

**Eric C. Weis**  
**State's Attorney**



**Office of the**  
**State's Attorney**  
**Kendall County, Illinois**

Kendall County Courthouse  
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October 27, 2015

Special Agent Anna Wasylyszyn  
Illinois State Police - Zone 3  
16648 South Broadway Street  
Lockport, IL 60441

Re: Oswego Police Department Officer Involved Shooting – #15-14794LP

Dear S/A Wasylyszyn:

On October 19, 2015, I received the Illinois State Police investigative file regarding the officer involved shooting of Taylor J. Cano which occurred back on August 29, 2015, near Ashlawn and Lombardy Lane, in Oswego, Kendall County, Illinois. I have conducted a review of the events and circumstances which ultimately led to the shooting of Taylor J. Cano by members of the Oswego Police Department. My review is to determine if the actions of Officers Chad Dickey and Ben Hackl, which resulted in the non-lethal shooting of Taylor J. Cano, warrant criminal charges. I have had the opportunity to review all of the police reports, witness statements, evidence recovered at the scene, as well as photographs of the incident, and watch and listen to the video/audio recordings, including radio traffic and 911 telephone calls. Additionally, I have reviewed the statements made by Taylor Cano to both the Illinois State Police and the Oswego Police Department in which he describes the facts and circumstances involving this situation. After a review of all the materials provided and in discussions with investigators assigned to the case from Illinois State Police, I have concluded that **NO** criminal charges against Officer Chad Dickey or Officer Ben Hackl are warranted in this matter.

The following is a summary of the investigation from which I based my opinion. The investigation shows that in the early morning hours of August 29, 2015, Taylor J. Cano, prior to the incident with members of the Oswego Police Department, had several conversations, via telephone, with dispatchers from KenCom about his intent to commit harm against others that day. Mr. Cano also stated he would harm those who would come to help him and that he was armed with a firearm. After officers were dispatched to where the caller was believed to be, and with the knowledge of Mr. Cano's intent, officers from the Oswego Police Department confronted an individual in the area who appeared to have something in his hand, which appeared to be a firearm, and was walking in the direction that the caller, Mr. Cano, stated the harm to others would occur that morning. That item was later determined to be a long rifle

which Mr. Cano had obtained earlier that morning. Officers used verbal commands and illuminated Mr. Cano by flashlight. When the officers illuminated Mr. Cano, they were also loudly commanding the individual to put the weapon down and to see his hands. At that point, Mr. Cano turned and fired at the officers, discharging one round. Officers Chad Dickey and Ben Hackl, both from the Oswego Police Department, then returned fire and Mr. Cano was struck one time with a non-lethal wound. EMS was immediately summoned to the scene and medical attention was administered to Mr. Cano by officers from the Oswego Police Department. Mr. Cano was turned over to the Oswego Fire Protection District EMS to be transported to Rush Copley Medical Center. A search of Mr. Cano recovered additional, unspent ammunition for the long rifle he fired. The long rifle which was recovered at the scene contained one spent shell casing still inside the rifle. In reviewing the recordings of Mr. Cano, he has maintained that he did make the calls to 911 regarding his intent to do harm to other individuals that morning, he was armed with the long rifle that was recovered at the scene, and specifically stated that he did point his weapon and fire his weapon at the officers on August 29, 2015.

Upon reviewing the facts of this case, the actions of Officers Dickey and Hackl were reasonable, and the use of deadly force was appropriate when Cano raised his firearm at the officers and fired at them. This is based upon several factors: First, the communications by Cano with KenCom dispatchers where he makes several threats to harm or kill individuals as well as the admission to being armed with a firearm. This information would give any officer the indication that Cano was armed and dangerous. Second, Cano was in fact armed with a firearm and refused to relinquish the weapon when being instructed to do so by police. Third, Cano pointed the firearm at the officers. Fourth, Cano discharged the firearm at police after being given verbal commands by police. Finally, Cano's own statements, both to the Illinois State Police and the Oswego Police Department, clearly indicate his intentions to cause harm and fire his weapon that early morning of August 29, 2015. Based upon the actions of Cano, it is reasonable for the officers to believe that Cano was armed and was attempting to cause death or cause great bodily harm to them or others by shooting at them.

Therefore, under Illinois law, found at 720 ILCS 5/7-1 and 720 ILCS 5/7-5, the officers were justified in the use of deadly force based upon a reasonable belief that it was necessary to prevent imminent death or great bodily harm to themselves, other officers at the scene, or other individuals. The actions by the officers in using deadly force, specifically the actions by Officer Dickey and Officer Hackl, were justified in response to Taylor J. Cano's own use of deadly force on August 29, 2015.

Based upon all the information contained in the investigation, I consider the matter to be closed and no charges will be filed. If you have any questions, please feel free to contact me at 630/553-4157.

Yours truly,



Eric C. Weis  
State's Attorney