



Mayor
Robert J. Lovero

BERWYN POLICE DEPARTMENT

"Serving with Pride"



Chief of Police
Michael D. Cimaglia

Press Release

At approximately 5:50 PM on Monday August 17, 2020 the Berwyn Police Department responded to a shooting at 27th Street and Home Avenue. Responding officers located two adult victims, victim #1, was shot in his foot and victim #2 was uninjured however a bullet passed through his shorts but never struck his body. Officers immediately sought medical attention for the injured victim and began a canvass for witnesses and video footage.

Criminal Investigators received an anonymous TIP through the City of Berwyn Police Department's on-line TIP site. Through the investigation, Detectives located the original altercation between the victims and three suspects who were driving in a grey van. It was learned that the altercation began at a gas station in Riverside where the victims' got into an argument with the occupants of the van. The victims were walking home when the van approached them, traveling south on Home Avenue and turning west onto 27th Street. As the van was approaching the intersection a passenger who was in the van began shooting at the victims. The van then fled the area west on 27th Street. This was an isolated incident stemming from an altercation that originated outside of Berwyn.

Through several recovered videos, Investigators were able to identify the offenders and the offending vehicle. The offenders were identified as offender #1, the driver, Fernando Diaz, of Chicago, offender #2, a Berwyn Juvenile resident, and Offender #3, a Berwyn Juvenile resident who is currently out on bond for two previous shooting and firearm arrests. As of August 26, 2020, all three offenders have been arrested. The adult driver Fernando Diaz has been criminally charged with one count of Aggravated Battery with a Firearm. Juvenile Offender #2 has been criminally charged as an adult with Aggravated Battery with a Firearm. Juvenile Offender #3, was petitioned into Juvenile Court for Aggravated Discharge of a Firearm. Offender #3 has been released and all criminal charges have been dismissed by the Juvenile Assistant State's Attorney Supervisor without or before having a Probable Cause Hearing, and in doing so a violent offender has been released by the State back onto the City Streets of Berwyn.

It appears that the break down is within the State's Attorney's Office. Some Assistant State's Attorneys just refuse to try to prosecute a case unless the case is gift wrapped with a nice bow on it. Some additional diligence on the State's Attorney's part in preventing the offenders from being released back onto the street is what is needed, for the safety and wellbeing of all Berwyn residents and citizens. State's Attorney Foxx stated that she wants to focus on more violent criminal offenses; well I believe that a shooting or shooting at somebody is a more violent criminal act and these offenders need to be held accountable and kept off of our streets. The Assistant State's Attorney's Office appears to be managing a catch and release program.

Michael D. Cimaglia
Chief of Police

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