

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	September 28, 2017
Time of Incident:	9:03 P.M.
Location of Incident:	1301 N. Hamlin
Date of COPA Notification:	September 28, 2017
Time of COPA Notification:	9:19 P.M.

**SUMMARY OF INCIDENT:**

On the evening of September 28, 2017, Officers Brian Dorsch and Jairam Ramkumar were working Beat 2561B. At approximately 9 P.M., the officers were driving their unmarked police SUV east on Grand as they responded to multiple 911 calls of “shots fired” on the 1500 block of N. Ridgeway. When they approached the intersection of Grand and Hamlin, they observed two black males (“Subject 1” and “Subject 2”) standing on the sidewalk next to 1259 N. Hamlin, shooting handguns south down the street. The two subjects then turned and ran north approximately 15-20 feet to a vehicle parked on the southeast corner of Hamlin and Potomac. As the officers drove towards the subjects, both men turned, extended their arms into a firing position, and pointed their weapons at the officers. At least one of the subjects fired at the officers, striking the police SUV on the front passenger’s side door. Officers Dorsch and Ramkumar returned fire from inside their vehicle, shooting through the open front passenger’s side window.

The two subjects then fled southeast through a parking lot at 3740 W. Grand and split up. Third party surveillance video captured Subject #1 running south across Grand and down Hamlin before turning east into the yard behind 3735 W. Grand. Video footage captured Subject #2 running east down the sidewalk on Grand and turning north into a parking lot at 3730 W. Grand. Officers Dorsch and Ramkumar exited their vehicle to give chase, but by the time they entered the parking lot at 3740 W. Grand, the subjects had already fled. Following the incident, CPD recovered two handguns near the scene. A Jimenez Arms Model J.A.22, .22 caliber semi-automatic weapon was found on the ground in the parking lot at 3730 W. Grand, along the path taken by Subject #1 after the shooting. A Walther Model P38, 9mm semi-automatic weapon was discovered in an empty kitty litter box in the rear yard of 3735 W. Grand, along the path taken by Subject #2 after the shooting.<sup>1</sup> An eyewitness later identified a potential suspect in the crime but, as of the date of this report, no arrests have been made.

This investigation shows that Officers Dorsch and Ramkumar reasonably believed that the two subjects posed an immediate threat to their lives, and their use of deadly force was within policy as outlined by General Order G03-02-03, the relevant Illinois state statute, and the Fourth Amendment.

<sup>1</sup> Appendix B to this report is a diagram of the shooting scene, which shows the positions of the officers and the subjects at the time of the incident, the flight paths of both subjects, and the locations of the recovered handguns.

**II. INVOLVED PARTIES**

Involved Officer #1:	DORSCH, Brian; Star #4257; Employee # [REDACTED] Date of Appointment: December 2, 1996; Chicago Police Officer; Unit 025; Date of Birth: [REDACTED] 1970; Male; White.
Involved Officer #2:	RAMKUMAR, Jairam; Star #15127; Employee # [REDACTED] Date of Appointment: September 29, 2003; Chicago Police Officer; Unit 025; Date of Birth: [REDACTED], 1972; Male; Asian Pacific Islander.
Subject #1:	Unknown
Subject #2:	Unknown

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Dorsch	No allegations have been made against Officer Dorsch.	Within Policy
Officer Ramkumar	No allegations have been made against Officer Ramkumar	Within Policy

**IV. APPLICABLE RULES AND LAWS**

General Orders
1. G03-02, Use of Force Guidelines (Effective Date: October 1, 2002)
2. G03-02-03, Deadly Force (Effective Date: February 10, 2015)
Federal Laws
1. U.S. Constitution, 4 <sup>th</sup> Amendment
State Laws
1. 720 ILCS 5/7-5, Peace Officer’s Use of Force in Making Arrest

**INVESTIGATION:**

COPA obtained relevant video, audio, forensic, and documentary evidence associated with both the officer-involved shooting on September 28, 2017, and the shooting on Hamlin that immediately preceded it. Additionally, COPA interviewed more than a dozen civilian witnesses

and the two involved officers. The following is a summary of the evidence obtained and analyzed by COPA in this investigation:

## DOCUMENTARY EVIDENCE

### I. Audio and Video Evidence

**Third party surveillance video from Belle Vita Pizzeria**, which is located at 3737 W. Grand, was obtained and reviewed by COPA. Although neither of the restaurant's two security cameras captured video of the actual shooting, both recorded relevant footage immediately prior to and after the incident. Camera #1, which faces west on Grand, shows the police SUV approach the intersection at Grand and Hamlin and appear to stop at the traffic light. As the vehicle turns north onto Hamlin, its brake lights come on and it swerves suddenly. The police SUV then drives off the frame of the camera. Approximately six seconds later, the camera picks up the images of two males running south through the parking lot at 3740 W. Grand. The pair split up, and one runs east down the sidewalk on the north side of Grand, while the second runs south across Grand, then south down Hamlin.

Camera #2, which faces south on Hamlin, captures a dark colored Chevy Suburban driving north on Hamlin approximately 45 seconds before the officer-involved shooting takes place. The Suburban drives off camera but, less than a minute later, it reenters the frame of the camera, driving in reverse at a high rate of speed southbound on Hamlin. Immediately after this occurs, the man that Camera #1 captured running out of the parking lot and south across Grand runs into the frame of Camera #2. It shows the man, who is a black male wearing a grey jacket, dark colored jeans, and white gym shoes, running south down Hamlin and turning east into the lot behind 3735 W. Grand.<sup>2</sup>

**Third party surveillance video from Taco El Tio Restaurant**, which is located at 3734 W. Grand, was also obtained and reviewed by COPA. Three of the restaurant's five cameras capture footage that appears to be related to the shooting. Camera #4 and Camera #5 are located on the front of the restaurant on Grand, facing east and west (respectively). Within seconds of the officer-involved shooting, both cameras capture a black male running east down the sidewalk on the north side of Grand. He appears to have a close-cut haircut and is wearing a black coat, dark colored jeans, and gray gym shoes. The man runs east on the sidewalk, then turns north into the parking lot at 3730 W. Grand. At that point, he is picked up by Camera #3, which is located on the back of Taco El Tio, overlooking the yard behind the restaurant and facing north onto Potomac. The man first runs west across the yard (toward the location of the shooting) and the camera loses him as he runs behind a garage. Two seconds later, however, the man reemerges running in the opposite direction. He continues east across the yard before exiting the camera frame as he reenters the parking lot at 3730 W. Grand.<sup>3</sup>

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<sup>2</sup> Att. #60.

<sup>3</sup> Att. #60.

COPA requested the video footage from **POD #5110 and 5111 (OEMC/Operation Virtual Shield)** on September 29, 2017; however, due to contractor manpower restraints OEMC was unable to pull the video from either POD until after the retention date passed.<sup>4,5</sup>

COPA requested the **In-Car Camera (ICC) Video** for Beat 2561B (Vehicle #4594); however, the vehicle was not equipped with an ICC on the night of the incident.<sup>6</sup>

COPA requested the **Body Worn Camera (BWC) Video** of the incident, but officers in the 25<sup>th</sup> District had not yet been equipped with BWCs on September 28, 2017.<sup>7</sup>

The **Office of Emergency Management and Communications (OEMC) Event Queries, 911 Calls, and Radio Transmissions** document the following relevant communications:<sup>8</sup>

8:59:24 P.M. A 911 caller reports hearing 2 gunshots on the 1500 block of N. Ridgeway.<sup>9</sup> The dispatcher reports the call over the radio and Beat 2561B is dispatched to the location.

8:59:33 P.M. A 911 caller reports hearing 2 gunshots near the corner of Le Moyne and Ridgeway. The caller states that she saw a silver hatchback four-door car speeding south down N. Ridgeway, going the wrong way. The dispatcher relays this to Beat 2561B.

8:59:50 P.M. An officer monitoring ShotSpotter<sup>10</sup> information reports possible gunfire at 1441 N. Hamlin. The dispatcher again relays this information to Beat 2561B.

9:03:09 P.M. Beat 2561B yells over the radio, "10-1, 10-1, Shots fired at and by the police."

9:03:21 P.M. Beat 2561B tells the dispatcher that they are at the intersection of Hirsch and Hamlin and states, "Both armed with handguns. They both shot at us."

9:03:37 P.M. 911 caller reports hearing 12-13 gunshots at 1224 N. Hamlin.

9:04:02 P.M. Beat 2561B describes the subjects as "2 young male blacks, uh, I believe one had braids."

9:04:35 P.M. 911 caller reports hearing 10-15 gunshots at 1234 N. Lawndale.

9:04:57 P.M. Beat 2561B tells the dispatcher, "Looking for 2 male blacks, they're eastbound on Hirsch. Don't know where they went from there."

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<sup>4</sup> COPA will address its concerns regarding this issue in a separate letter to the Department.

<sup>5</sup> Att. #39, 85.

<sup>6</sup> Att. #78.

<sup>7</sup> Att. #78.

<sup>8</sup> The OEMC Radio Transmissions quoted herein were transcribed by a COPA investigator.

<sup>9</sup> COPA spoke to all four 911 callers but none provided any information beyond that contained in their 911 calls.

<sup>10</sup> ShotSpotter is a gunfire detection system that uses acoustic sensors to identify and triangulate the location of gunshots.

- 9:05:20 P.M. Beat 2561B radios the license plate number for the subjects' vehicle, "They came out of this car: AG55912. We have that car parked."
- 9:05:48 P.M. Beat 2561B gives a corrected location to the dispatcher, "It's gonna be Potomac. They went eastbound on Potomac... This all occurred at Potomac and Hamlin. They ran eastbound. It wasn't Hirsch, it was Potomac."
- 9:08:45 P.M. In response to the dispatcher's request for a clothing description, Beat 2561B states, "Gray hoodie, and I believe he had braids. I didn't see the other guy."
- 9:11:38 P.M. Beat 1112A reports finding a pistol near 3722 W. Grand.<sup>11</sup>
- 10:54:20 P.M. Beat 2514 reports finding a weapon in the rear of 3735 W. Grand.<sup>12</sup>

## II. Forensic Evidence

**Illinois State Police (ISP) Forensic Science Laboratory Reports** document the examination of recovered firearms evidence in this investigation.<sup>13</sup> An analysis of the reports resulted in the following facts relevant to this investigation:

Six CCI Blazer 9mm Luger fired cartridge cases recovered from the sidewalk next to 1259 N. Hamlin were conclusively determined to not have been fired from Officer Dorsch or Officer Ramkumar's weapons. One of these fired cartridge cases was entered into the IBIS<sup>14</sup> database; however, no identification was made.

Two fired bullets recovered from the rear lot at 3734 W. Grand and one fired bullet recovered from the street at 3785 W. Potomac could not be identified or eliminated as having been fired from Officer Ramkumar's weapon, but were conclusively determined not to have been fired from Officer Dorsch's weapon.

The examination of Officer Dorsch's Smith & Wesson Model 5943, 9mm semi-automatic pistol determined it to be operable as received and it was test fired using a magazine and ammunition submitted with the weapon. Seven Winchester 9mm Luger +P fired cartridge cases recovered from inside of the police SUV were identified as having been fired from Officer Dorsch's weapon.

The examination of Officer Ramkumar's Sig Sauer Model P-226, 9mm semi-automatic pistol determined it to be operable as received and it was test fired using a magazine and ammunition submitted with the weapon. Fourteen Winchester 9mm Luger + P fired cartridge cases recovered from inside of the police SUV and the street at 1299 N. Hamlin were identified as having been fired from Officer Ramkumar's weapon.<sup>15</sup>

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<sup>11</sup> The actual location where the weapon was recovered was 3730 W. Grand.

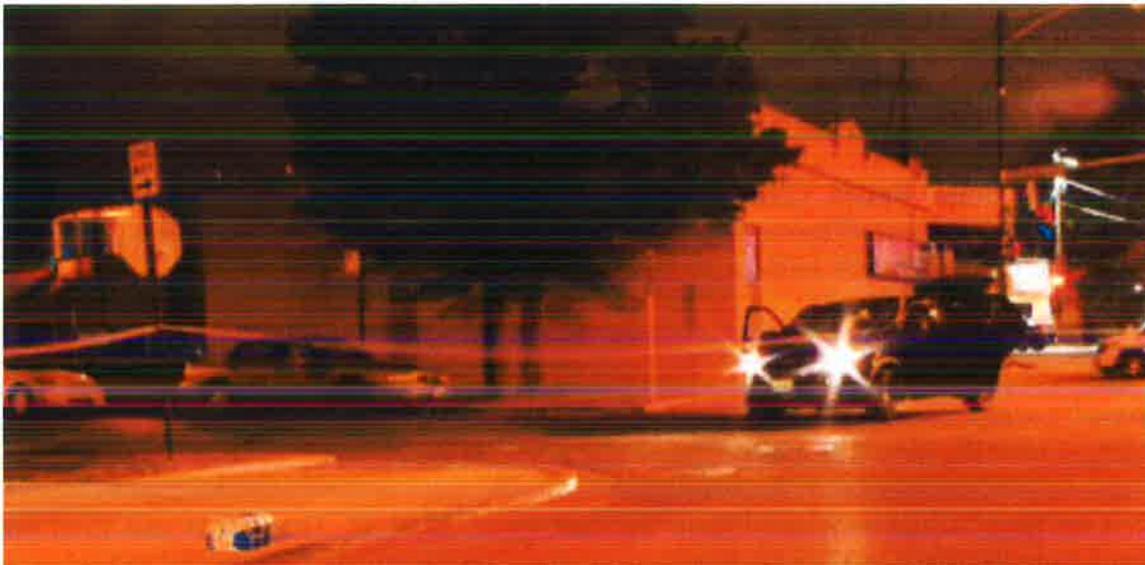
<sup>12</sup> Att. #10, 82-84.

<sup>13</sup> The Jimenez Arms J.A.22 pistol, the Walther P38 pistol, and numerous other items recovered near the scene were submitted to ISP for DNA, fingerprint, and ballistics testing; however, ISP had not completed its analysis as of the date of this report.

<sup>14</sup> Integrated Ballistics Identification System, which compares fired evidence to other crimes.

<sup>15</sup> Att. #93.

**Evidence Technician (ET) Photographs** depict the shooting scene from various angles. They include images of the fired cartridge cases on Hamlin and inside of the police SUV, a handgun in the parking lot at 3730 W. Grand, and a handgun in a kitty litter container behind 3735 W. Grand. The photographs also show the positioning of the police SUV and the subject’s Buick LeSabre near the intersection of Hamlin and Potomac, with suspected bullet damage to the front passenger side door of the police SUV and four apparent bullet holes in the open rear driver’s side door of the LeSabre. Additionally, the photographs include images of Officers Dorsch and Ramkumar and their weapons.<sup>16</sup>



*Photograph of the positioning of the police SUV parked on Hamlin (right) and the subject’s Buick LeSabre parked on Potomac (left) after the shooting*



*Close up and mid-range photographs of the suspected bullet damage to the front passenger’s side door of the police SUV<sup>17</sup>*

<sup>16</sup> Att. #64-69.

<sup>17</sup> A City of Chicago vehicle adjuster also took photographs of the suspected bullet damage to Vehicle #4594 on January 2, 2018. (Att. #95.)

**Crime Scene Processing Report #349298**, completed September 29, 2017, documents the recovery of evidence from the scene, including six fired cartridge cases recovered from the sidewalk at 1259 N. Hamlin, two fired cartridge cases recovered from the street at 1299 N. Hamlin, and 19 fired cartridge cases and one Sig Sauer 9mm magazine recovered from inside the police SUV parked at 1299 N. Hamlin.<sup>18</sup> Additionally, a tan 1999 Buick LeSabre (IL License Plate [REDACTED])<sup>19</sup> with suspected fired bullet damage was observed parked on the street at 3795 W. Potomac and towed for further processing.

The report further documents the recovery of a Jimenez Arms J.A.22 handgun from the parking lot at 3730 W. Grand and a Walther P38 handgun from the backyard of 3735 W. Grand. A red baseball cap and a two-toned grey "Outdoor Life" jacket were also recovered from the gangway next to 3735 W. Grand.<sup>20</sup>

**Crime Scene Processing Report #349820**, completed October 4, 2017, documents the processing of the Buick LeSabre (IL License Plate [REDACTED]) that was towed from the scene to the police impound lot at 5555 W. Grand. Evidence technicians searched the interior of the vehicle pursuant to Search Warrant # [REDACTED]. Among other items, the technicians recovered and inventoried a black folding knife, a Stanley pry tool, and a set of keys found in the car's ignition.<sup>21</sup>

### III. Department Reports

According to the **Tactical Response Report (TRR)** filed by Officer Dorsch, on the date and time of the incident the offenders used force likely to cause death or great bodily harm and "fired at officer with a firearm." Officer Dorsch responded with member presence and by discharging his firearm, using his squad car as protective cover. The TRR indicates that one of the offenders fired the first shot and that Officer Dorsch responded by firing a total of eight shots.<sup>22</sup>

According to the **Officer's Battery Report (OBR)** completed by Officer Dorsch, on the date and time of the incident Officer Dorsch was on duty and in civilian dress. Two unknown offenders ambushed and shot at Officer Dorsch and his partner with at least one firearm. Officer Dorsch did not sustain any injuries from the attack.<sup>23</sup>

The **TRR** completed by Officer Ramkumar indicates that on the date and time of the incident the offenders used force likely to cause death or great bodily harm and "fired at officer with a firearm." Officer Ramkumar responded with member presence and by discharging his

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<sup>18</sup> Officers Dorsch and Ramkumar fired their weapons a total of 24 times; however, only 21 casings attributable to the officers' weapons were recovered immediately following the shooting. A 22<sup>nd</sup> casing was recovered from underneath the rear driver's side seat of the police SUV on December 13, 2017. (Att. #87.)

<sup>19</sup> The license plate found on the Buick LeSabre believed to have been used by the subjects is registered to a 2006 Chevy sedan owned by [REDACTED] of [REDACTED]. (Att. #63, 99.)

<sup>20</sup> Att. #61.

<sup>21</sup> Att. #86.

<sup>22</sup> Att. #6.

<sup>23</sup> Att. #7.

firearm a total of 16 times. The TRR states that one of the offenders fired the first shot and that Officer Ramkumar reloaded his weapon with a second magazine during the incident.<sup>24</sup>

The **OBR** completed by Officer Ramkumar indicates that on the date and time of the incident, Officer Ramkumar was on duty and in civilian dress. Two unknown offenders ambushed and shot at Officer Ramkumar and his partner with at least one firearm. Officer Ramkumar did not sustain any injuries from the attack.<sup>25</sup>

The **Detective's Supplementary Reports and General Progress Reports (GPRs) for RD #JA450778/Aggravated Assault PO: Handgun** include the assigned detectives' notes from their interviews with Officers Dorsch and Ramkumar. The notes contain essentially the same information that the officers told COPA during their statements, except that both gave the detectives a more complete description of the two subjects. Officer Dorsch provided the most detailed description, telling detectives that Subject #1 was a black male, 16-20 years old, 5'8 to 5'9 in height, with a medium build and short braids, wearing a black two-toned sweatshirt or jacket. Officer Dorsch stated that Subject #2 was a black male, 16-20 years old, 5'6 to 5'7 in height, with a medium build, wearing dark colored pants.

Additionally, the reports document the civilian witnesses that detectives spoke to and the information those witnesses provided. The notes identify several individuals that COPA was unable to contact. Although most of these individuals stated that they only heard the gunshots, and did not see anything of relevance, the following two witnesses provided additional information:

- [REDACTED] [REDACTED] stated that he found a red baseball cap in the rear yard of 3735 W. Grand that was not there prior to the shooting and he believed that one of the subjects may have run through the yard and gangway.
- [REDACTED] [REDACTED] stated that she heard gunshots from her 2<sup>nd</sup> floor apartment at 3735 W. Grand, then heard her rear gate slam shut. When she looked outside, she saw a red hat at the entryway of the gangway on the east side of her building.

The reports also indicate that CPD detectives met with suspect [REDACTED] outside of his home at [REDACTED] on October 8, 2017. [REDACTED] denied any involvement in the two shootings and showed the detectives both of his arms and his back to confirm that he was not injured. The GPRs note that [REDACTED] a 24-year-old black male, was wearing short braids in his hair at the time of the interview. As of the date of this report, no arrests have been made in the case. (Att. #63, 97-99.)

A **Department Vehicle Damage Report** submitted by Officer Dorsch on September 29, 2017 documents the damage to Vehicle #4594, the police SUV driven by Officer Dorsch at the time of the incident. In the description section of the report, Officer Dorsch states, "Vehicle

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<sup>24</sup> Att. #8.

<sup>25</sup> Att. #9.

sustained damage to the front passenger side door window trim from a bullet after R/O was fired upon by unknown offenders.”<sup>26, 27</sup>

According to the **Inventory Sheets**, items recovered after the shooting include three fired bullets and 27 expended cartridge cases (21 headstamped “Win 9mm Luger + P” and six headstamped “Blazer 9mm Luger”), an Amazon tablet and cell phone found in the parking lot at 3740 W. Grand, a grey jacket and red baseball cap found at 3735 W. Grand, and various items recovered from the interior of the subject’s Buick LeSabre. Additionally, CPD retrieved and inventoried three DVDs containing third party security video from nearby restaurants Taco El Tio and Belle Vita Pizzeria.

The Inventory Sheets (and related Firearms Worksheets) also document the processing of the officers’ firearms and the two handguns discovered near the scene. Officer Dorsch’s Smith & Wesson 5943, which had a 14-round capacity magazine,<sup>28</sup> was found to have six live rounds of ammunition in the magazine and one live round in the chamber of the weapon. Officer Ramkumar’s Sig Sauer P-226, which had a 15-round capacity magazine,<sup>29</sup> was determined to be fully loaded with 15 live rounds in the magazine and one live round in the chamber. An empty Sig Sauer magazine was found on top of the front seat of the police SUV. The Jimenez Arms J.A.22 pistol recovered from 3730 W. Grand and the Walther P38 pistol recovered from 3735 W. Grand both contained magazines loaded with an unknown number of live rounds. An evidence technician swabbed all four handguns for suspected biological matter.<sup>30, 31</sup>

The **Synoptic Reports** for Officers Dorsch and Ramkumar contain the results of both officers’ drug and alcohol tests following the incident. Officer Ramkumar, who was breathalyzed at 1:12am on September 29, 2017, had a BAC of .000. He also submitted to a urine drug test on the same date, which revealed negative results. Officer Dorsch was breathalyzed at 12:47 a.m. on September 29, 2017, and found to have a BAC of .000. His urine drug test showed positive results for Hydrocodone and Hydromorphone. Officer Dorsch provided the Bureau of Internal Affairs with a copy of a valid prescription for Hydrocodone/Acetaminophen 10-325T (Vicodin), and a reviewing doctor determined that the medication could have caused Officer Dorsch’s positive drug test results.<sup>32, 33</sup>

The **Original Case Incident Reports for RD #s JA450778 and JA451927, the Major Incident Notification Detail, and the COPA Preliminary Report** essentially state the same information as the Introduction of this report, with fewer details.<sup>34</sup>

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<sup>26</sup> City of Chicago vehicle records indicate that this damage was not present on December 27, 2016, the last comprehensive inspection of Vehicle #4594 prior to the officer-involved shooting. At that time, extensive repairs were completed to the SUV’s front passenger’s side door and right front bumper. (Att. #96.)

<sup>27</sup> Att. #94.

<sup>28</sup> Officer Dorsch’s weapon had a total capacity of 15 rounds (14 in the magazine and 1 in the chamber).

<sup>29</sup> Officer Ramkumar’s weapon had a total capacity of 16 rounds (15 in the magazine and 1 in the chamber).

<sup>30</sup> As of the date of this report, ISP had not completed its analysis of the suspected biological matter.

<sup>31</sup> Att. #12-36, 45-56.

<sup>32</sup> COPA will address its concerns regarding this issue in a separate letter to the Department.

<sup>33</sup> Att. #58, 81.

<sup>34</sup> Att. #37, 90.

POLICE STATEMENTS**I. Officer Dorsch**

In a statement to COPA on October 24, 2017, Officer Brian Dorsch #4257 provided his account of the incident. Officer Dorsch stated that on the date and time in question, he and his partner, Officer Jairam Ramkumar, were driving in their unmarked black police SUV when they were dispatched to respond to two 911 calls of “shots fired” on the 1400 block of N. Ridgeway. Officer Dorsch was the driver and Officer Ramkumar was the passenger. As they were driving east on Grand, they received a report of another 911 call reporting “shots fired” at the intersection of Hirsch and Hamlin. Officer Dorsch started to brake when he approached Hamlin, and as he did so, he observed two black males standing on the southeast corner of Hamlin and Potomac, near the back of the building at 3746 W. Grand. The men walked 10-15 feet south down the sidewalk on the eastern side of Hamlin, raised their arms into a shooting stance, and started firing south down Hamlin. Officer Dorsch saw 3-4 muzzle flashes and heard 4-6 gunshots as the two men fired their handguns down the street. Officer Dorsch could not see what they were firing at, as his attention was focused on the actions of the two men.

When the men began firing, Officer Dorsch stopped the police SUV on Grand, about a car length shy of the intersection of Grand and Hamlin. The men then turned and began slowly jogging north on Hamlin, at which point Officer Dorsch turned left onto Hamlin and began to drive towards them. As the police SUV neared the intersection of Hamlin and Potomac, Officer Dorsch saw the two men standing next to a gold Buick LeSabre that was parked on the south side of Potomac, approximately three feet east of Hamlin. Subject #1 appeared to be approaching the driver’s side door of the LeSabre, while Subject #2 was in the process of getting into the rear driver’s side door, which was already open. Officer Dorsch did not recognize either of the men, but described Subject #1 as a black male with short braids, wearing a two-toned black/grey or black/white jacket. He did not get enough of a look at Subject #2 to describe him.

As the police SUV “coasted” toward Potomac, Officer Dorsch recounted, “I saw offender #1 look back, look directly at me. He turned and said something to offender #2, at which time both offenders turned, took a stance, [and] I saw offender #1 definitely fire.” Officer Dorsch could not make out Subject #2’s actions as clearly as those of Subject #1, but both men raised their arms into a firing position and both were pointing handguns at the officers. As the offenders opened fire, Officer Dorsch drew his own firearm and started firing through the open passenger’s side window of the police SUV. He described leaning forward, with his left cheek almost to the steering wheel, so that his shots would not hit his partner, who was firing while reclining in the front passenger’s seat. The police SUV was still “coasting” north on Hamlin and Officer Dorsch was “braking, firing” all at the same time. Officer Dorsch fired three shots, visually checked to make sure that Officer Ramkumar was okay, then fired another five rounds. Officer Dorsch stated that he had good sight picture of Subject #1 when he fired the first shot, and thereafter his shots “followed the shadow of Subject #1.” Officer Dorsch estimated that the two offenders were approximately 8-20 feet away from him at the time he discharged his firearm. Officer Dorsch stated that he did not have time to activate the police vehicle’s SUV’s equipment, call for backup, or issue any verbal commands before the offenders opened fire on him.

Officer Dorsch heard the offenders fire 4-5 gunshots, and when they fired the last shot, he stated, "I heard the whistle...back of my head." When Officer Dorsch was asked by the investigator if, by that statement, he meant that he heard the bullet shot by the offender whiz by his head, he affirmed. Officer Dorsch stopped firing when he saw the subjects turn and run east down Potomac. Officer Dorsch put the police SUV into park with his left hand, got out of the driver's side door, and walked around the front of the vehicle toward the Buick LeSabre. Officer Dorsch quickly cleared the LeSabre, making sure there was no one else in the car, and when he looked up he could no longer see the offenders. Officer Dorsch then walked east on Potomac until he reached the northeast corner of 3746 W. Grand, where the parking lot at 3740 W. Grand begins. At that point, Officer Dorsch turned around and went to check on his partner. As he was walking back to the police SUV, he called in a 10-1 over his radio, and informed dispatch of "shots fired at and by the police."<sup>35</sup>

## II. Officer Ramkumar

In a statement to COPA on October 24, 2017, Officer Jairam Ramkumar #15127 provided his account of the incident. Officer Ramkumar stated that on the date and time in question, he and his partner, Officer Brian Dorsch, were driving in their unmarked police SUV when they were dispatched to respond to a 911 call of "shots fired" on the 1500 block of N. Ridgeway. Officer Dorsch drove their vehicle east on Grand and stopped at the traffic light at Hamlin. As the vehicle came to a stop, Officer Ramkumar saw two unknown black males standing at the corner of Hamlin and Potomac, facing south. Officer Ramkumar watched as the two men walked 2-3 steps onto the sidewalk on the east side of Hamlin, raised their arms, and started firing south down Hamlin. Officer Ramkumar saw at least two muzzle flashes and heard at least two gunshots. He did not recognize either man and could not provide any descriptors other than their gender and race. Officer Ramkumar stated that he could not see what the men were firing at, and he did not remember seeing any pedestrians or moving vehicles on Hamlin at the time of the shooting.

When the two men stopped firing, they turned around and started running back to their vehicle, a tan Buick LeSabre which was parked on the southeast corner of Hamlin and Potomac. At that point, Officer Dorsch turned the police SUV north onto Hamlin and Officer Ramkumar drew his weapon and prepared to exit the vehicle to apprehend the men. As they approached Potomac, Officer Ramkumar saw Subject #1, who was next to the rear wall of 3746 W. Grand, appear to say something to Subject #2, who was in the process of getting into the driver's side rear door of the LeSabre. "And then they both squared up, pointed their weapons at us, and began firing." Officer Ramkumar stated that less than a second elapsed between the time when the subjects looked in his direction and when they started firing, and there was no time to issue any verbal commands or call for backup. "Before I could even exit my vehicle, they were already shooting at us. They were pointing in our direction and firing...I couldn't even open the door handle."

When Officer Ramkumar saw the muzzle flash from Subject #1's weapon, he ducked down to use the door panel as protective cover and returned fire out of the open passenger's side window of the police SUV. "I saw the offender in my sight picture when he first fired at me... I fired

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<sup>35</sup> Att. #71-72.

without losing that, and then I ducked. And I knew he was advancing, so I kept firing knowing that they were both firing at me and my partner and they were coming toward the vehicle. So at that point I remembered that there was a brick wall behind him and where he was at, his location, and I continued to fire.” Officer Ramkumar discharged his weapon a total of 16 times in the direction of the subjects, and he estimated that he was approximately 15-20 feet from them at the time he fired the first shot. Although he never looked back to see if Officer Dorsch was also firing his weapon, Officer Ramkumar stated that he knew his partner was firing from the driver’s seat as he could hear the ringing from Officer Dorsch’s shots in his left ear.

Officer Ramkumar heard at least three shots coming from the direction of the subjects, and after one, “I could hear a round, the bullet that he fired, hit something, cause I heard the one [bullet] whiz by my face.” When all of Officer Ramkumar’s 16 rounds were spent, he reloaded his weapon with a second magazine while remaining crouched down in the passenger’s seat of the police SUV. As he was reloading, he heard Officer Dorsch exit their vehicle, and Officer Ramkumar subsequently exited the vehicle as well. By this time, Officer Ramkumar stated, both subjects were already gone; in fact, the last time he saw Subject #1 was when he saw the muzzle flash from Subject #1’s gun, and the last time he saw Subject #2 was when Subject #2 pointed his weapon at the officers immediately prior to the shooting. Once Officer Ramkumar exited the police SUV, he approached the Buick LeSabre to help Officer Dorsch clear the vehicle and make sure no one was still inside of it. He described finding it with its lights on, engine running, and driver’s side rear door open. Officer Ramkumar then walked a few car lengths east on Potomac, looking to see if either of the subjects had been struck by gunfire, but there was no one hit on the sidewalk, in the street, or in the parking lot at 3740 W. Grand. Officer Ramkumar stated that he did not sustain any injuries as a result of the shooting other than ringing in his left ear.<sup>36</sup>

### CIVILIAN WITNESS STATEMENTS

#### I. [REDACTED]

In a telephone interview with COPA on October 23, 2017, witness [REDACTED]<sup>37</sup> stated that on the evening of September 28, 2017, he and two of his friends were in his Chevy Suburban pulling out of a parking space near the intersection of Avers and Hirsch. As [REDACTED] Suburban pulled southbound onto Avers, a gold Buick LeSabre pulled alongside of it with two black males inside. [REDACTED] stated that he did not recognize either man in the LeSabre but his friends identified the driver as “[REDACTED]”<sup>38</sup> and the passenger as “[REDACTED]” both members of the rival street gang Latin Kings.<sup>39</sup> When the LeSabre stopped next to [REDACTED] Suburban, he saw the driver pull out a gun. [REDACTED] stated that he sped past the LeSabre and drove south on Avers before turning east on Division, at which point he believed that he had lost the LeSabre. [REDACTED] then turned northbound on Hamlin and drove toward Grand, where he was planning to drop off his two friends. As [REDACTED]

<sup>36</sup> Att. #71, 73.

<sup>37</sup> [REDACTED] declined to provide COPA with a formal statement and requested that his full name and address be left off COPA’s reports, citing fears for his own safety. For the same reason, he also refused to provide COPA with the names of the two passengers in his vehicle at the time of the incident.

<sup>38</sup> According to the Detective’s Supplementary Reports, [REDACTED] identified suspect [REDACTED] from a photo line-up, telling the detectives, “He was the driver. I saw him shooting at me and the police. He was in a tan Buick.” (Att. #99.)

<sup>39</sup> [REDACTED] denied that he is currently affiliated with any gangs, but he stated that the two friends in his vehicle the night of the incident belong to the Maniac Latin Disciples.

was driving on Hamlin, however, he spotted [REDACTED] and [REDACTED] ahead of him, standing on Hamlin between Grand and Potomac. [REDACTED] believed that they were “setting up to shoot on him” and he put his Suburban in reverse, going the wrong way down Hamlin, just as the men opened fire in his direction.

Within seconds, [REDACTED] watched as a police SUV driving down Grand turned left onto Hamlin and got into an exchange of gunfire with [REDACTED] and [REDACTED] stated that he does not know who shot first, but he believes it was likely [REDACTED] and [REDACTED] as the officers were still in their SUV when the gunfire started. [REDACTED] did not remember if the police SUV activated its lights and sirens, but he stated that within a minute there were “dozens” of police cars converging on the intersection where the shooting occurred.<sup>40</sup>

## II. Canvass Results

Following the officer-involved shooting, **COPA investigators and CPD detectives canvassed** the area near the intersection of Hamlin and Grand to identify witnesses. The following is a summary of the information that COPA obtained during the canvass and in follow-up telephone interviews.<sup>41</sup>

- [REDACTED] [REDACTED] in a statement given on October 9, 2017, stated that at the time of the incident, he and his friend [REDACTED] [REDACTED] were in the garage behind [REDACTED], located at [REDACTED]. When [REDACTED] began hearing gunshots (he heard more than ten total), he immediately got down on the floor. The garage has a sliding glass door, and as [REDACTED] was getting down, he looked through the glass and saw a male jump over the fence between 3740 and 3734 W. Grand Ave and run east past the garage. [REDACTED] recalled that the man was wearing a dark colored hoodie and gray or cream-colored pants, but he could not tell the man’s race, age, build, or any other descriptors from the brief glance he got of him.
- [REDACTED] in a statement given on October 6, 2017, stated that he is the [REDACTED] [REDACTED], which is located at [REDACTED]. At the time of the incident, [REDACTED] was in the garage behind the restaurant with his friend [REDACTED] stated that he heard multiple gunshots but immediately hit the floor and did not see anything. After the incident, he found three bullet holes in the fence that separates [REDACTED] from the parking lot at 3740 W. Grand.
- [REDACTED] [REDACTED] in a statement given on October 23, 2017, stated that at the time of the incident, she was at her home at [REDACTED] and heard multiple gunshots that sounded as if they were coming from right outside her house. [REDACTED] immediately looked out her front window and saw a young black male running east across the backyard of 3735 W. Grand. She stated that she only got a brief glimpse of him and could not further describe the man.

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<sup>40</sup> Att. #70.

<sup>41</sup> Att. #59, 70.

- ██████████ in a statement given on October 23, 2017, stated that she was inside her ██████████ ██████████ house at ██████████ the time of the incident and heard 12-13 gunshots. She briefly looked outside one of the windows that faces ██████████ and saw a burgundy or red Chevy Tahoe driving southbound in reverse.
- ██████████ ██████████ in a statement given on October 23, 2017, stated that he arrived at his home at ██████████ approximately 15 minutes after the incident occurred. As he entered his building, one of his neighbors approached him and told him that he should be more careful about locking his back gate as she saw a man running through his backyard just after the shooting.<sup>42</sup> ██████████ stated that he began looking around his yard to make sure the man was gone and noticed a red baseball cap and a grey jacket in the gangway next to his building. ██████████ did not believe that the items had been on his property earlier that day and he reported them to the police.<sup>43</sup>
- ██████████ ██████████ in a statement given on October 9, 2017, stated that at the time of the incident, she was at her home at ██████████. ██████████ heard multiple gunshots, which she initially thought were fireworks. ██████████ reported hearing three gunshots, then a pause of about 30 seconds, then at least ten more gunshots. She did not see the initial shooting or the subsequent officer-involved shooting.
- ██████████ ██████████ in a statement given on October 9, 2017, stated that on the date and time of the incident, she was watching TV in her living room at ██████████, when she heard “a lot of shootings,” which she described as at least “a full round.” ██████████ did not look out of her window until several minutes later and did not see any part of the incident.
- ██████████ ██████████ in a statement given on October 10, 2017, stated that around 8:15 P.M. on September 28, 2017, she was inside her home at ██████████ when she heard approximately ten gunshots. She did not look or go outside until 9 P.M., when she took her dog for a walk and the police asked her if they could enter her backyard to look for the subjects.
- ██████████ ██████████ in a statement given on October 10, 2017, stated that on the evening of September 28, 2017, she was inside her home at ██████████. Around 8 P.M., she heard noises that she assumed to be fireworks. Melendez went outside to let her dog in the house, as he was barking and “going crazy from the noise,” but she did not see anything unusual.
- ██████████ ██████████ in a statement given on October 9, 2017, stated that he was at his home at ██████████, at the time of the incident and heard multiple gunshots, which he initially thought were noise from nearby construction. He did not see any portion of the incident.

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<sup>42</sup> ██████████ stated that he did not know the woman’s name but recognized her as a neighbor who lives on Hamlin. ██████████ later confirmed to COPA investigators that she was the person who told ██████████ about the man who had run through his backyard.

<sup>43</sup> CPD also recovered the Walther P38 handgun from the backyard of 3735 W. Grand.

- [REDACTED] [REDACTED] in a statement given on October 9, 2017, stated that at the time of the incident she was in the process of moving out of her apartment at [REDACTED]. She reported hearing multiple gunshots but stated that by the time she went outside to see what was going on “everything was over.”
- [REDACTED] [REDACTED] in a statement given on October 9, 2017, stated that he was in his home at [REDACTED] at the time of the incident and heard multiple gunshots outside. He did not, however, see anything.

## FINDINGS AND CONCLUSION

### **I. Legal Standard**

The applicable Chicago Police Department order is General Order 03-02-03, II,<sup>44</sup> which states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b. is attempting to escape by use of a deadly weapon or;
  - c. otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under section 7-5 of the Illinois Criminal Code (720 ILCS 5/7-5 (West 2016)). That statute provides, in pertinent part:

“A peace officer, or any person whom he has summoned or directed to assist him, 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 to be necessary to effect the arrest and of any force which he reasonably believes 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 he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...”

Finally, determinations regarding the potential use of excessive force - deadly or not - in the course of an arrest, investigatory stop, or other “seizure” are properly analyzed under the Fourth Amendment’s objective reasonableness standard. The question is whether the officers’ actions are

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<sup>44</sup> This report cites the version of General Order 03-02-03 in effect on September 28, 2017.

'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). Moreover, the reasonableness calculation "must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham*, at 396–97. Consequently, "when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 683 (7th Cir. 2002) (quotations and emphasis omitted).

## II. Analysis

Based on the totality of the facts and circumstances, COPA finds that the use of deadly force by Officers Dorsch and Ramkumar was objectively reasonable and **WITHIN POLICY** as outlined by General Order 03-02-03, the relevant Illinois state statute, and the Fourth Amendment. The evidence establishes that Officers Dorsch and Ramkumar believed that the two subjects posed an immediate threat to their lives, and that the officers' beliefs were objectively reasonable under the circumstances.

### 1. Officers Dorsch and Ramkumar reasonably believed that the two subjects were armed when they observed them firing down Hamlin.

In the minutes leading up to the officer-involved shooting, Officers Dorsch and Ramkumar were responding to two 911 calls reporting "shots fired" on the 1500 block of N. Ridgeway. As the officers drove their police SUV east on Grand, approaching the vicinity of the calls, a CPD officer monitoring ShotSpotter also reported possible gunfire at 1441 N. Hamlin. The police SUV reached the intersection of Grand and Hamlin, and Officer Dorsch slowed down to turn left on Hamlin. As he did so, both Officer Dorsch and Officer Ramkumar reported that they observed the two subjects walk onto the sidewalk on the east side of Hamlin, raise their arms into a shooting stance, and start firing south down the street. COPA finds Officers Dorsch's and Ramkumar's observations credible. The officers' statements are corroborated by the six shell casings that were recovered from the sidewalk next to 1259 N. Hamlin, which ISP determined were not fired from either of the officers' weapons. Furthermore, two firearms were recovered in the respective flight paths of Subject #1 and Subject #2.<sup>45</sup>

Additionally, civilian witness, ██████ reported seeing the two subjects open fire down Hamlin as he was driving down the street in their direction. According to ██████ the two subjects were the same two men who had pulled a gun on his vehicle just minutes before, and he believed they were shooting at him and his two friends. While COPA recognizes ██████'s potential bias,<sup>46</sup> other evidence corroborates parts of his statement. ██████'s statement that he put his Suburban

<sup>45</sup> Because ISP has not tested the recovered firearms, COPA cannot conclusively connect the six CCI Blazer 9mm Luger fired cartridge cases to either of the recovered firearms. However, the type of cartridge cases recovered match the type of ammunition that could have been used by either recovered firearm.

<sup>46</sup> ██████ denied being a member of a gang, but admitted to COPA that the two individuals he was with were members of a rival gang.

in reverse and drove backwards down Hamlin as the two subjects shot at him is consistent with the video captured by Belle Vita Pizzeria's surveillance cameras, as well as witness [REDACTED] report that she saw a red or burgundy colored SUV driving in reverse down Hamlin at the time of the shooting. [REDACTED]'s credibility is further bolstered by the fact that the account of the incident that he provided to COPA is nearly identical to the information he told CPD detectives almost a month earlier, and that six shell casings were recovered from the approximate location that he alleges that Subject #1 and Subject #2 fired at him from.

Finally, the officers' statements, the Belle Vita security camera footage, and civilian witness accounts all indicate that less than 30 seconds elapsed between the time of the initial shooting and the subsequent officer-involved shooting, and neither officer reported seeing the subjects discard their weapons during this time.<sup>47</sup>

For these reasons, COPA finds that Subject #1 and Subject #2 were armed and that Officers Dorsch and Officer Ramkumar observed them holding and using firearms prior to the officer-involved shooting. COPA further finds that it was reasonable for the officers to believe that the subjects were still armed at the time the officer-involved shooting occurred.

**2. Officers Dorsch and Ramkumar reasonably believed that the two subjects posed an immediate threat of death or great bodily harm to the officers.**

Officers Dorsch and Ramkumar, having just observed the two subjects firing down Hamlin, then followed the two subjects with the intention of apprehending them. In his statement to COPA, Officer Dorsch explained that as he saw the subjects standing near a vehicle on Potomac, he made eye contact with one of the subjects, who then said something to the other subject. The men turned toward the police SUV, raised their arms into a shooting position, and Officer Dorsch stated that at least one of the subjects opened fire. Officer Ramkumar also saw only one of subjects firing his weapon, though he recalled seeing both subjects point handguns at the officers. There is no video footage of the actual shooting, and the only independent eyewitness to the shooting is [REDACTED] who told COPA that he saw the two subjects exchange gunfire with the officers. [REDACTED] did not know who fired first, but he stated that he believed it was the subjects as the officers were still in the police SUV at the time the shooting began. This is consistent with Officer Ramkumar's statement that "[b]efore I could even exit my vehicle, they were already shooting at us. They were pointing in our direction and firing...I couldn't even open the door handle."

The physical evidence in this case also generally supports the officers' statements that they were fired upon by at least one of the subjects. The ET Photographs and the Department Vehicle Damage Report document damage to the front passenger's side door of the police SUV from a suspected bullet strike, the location of which is consistent with the officers being fired upon from the subjects' position next to the Buick LeSabre parked on Potomac. Additionally, two handguns were recovered from locations along the subjects' known paths of escape following the shooting. COPA recognizes that the only shell casings found at the scene of the officer-involved shooting

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<sup>47</sup> The two recovered firearms were discovered in locations consistent with Subject #1's and Subject #2's flight path after the officer-involved shooting. COPA finds that neither Subject #1 nor Subject #2 had sufficient time to drop their firearms in these locations in between the first shooting incident and the officer-involved shooting.

are attributable to the officers' weapons;<sup>48</sup> however, it is possible that the casings were caught in the subjects' clothing, not ejected from the subjects' firearms, kicked by one of the subjects or responding officers, or otherwise missed by the evidence technicians in the aftermath of the shooting.<sup>49</sup> Furthermore, shell casings that were not attributable to Officer Dorsch's or Officer Ramkumar's firearms were recovered from 1259 N. Hamlin.

In light of this evidence, Officers Dorsch and Ramkumar's belief that the subjects posed a danger to the officers was objectively reasonable. The officers 1) were responding to multiple calls of "shots fired," 2) observed the two subjects shooting handguns down Hamlin, 3) observed the subjects turn toward them, extend their arms into a shooting position, and point their handguns in the direction of the police SUV, and 4) observed and heard at least one of the subjects fire at them. COPA finds that an officer with similar training and experience as Officers Dorsch and Ramkumar would have reasonably believed that the subjects posed a threat of death or great bodily harm to both the officers and civilians in the area.

Additionally, Officers Dorsch and Ramkumar found themselves confronted with a rapidly unfolding situation. The video evidence indicates that less than 30 seconds elapsed from the time the officers observed the subjects shooting down Hamlin until the time the officer-involved shooting occurred. Moreover, the testimonial evidence indicates that the officers did not even have time to park, much less exit, their vehicle before the subjects opened fire on them. Given this timeline, the officers' failures to activate their emergency equipment, call for backup, or issue any verbal commands to the subjects before discharging their weapons is excusable. Officers Dorsch and Ramkumar were placed in a situation in which they needed to decide whether to use deadly force in a matter of seconds. *See Plumhoff v. Rickard*, 134 S. Ct. 2012, 2020, 188 L. Ed. 2d 1056 (2014), (quoting *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985) (allowing "for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.")). In this case, the totality of the circumstances led Officers Dorsch and Ramkumar to reasonably believe that the use of deadly force was appropriate.

**3. Officer Dorsch and Ramkumar also reasonably believed that the subjects had committed a forcible felony and were attempting to evade arrest.**

General Order 03-02-03 also permits the use of deadly force by an officer who reasonably believes that such force is necessary to prevent an arrest from being defeated by resistance or escape and the person to be arrested has committed a forcible felony. COPA finds that the use of deadly force by Officers Dorsch and Ramkumar was also justified on this basis. Another officer with the same training and experience would have been reasonable in believing that the subjects had committed multiple forcible felonies, including aggravated discharge of a weapon<sup>50</sup> and aggravated assault<sup>51</sup> when the subjects fired down Hamlin, and aggravated assault of a police

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<sup>48</sup> The six CCI Blazer 9mm Luger fired cartridge cases that ISP determined did not come from either of the officers' weapons were recovered from the sidewalk near 1259 N. Hamlin, the location of the initial shooting.

<sup>49</sup> The fact that the no casings were recovered makes it more likely than not that only Subject #1 discharged his weapon and that he only fired one or two shots. Officers Dorsch and Ramkumar both indicated that they had a clearer view of Subject #1 and reported seeing a muzzle flash from his firearm.

<sup>50</sup> 720 ILCS 5/24-1.2(a)(2)-(4).

<sup>51</sup> 720 ILCS 5/12-2(c)(2).

officer<sup>52</sup> and attempted first degree murder<sup>53</sup> when the subjects pointed their handguns and fired at Officers Dorsch and Ramkumar. Furthermore, Illinois statute states:

“[A] peace officer . . . is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes 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 he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

- (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; 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.<sup>54</sup>

The CPD Deadly Force policy, reflecting the underlying constitutional safeguards, permits the use of deadly force to prevent the escape of a violent felon. *See Garner*, 471 U.S. at 11 (holding that, if an officer has probable cause to believe that a fleeing suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm, deadly force may be used if necessary to prevent escape, and, if feasible, some warning has been given); *see also Ford v. Childers*, 855 F.2d 1271, 1275 (7th Cir. 1988) (en banc) (finding no Fourth Amendment violation when officer fired at a suspect because he reasonably believed that the suspect had committed a felony involving the threat of deadly force, was armed with a deadly weapon, and was likely to pose a danger of serious harm to others if not immediately apprehended).

At the time that Officers Dorsch and Ramkumar discharged their weapons, they had just observed both subjects firing handguns down Hamlin. The officers pursued them and Officer Dorsch stated that he made eye contact with one of subjects, who then said something to the other subject. The men did not, however, drop their weapons or even turn and attempt to flee. Instead, the evidence indicates that both subjects assumed a firing position and pointed their handguns at the officers, and at least one of them fired upon the officers. Officers Dorsch and Ramkumar were reasonable in fearing that the subjects would continue to fire at them, civilians in the area, or any responding officers. Because they had just observed the subjects commit multiple forcible felonies, and reasonably believed the subjects posed a danger to both officers and civilians in the area, Officers Dorsch and Ramkumar were authorized to use deadly force against the subjects to prevent their arrests from being defeated by resistance or escape.

In sum, based on the totality of the facts and circumstances, COPA finds that an officer with similar training and experience as Officers Dorsch and Ramkumar would reasonably believe that the subjects posed an immediate threat to their lives. Thus, COPA finds that the use of deadly

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<sup>52</sup> 720 ILCS 5/12-2(b)(4.1), (c)(6)

<sup>53</sup> 720 ILCS 5/8-4(a) and 720 ILCS 5/9-1(a).

<sup>54</sup> 720 ILCS 5/7-5(a).

force by Officers Dorsch and Ramkumar was objectively reasonable and **WITHIN POLICY** as outlined by General Order 03-02-03, II, Illinois statute, and the Fourth Amendment.

**V. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Dorsch	No allegations have been made against Officer Dorsch.	Within Policy
Officer Ramkumar	No allegations have been made against Officer Ramkumar.	Within Policy

Approved:

  
~~Josh~~ Hunt  
Deputy Chief Administrator – Chief Investigator

27 Feb 2018  
Date

  
Patricia Banks  
Interim Chief Administrator

2-27-18  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	7
<b>Major Case Specialist:</b>	Steffany Hreno
<b>Supervising Investigator:</b>	Mark Javier
<b>Deputy Chief Administrator:</b>	Josh Hunt

**Appendix B**

Diagram of the Shooting Scene and the Flight Paths of Both Subjects



- A: Approximate location of police SUV at the time of the shooting (1299 N. Hamlin)
- B: Approximate location of the offenders and their vehicle at the time of the shooting (3795 W. Potomac)
- C: Approximate location of Jimenez Arms J.A.22 handgun (3730 W. Grand)
- D: Approximate location of Walther P38 handgun (rear yard of 3735 W. Grand)
- ..... Escape path of Subject #1
- Escape path of Subject #2