

March 19, 2026

OFFICE OF THE DISTRICT ATTORNEY
GEORGE BRAUCHLER, DISTRICT ATTORNEY 23RD JUDICIAL DISTRICT

SERVING DOUGLAS, ELBERT AND LINCOLN COUNTIES



Jim Tsurapas
Chief of Police
Parker Police Department
18600 E. Lincoln Meadows Parkway
Parker, CO 80134

Re: Report of findings Regarding the Officer-Involved shooting in Parker, Colorado, on October 20, 2025, CIRT #25-5

Chief Tsurapas,

The 23rd Judicial Critical Incident Response Team (CIRT) has completed the investigation into the Officer Involved Shooting at 17050 Mainstreet, Parker, Colorado. I have completed my review of this investigation.

I reviewed all evidence provided by the Critical Incident Response Team to determine whether there was any illegal use of force by the six officers who fired their weapons.

SUMMARY

Applying the law to the facts of this incident, as described in more detail below, I conclude that the officers were legally justified in using lethal force against Pierre James Dyer (DOB 01/06/1993). The use of force by the police officers was reasonable, necessary, and appropriate to defend themselves and others from the threat posed by Mr. Dyer.

STATUTORY FRAMEWORK

C.R.S. § 16-2.5-301 governs investigations into police officer-involved shootings. This statute provides, in relevant part: “Each police department, sheriff’s office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff’s office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district.” C.R.S. § 16-2.5-301(1).

The investigation into this shooting incident was conducted by multi-agency team consisting of personnel from the Douglas County Sheriff’s Office, Littleton Police Department, Castle Rock Police Department, Lone Tree Police Department, Elizabeth Police Department and the Office of the District Attorney, 23rd Judicial District. The lead investigators were Corporal Talmon with the Douglas County Sheriff’s Office

and Detective Shiller with the Littleton Police Department. No member of the Parker Police Department participated in this OIS investigation.

C.R.S. § 20-1-114 provides, in relevant part: “The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request.” C.R.S. § 20-1-114(1).

This document constitutes a report of the findings of the District Attorney for the 23rd Judicial District and includes the basis of the decision not to charge the involved officers with any criminal conduct.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

I reviewed all materials provided by the lead investigator and members of the CIRT, including body-worn camera video, surveillance videos, dispatch notes, radio traffic, forensic analysis, reports of investigating officers and crime scene technicians, the interviews of the involved officers, all reports and recorded interviews with witnesses, and photographs and video of the scene.

SUMMARY OF THE FACTS

On October 20, 2025, at approximately 10:20 pm, officers of the Parker Police Department (PPD) responded to the area of the 17000 block of E. Foxton Drive and later the T2 gas station and convenience store located at 17050 Mainstreet within the Town of Parker, Douglas County, Colorado on the reports of gunfire. The PPD investigation led officers to the T2 parking lot, where they discovered fourteen spent 9mm casings.

PPD officers contacted the T2 clerk, Pierre James Dyer (DOB 01/06/1993), whom they initially believed to be a possible witness. During the course of their investigation, Sergeants Dave Rosselot and Joshua Cunningham became suspicious of Dyer, believing he may have been the subject who discharged the firearm casings in the parking lot, and may be armed.

As Sergeants Rosselot and Cunningham questioned Dyer, Dyer became increasingly agitated. Sergeant Cunningham asked Dyer if he was “packing.” Dyer became visibly agitated, raising his voice, yelling at officers, being profane, and pacing behind the clerk’s counter. Dyer initially denied being armed. Dyer then stated, “If I said yes, what would you say,” then, abruptly lifted his hooded sweatshirt revealing a semi-automatic handgun concealed within his waistband. Dyer began damaging T2 property behind the counter.

Despite PPD officer efforts to verbally deescalate Dyer, and repeated loud commands for Dyer to keep his hands up, visible, and to not reach for his firearm or he would be shot, at 11:03pm, Dyer drew his handgun from his waistband. In response, Sergeants Rosselot and Cunningham, and Officers Traeger Davison, Jeff Cordova, Chad Barker, and Jake Sonczalla discharged their duty handguns, fatally wounding Dyer.

INVESTIGATION

The following information was compiled from reports completed by numerous Law Enforcement Officers at the scene of the shooting, through interviews completed with law enforcement officers at the scene of the shooting, through interviews completed with the officers who were actually involved in the shooting, as well as statements obtained from witnesses with information related to this case.

23RD CIRT Call Out

On Monday, October 20, 2025, at 11:26pm, the 23rd Judicial District Attorney’s Office Critical Incident Response Team (23rd CIRT) was activated for an *Officer Involved Shooting* involving the Parker Police Department (PPD). Members of the 23rd CIRT were directed to respond to the Parker Police Department located at 18600 Lincoln Meadows Parkway, within the Town of Parker.

Once the 23rd CIRT was assembled, team members were briefed and given investigative assignments. Investigators conducted witness and officer interviews, processed identified crime scenes for evidence, reviewed officer body-worn camera (BWC) and in-car camera footage, conducted area canvasses, and reviewed police reports. The subsequent 23rd CIRT investigation, Case 25-5, and PPD criminal investigation, Case 2025-008032 revealed, in part, as follows within.

Shots Fired Call-for-Service

Shortly before the October 20th *Shots Fired* call-for-service, Officer Traeger Davison was on his way to *Walmart*, located at 11101 S. Parker Road. Officer Davison drove past the *T2* gas station and convenience store, located at 17050 Mainstreet within the Town of Parker, Douglas County, Colorado, and noticed a male stumbling in the *T2* parking lot. Officer Davison could not provide a description for the male. He continued towards *Walmart*.

On October 20, 2025, at approximately 10:19pm, the *T2* store clerk, Pierre James Dyer (DOB 01/06/1993), exited the store with a bag of garbage, walking to the dumpster in the south end of the parking lot. After throwing the garbage bag into the dumpster, Dyer drew a handgun from his waistband, a *Century Arms* model *Canic TP9 Elite* semi-automatic handgun, and fired what would later be discovered to be fourteen rounds in the air. He then holstered the handgun and returned inside. This sequence was captured on an exterior *T2* security camera.

Beginning at 10:20pm, the Parker Police Department Communication Center received multiple 911 calls reporting shots fired. One reporting party, Michael Berry, at 17010 E. Foxton Drive, placed the gunfire in the area of the residential neighborhood of the 17000 block of E. Foxton Drive, while another, Prescilla Regelado, the owner of *World of Smoke and Vape* at 17002 Mainstreet, placed the gunfire in the area of the *T2* gas station, adjacent to her business, within the 17000 block of Mainstreet, within the Town of Parker, Douglas County, Colorado. The south side (rear/backyard) of 17010 E. Foxton Drive is immediately adjacent to the 17000 block of Mainstreet.



Officers from PPD responded and canvassed the areas surrounding the 17000 blocks of Mainstreet and Foxton Drive.

Officer Davison initially responded to the residential neighborhood. He then remembered seeing the person stumbling in the *T2* parking lot and responded to the area of *T2*. Israel Menjivar caught Officer Davison's attention and told him that he had observed a male in the *T2* parking lot, yelling to himself, stating, "They can't see me!" The male was imitating gun noises as well. Menjivar told Officer Davison that he turned to walk back towards *Little Caesar's*, where he worked, which was located at 17002 Mainstreet Suite C, due

west of T2. Shortly thereafter, he heard gunshots. Officer Davison provided that information to other officers through his radio.

Contact with Pierre Dyer

Officer Davison arrived at T2 at approximately 10:30pm, with Officer Courtney Reed arriving shortly thereafter. On the south end of the parking lot, Deputy Davison saw several spent shell casings on the ground, later discovered to be fourteen 9mm *Luger* casings. Deputy Davison searched the area briefly around the gas station, not finding any subjects, before entering T2.



Crime Scene Evidence Flags Identifying Spent Casing Locations



Live 9mm Round Outside of Store Entrance

Dyer recognized Officer Davison as a police officer as he entered the store. Additionally, Officer Davison identified himself as an officer with the Parker Police Department. All of the responding Parker Police officers were wearing standard patrol uniforms clearly marked with police badges and the word *POLICE* across the back of their external vest/load bearing carrier. Officer Davison told Dyer that he had responded there on a call-for-service of *Shots Fired*, had found spent casings in his parking lot, and asked Dyer what he had seen.

Dyer initially claimed that he had heard the gunshots, but no one had come inside. However, he then indicated that a male had come into the store, stating, "He was my color." Dyer claimed the male purchased two *Gatorades*, paid for them, and left.

Dyer described the male as Mexican, heavy set, and in his 40s or 50s. Dyer claimed that the male left on foot to the south. Officer Reed aired the subject description provided by Dyer. Dyer claimed that he did not have access to the security camera system and that only a manager could access it.

Other PPD officers began to arrive in the area of *T2*, canvassing for a possible suspect. Sergeant Dave Rosselot spoke with Dyer in the parking lot. Dyer again claimed that only his manager could access the *T2* video, and it would have to wait until the following day. Dyer told Sergeant Rosselot, "I'm pretty sure (the alleged suspect male) left on foot." Sergeant Rosselot asked, "Okay. No cars involved?" Dyer responded shaking his head to indicate no, and stated, "He was a brown, Hispanic man. And he ran that way," as he pointed to the south. Dyer stated, "He was a heavier set dude."

Sergeant Rosselot asked Dyer if the male had said anything to him and Dyer responded that the male had pumped \$10 in gas. Based on Dyer's original statement Sergeant Rosselot asked, "But he didn't have a car?" Again, Dyer shook his head to indicate no but immediately stated, "Yes, he had a car." Sergeant Rosselot asked Dyer, "So did he leave in a car, or did he leave on foot?" Dyer responded, "He put \$10 on pump four."

Sergeant Rosselot updated PPD Communications and responding officers, via radio, that the alleged suspect male had pumped \$10 of fuel; however, had left on foot. Dyer overheard Sergeant Rosselot's radio traffic and stated, "No. He left in a car." Dyer claimed that the male left in a four door, black-colored car. Dyer claimed the male was alone.

Dyer again stated that he heard the gunshots. Dyer stated that he worked at *T2* by himself during the closing shift. Dyer stated that *T2* closed at 10pm; Sergeant Rosselot noted that it was almost 11pm. Sergeant Rosselot told Dyer that he was "good" to go back inside to stay warm and that the officers would be there for a while.

Several officers, specifically Sergeants Rosselot and Cunningham, and Officers Davison and Jake Sonczalla, later stated during their interviews with CIRT investigators that they were becoming suspicious of Dyer's statements.

Officer Sonczalla briefly spoke with Dyer, asking for his number. Dyer provided the number 720-381-8119. A query of online law enforcement applications revealed that number was associated with a John Legge.

Officers Davison, Sonczalla, Reed, and Sergeant Rosselot returned inside *T2*. Officer Davison interviewed Dyer again, asking Dyer, "So, what's going on? This isn't making a ton of sense to me." Officer Davison asked Dyer why he didn't call 911/police. Dyer stated that he was scared. Dyer claimed that he locked the doors and ran into the back. During his statement to CIRT investigators on October 28,

2025, Officer Davison stated that he knew that Dyer was lying because the store doors were unlocked on his arrival.

Officer Davison challenged Dyer's statements about the means by which the alleged suspect left. Dyer became mildly agitated and accused Officer Davison of lying. Sergeant Rosselot, in a calm tone of voice, told Dyer, "We're just confused. We're trying to get a consistent story." Dyer responded, "I bet you are."

Officer Davison asked Dyer for the T2 manager's phone number. Dyer grew increasingly agitated, responding, "Do I have a fucking number for my manager?! Yes, you want it?" Officer Davison responded that he did. Dyer stated, "I gave it to you, right?" Officer Sonczalla interjected that Dyer had given him his personal number. Dyer claimed that his manager was named Vanessa.

Sergeant Rosselot asked Dyer if he could print a receipt for the alleged gas purchase. Dyer indicated that he couldn't, claiming he had already closed out the drawer. Dyer claimed that the manager would have to open the drawer. Sergeant Rosselot asked Dyer if the alleged suspect had used cash or a card. Dyer claimed that he didn't know, because he was trying to sweep.

Officer Sonczalla called the number provided by Dyer. After several rings, the call was forwarded to a voicemail prompt. The voice was a male and the name was indiscernible; however, it did not appear to be either Dyer or Legge. Officer Sonczalla advised Officer Davison that the voicemail sounded like Dyer. Officer Sonczalla asked Dyer for his number again. Dyer provided a different number than before; 720-351-5119. Officer Sonczalla confirmed with Dyer that Vanessa's number was 720-381-8119; Dyer nodded in agreement. Officer Sonczalla called 720-381-8119 again, and it again rang through to voice mail.

Sergeant Cunningham had noted that Dyer's phone, which was located on the counter, had rung repeatedly earlier. Sergeant Cunningham told Dyer that someone had called his phone and stated, "It looked like the number you had given for the manager." Dyer picked up his phone. Officer Sonczalla again called 720-381-8119, the number Dyer had provided for his manager Vanessa. Dyer's phone, which was on silent mode, immediately rang and he answered, "Hello." His voice came through on Officer Sonczalla's phone. Officer Sonczalla told Dyer, "That's me."

Officer Sonczalla again asked Dyer again for Vanessa's number. Looking in his phone, Dyer gave the officers 720-813-5622 for Vanessa. Officer Sonczalla called the number and it went to voice mail. The voice mail notification was a female voice that indicated it was Vanessa.

Sergeants Rosselot, Cunningham and Officers Davison, Sonczalla, and Cordova all believed Dyer was lying to them.

Both Sergeant Rosselot and Sergeant Cunningham suspected that Dyer was armed with a firearm and discussed asking Dyer if he was armed. At 11pm, Sergeant Cunningham asked Dyer if he was armed with a firearm, "Are you packing? Do you carry?" Dyer's immediate response was, "No!" Dyer became increasingly agitated, "Why would you fucking ask me that?!" Sergeant Cunningham began to respond when Dyer interrupted him, "Because a lot of people do! I know! Because its fucking dangerous out here! So, if I told you yes, I was, what would you say?"

Dyer abruptly lifted the front of his hooded sweatshirt, revealing a *Century Arms* model *Canic TP9 Elite* semi-automatic handgun concealed within the front of his waistband.



Dyer Displays Concealed Handgun / From Sgt. Cunningham's BWC

The officers within the store drew their duty handguns. Sergeant Cunningham immediately ordered Dyer, "Keep your hands where I can see them. Stop." Dyer yelled, "Fuck man," and began to kick the display stand behind the counter and yelled, "Fuck man, I'm going to jail!" Dyer yelled at Sergeant Cunningham, who was directly across the counter from Dyer, "Shut up, bitch! I'm going to jail!" Sergeant Cunningham repeatedly told Dyer not to move and to stop.

Dyer was manipulating his cell phone with his right hand, as though attempting to call someone. Dyer repeatedly lifted his hoodie, exposing the handgun to the officers, then dropped the hoodie, concealing it. The disturbance brought Officers Davison and Barker back inside. Sergeant Cunningham repeatedly ordered Dyer to, "Stop," "Keep your hands where I can see them," and, "Keep your hands up." Dyer responded, "Fuck you," "Let me call my woman," and, "Fuck you! 'Cause I'm going to jail, right?!" Sergeant Cunningham continued to order Dyer, "Keep your hands up," and, "Do not reach for that gun." Dyer refused to comply. Sergeant Cunningham warned Dyer, "If you reach for that gun, you will get shot!" Dyer responded, "You're going to shoot me!" Dyer screamed, "Don't let them shoot me man!" Sergeant Cunningham continued to give Dyer clear, repeated, lawful orders as he had already given.

Officer Reed transitioned from her handgun to her *Taser*, less-lethal Conducted Energy Device. Trying to deescalate Dyer's elevated, agitated state, Officer Reed attempted to get Dyer's attention, speaking calmly, asking him for his name. Dyer threw his phone, stripped off his hooded sweatshirt, and responded, "Fucking Pierre, man!" Dyer continued to yell about his work schedule and yelled at Sergeant Cunningham, "You all want to shoot me, you bitch ass!" Dyer pushed a register off the counter onto the floor. Sergeant Cunningham responded to Dyer, "No we do not." Dyer continued to kick the display stand behind the counter and pushed the second register to the floor. At that time, Officer Reed transitioned back to her duty handgun.

Dyer turned his attention to Officer Reed, put his hands abruptly in the air before lowering them to his side, exclaiming, "Shoot me, bitch!" Officer Reed continued to attempt to calmly get Dyer's attention. Dyer turned towards Officers Davison and Sonczalla, gestured by extending his left middle finger towards Officers Davison and Sonczalla, yelled, "Fuck you, bitch," and then drew his handgun from his waistband holster with his right hand, visible to each of the officers within the T2.



Dyer Drawing Handgun / From Ofc. Cordova's BWC



Dyer Drawing Handgun / From Ofc. Cordova's BWC



Dyer Pointing Handgun at Sgt. Rosselot / From Sgt. Rosselot's BWC

During the subsequent CIRT interviews, Sergeants Rosselot and Cunningham, and Officers Davison, Sonczalla, Barker, Reed, and Cordova discussed their perceptions and concerns in the moments leading up to and the moment that Dyer drew his handgun.

Officer Davison stated, “When (Dyer) pulled the firearm out of his waistband, I was obviously in fear for my life and the other officer’s lives that were in the store.” He stated that they did not have any cover or concealment within the store. When DCSO Corporal Talmon asked Officer Davison, “At the point he (Dyer) reached down and pulled the firearm from his waistband, what do you think would’ve happened if you hadn’t acted in that moment,” Officer Davison responded, “I think (Dyer) would’ve shot at me or my partners.”

Officer Cordova stated, “Me being right in front of (Dyer), I was worried that I was either going to be shot or one of my partners were going to be shot.” When Corporal Talmon asked Officer Cordova, “Had you not acted in that moment, what do you think would’ve happened,” Cordova responded, “I could have been shot, or my partners could have been shot.”

Littleton Police Detective Robert Schiller asked Officer Barker about the threat from Dyer he observed and what concern he had if Dyer drew his handgun. Officer Barker stated, “(Dyer) was gonna grab his handgun and start shooting at us. He’s gonna shoot one of us. He can shoot me, he can shoot my Sergeants that are right there. I mean, there was a clear indication that he could hurt any one of us.”

Officer Sonczalla stated, “At some point, (Dyer) took his right hand, grabbed the butt of his gun, and then tried to pull it out of his waistband, which is when I decided to shoot. And I decided to shoot because, I mean, it’s a firearm. It’s a deadly weapon that could cause death or serious bodily injury. I was in fear for my life. I was in fear for the other officer’s safety that was in the room.”

Sergeant Cunningham stated, “(Dyer) just grabbed the gun and as soon as he grabbed the gun, I said, ‘I’m gonna get shot.’ I felt that fear in my chest and I was like, ‘He’s gonna shoot me or he’s gonna shoot one of my guys.’ Um, and he just was so aggressive with (the handgun).”

Sergeant Rosselot stated, “Then I suddenly saw (Dyer’s) elbow flare in and his hand go to the gun, and I saw the gun come up towards the other officers. Obviously, with that being, you know,

a gun pointed at my officers, I took that as a direct imminent threat to their safety. I was scared too, for my safety. I didn't know what (Dyer) was going to do next.”

Officer Reed, describing her attempts to calm and deescalate Dyer, stated. “I do try and talk people down, and I was trying to do that with him. I kept trying to catch his attention, talk to him. I was trying to seem as less of a threat because he kept talking about how everyone wants to shoot him. I was unable to catch his attention, and he escalated to the point where he pulled the gun out of the holster. I was also still kind of in the mindset of like I was trying to talk him down to prevent what had happened.”

Prompted by the deadly threat presented by Dyer, Sergeants Rosselot and Cunningham, and Officers Davison, Sonczalla, Barker, and Cordova simultaneously discharged their department-assigned duty handguns, striking and fatally wounding Dyer, who fell to the ground behind the counter. The officers ceased firing when they perceived Dyer was no longer an immediate threat.

Based on officer statements, firearm/magazine examinations, and examination of officer BWC and store surveillance footage, the officers discharged their firearms as follows:

- Sergeant Rosselot discharged his handgun six times and performed a reload
- Sergeant Cunningham discharged his handgun four times
- Officer Davison discharged his handgun five times
- Officer Sonczalla discharged his handgun two times and performed a reload
- Officer Barker discharged his handgun eleven times and performed a reload
- Officer Cordova discharged his handgun three times
- Officer Reed did not discharge her handgun

The six officers who discharged their duty handguns fired, in total, thirty-one times within four seconds of Dyer drawing his handgun, less than three seconds from first to final shot. At the time the first officer round was discharged, Dyer had completed his draw, and his handgun was generally pointed at Sergeant Rosselot, who was less than ten feet away from Dyer without cover. The interior of the *T2* did not offer cover or concealment for the officers in the store. Each of the officers were within fifteen feet of Dyer at the time he drew his handgun.

The officers within immediately coordinated with one another to secure Dyer in handcuff restraints, remove him from behind the counter to the store's main floor, where they could more effectively render emergency aid, and began to render aid within two minutes. Officer James Bernandoni responded inside with an IFAK (Individual First Aid Kit), and the officers rendered aid, including CPR (Cardiopulmonary resuscitation) until relieved by responding members of South Metro Fire / Rescue.

INVESTIGATIVE CONCLUSION

Pierre Dyer was employed as a clerk at the *T2* gas station and convenience store located at 17050 Mainstreet within the Town of Parker and was working within that capacity during the evening of October 20, 2025.

Pierre Dyer was armed with a *Century Arms* model *Canic TP9 Elite* semi-automatic handgun, concealed in his waistband.

At 10:19pm, while throwing store trash out, Dyer drew his handgun from his waistband and fired fourteen rounds in the air, while standing in the *T2* parking lot which prompted multiple reporting parties to call the Parker Communication Center to report *Shots Fired* in the area of the 17000 block of Mainstreet.

Responding PPD Officers' investigation led them to respond to *T2*, where Officers Davison and Reed discovered fourteen 9mm shell casings. PPD officers interviewed Dyer. Due to inconsistent statements made by Dyer, officers began to suspect that Dyer was lying to them.

Sergeants Cunningham and Rosselot suspected that Dyer may be armed and may have been the suspect who discharged a firearm outside of *T2*. When confronted by Sergeant Cunningham, whether or not he was armed, Dyer became agitated and displayed his handgun, placing the officers in imminent fear of serious

bodily injury and death. Officers issued loud, verbal lawful orders, advised Dyer of the consequences if he drew his handgun. Officers made attempts to calm him, however, Dyer remained agitated and non-compliant. At 11:03pm, Dyer abruptly drew his handgun, pointing it at Sergeant Rosselot, placing the officers in imminent fear of serious bodily injury and death. In response, the PPD officers discharged their duty handguns, fatally wounding Dyer.

Once the immediate threat to the officers had been mitigated, the officers immediately rendered emergency medical aid to Dyer until relieved by members of South Metro Fire / Rescue.

APPLICABLE LAW

The ethical obligation of prosecutors and the policy of the District Attorney's Office is to only prosecute a case when 1) there is a good faith basis to believe the individual to be prosecuted has committed the crime, and 2) there is a reasonable likelihood of conviction at trial. This is a higher standard than the probable cause standard used by police officers making arrest decisions. Criminal liability for charging is established when there is a good faith basis to believe the individual committed the crime, and there is sufficient evidence to prove all of the elements of the crime beyond a reasonable doubt, to include the criminal conduct and the criminal mental state. Additionally, the prosecution must disprove any statutorily recognized justification or defense beyond a reasonable doubt.

The District Attorney's review of an officer-involved shooting event is guided by the statutes pertaining to the affirmative defenses applicable to use of force by peace officers, specifically C.R.S. § 18-1-707:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.

(2) When physical force is used, a peace officer shall: (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense; (b) Use only a degree of force consistent with the minimization of injury to others; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and (d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force; (b) The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person; (c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

ANALYSIS AND CONCLUSION

The question presented to the District Attorney's Office for the 23rd Judicial District is whether the six Parker Police Department officers, when firing their weapons at Mr. Dyer, reasonably believed the use of deadly physical force was necessary to defend themselves and/or others from what they believed to be the imminent use of deadly physical force by Mr. Dyer.

The officers fired their weapons at Mr. Dyer after Mr. Dyer became increasingly agitated, damaging items in the store and pushing things off the counter, displayed his firearm to officers and finally pulling his firearm and pointing it at Sergeant Rosselot. Mr. Dyer ignored multiple commands by the officers and pointed his weapon at Sergeant Rosselot.

The shooting officers, as well as the witness officer who did not fire their weapon, were all wearing body-worn cameras. These cameras recorded both audio and video. The recordings were collected and reviewed by the CIRT investigators. The recordings and the statements of the officers involved gave a consistent and accurate account of what occurred in the engagement and throughout the entire incident. The officers who fired their weapons all described being in fear for their own lives and the lives of others.

All the officers were individually interviewed by CIRT team investigators in the days following the incident. All six officers described fearing for their own lives and the lives of their fellow officers when Mr. Dyer became increasingly agitated, pulling his firearm and pointing the firearm towards Sergeant Rosselot.

The actions of the six officers, in firing their firearms at Mr. Dyer, were reasonably justified. Mr. Dyer, by his actions, placed the officers in fear for own lives and the lives of other officers. Mr. Dyer's actions were the proximate cause for the use of deadly force by the six officers who fired their weapons.

I find that the officers reasonably believed that Mr. Dyer posed an imminent threat of deadly physical force to themselves and others in the vicinity. The officers attempted to de-escalate the situation, and Officer Reed also attempted to use lesser force. The officers were justified in using deadly physical force against Mr. Dyer to defend themselves and others from the unlawful use of deadly physical force against them. The officers did not commit any crimes and criminal charges will not be filed against them.