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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of November – 2025

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of November – 2025 Case #1

Pam v. City of Evansville, No. 24-2286, 2025 WL 2738858, September 26, 2025.

THE CASE: Two Officers shot a suspect after he allegedly pointed a firearm at them. Would the Officers be held liable?

FACTS: At around 8:18 pm on November 8, 2020, a witness called 911 reporting that a Black man wearing a white shirt and red pants—a match of Pam's appearance—was in her backyard brandishing a handgun. She told the dispatcher that the man, whom she did not recognize, had pointed the gun at the family dog, which was leashed in the yard, and then aimed the gun at her. Body camera footage from the responding officers captured the bulk of the following events. Officer One responded first, while the witness was still on the line. When Officer One was around the corner from the location, dispatch relayed that Pam had shot the witness's dog. [Officer One acknowledged in his deposition that he could not hear any gunshots, despite being only 100 to 200 feet from the location at that time.

Officer One got out of his patrol car in a back alley behind the location and pointed his rifle toward Pam, who was standing on the back porch. Officer One was approximately 50 to 75 feet from the location. He commanded Pam to “show me your hands” several times. At this point the witness's dog began barking loudly. After roughly fifteen seconds without compliance, Officer One approached the location from the back alley and told Pam to “get on the ground.” Pam was visible on the back porch of the house trying to work the doorknob to the home with his right arm. He appeared slouched. As Officer One entered the backyard, Pam appeared to give up on the door and walked alongside the back of the location toward the side yard. [Officer One admitted at his deposition that he saw the witness's unharmed dog in the yard, which helped him confirm he was at the right house.] During this entire time, Officer One trained his rifle on Pam and continued to command Pam to get on the ground, without success.

Once Officer One was in the yard, Pam turned toward him and put his hands in his pockets. Officer One immediately yelled for Pam to remove his hands from his pockets, which he did. At that point, Officer Two rushed on the scene with his gun drawn shouting “I'm going to shoot your ass” at Pam. Officer Two stood to the right of Officer One. Officer One continued to command Pam to keep his hands out of his pockets. As Officer Two shined his flashlight on Pam, Pam raised his left hand toward the officers and kept his right hand at his side. In response, Officer Two fired; Officer One followed. Altogether, the officers fired multiple times within one second. Officer One was at the scene for approximately one minute before discharging his weapon; Officer Two shot within approximately fourteen seconds of his arrival. As Pam fell to the ground, a black object rolled away from his body. Approaching Pam, the officers recognized this object as a handgun. [At their depositions, both officers testified that they only fired after Pam produced a handgun from his pocket and began to raise it toward Officer Two]. Pam died at the scene. As it turned out, he was extremely intoxicated at his time of death, registering a .310 blood alcohol content.

Pam’s Estate brought a civil rights action against city, the police chief, and the Officers, alleging excessive use of force in violation of the Fourth Amendment. The District Court granted the Officers' motion for summary judgment because it found it undisputed that Pam pointed a gun at the officers before they fired. The Estate appealed the judgment as to the officers only.

ARGUMENT: On appeal, the Estate argued that the district court erred in granting summary judgment to the Officers.

QUESTION #1: Did the Officers’ body camera footage support granting summary judgment in favor of the Officers? The Officers argued that they shot Pam after he drew a firearm and pointed it at them. The Estate argued that Pam never actually drew a firearm or pointed it at the Officers.

THE LAW: When reviewing a grant of summary judgment, the appellate court will view the facts in the light most favorable to the plaintiff, the nonmoving party. When there is any “genuine dispute of material fact,” summary judgment cannot stand. Of course, Plaintiffs must have “enough evidence to place [their] version of events beyond the level of mere speculation or conjecture.” There must be some factual foundation for us to draw favorable reasonable inferences for Plaintiffs.

FINDINGS: The Court of Appeals declared that after extensive review of the videos, including frame-by-frame analysis, it found that the videos created a dispute over whether Pam actually raised a weapon before the officers shot him. While Pam definitely raised his left hand just before being shot, it was not clear he held a gun in that hand at the time. [The Court noted

that when speaking to internal affairs, both Officers said Pam held the weapon in his right hand, and the blurry video could not put that possibility to rest. Therefore, the Court held that a dispute existed concerning whether Pam actually pointed a firearm at the Officers and the video did not resolve this dispute. Consequently, the Court concluded that if the only issue in this case was whether Pam actually pointed a firearm at the Officers, the District Court would have been in error in granting the Officers summary judgment. However, the Court of Appeals also concluded that after considering the totality of the evidence, it did find undisputed that Pam behaved in a manner consistent with wielding a firearm. While the poor lighting obscured a clear image of any weapon in Pam's hand, the videos did show that seconds before the shooting, Pam placed his right hand in his pocket, assumed a stance with his right arm hovering behind his body, and raised his left arm to his chest. Then, just after the shots, a gun fell in front of Pam's body, which the officers recovered. According to the Court, these facts align with the Officers' depositions and the responding officers undisputably believed Pam had possessed and brandished a firearm toward witness minutes earlier. Therefore, the Court of Appeal concluded that even after viewing the videos in the Estate's favor, the footage still did not support a genuine dispute that when Pam removed his hands from his pockets, positioned his right hand behind him, and raised his left hand toward officers, his actions were consistent with an individual holding a handgun.

QUESTION #2: Were the Officers entitled to qualified immunity from liability in this case?

THE LAW: Qualified immunity protects government officials from lawsuits unless the plaintiff can show (1) the official violated his constitutional or statutory rights, and (2) the right was clearly established at the time. An appellate court will look to Supreme Court caselaw, its own precedent, and surrounding circuits when discerning whether a right was clearly established. Unless no reasonable officer could have thought they were acting lawfully, a court of review must extend immunity. The "clearly established" prong simply demands it to be "sufficiently clear that every reasonable official would have understood that what he is doing violates" the constitutional right. Some "breathing room to make reasonable but mistaken judgments about open legal questions," advances that goal by balancing the "dueling interests" of "allowing officials to perform their duties reasonably without fear of liability on the one hand and affording members of the public the ability to vindicate constitutional violations by government officials who abuse their offices on the other." Qualified immunity extends not only to reasonable mistakes of law, but also reasonable misperceptions of fact. Translated to Fourth Amendment claims, an officer who could have mistakenly, but reasonably, believed certain facts exist to justify a given level of force is entitled to qualified immunity.

FINDINGS: In response to this issue, the Court of Appeal held that regardless of whether Pam actually held his firearm prior to the shooting, a reasonable officer could have thought it so. Even assuming the Officers were mistaken that Pam held a gun, the confluence of dangerous circumstances, in conjunction with Pam's furtive movements and the dim lighting, presented the "tense, uncertain, and rapidly evolving" situation where "split-second judgments" are a must, and the law allows for reasonable errors. Given the evidence before it—Pam's noncompliance, a poorly lit yard at night, a 911 call stating Pam had a weapon, and hand movement into pockets—Pam's actions gave rise to a reasonable belief he held a gun. Moreover, nothing in the record undercuts this finding. Rather, the physical evidence corroborates it—a gun rolled a few feet in front of Pam's body as he fell. Additionally, the Court noted that the Estate has failed to identify any case which indicated that conduct of the type the Officers used in this case was considered to be excessive. Therefore, the Court concluded that it was not "clearly established" that the Officers' acts of shooting Pam under the circumstances of this case constituted the use of excessive force. For this reason, the Officers were entitled to qualified immunity.

QUESTION #3: Did the "bad tactics" of Officer Two deprive the Officers of qualified immunity?

FINDINGS: The Court of Appeals acknowledged that prior to the final shots, the Officers did not respond to the situation in the same way. Nonetheless, the differences in their actions did not change that both were entitled to qualified immunity. Officer One, the first on the scene, spent about one minute repeatedly ordering Pam to surrender himself. The Officer appeared to make genuine attempts to deescalate the situation. When Officer Two arrived, he shouted that he would shoot Pam if Pam did not comply. Within seconds of Officer Two's arrival, both officers opened fire. The Court held that even if it were to assume that Officer Two's tactics were unwarranted here, that fact did not change its conclusion. Under the Court's precedent, an officer's "bad tactics" do not violate the Fourth Amendment unless their actions fall "so far outside the bounds of reasonable behavior that the deadly force was almost entirely a result of the officers' actions." Here, the Court concluded that neither officer's conduct crossed that line. Thus, they were entitled to qualified immunity.

CONCLUSION: The Court of Appeals affirmed the grant of summary judgment in favor of the Officers in this case.

QUIZ QUESTIONS FOR THE MONTH OF NOVEMBER – 2025 Case #1

Pam v. City of Evansville, No. 24-2286, 2025 WL 2738858, September 26, 2025.

1. Does the Fifth Amendment prohibit law enforcement from unreasonably using deadly force against an individual?
 - a. Yes.
 - b. No.

2. Qualified immunity protects government officials from Federal Civil Rights lawsuits unless the plaintiff can show (1) the official violated his constitutional or statutory rights, and (2) the right was clearly established at the time.
 - a. True.
 - b. False.

3. 3. The Officers in this case stated that they believed that Pam had a firearm in his hand and that he was in the process of pointing the firearm at them when they fired. Would these Officers still be entitled to qualified immunity if, in fact, Pam was not actually holding a firearm?
 - a. Yes.
 - b. No.

4. Illinois law provides that Law Enforcement Officers should attempt to use reasonable deescalation tactics when dealing with a suspect. The Court of Appeals noted that Officer Two in this case did not attempt to use deescalation tactics before engaging Pam. Consequently, the Court of Appeals found that Officer Two was not entitled to qualified immunity in this case.
 - a. True.
 - b. False.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF NOVEMBER – 2025 Case #1

Pam v. City of Evansville, No. 24-2286, 2025 WL 2738858, September 26, 2025.

1. Does the Fifth Amendment prohibit law enforcement from unreasonably using deadly force against an individual?

b. No. The Fourth Amendment provides that protection.
2. Qualified immunity protects government officials from Federal Civil Rights lawsuits unless the plaintiff can show (1) the official violated his constitutional or statutory rights, and (2) the right was clearly established at the time.

a. True. As the Court held, “Qualified immunity protects government officials from lawsuits unless the plaintiff can show (1) the official violated his constitutional or statutory rights, and (2) the right was clearly established at the time.” Tolan v. Cotton, 572 U.S. 650, 655–56, 134 S. Ct. 1861, 188 L.Ed.2d 895 (2014).
3. The Officers stated that they believed that Pam had a firearm in his hand and that he was in the process of pointing the firearm at them when they fired. Would these Officers still be entitled to qualified immunity if, in fact, Pam was not actually holding a firearm?

a. Yes. The Court of Appeals declared that “an officer who could have mistakenly, but reasonably, believed certain facts exist to justify a given level of force is entitled to qualified immunity.” In this case, the Court held that “(g)iven the evidence before it—Pam’s noncompliance, a poorly lit yard at night, a 911 call stating Pam had a weapon, and hand movement into pockets—Pam’s actions gave rise to a reasonable belief he held a gun.” Therefore, since the Officers’ belief that Pam pointed a firearm at them was reasonable, the Officers were entitled to qualified immunity from liability for fatally shooting Pam.
4. Illinois law provides that Law Enforcement Officers should attempt to use reasonable deescalation tactics when dealing with a suspect. The Court of Appeals noted that Officer Two in this case did not attempt to use deescalation tactics before engaging Pam. Consequently, the Court of Appeals found that Officer Two was not entitled to qualified immunity in this case.

b. False. The Court held that the use of “bad tactics” by law enforcement do not violate the Fourth Amendment unless their actions fall “so far outside the bounds of reasonable behavior that the deadly force was almost entirely a result of the officers’ actions.” Here, the Court concluded that neither officer’s conduct crossed that line.

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

Month of November - 2025 - Case #2

People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

THE CASE: Officers were executing a search warrant. An Officer asked a suspect, ““What am I going to find that should not be here?” The suspect replied, “a gun.” Should Miranda warnings have been given before the Officer asked that question?

FACTS: As part of a narcotics investigation, an Officer applied for and obtained a search warrant supported by his own affidavit. The warrant authorized the police to search for “narcotics and any other illegal contraband” in the second-floor apartment of a local address. Rainey was the target of the search warrant. The Officer knew Rainey had prior convictions for drug and firearm offenses. The Officer and 8 to 10 other officers, each armed and wearing a bulletproof vest, executed the warrant. Upon entering the apartment, the officers located two adults, who were then handcuffed and placed in a living area. The officers also discovered a locked bedroom door. After demands to open the door received no response, the Officer kicked the door open, finding Rainey and his girlfriend inside the room. Rainey told the officers his name was Steve Welch. Both Rainey and his girlfriend were handcuffed and escorted to the living area to sit with the other two occupants, while officers stood guard. Rainey's person was searched. The Officer did not consider Rainey free to leave and he would have stopped Rainey had he attempted to leave. Armed officers were positioned at both the front and rear entrances to the building.

After going “in and out of the bedroom multiple times,” the Officer summoned Rainey to accompany him to the bedroom. The Officer informed Rainey he was the target of the search warrant and part of a narcotics investigation. Without first advising Rainey of his Miranda rights, the Officer then asked, “What am I going to find that should not be here?” Rainey responded, “a gun.” The Officer asked where it was located, and Rainey replied he did not know. The Officer then asked, “But it's in here?” Rainey nodded and said “yes” in a low voice. The Officer then asked Rainey further questions about selling “dope” and whether narcotics were present. After their conversation, Rainey was taken outside and placed in a police vehicle. Officers then searched the bedroom. After removing a mattress and box spring that were situated atop milk crates, an officer discovered a handgun inside a zipped black, fanny-pack type bag, which was on the floor amid the crates.

Rainey was subsequently charged with being an armed habitual criminal. Prior to his trial, Rainey moved to suppress any statements he made to the Officer during the execution of the search warrant. During the hearing on Rainey's motion to suppress, the Officer explained that, when executing a search warrant, he asks the subject of the warrant whether “anything” is present before conducting a search. He does so to give the subject a chance to avoid their belongings from being “turned upside-down.” During the hearing, the People argued, inter alia, that Rainey's statements were admissible based on the “public safety exception” to the Miranda rule. The circuit court rejected their argument, characterizing it as a “blanket” explanation that would cover every situation during a search. Nevertheless, the court denied the motion to suppress Rainey's statements, finding the situation a “close case *** bordering on a custodial interrogation.” From that ruling and from his subsequent conviction for being an armed habitual criminal, Rainey brought this appeal.

ISSUE: Did the circuit court properly deny this Rainey's motion to suppress.

THE LAW: In making its findings, the appellate court acknowledge the following rules: **(A).** “Custodial interrogation,” for purposes of Miranda, is questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. **(B).** To protect the Fifth Amendment right against self-incrimination, the prosecution may not use statements made by a defendant during a custodial interrogation unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. U.S. Const. Amend. 5. **(C).** Statements obtained in violation of Miranda may not be admitted as substantive evidence in prosecution's case-in-chief.

QUESTION #1: Was Rainey “in custody” when he was questioned by the Officer?

RULES: **(A).** To determine whether a person was in custody for purposes of Miranda, courts conduct two discrete inquiries: first, what were the circumstances surrounding the interrogation; and second, under those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave. **(B).** Courts consider the totality of the circumstances and weigh all relevant factors when determining whether a person was in custody for Miranda

purposes; no single factor is dispositive. **(C).** Relevant factors weighed in determining whether a person is in custody for purposes of *Miranda* include: (1) the location, time, length, mood, and mode of the questioning; (2) the number of police officers present during the interrogation; (3) the presence or absence of family and friends of the individual; (4) any indicia of a formal arrest procedure, such as the show of weapons or force, physical restraint, booking or fingerprinting; (5) the manner by which the individual arrived at the place of questioning; and (6) the age, intelligence, and mental makeup of the accused. **(D).** In determining whether an individual was in custody for purposes of *Miranda*, an officer's belief in the individual's guilt is relevant only to the extent that the officer's views or beliefs were somehow manifested to the individual under interrogation and would have affected how a reasonable person in that position would perceive his or her freedom to leave.

FINDINGS: The appellate court concluded that a reasonable person would not have felt at liberty to terminate questioning, which occurred during execution of search warrant at Rainey's home, and leave, and thus Rainey was in "custody" for purposes of *Miranda*. **WHY:** *The Court noted that numerous police officers were present at the interrogation; the entrances to the apartment were guarded; all occupants of the apartment were placed in handcuffs and held in the living area; Rainey's subsequent movement to and from the bedroom only occurred upon police direction and escort; the officer informed Rainey he was the target of a search warrant in a narcotics investigation; the officers asked the Rainey questions presupposing they would find something that should not be there; the officer confirmed Rainey was not free to leave; and Rainey was not informed he was free to refrain from answering questions.*

QUESTION #1: Was Rainey "interrogated" when he was questioned by the Officer?

RULES: **(A).** "Interrogation," for purposes of *Miranda*, refers both to express questioning and to any words or actions on part of police, other than those normally accompanying arrest and custody, that police should know are reasonably likely to elicit incriminating response from suspect. **(B).** Questioning a suspect apart from family members, friends, or other witnesses is indicative of the questioning being an interrogation for *Miranda* purposes, as it prevents others from assisting or influencing the suspect and enables police to confront the suspect with inconsistencies from others' statements.

FINDINGS: The appellate court determined that the questioning conducted during the execution of the search warrant of Rainey's home constituted an "interrogation" for *Miranda* purposes. **WHY:** *The officer informed Rainey he was the target of the search warrant and under investigation before asking a question presupposing the presence of contraband; the officer did not pose a single question but a line of questioning with the purpose of getting Rainey to reiterate his knowledge of the handgun's presence and reveal its precise location; the officer asked subsequent questions about "dope;" and the officer separated the defendant from the other apartment occupants before posing questions to him.*

QUESTION #3: Did the "public safety exception" to the *Miranda* requirements apply in this case?

RULES: **(A).** The public safety exception to the *Miranda* rule permits admission of custodial statements not preceded by *Miranda* warnings when police reasonably believed questioning was necessary to secure their own safety or the safety of the public. **(B).** Whether facts support an exception to the *Miranda* requirements is a question of law. **(C).** The public safety exception to *Miranda* should not be made to depend on post hoc findings at a suppression hearing concerning the subjective motivation of the arresting officer; it applies so long as the questioning relates to an objectively reasonable need to protect the police or the public from any immediate danger. **(D).** The public safety exception to *Miranda* does not apply when officers pose questions designed solely to elicit testimonial evidence from a suspect.

FINDINGS: The appellate court held that Rainey's statements made during a custodial interrogation without *Miranda* warnings were not admissible pursuant to the public safety exception in trial for violation of armed habitual criminal (AHC) statute, although the firearm found in the bedroom posed a potential threat to officers and others at scene. **WHY:** *The officers questioning the presupposing presence of contraband did not relate to an objectively reasonable need to protect anyone from danger; by the time the officer questioned Rainey, the officers had control of the premises; Rainey and the other apartment occupants were handcuffed and guarded; the Officer's questions were limited to the bedroom where the officers were about to search; the officer asked subsequent questions related to a drug investigation; and the officer's question did not relate to safety.*

QUESTION #4: Was the Circuit Court's denial of Rainey's motion to suppress harmless error?

RULES: **(A).** A violation of *Miranda* does not necessarily require reversal; the improper admission of a defendant's statements is subject to harmless error review. **(B).** Admission of an unlawfully obtained confession in violation of *Miranda* is rarely harmless error. **(C).** In harmless error review, courts may (1) focus on error to determine whether it might have

contributed to conviction, (2) examine other evidence in case to see if overwhelming evidence supports conviction, and (3) determine whether improperly admitted evidence is merely cumulative or duplicates properly admitted evidence.

FINDINGS: The appellate court concluded that the admission of Rainey's statements was not harmless error. **WHY:** *The statements were the most significant evidence presented to prove Rainey's constructive possession of the handgun; the People presented slim evidence apart from Rainey's statements to support constructive possession; Rainey was not the only occupant of the apartment or even the bedroom where the handgun was found; a single piece of mail addressed to the Rainey at the address and the handgun were found in separate bags; and the Prosecutor repeatedly pointed to these statements as proof of Rainey's possession of the firearm during closing argument.* 720 Ill. Comp. Stat. Ann. 5/24-1.7.

CONCLUSION: The appellate court vacated Rainey's conviction and remanded this case for retrial.

QUIZ QUESTIONS FOR THE MONTH OF NOVEMBER – 2025 – Case #2

People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

1. Miranda rules protect a suspect's Fourth Amendment privilege against self-incrimination.
 - a. True.
 - b. False.
2. To protect a suspect's right against self-incrimination, the prosecution may not use statements made by a defendant during a "custodial interrogation" unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. Did this appellate court concluded that Rainey was "in custody" for purposes of Miranda when he was asked "What am I going to find that should not be here?"
 - a. Yes.
 - b. No.
3. The appellate court declared that under the circumstances of this particular case, Rainey was not interrogated when he was questioned by the Officer prior to the search of Rainey's bedroom.
 - a. True.
 - b. False.
4. The public safety exception to the Miranda requirements permits the admission of custodial statements not preceded by Miranda warnings when the police reasonably believed questioning was "necessary to secure their own safety or the safety of the public." Did this "Public Safety Exception" to the Miranda requirements apply in this case?
 - a. Yes.
 - b. No.

QUIZ QUESTION ANSWERS FOR THE MONTH OF NOVEMBER – 2025 – Case #2

People v. Steve Rainey, 2025 IL App (1st) 230639, August 27, 2025.

1. Miranda rules protect a suspect's Fourth Amendment privilege against self-incrimination.

b. False. In Miranda, 384 U.S. 436, the United States Supreme Court established that the **fifth** amendment privilege against self-incrimination applied not only in court but in any place a person faces custodial interrogation. People v. Logan, 2024 IL 129054.
2. To protect a suspect's right against self-incrimination, the prosecution may not use statements made by a defendant during a "custodial interrogation" unless those statements were accompanied by procedural safeguards, known familiarly as Miranda warnings. Did this appellate court concluded that Rainey was "in custody" for purposes of Miranda when he was asked "What am I going to find that should not be here?"

a. Yes. The appellate court concluded that a reasonable person would not have felt at liberty to terminate questioning, which occurred during the execution of the search warrant at Rainey's home, and leave, and thus Rainey was in "custody" for purposes of Miranda.
3. The appellate court declared that under the circumstances of this particular case, Rainey was not interrogated when he was questioned by the Officer prior to the search of Rainey's bedroom.

b. False. The appellate court determined that the questioning conducted during the execution of the search warrant of Rainey's home constituted an "interrogation" for Miranda purposes.
4. The public safety exception to the Miranda requirements permits the admission of custodial statements not preceded by Miranda warnings when the police reasonably believed questioning was "necessary to secure their own safety or the safety of the public." Did this "Public Safety Exception" to the Miranda requirements apply in this case?

b. No. The appellate court held that Rainey's statements made during a custodial interrogation without Miranda warnings were not admissible pursuant to the public safety exception in trial for violation of armed habitual criminal (AHC) statute, although the firearm found in the bedroom posed a potential threat to officers and others at scene.