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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of October – 2025 - ALTERNATIVE

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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of October - 2025 - ALTERNATIVE

Sheldon Thrasher v. David Brown, 2025 IL App (1st) 231272-U, March 25, 2025.

THE CASE: An Officer shot a fleeing suspect. His Department accused him of using excessive force. Did the Officer, in fact, use excessive force and, if he did, should his employment as a police officer be terminated.

FACTS: At around 7:30 p.m. on June 6, 2018, Officers observed several young men bagging and selling marijuana. A nearby tactical team was dispatched to the location; Thrasher was part of that tactical response team. As the team approached, one of the suspects fled. An Officer pursued the suspect, and Thrasher effectively ran parallel to the Officer and the suspect, in an attempt to cut off the suspect's escape route. The suspect, as it turned out, was armed. During the chase, a gunshot rang out. [The forensic evidence would later show that the suspect had a concealed weapon that discharged while in his pants pocket.]

Thrasher heard the gunshot while he was running. He slowed when he heard it, drew his service weapon, and ducked back behind the corner of a building. He then poked his head around the corner, looking through a wrought-iron fence that bordered a vacant lot. At that moment, Thrasher could see the suspect holding what Thrasher believed to be a gun. (The evidence would later show that, however, that after the gun went off in his pocket, the suspect discarded it before approaching the iron fence.).

Thrasher, believing the suspect was still armed, moved out from behind the building and saw the suspect run toward the wrought-iron fence that separated the suspect from the Officer. As he was approaching the fence, the suspect was about ten feet away from the Officer and running at an angle away from the Officer, with the suspect in a vacant lot on one side of the fence, and Thrasher on the other side of the fence. As the suspect approached the fence, he was running, his arms pumping as one would expect. He then seemed to wind up, preparing to jump and then jumping onto the fence, with his arms swinging upward and his hands latching onto the fence. The Officer's BWC footage shows that the Officer's first shot was fired while the suspect was on the fence, trying to clear it, arms over his head and hands clutching the fence. The suspect cried out in pain and fell back to the ground, landing on his feet, turning away from Thrasher upon landing. The Officer's second and third shots were fired as the suspect's back was turned, and he was attempting to run away from Thrasher. The suspect would die from a gunshot to his back. These events happened within the span of about four seconds; that is, four seconds elapsed from the time that the suspect's gun discharged in his pants pocket to the time that Thrasher's fatal shot was fired.

In August of 2021, Thrasher's Department filed charges alleging that Thrasher used excessive force in shooting the suspect. The Police Board held the hearing on the charges against Thrasher in June of 2022. At the time of the shooting, the Department's use-of-force policy required that "[a]ll incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved." Before employing force, officers must "use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety." The "use of a firearm must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject." Deadly force is "a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the [officer] or another person."

In explaining his decision to use deadly force, Thrasher admitted that he did not announce his presence and did not warn the suspect before firing. Thrasher explained that he did not do those things because he did not believe there was enough time to de-escalate the situation. From Thrasher's perspective, in the span of about four seconds, he heard a gunshot, saw the suspect holding a gun, and then saw the suspect scaling the fence. Thrasher could not tell whether the suspect still had the gun and personally believed the suspect was an imminent threat. Thrasher summarized his decision like this: "My thing is he was closer than before, and I still thought he had a gun on him. Am I supposed to wait to get shot and see? Or was I supposed to just reassess and wait? This could be me you guys are talking about. I could be laying there. At the end of the day, last time I saw him, he had a gun in his hand. When I saw him again, he was right up on me. What was I supposed to do? I'm supposed to wait and see what's [sic] going to do?"

The lynchpin of the Department's case was that Thrasher did not check to confirm that the suspect was armed before shooting him. In support, they called an eyewitness. The witness confirmed that Thrasher did not say anything or give any warnings before firing. He also testified that he could clearly see the suspect's hands. According to the witness, the suspect was very obviously using both hands to grip the wrought-iron fence and was not holding anything.

In a unanimous decision, the Board found Thrasher guilty of using excessive force and ordered that he should be dismissed from his employment. Thrasher filed a petition for administrative review in the circuit court. The circuit court affirmed the decision of the Board. This appeal followed.

ARGUMENTS: As to the Board's findings, Thrasher's sole argument was that the finding of excessive force was made by improperly using hindsight. Specifically, Thrasher argued that the Board's focus on the fact that the suspect was unarmed at the time of the shooting, and that the gun discharged in his pocket, are undeniably based on hindsight. He particularly focused on the Board's findings that the suspect "did not pose an imminent threat to anyone" because he was unarmed and had thrown the gun away. He claimed that these facts could not have been confirmed without the benefit of 20/20 hindsight.

THE LAW: On administrative review, the findings of the Board are deemed prima facie true and correct. A reviewing court will reverse those findings only if they are against the manifest weight of the evidence—that is, only if the opposite conclusion is clearly evident. The " 'mere fact that an opposite conclusion is reasonable or that the reviewing court might have ruled differently will not justify reversal of the administrative findings.' " Thus, if the record contains evidence supporting the Board's position, its findings must be upheld.

QUESTION #1: Did the Board correctly find that Officer Thrasher used excessive force?

FINDINGS: The Court held that the Board's decision was based primarily on the fact that Thrasher did not make a sufficient *attempt* to determine whether the suspect was armed before discharging his weapon. The Board concluded that Thrasher let his (understandable) fear overtake him, causing him to forget his training and fail to properly assess the situation. That, according to the Court, was not hindsight. That was looking at the situation as Thrasher faced it, with the assistance of his own testimony, the testimony of the witness, and the BWC footage.

According to the Court, the Board's principal point was that, even if it was not clear that the suspect was not armed, it was certainly not clear that he was, either. Add in the fact that the suspect was not moving in Thrasher's direction and was trying to flee. According to the Court, the visual evidence facing Thrasher gave him more than sufficient reason to doubt that the suspect was an imminent threat. The Board reasonably determined that Thrasher could have announced his office, ordered the suspect not to move and to show his hands, or even returned to cover instead of moving into an open space and approaching the suspect (given the multiple other armed officers on the scene)—any number of things that should have preceded the decision to merely open fire, which was supposed to be the last resort. Consequently, the Board concluded that Thrasher did, in fact, use excessive force. The appellate court declared that it could not say that the finding of excessive force by the Board was in error.

QUESTION #2: Did the Board abuse its discretion by terminating Thrasher's employment?

FINDINGS: The appellate court noted that by all accounts Officer Thrasher "is a good man, devoted to his job, to his family, and to his community, and the action that brings him before us was the product of panic, not ill will." Perhaps, the Court mused, that it was fair to characterize his conduct here, as he does, as a mistake. However, the Court also noted that "[a] police officer hardly can commit a more serious offense" or "undermine public confidence in the ability and good judgment of police officers more than the misuse of firearms." Consequently, the Court affirmed the Board's order dismissing Thrasher from his employment.

CONCLUSION: The judgment of the circuit court, affirming the Board's decision, was affirmed.

INTERESTING NOTE: The shooting of the suspect occurred in June of 2018. However, the allegations of the Department were filed in August of 2021; some three years later. Why wait three years to file the complaint? Could the answer be the SAFE-T Act of 2021? The Police Board held a hearing on the Department's allegations in June of 2022 and found that Thrasher had, in fact, used excessive force. According to the SAFE-T Act, an Officer who is found to have used excessive force may be subject to the discretionary decertification provisions of the Act. (50 ILCS 705/6.3) [Not too coincidentally, that Section (6.3) went into effect in January of 2022.]. Consequently, not only was the employment of this Officer terminated, but he could be decertified to act as a Law Enforcement Officer as well. Strange the way these things work, isn't it?

QUIZ QUESTIONS FOR THE MONTH OF OCTOBER – 2025 - ALTERNATIVE

Sheldon Thrasher v. David Brown, 2025 IL App (1st) 231272-U, March 25, 2025.

1. This case involved an administrative review of a Police Board ruling. In such cases, the ruling of the Police Board may be overturned if a ruling contrary to the Board's ruling was reasonable and could have been made.
 - a. True.
 - b. False.
2. In this case, did the Officer who fired the fatal shots clearly announce his presence and warn the suspect before firing?
 - a. Yes.
 - b. No.
3. According to the Police Board, Officer Thrasher used excessive force after failing to properly attempt to determine whether the suspect was, in fact, armed before firing the fatal shots. Did the Court of Appeal agree with this assessment.
 - a. Yes.
 - b. No.
4. Pursuant to the SAFE-T Act of 2021, before a person can be employed as an Illinois Law Enforcement Officer, that person must be certified by the Illinois Law Enforcement Training Standards Board. Under current Illinois Law, an Illinois Law Enforcement Officer's certification can be withdrawn if that Officer is found to have improperly used excess force.
 - a. True.
 - b. False.

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1. This case involved an administrative review of a Police Board ruling. In such cases, the ruling of the Police Board may be overturned if a ruling contrary to the Board's ruling was reasonable and could have been made.

b. False. On administrative review, the findings of the Board are deemed prima facie true and correct. A reviewing court will reverse those findings only if they are against the manifest weight of the evidence—that is, only if the opposite conclusion is clearly evident. The “ ‘mere fact that an opposite conclusion is reasonable or that the reviewing court might have ruled differently will not justify reversal of the administrative findings.’ ” Thus, if the record contains evidence supporting the Board's position, its findings must be upheld.
2. In this case, did the Officer who fired the fatal shots clearly announce his presence and warn the suspect before firing?

b. No. Thrasher admitted that he did not announce his presence and did not warn the suspect before firing.
3. According to the Police Board, Officer Thrasher used excessive force after failing to properly attempt to determine whether the suspect was, in fact, armed before firing the fatal shots. Did the Court of Appeal agree with this assessment.

a. Yes. The Court of Appeals declared that it could not say that the finding of excessive force by the Board was in error.
4. Pursuant to the SAFE-T Act of 2021, before a person can be employed as an Illinois Law Enforcement Officer, that person must be certified by the Illinois Law Enforcement Training Standards Board. Under current Illinois Law, an Illinois Law Enforcement Officer's certification can be withdrawn if that Officer is found to have improperly used excess force.

a. True. According to the SAFE-T Act, an Officer who is found to have used excessive force may be subject to the discretionary decertification provisions of the Act. (50 ILCS 705/6.3)