



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

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**POLICE INVOLVED DEATH DECISION MEMORANDUM
DECEDENT: ALVIN BURRAGE**

I. OVERVIEW

This matter involved the fatal shooting of Alvin Burrage by Calumet City Detective Asher Dimitroff. During the course of the investigation, investigators interviewed civilian and law enforcement witnesses and reviewed OEMC transmissions, photographs of the scene, police reports, medical records, the Cook County Medical Examiner Post-Mortem Report, the results of forensic examinations, surveillance footage, and in-car camera footage.

The Office of the Cook County State's Attorney, as the agency responsible for making criminal charging decisions under Illinois law for incidents that occur in Cook County, reviewed the evidence collected during the investigation to determine whether there was a good faith basis for filing criminal charges. After a thorough review, the Office has concluded that the evidence is insufficient to support criminal charges against Calumet City Detective Dimitroff.

II. STATEMENT OF FACTS

The evidence presented at any criminal proceeding resulting from this incident would show as follows: On March 25, 2021, at about 4:50 p.m., Calumet City Police Detective Asher Dimitroff attempted to pull over a person driving a Chevrolet sedan who he observed driving through a stop sign with broken taillights. The driver of the sedan is now known to be Alvin Burrage.

Detective Dimitroff activated his unmarked police vehicle's siren and flashing lights, and after a brief chase Burrage drove into the parking lot of the apartment complex located at 519 Jeffery Ave. in Calumet City, Illinois. As Detective Dimitroff was sitting in his vehicle communicating with a dispatch officer, he saw some movement in Burrage's car, and then saw Burrage exit the vehicle out of the driver's side door. Detective Dimitroff also exited his car. Burrage made eye contact with Detective Dimitroff, and then reached back into his sedan and grabbed a handgun with his left hand. He then looked in Detective Dimitroff's direction again and switched the gun to his right hand. Burrage had the right side of his body facing Detective Dimitroff, with the handgun in his hand. Detective Dimitroff fired one shot at Burrage, grazing Burrage's right forearm and entering the right side of his chest.

Burrage fled between two apartment buildings, bleeding from the chest, and hid behind a nearby stairwell. Detective Dimitroff chased after Burrage. While Detective Dimitroff was flagging down a Calumet City police vehicle for assistance, Burrage fired five shots at Detective Dimitroff, and ran back towards his car. He did not strike Detective Dimitroff. Burrage returned to his sedan, entered the driver's seat, and drove off.

At about 5:35 p.m., Burrage arrived at his residence, badly injured. An individual who resided with Burrage, Subject A, wanted to call an ambulance, but Burrage insisted that Subject A take him to the hospital. Subject A agreed, wrapped Burrage in a blanket, and drove him to St. Catherine Hospital in East Chicago, Indiana. They arrived at the hospital at about 6:00 p.m., but Burrage had to be transported to University of Chicago Hospital around 8:00 p.m. Burrage was treated for his gunshot wounds, but ultimately died on April 8, 2021.

A post-mortem examination found that Burrage died of complications arising from multiple gunshot wounds. Prior to his death, Burrage was charged with attempt murder and being a felon in possession of a firearm. Those charges were dismissed upon his death.

III. LEGAL STANDARD

In making any charging decision, the Office of the Cook County State's Attorney is bound by the Illinois Criminal Code in effect at the time of the incident. The Illinois Use of Force in Defense of Person statute provided in pertinent part:

A person is justified in the use of force against another 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. 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, or the commission of a forcible felony.

720 ILCS 5/7-1(a) (West 2018).

The statute regarding an officer's use of force provided in pertinent part:

A peace officer . . . need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when: (i) he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or (ii) when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and

(2) the person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

* * *

A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.

720 ILCS 5/7-5(a) (2021)

IV. ANALYSIS AND CONCLUSION

A criminal prosecution for either first- or second-degree murder would require proof beyond a reasonable doubt that the involved officer was not legally justified in using deadly force against Alvin Burrage. In other words, a judge or a jury would have to find that Detective Dimitroff's belief that he or others were in imminent danger of great bodily harm or death -- was not reasonable. In this case, however, the evidence shows that Detective Dimitroff did have a reasonable belief that Burrage put him in imminent danger of great bodily harm or death.

In this case, Detective Dimitroff was justified in his use of deadly force because he had a reasonable belief that Burrage was threatening death or great bodily harm to Detective Dimitroff.

After attempting to conduct a routine traffic stop, Detective Dimitroff saw Burrage immediately exit his car, make eye contact with him, and then grab a handgun. Although Burrage did not point the gun at Detective Dimitroff, he displayed the gun on the same side of his body as Detective Dimitroff. Burrage continued to handle the weapon even as Detective Dimitroff was pointing his weapon at him rather than dropping the gun or attempting to surrender. Considering Burrage's actions, a reasonable person in Detective Dimitroff's position could rationally conclude that Burrage grabbed the gun in order to shoot him.

The physical evidence and video surveillance footage support the reasonableness of Detective Dimitroff's actions. Burrage's gunshot wounds were to the right side of his chest, as well as his right forearm, confirming that Detective Dimitroff shot Burrage while he was facing Detective Dimitroff with the gun in his hand.

Based on the evidence reviewed in this matter and the applicable legal standards, the evidence is insufficient to support the filing of criminal charges as the use of deadly force by Detective Dimitroff against Burrage was reasonable under the totality of the circumstances. Therefore, the Cook County State's Attorney's Office will not pursue criminal charges in this case.

Pursuant to policies and legislation enacted at the urging of State's Attorney Foxx, after making its declination determination, the State's Attorney's Office referred the review of the case to the Office of the Illinois State's Attorneys Appellate Prosecutor (ILSAAP) for an additional review. ILSAAP has reviewed the case and on July 27, 2023, concurred that no criminal charges are appropriate.

This conclusion is based entirely on the relevant criminal laws and standards of proof in Illinois and does not limit administrative action by the Calumet City Police Department or civil actions where less stringent laws, rules, and legal standards of proof apply. The Office expresses no opinion regarding the propriety or likelihood of success of any such actions.