patridge and placed his hands on Mr. Hess’s shoulders.

 At this time, Deputy Heidenreich observed a second male subject, later identified as Troy Boyle, come out from behind a gravel pile area. Deputy Heidenreich saw Mr. Boyle had one hand behind his back. Deputy Heidenreich said Mr. Boyle’s right hand was deliberately hidden behind his back, thus making Deputy Heidenreich fear Mr. Boyle was concealing a weapon. Deputy Heidenreich said Mr. Boyle was approaching from the area of the salt shed and gravel pile, which was approximately 100 feet from Officer Patridge, Deputy Heidenreich and Mr. Hess.

Deputy Heidenreich alerted Officer Patridge about Mr. Boyle’s presence. Officer Patridge turned around as Mr. Boyle was approaching him from behind. Officer Patridge did not recognize Mr. Boyle and saw Mr. Boyle had his right arm concealed behind his back. Officer Patridge was only able to see Mr. Boyle’s upper right arm, from the elbow up.

 Officer Patridge disengaged from Mr. Hess, leaving Mr. Hess with Deputy Heidenreich, to engage Mr. Boyle who Officer Patridge believed was 15 to 20 yards away at this time. Officer Patridge asked Mr. Boyle, “what’s going on,” but Mr. Boyle did not respond and continued to approach them with his right arm partially concealed behind his back.

Officer Patridge then gave Mr. Boyle a verbal command to show his hands. Mr. Boyle ignored this command and continued to walk towards them. Officer Patridge felt threatened at this point, fearing Mr. Boyle may be concealing a weapon behind his back. Officer Patridge drew his service weapon and positioned it at the low ready with the weapon pointing at the ground. Officer Patridge gave a second verbal command to show his hands and Mr. Boyle ignored the command again. Officer Patridge gave a third verbal command and Deputy Heidenreich also gave Mr. Boyle a verbal command for him to show his hands. Mr. Boyle continued walking towards them ignoring their commands.

 Officer Patridge said Mr. Boyle was approximately 10 to 15 yards away when Mr. Boyle rapidly extended his right arm, locking it straight out in front of himself, in what Officer Patridge believed was a shooting stance. Officer Patridge said Mr. Boyle’s right hand was closed and Officer Patridge observed what appeared to be a gray object extending a few inches beyond Mr. Boyle’s hand, causing Officer Patridge to believe the item in Mr. Boyle’s right hand was a hand gun. Officer Patridge said he was in immediate fear for his life and those around him because of Mr. Boyle’s aggressive actions.

Deputy Heidenreich said Mr. Boyle made a furtive movement with his right hand, up in the direction towards them. Deputy described the furtive movement as a flash of Mr. Boyle’s right hand in their direction, as if pointing a weapon, in a gun like manner. Deputy Heidenreich believed Mr. Boyle was still approximately 100 feet away at this point when he was trying to comprehend if Mr. Boyle had a weapon in his hand as Mr. Hess and Officer Patridge were partially in Deputy Heidenreich’s line of sight.

 Officer Patridge raised his service weapon from the low ready, firing it several times at Mr. Boyle in fast secession. Officer Patridge saw Mr. Boyle move to his left with his right arm still extended towards the officers and Mr. Hess. Officer Patridge fired another shot at Mr. Boyle and ran to the rear of his squad car for cover since he believed Mr. Boyle was firing at them.

Deputy Heidenreich remembered a quick succession of shots from Officer Patridge, approximately 3 or 4 shots. Deputy Heidenreich’s immediate thoughts went to Mr. Hess who was unsecured and could still be a threat to the officers. Deputy Heidenreich grabbed Mr. Hess and escorted him around the rear of his squad car for cover. Deputy Heidenreich was unsure if Officer Patridge had struck Mr. Boyle with a round at this point, but believed he observed Mr. Boyle wince.

Officer Patridge said Mr. Boyle went behind the gravel pile while he was moving to his left with his right arm still extended pointing in the direction of the officers. Mr. Boyle reemerged on the other side of the gravel pile and Officer Patridge shot once at Mr. Boyle. Officer Patridge said Mr. Boyle went to a kneeling position and in doing so he punched his right hand out in their direction as if he was firing a gun. Officer Patridge again fired his weapon and Mr. Boyle went from a kneeling position to lying down on his back.

Deputy Heidenreich said he heard Officer Patridge give Mr. Boyle multiple verbal commands to show his hands. Deputy Heidenreich secured Mr. Hess in handcuffs after the firing ceased.

At this time, Stockton Police Chief Tom Sheehan arrived on the scene. Deputy Heidenreich secured Mr. Hess in his squad car at this point. Chief Sheehan and Deputy Heidenreich drew their service weapons and approached Mr. Boyle’s last known location. They could not see Mr. Boyle since their view was obstructed by the gravel pile. Chief Sheehan and Deputy Heidenreich found Mr. Boyle lying on the ground with gunshot wounds. Chief Sheehan and Deputy Heidenreich secured Mr. Boyle and then checked for a pulse. Mr. Boyle was not responsive. They conducted a cursory search for weapons in Mr. Boyle’s immediate area. They did not locate any weapons on Mr. Boyle or near him.

Deputy Heidenreich observed a silver object approximately two feet from Mr. Boyle’s legs. Chief Sheehan also observed this silver object lying on the ground near Mr. Boyle’s body. Officer Patridge also observed this silver object near Mr. Boyle’s left hip area, which he described as a gray 5 to 6 inch tube. All three of the police officers observed this object prior to any EMS personnel arriving on scene. It was later determined this small silver object was a penlight.

Chief Sheehan remained with Mr. Boyle as Deputy Heidenreich attempted to locate the third subject, later identified as Anna K. Kaiden. Deputy Heidenreich located Ms. Kaiden, with her hands in the air, behind drainage tubes near the rear of the salt shed. Ms. Kaiden was secured in handcuffs. Ms. Kaiden was not hurt in the shooting, but did inform Deputy Heidenreich of prior rib injuries.

 Stockton Ambulance Services arrived on scene and worked on Mr. Boyle. Mr. Boyle was transported to the FHN Memorial Hospital in Freeport, Illinois where he was later pronounced dead at 1:09 p.m. It was later learned through interviews, the male driver of the Stockton Ambulance moved the silver object that was located near Mr. Boyle’s body, believing it belonged to one of the first responders. Stockton Ambulance Services also met with Ms. Kaiden, learned she had consumed methamphetamine earlier that day and she was transported to the FHN Memorial Hospital by Leamon Ambulance Service.

 An Illinois State Trooper used a fire extinguisher to put out the fire of Mr. Boyle’s car when he arrived after the shooting was over.

 Mr. Hess was interviewed that afternoon at the Galena Police Department by special agents with the Illinois State Police. Mr. Hess said he was picked up by Mr. Boyle on the previous night, March 28, 2017, in Mount Carroll, Illinois. Mr. Boyle was driving a Ford Focus and Ms. Kaiden was with Mr. Boyle at that time. Mr. Boyle drove Mr. Hess to Mr. Hess’s parents’ residence in Stockton, Illinois. Mr. Hess spent the night at his parents’ residence and did not have any further contact with Mr. Boyle until the next day at approximately 9 a.m.

 Mr. Boyle called Mr. Hess the next morning on March 29, 2017 to ask if Mr. Boyle could use the Wifi internet at Mr. Hess parents’ house. Mr. Hess told him no. Mr. Hess told Mr. Boyle about a friend’s house approximately one block away whose Wifi password Mr. Hess knew. Mr. Hess then walked to the house where Mr. Boyle and Ms. Kaiden were parked in front of using the Wifi internet with their cell phones.

Mr. Hess got into the car at approximately 11 a.m. because he wanted a ride back to Mount Carroll. Mr. Hess said Mr. Boyle was communicating with someone on Mr. Boyle’s phone. Mr. Boyle was hoping to meet up with this person in an attempt to get some money because Mr. Boyle was low on gas. However, they never met with this person and never received any money for gas.

 Mr. Hess said they eventually began traveling on Illinois Route 78 towards Mount Carroll. Mr. Boyle and Ms. Kaiden started to argue about not having any gas or money. Mr. Hess said Mr. Boyle turned the vehicle around towards Stockton after this. Mr. Boyle then stopped his vehicle at the Casey’s General Store in Stockton. Mr. Hess believed Mr. Boyle stole gas from Casey’s and drove away with the pump still in the vehicle. Mr. Hess recalled Mr. Boyle becoming verbally combative with another patron at Casey’s after the patron told Mr. Boyle the pump was still in the vehicle.

 Mr. Boyle left Casey’s at a high rate of speed, causing his vehicle to peel out, and headed west out of town. Mr. Hess said Mr. Boyle was driving really fast. Mr. Boyle and Ms. Kaiden were still arguing with each other. Mr. Boyle whipped the car into a private gravel driveway. Mr. Boyle turned so sharply into the private driveway it caused the front driver’s side tire to pop and become flat.

This private driveway is directly off of Front Avenue on the north side of Front Avenue and a little west of the intersection of Front Avenue and Blackhawk Drive. You could not see where Mr. Boyle had stopped his car on the private driveway from the road on Front Avenue.

Mr. Hess said he assumed Mr. Boyle pulled into the driveway because Mr. Boyle thought someone saw him steal gas from Casey’s. Mr. Boyle was upset and yelling after he stopped the car. Ms. Kaiden grabbed her personal belongings from the car, which Mr. Hess thought were in 2 to 3 separate bags.

 Mr. Hess asked Mr. Boyle if there was a spare tire, but Mr. Boyle would not answer. Mr. Hess said they hid in a tree line for a period of time. They eventually walked back to the car. Mr. Hess decided he was going to walk back to his parents’ house. At this point, Mr. Hess observed Mr. Boyle holding a can of lighter fluid. Mr. Boyle applied the lighter fluid to a rag he was holding. Mr. Boyle stuck the rag into the gas tank of his car and lit it on fire. Mr. Hess did not know why Mr. Boyle lit his car on fire and did not understand Mr. Boyle’s actions. Mr. Hess decided to leave the area. Mr. Boyle told him to not walk towards town.

 Mr. Hess, Mr. Boyle and Ms. Kaiden went south towards the township’s property. They crossed Front Avenue where they walked towards the salt shed and gravel pile, which was on the south side of Front Avenue. However, Mr. Hess decided to turn around when he started walking in mud near a ravine behind the salt shed. Mr. Hess saw a police squad car pull up when he turned around. Mr. Hess said Mr. Boyle took off running at this point.

 Mr. Hess said he stopped and cooperated with the police officer, who was Officer Patridge. Mr. Hess said Officer Patridge asked if they were armed. Mr. Hess said he told Officer Patridge he did not think there was a gun, but he did not know. Mr. Hess told the officer Mr. Boyle did not have anything in his hands, but Ms. Kaiden was carrying backpacks. Officer Patridge then informed Mr. Hess he was being detained. Mr. Hess observed Deputy Heidenreich arrive at this time. Mr. Hess said he attempted to slip away from the area at this point. Mr. Hess admitted he was attempting to leave before he was arrested on his outstanding warrants. Mr. Hess was then instructed to put his hands behind his back.

The next thing Mr. Hess remembered was hearing gun shots, approximately 4 or 5 quickly. Mr. Hess had his back to Officer Patridge when the shots started. Mr. Hess turned around and observed Mr. Boyle after the shots started. Mr. Hess said he did not observe Mr. Boyle until he heard the second shot. Mr. Hess saw Mr. Boyle near the gravel pile.

Mr. Hess said Mr. Boyle was pointing his hands like he had a gun in his hands. Mr. Hess demonstrated this by putting both of his hands together as if making a finger gun, pointing straight out in front of his body. Mr. Hess said Mr. Boyle had his hands up as if he was holding a gun, but Mr. Hess did not see a gun in Mr. Boyle’s hands. Mr. Hess did not believe Mr. Boyle had any weapons in his hands. Mr. Hess thought Mr. Boyle was smiling while doing this. Mr. Hess described the smiling as an evil, crazy smirk. Mr. Hess did not see Ms. Kaiden at this point.

Mr. Hess explained it appeared to him as if Mr. Boyle was fucking with the police officer and taunting the officer by smiling and acting as if he had a gun in his hand. Mr. Hess described Mr. Boyle as being out of his mind when pointing his finger gun at the officers. Mr. Hess thought Mr. Boyle was hit with a shot. Mr. Hess demonstrated how he saw Mr. Boyle wince and moved his left elbow towards his stomach. Mr. Hess said Mr. Boyle stayed on his feet until he went out of sight.

Mr. Hess remembered hearing an officer say “shots fired,” and then Deputy Heidenreich putting himself between Mr. Hess and the shooting. Mr. Hess followed Deputy Heidenreich’s instructions and did not see much after that. Mr. Hess said Deputy Heidenreich placed him in a squad car and locked him in it.

Mr. Hess remembered hearing officers giving multiple verbal commands to Mr. Boyle to get on the ground. Mr. Hess also said, “If I am a policeman and I am standing there I don’t know that I am able to assess whether or not he has a gun from that distance.” Mr. Hess said it seemed like Mr. Boyle “didn’t have a care for his life” and “it was almost like a I wanna die type of situation.”

 Ms. Kaiden was also interviewed later that afternoon at the FHN Memorial Hospital. Ms. Kaiden explained she did not see anything during the shooting, but did hear a lot of gun shots. Ms. Kaiden could not remember much of the details about the day leading up to the shooting or why they were walking away from the car through the township property.

 On March 30, 2017, Illinois State Police agents interviewed Scott Kurth who was working at the Stockton Township building near the incident and witnessed part of what happened. Mr. Kurth was working in the township shop approximately 150 yards from where the shooting took place. Mr. Kurth remembered looking out the township garage door and seeing 3 subjects walking down an embankment southbound on Front Avenue. Mr. Kurth said it was 2 males and 1 female. Mr. Kurth looked out the window again approximately 5 minutes later. Mr. Kurth remembered seeing 2 police officers in the roadway talking with a male subject (identified by others as Hess). Mr. Kurth also saw the other male subject (identified by others as Boyle) in a shooting stance facing northbound towards the police officers. Mr. Kurth said it looked like the male subject was pointing a weapon at the officers and was firing it. Mr. Kurth could not tell which officer the male subject was pointing the weapon at or which officers were firing their weapons. Mr. Kurth heard approximately 4 or 5 shots, followed by 3 or 4 more shots in quick succession. Mr. Kurth could not confirm if the male subject had a weapon in his hands, but he said the male subject was in a shooting stance with his hands clasped in front of him. Mr. Kurth remembered the officers moving behind their squad cars after hearing the shots and the officers taking the other male subject (Mr. Hess) into custody. Mr. Kurth said he was approximately 150 yards away from the incident and he did not hear any conversation or verbal commands.

 A toxicology report conducted on Mr. Boyle’s blood revealed he had approximately 2,900 ng/ml of methamphetamines in his blood. According to the toxicology report, blood levels of 200 to 600 ng/ml have been reported in methamphetamine abusers who exhibited violent and irrational behavior. The report also states high doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.

The Illinois State Police requested a copy of the squad video from Officer Patridge’s squad car and Deputy Heidenreich’s squad car. Deputy Heidenreich’s squad video was not recording prior to or during the shooting. Officer Patridge’s squad video was recording prior to and during the shooting. However, the camera in Officer Patridge’s squad car faces forward. Officer Patridge’s squad car was parked on Front Avenue facing west. The shooting occurred to the south of the squad car so it was not captured on camera. Furthermore, no audio was recorded on the squad video during the shooting.

 Finally, Deputy Heidenreich and Officer Patridge did not have body cameras during this incident. The Jo Daviess County Sheriff’s Office did not have body cameras for the road deputies at this time. The Stockton Police Department did have body cameras at this time, but all of the body cameras for the Stockton Police Department were out of service on March 29, 2017. Therefore, there is not any audio or video recording of the events during the shooting.

 The Illinois State Police also determined approximately 11.14 gallons of fuel was stolen from pump 7 at Casey’s General Store in Stockton between 11:32 a.m. and 12:02 p.m. on March 29, 2017. Casey’s does not have any surveillance cameras outside and the cashier working at the time of the theft did not see a vehicle drive off so they were unable to confirm if this was in fact the gas Mr. Hess believed Mr. Boyle had stolen from Casey’s. However, they did confirm the gas was stolen during the approximate time frame Mr. Boyle was believed to have been at Casey’s.

 The Illinois State Police determined Officer Patridge fired 8 shots on March 29, 2017. It was also determined 2 of those shots hit Mr. Boyle resulting in his death. One gunshot wound was in Mr. Boyle’s right lateral abdomen and the other gunshot wound was in his upper left chest. An autopsy was conducted on Mr. Boyle on March 30, 2017 in Stephenson County, Illinois. The Forensic Pathologist who conducted the autopsy indicated in his report the cause of death for Mr. Boyle was due to, or as a consequence of a gunshot wound of the chest.

 The silver penlight found next to Mr. Boyle was sent to the Illinois State Police Forensic Science Laboratory in Rockford, Illinois to determine if any of Mr. Boyle’s DNA was found on the penlight. The lab determined there was a mixture human DNA profiles found on the pen that was interpreted as a mixture of three people. A major male DNA profile was identified. It was determined Mr. Boyle can be excluded from having contributed to this major male profile. The minor profile(s) identified on the penlight were identified as potentially incomplete and unsuitable for comparison.

 It is the ultimate responsibility of the State’s Attorney’s Office to determine whether or not to initiate a criminal prosecution, and if so, which criminal charges should be prosecuted and against whom. The State’s Attorney has the authority to file a criminal information charging the crime or to seek an indictment charging the crime by presenting the case to a grand jury. The State’s Attorney’s Office should attempt to gather as much relevant information as possible to aid in reaching a sound decision before a final decision is made.

The State’s Attorney should file or seek criminal charges if he or she believes the evidence establishes a criminal offense was committed and the admissible evidence is sufficient to prove beyond a reasonable doubt a specific person or persons committed the crime. The State’s Attorney should not file or seek criminal charges if he or she does not believe there is sufficient admissible evidence to prove beyond a reasonable doubt a crime was committed.

A person has a right to defend themselves, others and their property under the laws of Illinois and the United States. A person does not commit a criminal offense if the facts establish they were justified in the use of force in self-defense against another. The Illinois Compiled Statutes define The Use of Force in Defense of Person in 720 ILCS 5/7-1. Subsection (a) defines it as follows:

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.

The Illinois Appellate Courts have established elements the evidence must prove for self-defense to be justified. The First District Appellate Court of Illinois in People v. Lewis, 980 N.E.2d 1226 (1st Dist. 2012), indicated, “Thus, a person acts in self-defense where:

1. Force was threatened against defendant; (2) defendant was not the aggressor; (3) the danger of harm was imminent; (4) the force threatened is unlawful; (5) defendant actually believed a danger existed and the use of force was necessary to avert it; and (6) defendant’s belief was reasonable.”

Furthermore, the Illinois Appellate Courts have established it is not necessary for the other person to be armed with a deadly weapon for deadly force to be justified. The First District Appellate Court of Illinois in People v. Polk, 388 N.E.2d 864 (1st Dist. 1979), wrote, “We recognize it is not necessary that the apparent danger prove to be real or that the victim be armed with a deadly weapon in order for a person to have reasonable belief that his life is endangered to the point of justifying a killing.” The District Court in People v. Brumbeloe, 240 N.E.2d 150 (1st Dist. 1968), concluded, “Whether the deceased actually had a weapon when he ran up to the defendant is not determinative in judging the latter’s conduct, for whether the danger is actual or apparent does not depend on the assailant’s use of a deadly weapon or of having one in his possession.” Finally, the First District Court in People v. Lester, 430 N.E.2d 358 (1st Dist. 1981), found “Although it is not necessary for the victim to have actually possessed or used a deadly weapon to justify killing in self-defense, the absence of a weapon is a factor which may be considered by the trier of fact.”

It has been determined after reviewing all of the evidence and information obtained during the investigation, that the use of deadly force by Officer Patridge when he shot and killed Troy Boyle was justified as self-defense. Given the circumstances Officer Patridge was faced with, a reasonable police officer in Officer Patridge’s position could have reasonably believed he or she, Deputy Heidenreich and Mr. Hess were in imminent danger of death or great bodily harm and Officer Patridge’s subsequent firing of his weapon at Mr. Boyle was justified. Therefore, Officer Patridge has been cleared and no criminal charges will be filed or sought against Officer Patridge by the Jo Daviess County State’s Attorney’s Office.

Mr. Boyle approached Officer Patridge and Deputy Heidenreich with his right arm concealed behind his back. Mr. Boyle was ordered multiple times by the officers to show his hands so they could determine what, if anything, he had behind his back. Mr. Boyle ignored the officers’ commands by continuing to approach them and keeping his hand behind his back.

Officer Patridge drew his service weapon and pointed it at the ground while he was ordering Mr. Boyle to show his hands. Mr. Boyle would have been in a position to easily see Officer Patridge had drawn his service weapon. Officer Patridge’s actions of drawing his firearm and pointing it at the ground should have placed Mr. Boyle on notice that Officer Patridge would potentially use his firearm if necessary. However, Mr. Boyle continued to ignore the officers’ commands by continuing to approach them and keeping his hand concealed behind his back.

Mr. Boyle then quickly raised his right hand from the concealed position behind his back and took a shooting stance as if he had a gun he was pointing at the officers. Officer Patridge, Deputy Heidenreich, Mr. Hess and Mr. Kurth all agree Mr. Boyle was standing holding his hands together acting like he had a firearm he was pointing at the officers.

Mr. Boyle continued pointing his hands at the officers like he had a gun even after Officer Patridge started shooting at him. Officer Patridge said Mr. Boyle held his right arm in front of him extending it towards the officers as he moved to his left behind the gravel pile. Officer Patridge said Mr. Boyle went to a kneeling position when he reemerged from the other side of the gravel pile and punched his right hand in the direction of the officers as if he was firing a gun.

Officer Patridge said he saw Mr. Boyle’s right hand closed around a gray object extending a few inches beyond his hand, which caused Officer Patridge to believe Mr. Boyle had a hand gun in his right hand. Mr. Hess said he did not observe a weapon in Mr. Boyle’s hand, but also said he was uncertain if a police officer standing there would be able to assess whether or not Mr. Boyle had a gun. Deputy Heidenreich said he feared Mr. Boyle was concealing a weapon behind his back when he was approaching, but also said he could not tell if Mr. Boyle had a weapon in his hand before the shooting started because Mr. Hess and Officer Patridge were partially in Deputy Heidenreich’s line of sight. Mr. Kurth said it looked like to him the male subject was pointing a weapon at the officers and was firing it, that the male subject was in a shooting stance with his hands clasped in front of him, but also said he could not confirm if the male subject had a weapon in his hands.

Mr. Boyle was not in possession of a firearm, but it is possible he had the silver penlight in his hands when he was pointing them at the officers acting like he had a gun. Chief Sheehan and Deputy Heidenreich both saw the silver penlight next to Mr. Boyle. Officer Patridge also saw it when he approached. This was before the EMS personnel arrived with the ambulance.

The DNA test on the silver penlight did not confirm it was in Mr. Boyle’s possession. However, it also did not prove the penlight was not in Mr. Boyle’s possession. There was one male DNA profile on the penlight suitable for comparison. The DNA test confirmed this was not Mr. Boyle’s DNA. This DNA could have been left by the male ambulance driver who moved the penlight or any other male who previously touched it. However, there were two other potential DNA profiles that were in such a condition they could not be tested to determine if they were left by Mr. Boyle. Finally, it is common for people to touch an item without leaving any DNA on the item so it is possible Mr. Boyle had the penlight in his possession and did not leave any DNA on it.

Officer Patridge said he saw a gray object in Boyle’s hands. Officer Patridge also described the silver penlight as a 5 to 6 inch gray tube. A police officer, under these circumstances, who observes part of a 5 to 6 inch gray tube sticking out of a closed fist could reasonably believe he or she saw a gun barrel or a gun. Even if Mr. Boyle was not in possession of the penlight, a police officer could reasonably believe Mr. Boyle was in possession of a firearm because Mr. Boyle concealed his arm behind his back, ignored multiple verbal commands to show his hands even after Officer Patridge drew his service weapon and pointed it at the ground, quickly raised his hand from behind his back into a shooting stance acting like he had a firearm and continued to have his hands in a shooting position even after Officer Patridge began firing at him.

Officer Patridge was reasonable in his immediate fear for his life and those around him because of the actions of Mr. Boyle. The analysis 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.

This incident was investigated by the Illinois State Police and reviewed by the Jo Daviess County State’s Attorney’s Office and it has been determined Officer Patridge was justified in using deadly force against Mr. Boyle.

Contact Person:

State’s Attorney John D. Hay

jhay@jodaviess.org

**Jo Daviess County Courthouse, 330 North Bench Street, Galena Illinois 61036**

**Phone (815) 777-0109 Fax (815) 777-3203**