

DEKALB POLICE DEPARTMENT

Jason Leverton, Deputy Chief



PRESS RELEASE



For Immediate Release

Media Contact – Deputy Chief Jason Leverton

Issued: November 26, 2024

To Provide Info Call 815-748-8400

To Report a Crime/Request Emergency Police Response Call 9-1-1

Investigation Completed Officer Involved Shooting

The Illinois State Police have completed their independent investigation regarding the officer-involved shooting that occurred at Brian Bemis Toyota at 1890 Sycamore Road in DeKalb on October 23, 2024. State's Attorney Rick Amato has also completed a review of the incident and has concluded that the officers were justified in their use of force.

On October 23, 2024, the DeKalb Police Department received numerous 9-1-1 calls beginning at 12:25 PM of an upset customer who was threatening people with two large knives. Before officers arrived, further statements from callers included information that the individual had broken windows and stabbed an employee. Officer Bollow and Chief Byrd were the first two DeKalb Police officers to arrive. Upon their arrival, multiple people were fleeing out of the front door of the business, with one of them stating the individual was inside breaking things. When the two officers entered, they immediately encountered the individual, Charles Tripicchio, who had a large knife in each hand. Officer Bollow knew Tripicchio from prior calls and called him by name, ordering him to drop the knives. Tripicchio did not drop the knives, and instead turned around and walked away from the officers. He then turned a corner into a corridor and walked out of sight. Upon the officers turning the corner, both continued to order Tripicchio to drop the knives, and he refused. Tripicchio turned to face the officers, then raised his right arm and said, "hey look!" and threw one of the knives at Officer Bollow, prompting both officers to fire their handguns at Tripicchio. Instead of surrendering, Tripicchio took additional steps towards Chief Byrd, while still holding the other knife in his left hand. With Tripicchio closing the short distance between himself and Chief Byrd, officers fired again until he spun around and fell down. That second knife then dropped to the floor and was kicked out of the way by one of the officers. Additional officers arrived at this point and immediately began to render first aid to Tripicchio. The knife that Tripicchio threw at Officer Bollow was found lodged directly into a wall behind where Officer Bollow had been standing, with the knife blade penetrating entirely into the drywall.

Tripicchio remains in medical care and is awaiting additional court hearings on the charges that were previously filed against him.

An additional independent review of the incident was conducted to ensure relevant department policy and protocols were followed. Officers were determined to be in compliance. Both Chief Byrd and Officer Bollow, who had been assigned to administrative duties in the meantime, will now be returned to full duty.

https://youtu.be/iBM_XHo_b7Q?feature=shared

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****All persons are presumed innocent in a court of law until proven guilty****

If you witnessed this incident or have any information that can help with this investigation, please contact the DeKalb Police Department.

**Office of Rick Amato
DeKalb County State's Attorney**

DeKalb County Courthouse
133 W. State Street
Sycamore, Illinois 60178



General Offices:
Tel: (815) 895-7164
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November 26, 2024

Special Agent Joshua Shirley
Illinois State Police
Zone 1 – Violent Crimes Unit West
16648 Broadway St.
Lockport, IL 60441

RE: City of DeKalb Police Officer Involved Shooting
24-42485200017

Dear Special Agent Shirley,

On November 15th and 19th, 2024, I received the Illinois State Police Investigative file regarding the City of DeKalb Police Officers Involved Shooting that occurred on October 23, 2024 at Brian Bemis Toyota, located at 1890 Sycamore Road, DeKalb, Illinois. I have conducted a review of the events and circumstances that lead to the City of DeKalb Police Officers firing their weapons and injuring Charles Tripicchio, born November 13, 1991. Upon receiving the investigative file, my review was to determine if the actions of DeKalb City Police Officers David Byrd and Brian Bollow warranted criminal charges. I have reviewed the entirety of the Illinois State Police investigation which includes all police reports, interviews and statements from police officers, interviews with firefighter paramedics personnel, interviews with witnesses, body worn cameras, 911 recordings, crime scene investigative reports, physical evidence, police radio communications, and surveillance camera videos from Brian Bemis Toyota. After a review of all the materials provided and discussions with the Illinois State Police, I have concluded that no criminal charges are warranted against the City of DeKalb Police Officers David Byrd and Brian Bollow.

The following is a summary of the investigation from which I base my opinion. On October 23, 2024, numerous 911 phone calls were placed from people located at Brian Bemis Toyota in DeKalb to the City of DeKalb Police Dispatch Center beginning at 12:25 pm. The first call came from an employee at Brian Bemis Toyota, who was in an office at 12:25:54 (12:25 and 54 seconds). The caller advised that there is an upset customer that will not leave the business. Further, the caller informed dispatch that it is a white male that is threatening people with a knife and that the person shoved a manager. A second 911 call at

12:27:19 (12:27 and 19 seconds) came in to the City of DeKalb Police Dispatch from a caller that described the person to have a long pony tail with curly hair and is dressed in a black cloak. Further, the panicked caller informed dispatch that the person had 2 large knives. Also, the caller said the person was with a sales associate that was trying to calm him down while 6 or 7 people were hiding in the back of the business. A third caller contacted 911 dispatch at 12:29:29 (12:29 and 29 seconds) and identified the customer as Charles Tripicchio ("Tripicchio"). The caller said Tripicchio broke a window and stabbed a sales manager in the hand. Numerous DeKalb City Police Officers were dispatched to Brian Bemis Toyota at 1890 Sycamore, Road, DeKalb, IL beginning at 12:26:12 (12:26 and 12 seconds). DeKalb City Police Officers Brian Bollow ("Bollow") and David Byrd ("Byrd") are the first of the police officers to arrive on scene. Both officers are in full police uniforms. They had been informed through dispatch that Tripicchio was wearing a long black garment and was armed with two knives. Also dispatch informed the officers that Tripicchio stabbed an employee and was breaking things. Further, Bollow recognized Tripicchio as a person the department has had contact with over the proceeding few weeks. Bollow recalls that the police were dispatched to Tripicchio's residence the evening before for a burning complaint because of a large bonfire that Tripicchio had. While on scene at the bonfire, it was learned that Tripicchio was in possession of a gun. Bollow also recalls that Tripicchio had a recent arrest for domestic violence.

As the two officers arrive, they are met with Brian Bemis Toyota employees fleeing from the building at the front door. One employee tells the officers that "he is inside breaking stuff." Body Worn Camera shows the officers entering the double doors of the showroom entry at 12:30:29 (12:30 and 29 seconds). Immediately upon entering the building the two encounter Tripicchio, who appears to be breaking a window with a knife. Tripicchio appears as described by the callers with a long pony tail and black cloak. Bollow draws his service weapon and is holding it in the ready position directly in front of him. The first words heard are Bollow shouting "Charles", "Drop it", "Drop it" "Drop it", "Drop it", "Charles", Byrd is simultaneously heard yelling "Hey, Hey, Hey" "Put that down". Tripicchio looks at the officers but does not verbally or physically respond to the commands. He instead turns and walks behind a corner of the dealer showroom and is out of the officers' site. He does not drop anything. Bollow lowers his weapon and both officers follow Tripicchio around the corner. Bollow is heard calling into dispatch about Tripicchio possessing a knife.

When Bollow turns the corner, he sees Tripicchio, still in possession of the knives with one in each hand, directly in front of him about 20 feet away. Bollow raises his weapon back up to the ready position and immediately tells Tripicchio "Charles, drop the knife", "Drop it". As Bollow is saying "Drop it" one more time, Tripicchio turns and begins walking directly at the officers. Byrd is to Bollow's right hand and has positioned himself in the walkway where Tripicchio is standing. Byrd is also heard simultaneously commanding Tripicchio to "Drop it". As Tripicchio continues to move towards the officers, Bollow moves slightly over to his left and again authoritatively commands Tripicchio to "Drop it now", "Drop it". Tripicchio then raises his right hand, while holding another knife in his left hand, and says "Hey look" and throws a knife at Bollow. Bollow discharges his weapon one time at Tripicchio. Tripicchio makes an additional step forward towards where Byrd is standing after throwing the knife and Byrd discharges his weapon several times, striking Tripicchio in the abdomen. Bollow also fires an additional time and Tripicchio falls to the ground. Bollow is heard immediately calling into dispatch shots fired, man down, and officers are ok. There are corresponding dispatch logs indicating shots fired at 12:30:52 (12:30 and 52 second) and also shots fired, male down and officer ok at 12:31:05 (12:31 and 5 seconds).

Both Byrd and Bollow approach Tripicchio. Tripicchio is conscious and in obvious pain. The knife Tripicchio was holding in his left hand when he threw the other knife is located immediately next to the Tripicchio on the ground. Officer Gosnell who is now on scene approaches while kicking the knife away. The officers secure Tripicchio and begin to determine his injuries. Additional officers arrive on scene and begin to render first aid to Tripicchio.

A person is justified in the use of force against another person 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. 720 ILCS 5/7-1. 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. Further, a peace officer shall use deadly force only when reasonably necessary in defense of human life. 720 ILCS 5/7-5 (d). In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the totality of the circumstances of each case, including, but not limited to, the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

The statute goes on to define deadly force as any use of force that creates a substantial risk of causing death or great bodily harm, including but not limited to the discharge of a firearm. Imminent is defined as when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or great bodily harm to the peace officer or another person. Lastly, the statute defines totality of circumstances, as all facts known to the peace officer at the time or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading to the use of deadly force.

This use of force matter clearly fits within the definition of use of deadly force as both officers fired their weapons at Tripicchio. It is relevant to point to what the officers knew upon arrival on scene via dispatch that Tripicchio had two knives and had stabbed a manager with a knife at the car dealership. Immediately upon entering the business, the officers found Tripicchio armed with a knife breaking out a window. The incident proceeded at a very quick pace. The first dispatch came in at 12:25:54 and Bollow and Byrd appear to arrive at 12:30:29, with shots being fired 23 seconds later. Byrd and Bollow are dressed in full uniform. Both officers immediately upon encountering Tripicchio gave oral commands to get Tripicchio's attention and to get him to comply with dropping the knife. In total, the officers told Tripicchio 14 times to drop, drop it or stop. Tripicchio did not obey any of the commands. He instead acknowledged their presence by walking away from the officers, ignoring their request to drop his knives, went out of the officers' sight, then he walked toward the officers while holding two knives, told them to "Hey Look", threw a knife at Bollow, and continued to advance upon the officers before the shots are fired.

The totality of the circumstances for the officers spans a mere 23 seconds from the moment they encounter Tripicchio. Both officers acted quickly, respectfully and worked diligently in regard to human safety and dignity. The officers cautiously approached Tripicchio asking him over and over to drop the weapon and comply. Tripicchio failed to act accordingly. Tripicchio acted aggressively in response to the officers. He ignored them, walked away from them, then purposefully approached them, verbally tried to distract them, threw a knife at one of them while still possessing another knife and continued advancing on them. No other reasonable officer in the same situation would have made a different

decision in regard to the safety of the others on the scene, the safety of a fellow officer or their own safety. The fact that both officers fired their weapons at the virtually the same instance in reaction to Tripicchio's conduct further underscores that they both felt it necessary to use deadly force under the totality of the circumstances that they experienced in defense of others present, themselves and each other. Further, it was Tripicchio's conduct prior to the 911 calls, his conduct upon the officers arrival, his refusal to comply with their commands to drop his weapons, and his act of throwing a knife at Bollow that lead to the officers' unavoidable use of force likely to cause death or great bodily harm on him. There simply was no other choice to be made given all the factors and knowledge known to the officers at the time they discharged their weapons. Thus, both officers were justified in their use of force likely to cause death or great bodily harm in the matter.

In conclusion, under Illinois law found at 720 ILCS 5/7-1 and 720 ILCS 5/7-5, Officer Bollow and Officer Byrd were justified in the use of force likely to cause death or great bodily harm based upon a reasonable belief that it was necessary to prevent death or great bodily harm to others present, themselves and to each other based on the conduct and actions of Tripicchio. The duty to intervene is not at question given the nature and timing of what occurred on scene. Nor is the duty to render aid a question, as Bollow and the other officers arriving on scene immediately tended to Tripicchio's injuries after the shots are fired. Therefore, based upon all the information contained in the Illinois State Police investigation, no criminal charges will be filed against Officer Bollow or Officer Byrd. I consider this matter closed. If you have questions, please feel free to contact me at 815-895-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Amato', with a long horizontal line extending to the right.

Rick Amato
DeKalb County State's Attorney

CC: Andy Anselm, Illinois State Police
Jason Leverton, DeKalb City Police
Bill Nicklas, DeKalb City Manager