

Critical Incident Response Team



Officer-Involved Shooting of Kory Dillard in Aurora

October 3, 2024

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Summary of the incident

- Just before 2:00pm on October 3, 2024
- Aurora Police received a 911 call; fight in parking lot at Brent's Place
- 11980 E. 16th Avenue, Aurora, Colorado
- Caller Description: black male and white actively fighting
- Black male walking across Oswego Street to Elm Grove Apartments
- He climbed up to a 2nd floor balcony
- Black male entered a unit through the patio door
- Came back out to the parking lot holding a rifle

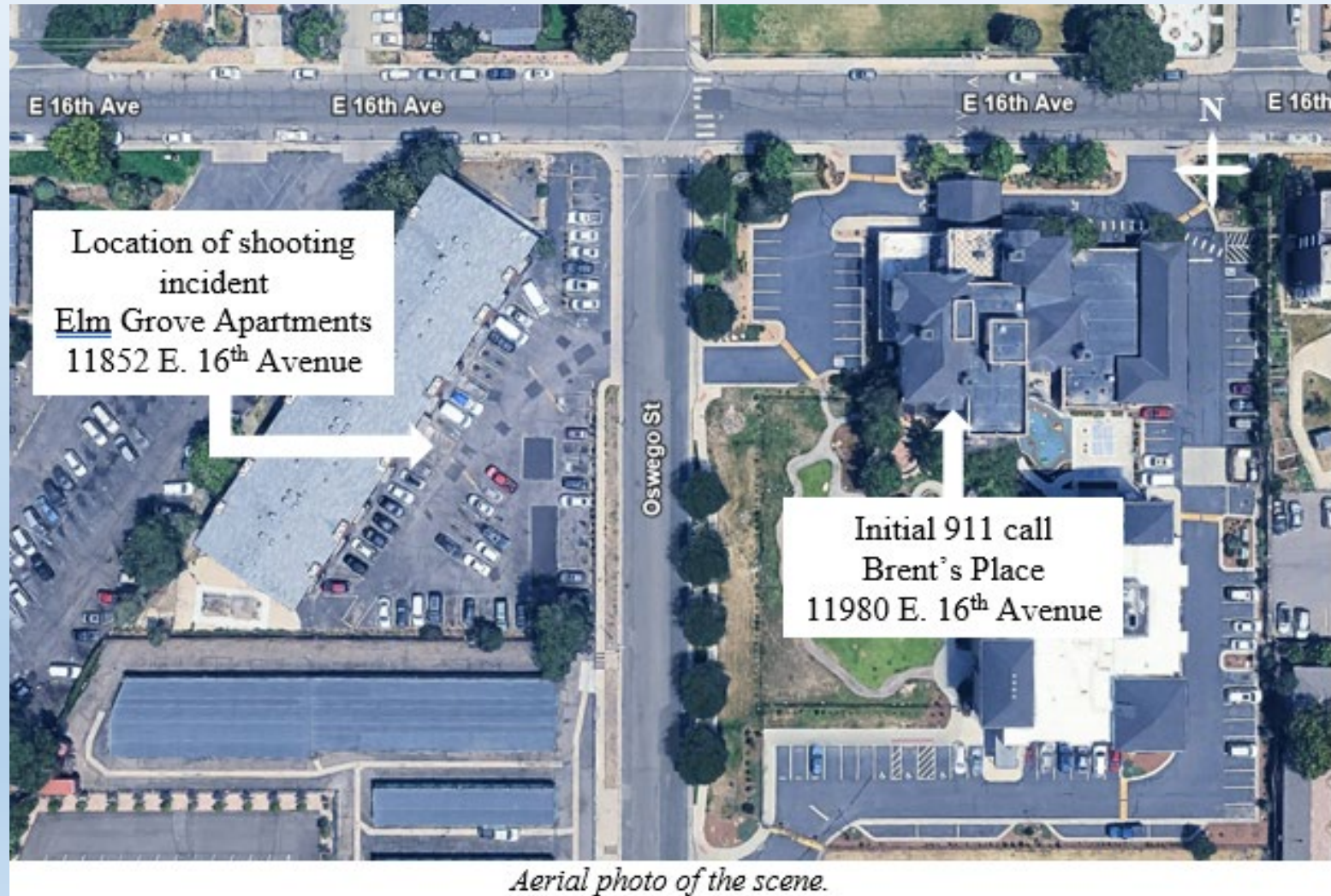
Summary of the incident

- Multiple witnesses reported the black male walking around the parking lot pointing the rifle at people in the area
- Aurora PD Officers Kevin Rodier & Ryan Shamblin were working together as a two-person unit
- They were dressed in Aurora PD uniforms while riding in an unmarked black pickup truck
- Received the dispatch report; first officers to arrive on scene
- Officer Rodier drove the truck south on Oswego Street
- They immediately identified the black male holding the rifle

Summary of the incident

- The officers got out of the truck and confronted the black male in front of the entrance to the Elm Grove Apartments
- Black male was standing near a civilian
- Both officers drew their firearms
- They pointed their firearms at the male
- They gave him verbal commands to drop the rifle and show his hands
- The male raised the rifle and pointed it at the officers
- Officer Rodier fired his weapon at the male
- It struck the male and caused him to fall to the ground
- The male, identified as Kory Dillard, was pronounced dead as a result of the gunshot wounds

Summary of the incident



The Investigation

- The Critical Incident Response Team investigation focused on two locations
- The original call came from residents at Brent's Place
 - Long-term residence for families undergoing medical treatment at nearby hospitals
- The police shooting occurred just west of Brent's Place in the parking lot of Elm Grove Apartments

The Investigation

- Surveillance camera affixed to Brent's Place captured video of a Kia Forte Sedan pulling into the parking lot at 1:46pm
- White male, identified as E.M., got out of the front passenger's seat
- Walked to the driver's side door and opened it.
- Black male, later identified as Mr. Dillard got out of the driver's side
- The two men engaged in a physical struggle
- 1:53pm, Mr. Dillard sat in the driver's compartment
- E.M. paced around the front of the car

The Investigation

- Mr. Dillard got out of the car
- The two men fought again
- Few minutes later, several people gathered around the men
- Witnesses said, Mr. Dillard was on top of E.M. and would not let him up while E.M. demanded his keys



The Investigation

- 2:02pm, Mr. Dillard walked across Oswego Street toward apartment building at 11852 E. 16th Avenue
- Witnesses said he climbed up onto balcony
- Minutes later, he came back down, stood by a white van with what appeared to be a long black rifle
- Dillard was observed walking around parking lot with the rifle
- Witnesses who saw the fight, said Mr. Dillard was waving the rifle around at people
- Witnesses referred to it as an automatic gun and an AK 47

The Investigation

- 2:05pm, E.M. approached Mr. Dillard
- He appeared to interact with him in parking lot near a white van
- Several eyewitnesses captured video recordings of Mr. Dillard
- One of the recordings shows Mr. Dillard pointing the rifle at E.M. at close distance
- E.M. put his hands up, appeared to back away, and returned to the Brent's Place parking lot

The Investigation



Still image of video recording taken by a witness depicting Mr. Dillard pointing the rifle at E.M.

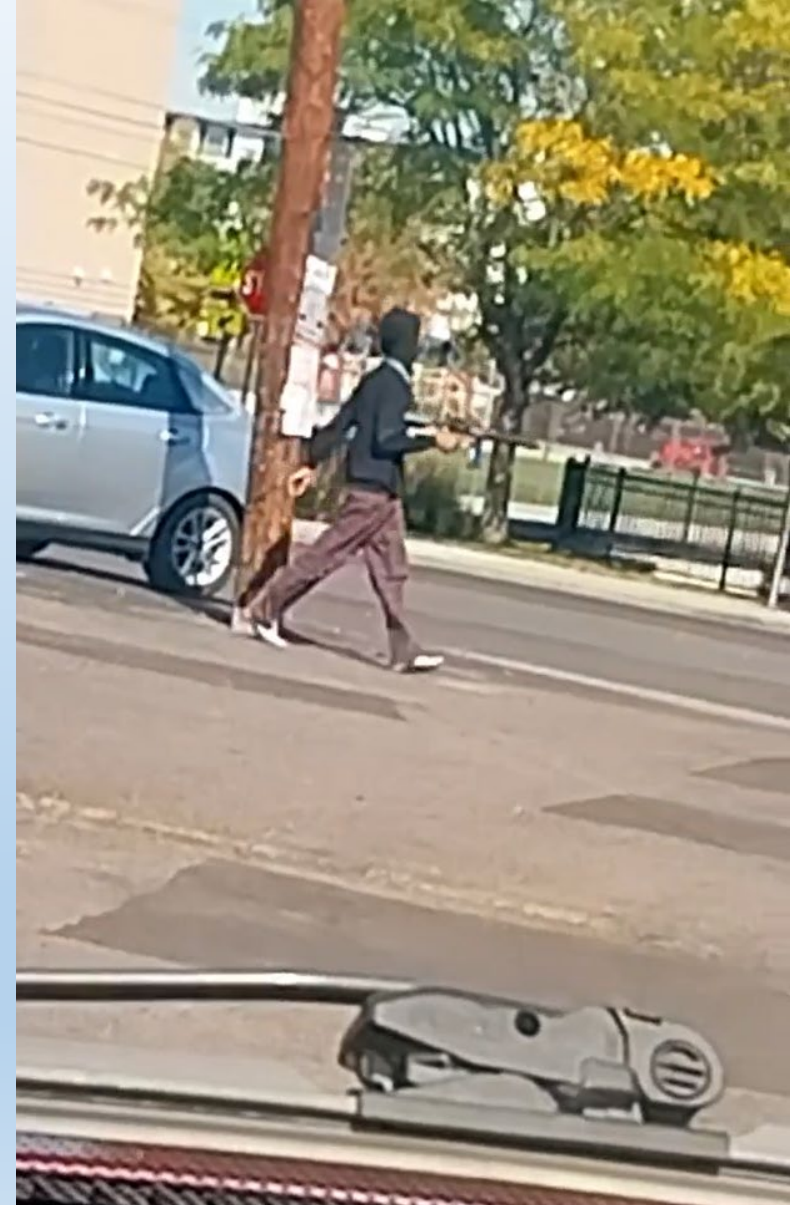
The Investigation



Still image of video recording taken by witness who observed Mr. Dillard holding a rifle walking around the parking lot of the apartment complex.

The Investigation

Still image of video recording taken by witness who observed Mr. Dillard holding a rifle walking around the parking lot of the apartment complex.



The Investigation

- 1:55pm, first 911 call by a resident at Brent's Place
- Female described seeing the two males fighting near silver Kia
- Described subjects as a white male with no shirt and male of unknown race in black hoodie
- No weapons initially observed
- 2:08pm, woman calls back
- Advised the male with black hoodie was pointing gun at other male
- Weapon looked like an M16, further described it as an AR style

The Investigation

- 2:10pm, Aurora dispatched the 911 call as physical fight
- Call upgraded to an alert involving black male in a black hoodie armed with a rifle in the apartment complex parking lot
- 2:11pm, E.M. called 911
- Reported black male wearing a black shirt had AR15, waving it around white van
- Further claimed, black male was trying to take his keys and rob him of his car

The Investigation

- Aurora PD Patrol Officers Shamblin and Rodier working as partners in an unmarked Chevrolet Silverado
- Responded to the dispatch call at 2:11pm
- Officer Shamblin's BWC shows officers arriving in the area and parking facing southbound on Oswego Street at 2:12:25pm
- Both officers get out of truck at 2:12:39pm

The Investigation

- Officer Rodier's BWC reflects Mr. Dillard standing at the front door of the apartment building holding what appears to be a long rifle
- Woman stood a few feet from Mr. Dillard
- Officer Rodier and Officer Shamblin quickly approached Mr. Dillard
- Both officers wore official Aurora PD issued uniforms and armed with rifles
- 2:12:44pm, Officer Rodier pointed his rifle at Mr. Dillard
- Yelled, "Aurora PD!", "Drop the rifle!"
- One second later, Officer Shamblin yelled, "Let me see your hands!"

The Investigation

- Officer Rodier advanced a few steps toward Mr. Dillard and repeated “drop the rifle!”
- 2:12:47pm, Mr. Dillard raised the rifle with the barrel pointed toward Officer Rodier
- Officer Rodier then fired his rifle at Mr. Dillard two times in rapid succession
- Two audible gunshots heard on the BWC
- Mr. Dillard fell to the ground
- 30 seconds later, Officer Shamblin moved the rifle from near Mr. Dillard and officers began to render aid

The Investigation



Still image taken from Officer Rodier's BWC showing Mr. Dillard standing near a woman one second before Officer Rodier fired shots at Mr. Dillard.

The Investigation

- CIRT investigators interviewed Officer Rodier
- Officer Rodier explained he and Officer Shamblin work as partners on the Direct Action Response Team
- DART is a unit focused on reducing violent crime through proactive enforcement operations
- They wear department issued uniforms, and drive undercover Chevy Silverado pick-up truck
- Officer Rodier drove the vehicle, Officer Shamblin monitored the radio
- Officer Shamblin advised he heard a dispatch call reporting a fight in the parking lot of Brent's Place

The Investigation

- Report included reference to a man pointing a rifle at people
- Officer Rodier said they were only two blocks from the location of the incident
- They advised over the radio they would respond immediately
- He was familiar with the area and expressed his concern of a man being armed with a rifle in that particular as it was populated with children and families
- Officer Rodier recalled that the suspect was identified as a black male wearing a black hoodie or t-shirt in the parking lot of the apartment complex

The Investigation

- They arrived, Officer Rodier saw a black male that met the description
- He described the rifle as an AR 15
- Officer Rodier perceived the suspect to be a threat to the community
- Said it was imperative that they contact the suspect ASAP to prevent him from shooting anyone
- Officer Rodier said he parked the truck in the street and ran around the back toward the suspect who was standing near the front entrance by a woman
- Officer Rodier recalled yelling “Aurora Police Department!” “Drop the rifle!” two times

The Investigation

- He said from about 15 yards away, the suspect turned around to face him and raised the rifle at him
- Officer Rodier said he fired his rifle at the suspect because he believed the suspect was about to shoot and kill him
- He also feared for the safety of Officer Shamblin who he thought was behind him along with other civilians in the area
- Officer Rodier said after he fired the suspect fell to the ground and dropped the rifle
- Officer Rodier said he held the suspect at gunpoint while Officer Shamblin kicked the weapon away
- They called emergency medical and attempted to render aid

The Investigation

- Officer Shamblin was also interviewed
- Heard dispatch about a physical fight and a man in black pointing an AR 15
- Observed a black male in a black hoodie with a rifle as Officer Rodier turned onto Oswego Street
- Officers exited the truck with rifles drawn and approached suspect through the parking lot
- Issued loud verbal commands to the male

The Investigation

- Male pointed rifle at Officer Rodier
- Officer Shamblin aimed to shoot to protect Officer Rodier but did not fire
- Officer Rodier fired two shots causing suspect to fall and drop the rifle
- Shamblin removed rifle and called for emergency medical response
- Emergency aid administered until ambulance arrived
- Officers did not use less-lethal weapons due to the threat posed by the rifle
- Officer Rodier noted alternatives likely would have been ineffective

The Investigation

- Officer Adam Harris was also interviewed
- Responded to dispatch in marked vehicle
- Observed officers confront male with rifle
- Witnessed officers issue commands and see suspect raise rifle
- Saw officers fire in response; body camera did not capture shooting

The Investigation

- Witness Account (Nearby Woman)
- Encountered suspect pushing a cart in parking lot
- Suspect demanded entry into apartment, displayed rifle (appeared to be blue to her)
- She saw suspect point rifle at officers and ducked as shots were fired
- E.M. Account
- Car broke down; suspect offered help, then grabbed keys and engaged in physical fight
- Suspect hit E.M. with fists and rock, then ran off threatening to kill him
- Returned with a rifle, pointed gun at E.M. inches away
- Witnessed police arrival and suspect pointing rifle at officer before shots fired

The Investigation

- Mr. Dillard background
- Girlfriend reported he suffered from mental illness and had been drinking
- Possessed realistic looking Airsoft rifle; sometimes hid behind cars believing he was hunted
- Behavior suggested possible suicidal ideation and desire to provoke police

The Investigation

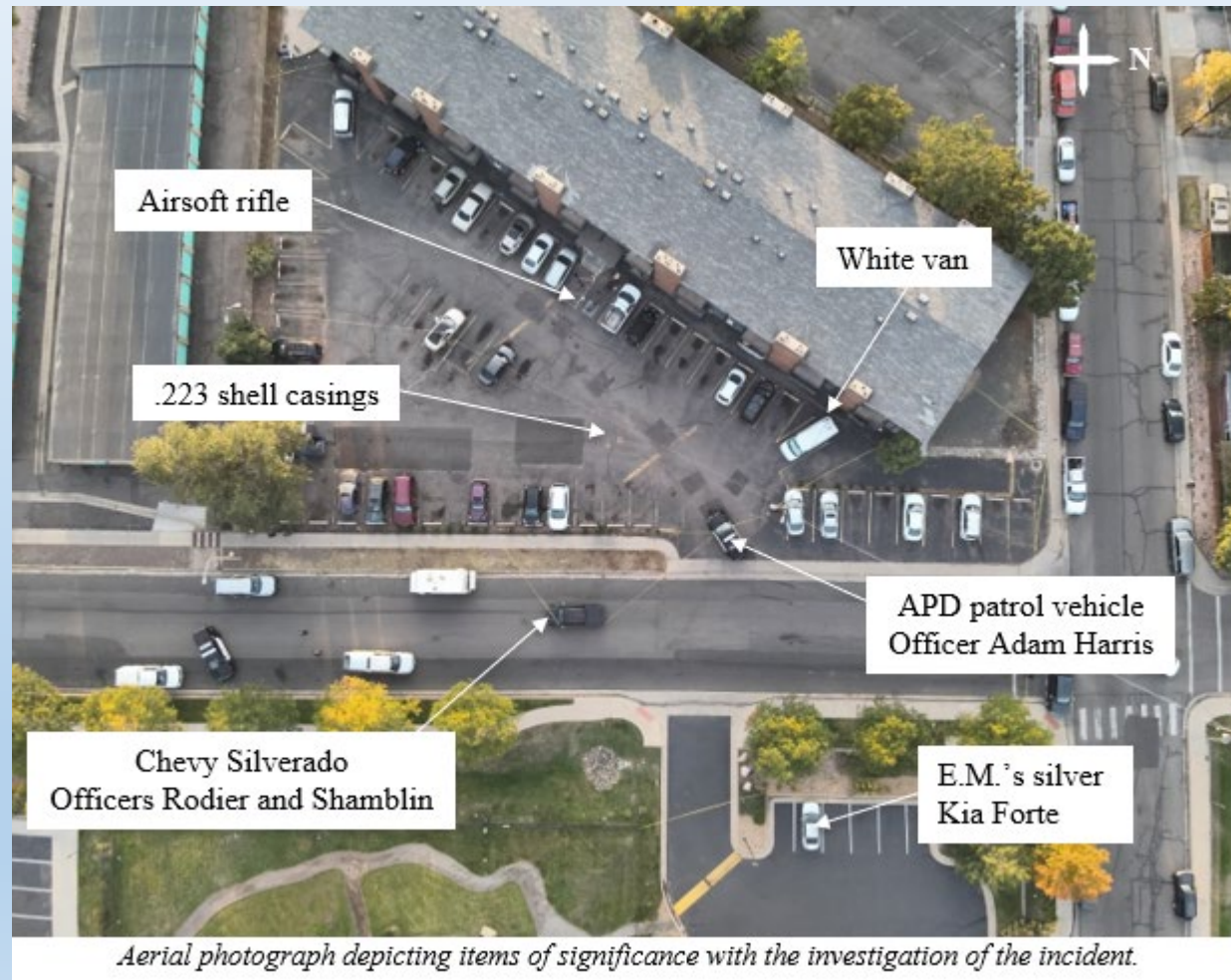
- Crime scene investigation
- Shooting occurred at parking lot and raised front porch, 11852 E. 16th Avenue
- Glass door and window impacted; bullet hole in window; fired bullet found in lobby
- Two .223 shell casings located in center of parking lot
- Black rifle with blue magazine collected near front porch
- Identified as 6mm Airsoft gun (Lancer tactical) shooting BBs
- Clear magazine with gold-colored BBs; no orange tip, meeting legal Airsoft requirements

The Investigation



Photograph of Airsoft gun held by Mr. Dillard.

The Investigation



The Investigation



The Investigation



Still image of focus zoom from Officer Rodier's enhanced BWC the moment before he fired upon Mr. Dillard.

The Investigation



Still images of focus zoom from Officer Rodier's enhanced BWC to show frame-by-frame sequential movement of the rifle barrel lifted and pointed at Officer Rodier just before the shooting.

The Investigation

- Officer Rodier's firearm .223 Aero Precision M4E1 rifle; fired two rounds
- Search warrants executed on apartment and white van, both linked to Mr. Dillard
- Autopsy confirmed cause of death: gunshot to abdomen
- Toxicology: cannabinoids and ethanol, blood alcohol level 0.249 g/100mL

Legal Analysis:

- Review focused on whether criminal charges should be filed against Officer Rodier.
- Charges require proof beyond a reasonable doubt that officer's actions were not justified.
- Colorado law allows officers to use necessary and reasonable force, including deadly force, to defend themselves or others.

Legal Analysis:

- Affirmative defense: prosecution must disprove that use of force was justified.
- Colorado statute §18-1-707(4.5), C.R.S. (2025): deadly force justified if officer reasonably believes lesser force is inadequate and imminent danger of death or serious injury exists.
- U.S. Supreme Court standard (“objective reasonableness”) considers:
 - Severity of the crime
 - Immediate threat to officers or others
 - Suspect’s resistance or flight
 - Split-second decisions under tense, rapidly evolving conditions (Graham v. Connor, 1989)

Legal Analysis:

- Officer Rodier discharged his rifle two times, causing Mr. Dillard's death.
- Responded to a dispatch call: physical assault escalating to armed suspect.
- Officers encountered Mr. Dillard holding a realistic-looking rifle near civilians.
- Mr. Dillard pointed the rifle at Officer Rodier after commands to drop it.

Legal Analysis:

- Officers perceived an immediate threat to themselves and civilians.
- Lesser force deemed inadequate to address the threat.
- Officer Rodier fired after approx. eight seconds from exiting vehicle.
- Situation required split-second decision-making; no evidence suggests a reasonable officer would have acted differently.

Conclusion:

- Mr. Dillard's actions created a life-threatening scenario.
- Officer Rodier's use of deadly force was reasonable and necessary.
- Evidence does not support filing criminal charges against Officer Rodier.