



OFFICE OF THE DISTRICT ATTORNEY

GEORGE H. BRAUCHLER, DISTRICT ATTORNEY
18TH JUDICIAL DISTRICT
SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

October 26, 2016

Chief David King
Parker Police Department
19600 E. Parker Square Drive
Parker, Colorado 80134

Sheriff Anthony Spurlock
Douglas County Sheriff's Office
4000 Justice Way
Castle Rock, Colorado 80109

Chief Jack Cauley
Castle Rock Police Department
100 N. Perry Street
Castle Rock, Colorado 80104

Re: Officer involved shooting of Randy Rodick – CRT case number 16-1

Dear Chiefs King and Cauley and Sheriff Spurlock:

On Sept. 2, 2016, the 18th Judicial District Critical Response Team (“CRT”) was called out on an officer-involved shooting near Parker, Douglas County, Colorado. Randy Rodick of Parker was killed during the shooting.

EXECUTIVE SUMMARY

Based on the law and the facts of this incident, I conclude that each of the officers who discharged their weapons in this incident was justified in attempting to use deadly physical force and using deadly force to defend themselves and others, and to apprehend Rodick.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

My review of the officer-involved shooting included Castle Rock Police Detective Mike Williams’s summary, reports of officers/deputies and district attorney investigators involved, written witness statements, 911 tapes and body camera videos. Additionally, I was personally

present at the scene, which I viewed prior to any evidence being moved. I also attended CRT informal briefings at the Sierra Middle School in Parker.

SUMMARY OF THE FACTS

At approximately 2:29 p.m., Sept. 2, 2016, the Douglas County Sheriff's Office ("DCSO") received a 911 call from S.O. S.O. told DCSO dispatch that her husband, Randy Rodick ("Rodick"), was "really, really drunk" and was attempting to leave their residence, 12947 N. Dixon Drive, Parker, Colorado. S.O. told the dispatcher that Rodick had a loaded 9mm (semi-automatic) pistol with him and was loading an AK-47 (assault rifle). She stated that Rodick had told her that he would kill anyone who tried to stop him. S.O. said she believed Rodick was referring specifically to law enforcement authorities who might try to stop him. She indicated she was not in fear for her own safety, but that Rodick might be willing to harm himself. S.O. informed dispatch that if Rodick were to leave the home, he would be driving a white motor home (RV) or a 1997 Ford F250 gold and white pickup truck.

At approximately 2:32 p.m., DCSO Deputy Chad Ovitt was dispatched to a "suicidal subject." Deputy Ovitt was informed by dispatch about Rodick's intent to leave the residence and that he was armed with a 9mm pistol, was loading an AK-47 in the basement, and that he said he would kill anyone who tried to stop him.

Because the Rodick residence is very close to the Parker city limit where it borders unincorporated Douglas County, the Parker Police Department was notified of the situation at approximately 2:38 p.m. Because the Rodick residence is also located near Sierra Middle School, the school was "locked down" at 2:42 p.m. At about the same time, DCSO Sgt. Darren Trujillo, who is assigned to the Impact Team,¹ directed the Impact officers to respond to Sierra Middle School to stage their response to the situation. The Impact officers, who were already close and heading towards the Rodick residence, donned their ballistic vests, which were clearly marked "police" or "sheriff."

Shortly thereafter, DCSO Deputy Lee Nichols, who was that day assigned as a school marshal at Sierra Middle School, began watching the activity at the Rodick residence through binoculars. Deputy Nichols observed a male (later identified as Rodick) walking from the detached garage to the house. At about the same time, DCSO Deputy Larry Arguello advised over the police radio that a shot had been fired from the area of the house. Deputy Arguello at that time did not know whether the shot had been fired at law enforcement officers.

DCSO Lt. Paul Rogers ordered the SWAT team activated. DCSO Deputy Randy Allen met with S.O. at the Sierra Middle School. DCSO dispatch had advised S.O. to go to that location. Based on information provided by S.O., Deputy Allen relayed to other officers via police radio that Rodick was willing and ready to have a shootout with police.

¹ The Impact Team is a task force of officers and deputies from various agencies including the DCSO, the Parker PD, and the Castle Rock PD. The officers have enhanced training to respond to and investigate crimes in progress, pattern crimes, etc. The members work in plain clothes but are equipped with clearly marked "police" or "sheriff" ballistic vests and other specialized law enforcement weapons and equipment.

At 2:52 p.m. Deputy Nichols advised over the police radio that Rodick was then walking from the house to the garage and he was carrying a rifle and what appeared to be an ammunition can. Rodick entered the garage wearing a baseball cap and a hooded jacket. About a minute later Deputy Nichols observed Rodick walking from the garage back to the house not carrying any visible weapons or ammunition. He was further described as wearing a gray t-shirt and jeans. About a minute after that Deputy Nichols observed Rodick walking from the house back to the garage and it appeared he was carrying another weapon, another ammunition can and a black bag.

At approximately 2:58 p.m., Deputy Nichols and other deputies advised that Rodick had entered a Ford pickup, which he subsequently parked inside the garage. Deputies observed Rodick close the garage door and walk to a second garage containing the RV. At 3:04 p.m., Rodick backed the RV out of the garage, got out of the RV, and closed the garage door.

At 3:09 p.m., Rodick began driving the RV down his driveway towards N. Dixon Drive. At that time, the Impact units were ordered to move up to a roadblock, which was established to keep Rodick from leaving the immediate area. Impact officers were instructed not to allow Rodick to retreat into his residence. Shortly thereafter, Rodick returned in his truck to the house, backing up in his driveway towards the house and other structures on the property.

At that point, DCSO Detectives Dan Brite and Joe Pollack, Castle Rock Detective Mark Galvan, and DCSO Corporal Brian Rademacher arrived at the Rodick residence. Immediately after Det. Brite (driver) and Det. Galvan (passenger) stopped their vehicle, Rodick began shooting at them while seated in his RV. Rademacher stopped his vehicle behind the RV and could hear the gunfire. Rademacher returned fire with his rifle and Pollack returned fire with his handgun.

Deputy Nichols arrived and saw Deputy Brite get shot and fall to the ground.² Shortly thereafter, Rodick began driving the RV and officers attempted to disable it by shooting at its tires. The RV continued moving, crashing through a white fence, a barbed wire fence, and eventually drove through a large field away from the residence towards Crown Crest Boulevard, west of the residence. Rodick drove the RV erratically, making multiple loops, over curbs and through a small gully. About 3/8 of a mile from the residence, Rodick lost control of the RV and struck a small retaining wall/planter on the north side of the roadway where it came to rest just east of Crown Crest of Parker retirement home and across the street from the Parker Adventist Hospital campus.

Just as the RV was crashing and reaching its resting point, civilians M.J. and J.R., who were in separate vehicles, approached the RV on foot to render aid, not knowing its driver had been shooting at law enforcement officers. As he approached the RV, J.R. saw Rodick sitting in the driver's seat of the RV facing forward. J.R. saw what he recognized as the muzzle of an AK-47. As a concealed weapon permit holder, J.R. drew his handgun and backed away from the RV. Rodick told J.R. to "get the fuck away" from him as Rodick fired three or four shots in J.R.'s direction. J.R. yelled at M.J. to run and helped her and her two young children retreat to a safer

² Dan Brite was transported to Parker Adventist Hospital with a life-threatening wound. He remained in intensive care in extremely critical condition for weeks following the shooting.

position. J.R. then realized he had been grazed on the face by one of Rodick's shots. J.R. did not fire his weapon.

Parker PD Officer Ronnie Dorrell, who had been stationed on a perimeter, heard the shots and advanced in a police vehicle with Parker Officer Trey Biles, to a position close to the RV. As Officer Dorrell ran from his vehicle to a closer position behind a pickup truck (owned by J.R.), Rodick fired at least two shots in an unknown direction. At approximately 3:15, Officer Dorrell fired a single shot from his .223 caliber rifle, fatally striking Rodick in the head. Rodick fell to the ground just outside the driver's door of the RV, where he and his AK-47 were found. Crime scene investigators ("CSI") later recovered a single .223 shell casing consistent with Officer Dorrell's rifle from inside J.R.'s truck. At the Rodick autopsy, the .223 round fired by Officer Dorrell was recovered from Rodick's head. An additional .223 bullet fired by Officer Rademacher was recovered from Rodick's shoulder area.

CSI recovered the AK-47, a 9mm semi-automatic pistol on the floorboard of the RV, a 75-round drum magazine for the AK-47 inside the RV, and multiple other guns, magazines, and unspent ammunition rounds in the field where the RV had passed on its path from the Rodick residence to its final resting place. At least three bullets from Rodick appear to have struck the Sierra Building on the Parker Adventist Hospital campus and nearby signage; one bullet struck a northeast-facing window, traveled through an office, through multiple interior walls, through a computer monitor and embedded in an examination room wall. That bullet was determined to have been fired from Rodick's AK-47.³

At the location where Rodick shot Dan Brite, CSI located 41 .223 caliber cartridge cases fired from Officer Galvan's rifle, 30 .223 cases from Officer Rademacher's rifle, 15 .223 caliber cartridge cases from Officer Brite, two .45 caliber cartridge cases from Officer Pollack, and nine 7.62 (AK47) caliber cartridge cases. An additional nine AK-47 cartridge cases were found outside the RV where it came to rest, and seven were found inside the RV, for a total of 25 AK-47 shots accounted for.⁴

CSI identified 58 bullet strikes on the exterior of the RV. Because the RV windows had been shot out, there was no way to determine the number or direction of shots fired through those windows.

Based on the consistent witness statements and physical evidence in this case, had Randy Rodick surrendered or been captured alive prior to being fatally shot, he would be facing the following potential felony charges: multiple counts of Attempted Murder in the First Degree – after deliberation – of a Peace Officer (F2), Attempted Murder in the First Degree – after deliberation – victim J.R. (F2), multiple counts of Attempted Murder in the First Degree – extreme indifference (F2), First Degree Assault (F3), multiple counts of Felony Menacing (F5), and Prohibited Use of a Weapon (M2).

³ Three rounds struck buildings on the hospital campus. One was confirmed to have been fired from the AK-47; based on witness statements and other evidence the other two are believed to also have been fired from the AK-47.

⁴ Each individual who fired a weapon used a different caliber and/or brand of ammunition, making it possible to identify which person had fired which of the cartridges.

FOLLOW-UP

The below-listed facts were not known to the officers at the time of the shooting.

Subsequent to the shootings on Sept. 2, 2016, , District Attorney Investigator Karen Meskis interviewed several members of Rodick's family, including his wife, S.O., his ex-wife and mother of his children L.V., and his sister, J.M. Those family members and others all acknowledged that Rodick was an alcoholic and that more recently he was addicted to prescription medications. Several members of the family discussed Rodick's hospital admissions to treat his alcoholism, his withdrawals from alcohol and at least one instance of an alcoholic seizure. They also discussed how Rodick, over recent years, had talked about dying.

S.O. described Rodick's behavior immediately prior to the shooting. She did not think Rodick was hallucinating, but described him as "going crazy." He was loading his guns, so she backed off to avoid agitating him further. Rodick was packing clothes, grabbing guns, and had grabbed his .44 caliber handgun from his gun cabinet in their bedroom. He was loading that handgun when she told him not to do so because he was drunk. Rodick told her she had better not call anyone because she will regret it because he would "take them out." She asked who he was talking about and he replied "the police, they're all corrupt." He continued to pack his bag and she thought he put the .44 handgun in a holster in his pants. She followed him to a gun room in their basement where he grabbed a 9mm pistol, a shotgun, an AK-47, and a small antique gun. She called 911 when he began loading the AK-47. Rodick loaded the guns and she described him as "crazy" when he did so. When she was on the telephone with 911 the dispatcher told her to leave the house. As she went back inside the house to get her keys and dog she heard Rodick screaming her name.

S.O. stated to Investigator Meskis that, in the past, when Rodick was drunk, he talked about wanting to die; when sober, Roddick did not want to kill himself. Thursday, the day prior to the shooting, S.O. had urged Rodick to seek medical treatment. She wanted him to admit to the doctor that he was addicted to prescription drugs and get help to get off of them. Rodick told her that he did not want to go to counseling because it did not work, and he did not want to get off the drugs.

L.V. told Investigator Meskis that Rodick had tried "suicide by cop" a few years ago at his house. L.V. felt that Rodick wanted to commit suicide for a long time but was too much of a coward to do it himself. She stated that the day before the shooting Rodick had dropped off old pictures of their children and \$100 for her. She said it was not unusual for him to give her money, but that he had not before given her pictures. He told her that he had been depressed lately and was getting help for it. He told her he loved her and that she always had a piece of his heart. He further stated "you are a good mom and don't let anyone tell you otherwise. I love you. Thank you."

J.M. told Investigator Meskis that Rodick wanted to die, but was not strong enough to kill himself. About four or five years earlier, Rodick told J.M. that he wanted someone else to kill him, because in the Bible it is a sin to commit suicide and he was not strong enough to do that.

During that conversation, Rodick told her he did not believe in suicide and that he did not think “suicide by cop” was suicide. J.M. told him that forcing someone else to shoot him was suicide.

Facts obtained from family members by Investigator Meskis were unknown to officers at the time of the shootings.

APPLICABLE LAW

Section 18-1-704(2) C.R.S. states:

Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

Section 18-1-707 C.R.S. states:

(2) A peace officer is justified in using deadly physical force upon another person...when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon;

Deadly physical force “means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.” Section 18-9-901(3)(d) C.R.S.

ANALYSIS

Here, officers attempted to use deadly physical force by firing shots at Rodick. First, after Rodick began firing shots at officers near his residence, officers returned fire at Rodick and at the tires of the RV he was driving. Prior to Rodick beginning to drive away from the residence in his RV, Rodick fired multiple shots at officers, including the shot that nearly killed Dan Brite. Officers at the initial scene (by the residence) and the final scene (where the RV came to rest) were in communication through their police radios. Dan Brite, Mark Galvan, Brian Rademacher,

Joe Pollack, and Ronnie Dorrell (“the officers”) each fired at least one shot at Rodick. All officers who fired at Rodick and/or his tires had been informed that Rodick was shooting at responding officers and civilians.

Based on the law and the facts summarized above, including what Officer Dorrell knew at the time he fired a single shot at Rodick, I find that all of the officers reasonably believed that their lives and the lives of members of the public were in imminent danger. The officers also feared for the safety of other nearby innocent individuals if Rodick were able to escape with a deadly weapon. I further find, based on the law and the facts, that the officers were justified in attempting to use deadly physical force to defend themselves and others, and to attempt to apprehend Rodick. Moreover, I find, based on the law and the facts, that Officer Ronnie Dorrell was justified in using deadly force to defend himself and others.

Respectfully,



Larry Bailey
Deputy District Attorney

Approved by:



George H. Brauchler
District Attorney