



CITY AND COUNTY OF DENVER
DEPARTMENT OF SAFETY
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CRIME PREVENTION & CONTROL • SAFE CITY

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**PUBLIC STATEMENT OF THE MANAGER OF SAFETY REGARDING THE
OFFICER INVOLVED SHOOTING AT 10686 E. BETHANY DR. AURORA, CO,
INVOLVING OFFICER ANTONIO MILOW, RESULTING IN THE DEATH OF
KIARRON LESHAWN PARKER ON APRIL 22, 2012**

I. EXECUTIVE SUMMARY

The Incident

On Sunday, April 22, 2012, at approximately 12:40 p.m., Officer Antonio Milow, a ten-year veteran with the Denver Police Department was off-duty and attending church services at Bethany Christian Center, 10686 Bethany Drive. The service was nearly over when Assistant Pastor TM¹ walked out through a side door and noticed that a car had struck a church member's car that was parked in the parking lot. TM was concerned that the collision might have resulted in injuries so he immediately ran back to the door of the church and motioned to Officer Milow to come out into the parking lot to look. Officer Milow and other church members, including TM and JE, entered the parking lot. TM saw an individual later identified as Kiarron Parker, and as he approached him, Parker pointed a gun at him and other church members. They ran toward the church. As he ran, TM slipped and fell to the pavement. Parker pointed the gun at TM, appeared to pull the trigger, but the gun did not fire. TM was able to escape and take cover. When Officer Milow saw Parker with the gun, he took out his own weapon, pulled out his badge and yelled, "Denver Police! Drop the weapon!" Parker did not comply. Instead, he started shooting as he moved toward Officer Milow. Officer Milow returned fire. Officer Milow discharged his weapon eight times and Parker discharged his gun at least 15 times during the exchange of fire that ensued.

During the shooting, Parker shot JE multiple times and killed her. Although he was wounded, Parker continued to pursue Officer Milow. Officer Milow moved toward the church door for cover. Concerned that others would begin to exit the church, Officer Milow yelled for church members not to come out and then he went inside. Parker followed him through the door. When Parker came through the door, Officer Milow jumped him and struggled with him as he tried to disarm him. Parker was able to shoot one more round before he was finally taken to the ground and disarmed. Officer Milow restrained Parker on the ground until Aurora Police Officers arrived on scene. Parker had been shot five times and was later pronounced dead.

¹ For the purposes of this public statement, civilian witnesses are identified by initials only and their statements are summarized in Appendix A. The full identities of these witnesses are contained in the Denver Police Department files related to this case and are available for review by members of the public during regular office hours by contacting the Records Custodian in the Manager of Safety's Office at 720-913-6020.

The Criminal Investigation and Post-Mortem Examination

This case was jointly investigated by the Aurora Police Department Major Crime/ Homicide Unit and the Arapahoe County District Attorney's Office. Once the criminal investigation was completed, and after consideration and review of the autopsy report, the District Attorney ("DA") issued his decision regarding whether or not criminal charges would be filed. The DA determined that the facts of the case do not support a finding of any criminal use of force by any of the involved law enforcement officers. Thus, the DA declined to file charges against the officer. The DA's findings and statement regarding this case can be found at:

[http://www.da18.org/Portals/0/Uploads/PDFs/Milow%20DPD%20\(2\).pdf](http://www.da18.org/Portals/0/Uploads/PDFs/Milow%20DPD%20(2).pdf)

On April 24, 2012, Medical Examiner, Dr. Kelly Lear-Kual, performed the autopsy of Kiarron Parker. Dr. Lear-Kual's diagnoses included: 1) five (5) penetrating gunshot wounds, and 2) a toxicology report showing positive test results for opiates, benzoylcegonine, and THCCOOH. Tests also detected morphine, codeine, codeine metabolite, phencyclidine, cocaine metabolite, promethazine, levamisole, and cotinine.

The Administrative Review

Following the decision by the Arapahoe County DA, this case was turned over to the Denver Police Department ("DPD") Internal Affairs Bureau ("IAB") for further investigation into the tactics and force procedures used by the officer. After IAB completed its broadened investigation, it presented the case to the Use of Force Review Board. The Board found that the officer acted in accordance with policy. Both the Chief of Police and the Office of the Independent Monitor ("OIM") agreed with this determination and so advised the Manager of Safety ("the Manager"). This case was then brought to the Manager for a final determination as to whether the officers violated DPD's Use of Force policy or any other DPD policy or law.

As a general matter, the Manager focuses on three areas when analyzing whether a death connected to the use of force violates Department policies:

- (1) the reasonableness of the tactics utilized by the officers immediately, prior to, and during the use of force;
- (2) the reasonableness of the officers' assessment of the threat posed by the person; and
- (3) the reasonableness of the use of force options selected by the involved officers.

The Manager finds that Officer Milow acted reasonably in determining that Parker posed an imminent threat and should be forcibly stopped after he refused to obey the officer's lawful orders, drove his vehicle with no regard for the safety of others, shot JE, attempted to shoot TM, and then pointed his gun and shot at the officer. In addition, once Parker pointed a firearm at the officer, the officer responded with reasonable and appropriate force. Officer Milow attempted to de-escalate the situation, but Parker would not let that happen. The Manager finds that the officer used appropriate tactics when he confronted Parker, and acted pursuant to his training.

Based on a careful review of the facts, a comprehensive analysis of the policies and the law, and a consideration of the recommendations of the OIM and the Chief of Police, the Manager concludes that the officer did not violate DPD's Use of Force policy, any other

Department rules, or any laws with regard to the use of force. Kiarron Parker's death did not have to happen that day. However, the actions of Parker necessitated the use of deadly force used by Officer Milow. Therefore, disciplinary sanctions will not be ordered.

The purpose of this public statement is to provide a more detailed explanation of the basis of this decision.

II. FINDINGS OF FACT

On Sunday, April 22, 2012, Officer Antonio Milow, a ten-year veteran with the Denver Police Department, was off duty. He arrived at Bethany Christian Center at 10686 Bethany Drive, a business complex in Aurora, to attend church services. He arrived at approximately 12:40 p.m., at the start of services. TM, a drummer and co-pastor for the church, was also there that day. Towards the end of the almost two-hour long service, TM exited the church and was sitting outside on a bench.

Around this same time, OE, a friend of Kiarron Parker, was headed home to his apartment after dropping off his children. When he arrived home, he found Parker outside waiting for him. OE spoke to Parker, who did not look at or acknowledge OE. OE stated that Parker had "glazed over eyes" at this time. Parker then, without speaking to OE, got into the car he was driving, a rental Charger that had been rented by Parker's brother, CP (see Appendix A). Parker started the car and attempted to leave the parking lot. Parker was driving quickly and erratically and in the process of leaving the parking lot, he almost went through the sliding glass doors of a neighbor's home and then hit a wall. Parker then drove off in the damaged vehicle. OE, concerned about his friend's erratic behavior, tried to follow Parker in his own car. He quickly lost sight of Parker and began driving back to his apartment. OE then saw a woman in a Lexus moving rocks out of the road. OE stopped and asked her if she was all-right. The woman informed him that she saw a car that was "greenish" which had "jumped the curb." She informed OE that the car was leaking transmission fluid so he should be able to find it by following the leaks. OE followed the trail left by the fluid to find Parker. He ended up at the church.

Around this time, TM, who was still outside, heard "screeching" coming from the street. The noise got closer so TM went into the parking lot where he noticed a large white bus was parked. He looked behind the bus as the grey Charger "skidded" across the parking lot, made a sharp turn and then "rammed" into another church member's car. TM then ran into the door of the church and told Officer Milow, "our security guy," to "come out now, come out now," believing someone could be injured or dead. He motioned for Officer Milow and three other men to come out and check on any injured parties. JE, the mother of the pastor, also went outside.

It was approximately 2:40 p.m. when Officer Antonio Milow, who was still inside the church, looked up and saw TM at the door of the church, motioning for him to come over. Officer Milow exited the main entrance and looked towards his right where TM informed him that "a guy hit this car." That "guy," later identified as Kiarron Parker, began approaching TM, the other men, and Officer Milow. TM had noticed that Parker was behind the white bus. TM could not see who was driving so he wasn't sure if Parker was the driver of the Charger or if anyone else was in the car with him. One of the men who had been called outside by TM said, "Oh shoot" and "starts booking" away from Parker. TM turned and then saw that Parker had a gun pointed at them. He began to run and in the process of fleeing, TM fell, injuring his arm. Parker pointed the gun at TM and he appeared to fire; but according to TM, the gun appeared to jam or had the safety on and TM was able to escape without injury from the firearm.

At that same time, Officer Milow asked Parker if he was okay. Parker then, without verbally responding, turned and pulled out the gun. At that point, Officer Milow took out his weapon and pulled out his badge from inside of his shirt and yelled to Parker, "Denver police! Drop the weapon!" Parker responded by turning towards Officer Milow and pointing the weapon at him. Parker was approximately 30 feet from Officer Milow.

At this time, a shot was fired followed by more shots being exchanged by both the officer and the suspect. Apparently, this was when Parker shot the victim, JE, in the head. Parker continued coming towards Officer Milow who was trying to find cover. Officer Milow began moving towards the church door but became concerned that parishioners could start exiting through the door and he wanted to make sure no one else was injured. Officer Milow went towards the door and was yelling for people to "stay back, stay back, stay back" in case anyone was coming that way. Officer Milow went inside the main door of the church. When Parker came through the door of the church, Officer Milow "rushed him" and "tried to disarm him," going hands-on with Parker. The two men were wrestling when Parker fired another shot. Officer Milow "shoulder checked him" and got him "on the ground." The two men struggled. Once Parker was on the ground, Officer Milow disarmed him. With Parker's weapon in his hand, Officer Milow yelled for someone to call 9-1-1 and then called for officer assistance and an ambulance. He stayed on top of Parker, not knowing if Parker had any other weapons.

Another man, later identified as OE, arrived on scene. Upon his arrival, he saw JE on the ground and initially thought that Parker had hit her with his vehicle. TM was guiding other officers towards the church and OE approached them. Once inside the church, OE saw Officer Milow standing over Parker with his foot on his back. OE asked what was going on. Unclear of OE's role, he was told to leave the scene. OE informed them that Parker, "needs his medication, he needs his medication!"

According to all of the witnesses, there were no words exchanged between Parker and Officer Milow other than Officer Milow identifying himself as a Denver Police officer and telling him to drop the weapon. No one heard Parker say anything to anyone. None of the witnesses, other than OE, knew Parker prior to that day.

TM stated that Officer Milow gave Parker "a chance to put the gun down" and that at the time of the shooting, Officer Milow had no other option than to fire his weapon. Officer Milow stated that he fired in this situation because "once he pointed the gun at me, I was in fear for my life and my safety and those of the children and everyone in that church. As far as I was concerned, I'm the last line of defense."

III. MEDICAL RESPONSE

The Aurora Fire Department arrived on scene and began medical treatment on both JE and Parker. Both were transported to the Medical Center of Aurora South for further medical treatment.

JE was pronounced deceased at 3:40 p.m. and Kiarron Parker was pronounced deceased at 3:39 p.m. by Dr. Taylor at the Medical Center of Aurora South. The medical examiner determined that JE had been hit by at least seven bullets. All were attributed to the gun fired by Parker.

IV. CRIME SCENE INVESTIGATION

Personnel from the Aurora Police Department Major Crimes and Homicide Unit responded to the scene and collected evidence. The scene was taped off, videotaped and photographed. Measurements were taken and a neighborhood survey was conducted by detectives and officers assigned to those tasks.

Officer Milow was armed with a Glock .45 caliber, model 30 handgun. When it was retrieved from the scene, it was determined that there was one live round in the chamber and the magazine was empty.

Parker was armed with a 9mm Stoeger Cougar 8000 series handgun. When it was retrieved from the scene, the magazine was empty and there were no rounds in the chamber. The weapon was at "slide lock."

V. CRIMINAL HISTORY

A records check was conducted on Parker after this incident. Parker had a lengthy criminal record going back to his youth. It was also noted that Parker had multiple alias names. As a juvenile, Parker was arrested twice for vehicle theft, trespassing, twice for possession of drugs, assault and disorderly conduct and was sent to the Colorado Division of Youth Corrections. As an adult, Parker's criminal conduct included numerous arrests for Loitering (for drugs), Possession of Cocaine, Fugitive other Jurisdiction, Possession of a Controlled Substance, Intent to Distribute, Possession of Dangerous Drugs, Driving without a License, FTA, Possession of an Illegal Weapon, as well as parole violations, a hit and run, and other traffic related offenses.

He was sentenced to six months with the Department of Corrections in May of 2002 for possession of a controlled substance and was again sentenced to three years in the DOC for possession in November of 2002. Parker was also sentenced to seven years in Oklahoma following an arrest for burglary, assault and battery in October of 2009. From available information, it appears he was released on May 21, 2012.

Parker was also a known member of the 33 Gangster Crip gang. He had a tattoo on his left arm that read "Crip Cuzz." Had he survived, Parker would have faced multiple felony charges for his crimes against the citizen and police officer victims in this shooting.

VI. ANALYSIS

As stated above, as a general matter, an administrative review analyzing whether an officer-involved shooting was in accordance with Departmental policy focuses on three areas:

- (1) the reasonableness of the tactics utilized by the officers immediately prior to and during the use of force;
- (2) the reasonableness of the officers' assessment of the threat posed by the person; and
- (3) the reasonableness of the use of force options selected by the involved officers.

It should be noted that there is a significant difference between the evidentiary standards that were utilized by the District Attorney in his criminal review of this shooting incident and the standard utilized in an administrative review. The criminal review process required a determination of whether, at the moment force was used, there existed proof "beyond a reasonable doubt" that an officer had no legal justification under the applicable criminal statute, C.R.S. § 18-1-707, for the use of physical force and/or deadly physical force under the circumstances presented. That means that the involved officer could not be found criminally liable unless there was proof beyond a reasonable doubt that, at the time he fired his weapon, it was unreasonable to believe that Kiarron Parker presented a threat of serious bodily injury or death to himself or to a third person.

The administrative review process is much broader in scope and requires a determination regarding whether there exists a "preponderance of evidence" to show that the involved officer violated the Department's Use of Force Policy or any other rules and regulations that were in effect on the date of the shooting. The Department policy encompasses the criminal statute applied by the District Attorney's Office as it relates to the reasonableness of an officer's actions at the moment deadly force is used. The applicable language states in part:

A peace officer is justified in using deadly physical force upon another person...when he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

The Department policy also encompasses other aspects of tactics and training regarding an officer's actions prior to the actual use of force. The policy indicates that an officer should recognize that the officer's conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation.

The policy acknowledges that an officer may escalate or de-escalate the use of force as the situation progresses or circumstances change and may use tactical options (such as command presence, warnings, verbal persuasion, cover, concealment, barriers, disengagement, repositioning, retreat, containment and others) as a preferable response to a deadly force confrontation, if reasonable under the circumstances.

The policy also specifically indicates that an officer is to rely upon his or her training in making the decision as to the level of force to be used. With regard to potential deadly force situations, Denver Police officers are trained in classroom lectures, video based scenarios, and practical exercises, to employ certain tactical principles wherever possible or practical. The purpose of these principles is to better ensure the safety of officers and the safety of the public. These include:

1. the use of cover and/or concealment;
2. the use of barriers between the officers and the potential threat;
3. the use of communication among the involved officers, as well as with the potential threat;
4. the use of movement to:
 - a. seek a better tactical position;
 - b. increase the distance between the officers and the threat;
 - c. increase the time the officers have to react to the threat.

In applying that section of the policy, the task in this administrative review is to determine whether the evidence and circumstances of this case make it more likely than not that a police officer would not have been reasonable in believing that Kiarron Parker presented a threat of the imminent use of deadly physical force against that officer or a third person. In addition, as it relates to the provisions of the policy dealing with tactical considerations and de-escalation, the task of this administrative review is to determine whether the evidence presented makes it more likely than not that a police officer would not have been reasonable in employing similar tactics as those used in this case when confronting Parker.

In making the above determinations, consideration must be given to all the circumstances, including, without limitation, the information which was available to the involved officer(s), as well as any reasonable inferences arising from that information; the observations of the officer(s); the lighting that was present and the visibility at the scene; the distances between the officer and the threat; the logistics at the scene; the timing of the incident; the immediacy of the threat; the nature of other offenses believed to have been committed; the manner in which force was both threatened and used; and the practicality and feasibility of employing other tactical options under the circumstances. It is necessary to gauge the behavior of these officers against what would be expected of an objectively reasonable police officer under similar circumstances.

A. Reasonableness of the Officers' Tactics

To determine whether the officer's tactics were reasonable, the Manager considers the actions taken by the officer to get Parker to comply with his orders, without having to use force or resort to lethal force. The Manager also reviews and considers the actions any officer took once they were engaged in force in attempting to de-escalate and/or cease force once the threat diminished or is no longer present. Officers are trained to attempt to use non-physical force, including verbal and non-verbal communication, to help establish and maintain a controlled environment at any stage of a situation. However, the safety of the public and the officers must be the overriding concern. If non-physical force options do not work, the officers are taught that they may resort to force, including lethal force.

The officer in this case made the appropriate tactical decision that Parker needed to be stopped and arrested. Parker was not isolated in a secure location; he was in the middle of a business complex around three o'clock in the afternoon. There were church attendees as well as other members of the public driving in the area. Off-duty Officer Antonio Milow was simply responding to the enormous threat that essentially walked right up to him. By the time Officer Milow took out his weapon, he already knew that 1) Parker had driven erratically into another car, 2) Parker was armed, and 3) Parker was firing his weapon. Officer Milow was faced with an unquestionably dangerous man and had a duty to do what he could to attempt to apprehend Parker.

Officer Milow used proper tactics in trying to detain and arrest Parker. Upon his first confrontation with Parker, Officer Milow removed his badge from under his shirt and announced that he was a Denver Police officer. He took his weapon out of its holster and pointed it at Parker while instructing him to "Drop the weapon!" Parker made the choice not to listen and instead, pointed a weapon at the officer and fired. Officer Milow used command presence, voice commands and other tactical options, in what was a very limited time, to stop Parker. This happened off-duty so at that moment, there were no other officers present, there was no back up, there was no radio to call for assistance "code 10," and there was no partner standing feet away from him. Officer Milow was put in the

undesirable position of either single-handedly confronting an armed man who was freely shooting his gun at innocent people, or waiting for more officers to arrive and risk other people being injured in the process.

Not only was Parker willing to shoot at a police officer and unarmed citizens, Parker was willing to follow Officer Milow into the church where there were more potential victims. Officer Milow, concerned for the safety of the congregants, yelled for them to stay back and stay away from the door. Putting his own safety in jeopardy, Officer Milow physically jumped on Parker to try and keep him from continuing into the church. Parker still did not give up. Instead, he physically fought Officer Milow, firing his weapon one last time. At that time, Parker's gun was empty. It is unknown how much more damage could have occurred if Parker had more rounds in his gun.

By the time he was disarmed by Officer Milow, Parker had fired his gun at people in the parking lot, murdering JE, held a gun to TM, and fired at a police officer. The situation erupted quickly and ended quickly. Officer Milow had only seconds to think and react.

Officer Milow was yelling, "Denver Police! Drop the gun! Denver Police! Drop the gun!" This "command presence" is generally used to project the appearance of being in control both of oneself and the situation in a manner that actually helps create control. The police uniform has traditionally been a major source of establishing a command presence because of the fact that it is immediately recognizable. Despite the fact that Officer Milow was off-duty and in civilian clothes, he still tried to give a command presence and he did produce his badge. Parker still did not surrender.

Parker never indicated that he did not understand the officer's commands. In addition, there were no lighting or visibility issues since this took place in the afternoon. Parker had been given the opportunity to surrender peacefully. He didn't simply refuse to surrender; he actively shot at the officer and murdered JE.

It appears that Parker intended his next victim to be Officer Milow. Tactically, at that moment, Officer Milow was out of options. He had used command presence, verbal commands, he approached with his weapon drawn, and eventually, he physically jumped on Parker. Officer Milow made the reasonable choice to fire his weapon. The duty of Officer Milow was to ensure the safety of citizens and responding officers and, if possible, to apprehend Parker. Parker, however, would not let that happen.

In assessing whether the tactics used by the officer involved in this shooting were reasonable, this Office has considered the totality of the circumstances, including the information available to the officer at the time, the specific actions of Parker and the involved officer, up to and including the use of deadly force by Officer Milow. When Parker refused to obey police commands and instead chose to fire a gun at Officer Milow, as well as other civilians, Officer Milow was confronted with his sworn duties to protect the public, and to enforce the law and apprehend suspects. The officer properly chose to take all necessary measures, including deadly physical force, to carry out those duties. Based on these reasons, the Manager concluded that appropriate tactics were used and that the officer involved in this event complied with his sworn duties and his training.

B. The Reasonableness of the Assessment of the Threat

In order for the Manager to evaluate whether Officer Milow's assessment that he needed to use deadly physical force was reasonable, the Manager must examine what the officer knew at the time he was assessing the threat before him.

In this case, as pointed out in the above section, at the time Officer Milow initially came into contact with Parker, he knew that Parker had hit another vehicle, was armed, and was firing his weapon. Officer Milow had no information on whether Parker was alone or if there were other suspects, or if Parker had additional weapons. But he knew this suspect was willing to open fire on strangers who were simply attending church services. Parker was shooting a firearm in a busy area where there would potentially be many people. Officer Milow knew that he was dealing with a violent and unpredictable person, not above shooting total strangers. He had no reason to anticipate that Parker would not be a threat to him or the other people inside of the church. Officer Milow likely did not know at that time that Parker had also driven erratically at OE's apartment, almost drove into someone's home, and had possibly stolen the car he was driving.

Parker walked directly towards Officer Milow with his gun raised, shooting at the officer. Officer Milow was left with the decision to either stay outside and risk getting shot or go inside and risk Parker following him, putting more people in danger. Parker murdered JE, he tried to shoot TM, and he fired at Officer Milow. Officer Milow was reasonable in concluding that Parker posed a significant threat and was extremely dangerous. In fact, one would have to question the judgment of Officer Milow if he had come to any other conclusion.

At the moment Officer Milow fired, he reasonably believed Parker was a deadly threat. Although in this case Parker did fire at the officer, an officer need not wait until he is actually fired upon to use deadly force. The officer needs only to base a decision to use deadly force on "apparent necessity" not "actual necessity." Thus, an officer is entitled to act on appearances drawn from reasonable conclusions based on the facts and surrounding circumstances.

Officer Milow's decision to use deadly force was based upon the reasonable conclusion that Parker was going to continue his bullet filled rampage and injure more innocent bystanders. Several witnesses to this incident stated that Parker shot at the officer and at innocent people just going to church. Not a single witness to the event indicated that the officer was hasty in his decision to use deadly force.

A thorough review of this case leads the Manager to the determination that the conclusion reached by Officer Milow was reasonable. At the time the officer fired his weapon at Parker, he reasonably believed that he and the civilians in the area were in imminent danger of having deadly force used against them. The officer's assessment of the threat posed by Parker was reasonable.

C. The Reasonableness of the Use of Force Option

To assess the reasonableness of the use of force option, the Manager must consider the justification for the amount of force utilized by officers once they decided that force was necessary. It also requires that the Manager consider whether the escalation of the level of force throughout the interaction, up to and including the use of lethal force, was reasonable. The assessment of the reasonableness of the officer's use of force requires an analysis of

the law and DPD's use of force policy. As stated earlier, the language of C.R.S. § 18-1-707, which defines the circumstances under which a police officer may use deadly force, is incorporated into the Denver Police Department's Use of Force policy. The section reads, in pertinent part:

A peace officer is justified in using deadly physical force upon another person...when he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

The Department's Use of Force Policy focuses on the "objective reasonableness" of a police officer's decision to use deadly physical force under the "totality of circumstances" present at that time. The officer is required to rely on his training, experience and assessment of the situation in deciding the level of force to be employed and to exercise reasonable and sound judgment. The policy recognizes that police officers often face circumstances that are "tense, uncertain and rapidly evolving," requiring them to make split-second life or death decisions. In such circumstances, a higher level of force may be deemed reasonable than would be the case if the officer had minutes or hours to make that choice. The policy also provides that the greater the level of threat facing the officer, the greater the level of force that may be used by the officer.

Throughout the encounter with Parker, Officer Milow relied on his training and consistently used the least amount of force necessary to try and control Parker. He started with a command presence, including taking out his badge so that it would be visible to Parker. Officer Milow announced himself as an officer and told Parker to "drop the gun!" Unfortunately, Parker left very little time and very little room for anything other than deadly force. Parker initially approached the men outside of the church with a weapon and he very quickly started firing.

Officer Milow did not escalate force; Parker escalated force by actively shooting at a police officer and civilians. All escalations of force were a direct response to the situation created and continued by Parker. The facts discussed above are significant in determining whether the degree of force which Officer Milow used against Parker was reasonable and justified. At the point when the officer fired his weapon, the actions of Parker had created a situation in which the officer reasonably believed that deadly physical force was not only imminent, but was actively happening, and that lives were in danger.

The officer was confronted with an aggressive and violent man, who had already possibly stolen a car, had driven with such recklessness that he almost ran into someone's home, and who was shooting a weapon at innocent strangers. Officer Milow was left with no other de-escalation options.

Officer Milow was reasonable in firing his weapon at Parker. Officers are trained that the greater the level of threat facing them or citizens, the greater the level of force that may be used by the officer. In looking at the officer's statements as well as those of witnesses, they are all consistent. Parker was nothing less than a deadly threat.

At the time Officer Milow fired his weapon, he had reasonably arrived at the conclusion that Kiarron Parker was an imminent threat to the officer and civilians and deadly physical force was needed to stop that threat. The Manager concluded that Officer Milow's decision that he needed to use deadly force in response to the actions of Kiarron Parker was objectively reasonable.

VII. CONCLUSION

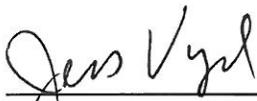
After a careful review and analysis of this case, the Manager of Safety concludes that Officer Milow acted in accordance with the law, the Department's policies and their training.

In closing, the Manager would like to assure the public and the members of this Department that this office has reviewed and analyzed this case carefully. The conclusions that were reached by this Office are consistent with those of the District Attorney's Office, the Chief of Police and the Office of the Independent Monitor. These consistent conclusions result entirely from the reason that they are controlled by the facts. The Department always has concern when a police officer has to use deadly force. However, in many instances, such as this case, the actions of the person against whom force was used have precipitated that use of force. Throughout this encounter, the actions taken and tactics used by Officer Milow on scene were those which he reasonably believed were necessary to protect his own life, as well as the life of innocent by-standers. The officer acted appropriately and reasonably to stop the imminent threat posed by Kiarron Parker. Officer Antonio Milow acted reasonably under the circumstances with which he was confronted.



Alex J. Martinez
Manager of Safety

1-28-13
Date



Jess Vigil
Deputy Manager of Safety

1-28-13
Date

APPENDIX A**Civilian Witness Statements - Summaries**

Responding police officers contacted numerous witnesses who were in the area at the time of this incident. Set forth below are summaries of the statements of some of those witnesses. Although not detailed below, there were other witnesses who were questioned. The reports regarding the specific statements of all the witnesses contacted are contained in the files relating to this case.

AB – AB was at the services that afternoon. His uncle is the pastor, Officer Milow is his cousin. TM motioned for him to come outside because someone had crashed into a car. He and Officer Milow ran outside. There was a “guy walking towards” them, so they asked if he was okay. At that point, the man, identified as Parker, pulled out a gun. He saw Parker “push [TM] down,” and AB was unsure if TM had been shot. AB ran back into the building and yelled for everyone to get into the back and get down. He then heard gun shots. He went back outside when he saw Parker was restrained and when he heard his grandmother had been shot. He had never met Parker prior to that day. AB also noted that there was another man with Parker who he believed was Parker’s brother.

SB – SB is a member of the church and was at services that day. She saw TM leave through the side door. A few minutes later TM came running back and was motioning towards some of the men in the church. Several of the men went “running” outside, as did the pastor’s mother. People started running back when she heard someone say, “He has a gun!” She then saw a “young black man” shooting a gun. She believed she saw the man, identified as Parker, shoot 5-6 shots. SB had her six year old child with her so she ran into another room. She hid her child and then went back into the sanctuary of the church. She then heard someone yell, “Call 9-1-1!” Another man came in who told them that Parker “needs his medication.” She did not witness Officer Milow’s involvement. She did not know Parker prior to that day.

JP – JP was visiting the church. He had been the music director at the church approximately 10 years ago. He was invited to play towards the end of the service so he was seated where the musicians were seated. He noticed towards the end of the service that TM stuck his head in the door, since he was outside, and motioned for a few people to join him outside, including Officer Milow. He saw Officer Milow walk out and heard some commotion. He saw Officer Milow draw a gun and heard gunfire. JP was unsure who fired first. He thought he heard “at least 20 rounds” of fire. Someone yelled, “Get to the back of the church!” so they moved towards the back. He looked out a window and saw JE, the pastor’s mother, on the ground. After approximately 2 minutes, he went outside to assess the situation. He then saw OE who stated that the shooter needed his medication. He could not hear if anything was said by Parker or Officer Milow.

CP – CP told officers that his brother stole his rental car, which was a champagne colored 2012 Dodge Charger. He stated that his brother, Parker, came to his apartment and took the keys to the rental car. He stated that his brother was using “sherm”² around this time. He initially didn’t report the car stolen because he knew that it was his brother who had taken the car. CP stated that his brother wasn’t on medication for mental illness, but also stated that his brother had been in prison and had been diagnosed as paranoid schizophrenic.

² “Sherm” is a marijuana joint that has been dipped in a liquid mixture containing PCP.

FP – FP was at services that day when he saw some activity outside that caught his eye. He noted that it also caught the eye of JE and others who went outside. He began approaching the door and as he got closer, he saw those who were outside running back towards the church. He then saw “the shooter” pressing down on the gun clip and then start shooting. He was unsure who he was shooting towards but thought it appeared like the shooter was engaging in a shooting with someone else. FP turned back towards the congregation and moved them to get them to a safer area. He then heard scuffling in the lobby and thought that the shooter was trying to come in and cause more harm. He looked out the window and saw JE on the sidewalk.

JP – JP was at services that day. Towards the end of service, TM was outside. TM came to the door and motions for some of the church members to come out. JP and JE go outside. TM informs them that he thinks someone is hurt. JE had been in the medical field. As they were coming around a van in the parking lot, TM started running towards them. He then heard a “pop.” A guy in a white shirt ran past him as JP was running as well. As JP was running back to the church, he turned around and saw the shooter, later identified as Parker, firing his gun. He got in the church and heard someone say, “Everyone get down!” He also noted that JE always sits in church and there was no way she could have run from Parker. He then heard someone say, “Call 9-1-1!” He heard someone say that they got the shooter so he then felt safe to go back outside. He then saw another man who was saying, “My brother needs his medication.”

JS – JS works in the building behind the church. He heard a car coming from the south that sounded like it had a flat tire. It came around the curve and hit another car. He saw the driver get out of the vehicle with a “pistol in his hand” so he called 9-1-1. He told his wife and daughter to run inside the building. As they were running up the stairs, he heard gunshots. They ran into the building and into an office. He called the police from there.

MT – MT is the nephew of the pastor and the cousin of Officer Milow. He saw TM motion for several people to come outside. He heard someone yell, “Somebody’s shooting!” and everyone began running to the back. He saw his uncle, the pastor, running along the side of the church so MT left to see what was happening. He noticed that his grandmother had gone outside and noticed that she did not come back inside. At that point, he said that Officer Milow had his foot on the suspect who appeared to be shot. He then saw another man pull up. The man asked a question like, “Is my brother okay?” MT did not know Parker prior to this day. Another man walked up and said something along the lines of, “My cousin needs his medication so don’t kill him.”

OE – OE was friends with Parker. On this day he pulled up to his apartment to find Parker, whom he refers to as “Snoop,” at his home. He asked Parker what was going on. Parker did not respond. Instead, he got into his car, a Charger, turned it on, and drove off almost hitting the neighbor’s sliding door. Parker then hit the wall, reversed and left the parking lot. OE got into his car to follow Parker. Initially he could not find Parker. He then came across a woman pushing rocks out of the street. He asked her if everything was okay and she said that a car had just jumped the curb and that the car was leaking transmission fluid. He then found the car and parked. He saw a woman on the ground and thought maybe she had been hit by the car. He went inside and saw Parker on the ground with the officer standing above Parker with his foot on his back. OE asked what was going on; at that point he was told to leave. OE also stated that Parker needed his medication. OE was aware of prior odd behavior by Parker including blackouts, so while he wasn’t sure he was on medication; he believed that he probably was prescribed something. OE was told to leave and he backed away towards his vehicle. He was then approached by officers. Parker had told OE that he was “schizo” and OE was aware that Parker had spent time in the hospital.

Responding Officers

The information provided by Officer Milow is set forth in detail throughout this Public Statement. In addition to the above officers, numerous other members of the Denver Police Department, including command staff, officers, detectives and lab personnel responded to this incident.

All law enforcement statements and reports can be found in the case file.

In addition, Homicide Bureau and other detectives along with Crime Laboratory personnel responded to the location of the shooting. These personnel were responsible for documenting the crime scene, photographing, collecting and preserving any physical evidence for further testing, and locating and interviewing witnesses. Homicide and Crime Lab personnel are also responsible for processing the body of the deceased and documenting the post-mortem examination of the body conducted by the coroner's office.