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August 22, 2023

Chief Rick Klimek
Windsor Police Department
200 N. 11th Street
Windsor, CO 80550

RE: Investigation of the June 19, 2023 Officer-Involved Shooting of Daniel Johnson

Chief Klimek:

The investigation into the shooting of Daniel Johnson has been completed by the Critical Incident Response Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against Officers Dalrymple and Zhizhin. Attached hereto are the findings of the Investigations Unit of the District Attorney's office based on the entirety of the CIRT investigation. This report applies the facts from the investigation to the pertinent Colorado laws.

APPLICATION OF THE FACTS TO THE LAW

The District Attorney's office may ethically charge an individual with a crime only in cases where there is a reasonable likelihood of conviction. The law states that criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute.

Further, it must be proven beyond a reasonable doubt the offense was committed without any statutorily recognized justification or excuse. While knowingly or intentionally shooting another human being is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force is justified, also known as an affirmative defense. Because the evidence establishes that Daniel Johnson was shot and killed by law enforcement, the determination of whether the conduct was criminal is a question of legal justification.

Colorado Revised Statutes § 18-1-707, as amended by the Colorado General Assembly in 2020 by SB 20-217, establishes when a peace officer can use potentially deadly force to defend himself or others. The pertinent subsections of the statute read as follows:

C.R.S. § 18-1-707(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 to the peace officer or another person;
- c) The force employed does not create a substantial risk of injury to other persons

C.R.S. § 18-1-707(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...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.

C.R.S. § 18-1-707(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.

C.R.S. § 18-1-901(3)(d) “Deadly Physical Force” means force, the intended, natural, and probable consequences of which is to produce death, and which does, in fact, produce death.

Colorado case law unequivocally states that when determining whether it was necessary for an individual to act in self-defense or in the defense of someone else, that person is entitled to rely on “apparent necessity.” This can be relied on so long as the conditions and circumstances are such that a person would reasonably believe the defensive action was necessary. *See People v. LaVoie*, 395 P.2d 1001 (1964); *Riley v. People*, 266 P.3d 1089 (Colo. 2011). Thus, it is irrelevant in this analysis whether Johnson intended to use deadly force. The issue is whether it was reasonable for the officers to believe that he was about to use deadly physical force against him or another person with a deadly weapon.

In this case, Windsor officers were attempting to contact Daniel Johnson after his father, Keith Johnson, had called 911 and later told officers he was suicidal. Officers responded to 149 Sunflower Drive and spoke further to Keith and learned that Johnson was armed. While at the residence Johnson made statements that he was not returning to jail and later fired a round from a shotgun. Officers got Keith out of the house safely and were still attempting to contact Johnson. A short time later a second shot was fired near the residence. Johnson then came into the backyard area where Officers Dalrymple and Zhizhin were positioned. Johnson was given numerous commands which he did not obey. He instead advanced towards the officers and started to raise the shotgun at them. Both officers fired at Johnson because they were in fear for their lives and others in the area. Johnson was later pronounced dead at the scene and an autopsy revealed he had been shot six times.

Johnson would have clearly known that the officers were law enforcement as they arrived in police cars, they were wearing police uniforms and had identified themselves as police

officers. Further, he stated that he did not want to be arrested and go back to jail, thus he knew they were law enforcement.

The officers reasonably believed when they fired their weapons that they or others were in imminent danger of death or serious bodily injury.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that Officers Dalrymple and Zhizhin were justified in using lethal force against Johnson. The use of such force was reasonable based on Johnson's threatened use of deadly physical force.

CONCLUSION

Under C.R.S. § 18-1-707, the actions of Officers Dalrymple and Zhizhin were justified and authorized by law to defend and protect themselves and others from the lawless and threatening actions of Daniel Johnson. As a result, the Weld County District Attorney's Office will not file charges against the Officers for the use of deadly physical force in this event.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Rourke", is written over a horizontal line.

Michael J. Rourke
District Attorney



Officer Involved Shooting

June 19, 2023

Investigator René Brunmeier

Subject: Daniel Johnson

Weld County District Attorney's Office – 23DA00128

Greeley Police Department – 23G009419

Weld County Sheriff's Office – 23W004003

Windsor Police Department – 23-03939

Evans Police Department – 23EP01294

Milliken Police Department – 23-0311

Loveland Police Department – 23-0004766

Summary

This incident took place at 149 Sunflower Drive. This location is within the city of Windsor, county of Weld, state of Colorado.



Google Earth image showing the satellite image of 149 Sunflower Drive, Windsor, CO

On June 19, 2023, at 2106 hours, Weld County Communications received a 911 hang-up call where a disturbance could be heard in the background and a male voice stated, "I'm not going to

f___ing prison, I'm not going to jail." The location the call came from was identified at 149 Sunflower Driver, Windsor, CO.

Windsor Officers arrived on scene and began to assess the situation. Sergeant Wicker established phone contact with Keith Johnson. Keith advised his son, Daniel Johnson, was suicidal, talking to himself, and had a 12-gauge shotgun which he was loading in a back bedroom. At approximately 2135 hours a gunshot was heard coming from either the garage or backyard; the direction of fire was unknown.

At 2148 hours, officers were able to get Keith safely from the residence at which time, Keith confirmed Johnson had a shotgun. Officer Dalrymple and his trainee, Officer Zhizhin were on scene, located in a position of cover behind their patrol vehicle on Snapdragon Drive, allowing them to see south into the backyard of 149 Sunflower Drive. Both officers observed Johnson emerge in the backyard armed with a shotgun. At approximately 2158 hours, Johnson fired the shotgun a second time in an unknown direction which was followed by loud verbal commands from Officer Dalrymple to drop the gun. Johnson began moving in the direction of Officers Dalrymple and Zhizhin and pointed the shotgun in their direction, disregarding all verbal commands. Officers Dalrymple and Zhizhin both fired their weapons, ultimately killing Johnson.

Historical Information

Daniel Johnson was born on January 15, 1984. He was approximately 6'01" and 210 pounds with brown hair and green eyes. Johnson's criminal history included traffic offenses and multiple driving under the influences (DUIs) convictions. Johnson was convicted on second degree assault charges and sentenced to 3 years in the Colorado Department of Corrections in 2010.

Johnson's current address was 149 Sunflower Dr., a residence he shared with his father, Keith Johnson.

Initial observations and attempts to establish communication

On June 19, 2023, at 2106 hours, Weld County Communications received a 911 hang-up call where a disturbance could be heard in the background and a male voice stated, "I'm not going to f___ing prison, I'm not going to jail." The location the call came from was identified as 149 Sunflower Driver, Windsor, CO. Dispatch was able to re-contact the caller and spoke with Keith Johnson. Keith told dispatch his son, Daniel Johnson (hereinafter referred to as Johnson), was suicidal. Keith stated Johnson was talking to himself and trying to get Keith's guns which were locked in a safe.

At approximately 2111 hours, Sergeant Wicker arrived on scene and began attempts to establish communication from outside of the residence. Officer Tapia arrived on scene and spoke briefly with a male party who was in the garage, later learned to be Johnson, however the garage door was only slightly open at the bottom. While in the garage, Johnson made verbal threats to shoot officers. Sergeant Wicker contacted Keith at the front door. Keith advised Johnson was his son, and was in the backyard possibly having a psychotic breakdown. Keith told Sergeant Wicker he needed to use the bathroom and walked away from the front door.

Officer Seabra arrived on scene, he and Officer Tapia attempted to contact Johnson near the backyard. Johnson produced a firearm through the back garage door and menaced Officer Seabra near the south side of the garage. As efforts to make contact continued, officers requested mental health co-responders and medical personnel to stage in the area.

At approximately 2127 hours, Sergeant Wicker made phone contact with Keith. Keith informed Sergeant Wicker that Johnson had a 12-gauge shotgun and was loading it in a back bedroom. At approximately 2135 hours officers heard a gunshot coming from either the garage or the backyard, but the direction of fire was unknown. Dispatch was notified to complete a reverse 911 in a 6-block radius as a result. Officers Dalrymple and Zhizhin arrived on scene and took up a location on the outer perimeter initially in the area of 1st Street and Snapdragon Drive.

At approximately 2144 hours, Officers Dalrymple and Zhizhin moved from their initial outer perimeter location to a location on Snapdragon Drive which gave them a view the backyard of 149 Sunflower Drive. There, the spotlights on the patrol truck were utilized to illuminate the backyard. Officer Dalrymple deployed his department issued rifle, taking a position of cover behind the engine of the truck while Officer Zhizhin deployed his department issued handgun and took up a position of cover at the bed of the truck.

At approximately 2148 hours, officers were able to get Keith safely out of the home. At 2158, Johnson fired a second shot in the area of the backyard, which was heard by Officers Dalrymple and Zhizhin. Johnson fully entered the backyard and was seen to be in possession of a shotgun by Officers Dalrymple and Zhizhin. At this time, Johnson was holding the shotgun in his right hand with the shotgun pointed up. Officer Dalrymple gave several loud verbal commands for Johnson to drop the gun. Johnson did not comply with the commands given and advanced towards Officers Dalrymple and Zhizhin with the shotgun now in both hands, lowering it to point at the officers.

As the shotgun was being level toward them, both Officers Dalrymple and Zhizhin fired their weapons at Johnson, ultimately killing him. The post-incident investigation confirmed that Officer Dalrymple fired seven (7) rounds from his rifle from approximately 44 yards and Officer Zhizhin fired four (4) rounds from his handgun from approximately 44 yards. Both officers ceased fire once Johnson fell to the ground. From there, Officer Dalrymple continued to give Johnson verbal commands, such as to roll to his stomach and to show officers his hands, while Officer Zhizhin aired shots fired and suspect down via his radio. The shotgun was on the ground near Johnson, however, he was unresponsive to all commands given.

Officers on scene responded to Officers Dalrymple's and Zhizhin's location. Both officers were checked for injuries and moved away from the area while a contact team was formed. Weld County Sheriff's Office deputies arrived on scene after shots were fired. Utilizing the Weld County Sheriff's Office K-9, an arrest plan was formulated to contact Johnson who was laying unresponsive in the backyard with the shotgun next to him.

Johnson was contacted, found to be unresponsive, and officers aired a request for medical to respond. Officer Seabra moved the shotgun away from Johnson's body and placed it near the

fence line for safety purposes so medical personnel could render aid. Johnson was ultimately transported to Medical Center of the Rockies (MCR) and was pronounced deceased at 2242 hours by Dr. Petran.

Investigators with the 19th Judicial District Critical Incident Response Team (CIRT) were notified and responded. The scene was turned over to them for investigation. Officers Dalrymple and Zhizhin were both transported to the Windsor Police Department to be interviewed. There, both opted for a full sleep cycle and were subsequently interviewed at the Greeley Police Department on 06/22/2023.

Officers' statements

Officer Dalrymple

Officer Dalrymple's primary assignment is as a swing shift officer, working from 2:00 p.m.-12:00 a.m. He was on-duty during his regularly scheduled work hours at the time of this incident. Officer Dalrymple additionally is a Field Training Officer (FTO) and had Officer Zhizhin assigned to him for training. Officer Dalrymple was driving a marked police Ford F150 truck, which is his assigned vehicle used to respond to calls for service. Secured in the cab of the police vehicle was a less lethal shotgun and Officer Dalrymple's department issued FN15 .223 rifle. Officer Dalrymple could not recall how many rounds his rifle magazine carried, however, he did confirm he carries the magazines at maximum capacity.

Officer Dalrymple was wearing a police uniform at the time of this incident, including the following: short-sleeved navy-blue uniform shirt with Windsor Police Department shoulder patches, exterior bullet proof vest carrier bearing a metal name plate with his last name and a silver Windsor Police badge as well as additional police equipment such as handcuffs, radio, magazines, and extendable baton. Officer Dalrymple wore a black basketweave duty gun belt which held his department issued handgun and taser.



Post incident photographs of Officer Dalrymple showing exterior vest, silver badge, police equipment, gun belt, and shoulder patches

Officer Dalrymple stated the shift he was working with his trainee, Officer Zhizhin, on 06/19/2023 was fairly standard. He and Officer Zhizhin were at the Windsor Police Department working on a report when the call for service at Sunflower Drive came out. Officer Dalrymple thought the call was initially a 911 hang-up that turned into a check wellbeing and a mental health crisis call. Officer Dalrymple said several officers responded to the call initially, thus he felt they had plenty of resources on scene to handle the situation, so he and Officer Zhizhin would monitor radio traffic from the police station while Officer Zhizhin continued to work on his report. Officer Dalrymple said an officer on scene asked for a clear channel (a request to move all non-related radio traffic to a separate channel) and it was at this point Officer Dalrymple felt the situation was becoming serious, so he and Officer Zhizhin responded.

Officer Zhizhin drove their patrol vehicle to the area of 1st Street and Eastman Park Drive, just south of Snapdragon Drive. Officer Dalrymple reviewed the call notes indicating the reporting party (RP) was the father of the suspect. The father advised his son, Johnson, was talking to himself, making statements about how he was not going back to prison and other odd comments. The call notes initially stated Johnson did not have access to weapons, however, were updated to state Johnson had gained access to a 12-gauge shotgun.

Officer Dalrymple stated they first positioned their vehicle on the outer perimeter where they would be in a good position to keep him contained in the event Johnson tried to flee the area. While parked with the windows down, Officer Dalrymple heard a single gunshot followed by Officer Seabra airing over the radio shots were fired. Officer Dalrymple instructed Officer Zhizhan to move the patrol vehicle onto Snapdragon Driver to create a tighter perimeter. Officer Dalrymple observed civilian vehicles were still trying to drive into the area and requested Officer

Chavez to block off the roadway. Officer Seabra aired on his radio that if there was a unit on Snapdragon Drive, they could have a direct line of sight into the backyard of 149 Sunflower Drive.

Officer Zhizhin pulled their patrol vehicle further onto Snapdragon Driver, allowing them to have a visual of the backyard. Officer Dalrymple noted the backyard had a 4-foot chain link fence and was dark, but he could see a light on somewhere in the backyard. The spotlights on the patrol vehicle were activated and used to illuminate the backyard. Officer Dalrymple recalled discussing less lethal options with Officer Zhizhin, but ultimately decided a less lethal shotgun would not be effective given the distance from their location to the backyard.

Officer Dalrymple deployed his rifle and Officer Zhizhin was armed with his handgun. At this time, Officer Chavez was also nearby. Officer Dalrymple did not want the officers so close together due to Johnson being armed with a shotgun so Officer Chavez moved to a different location. Officer Dalrymple told Officer Zhizhin if Johnson were to approach them, he would handle verbal commands and Officer Zhizhin would handle radio traffic. Officer Dalrymple was positioned behind the engine block of his patrol truck while Officer Zhizhin was positioned behind the bed.

Officer Dalrymple heard another gunshot and Johnson ran into the backyard shortly thereafter. Johnson had the shotgun in one hand, once Johnson saw them, he placed the shotgun in both hands. Officer Dalrymple stated Johnson turned towards him and pointed the shotgun directly at him (Officer Dalrymple). Officer Dalrymple thought about engaging Johnson right away, but then remembered they were dealing a possible mental health crisis. Officer Dalrymple gave the following loud verbal to commands to Johnson, "Drop the gun! Drop the gun! If you don't comply force may be used against you!" Officer Dalrymple did not recall how many times he gave the commands but said they were loud and clear commands that Johnson did not heed.

Officer Dalrymple said Johnson began to approach them. Officer Dalrymple did not hear an additional gunshot, but he felt something go over his head, causing him to duck behind the patrol truck briefly. Officer Dalrymple could not say with certainty what it was but believed it was a gunshot from the shotgun. Officer Dalrymple explained that because Johnson had already fired multiple rounds, he was in fear for his own life as well as the lives of people in their nearby homes. Officer Dalrymple stood up and took aim at Johnson, believing lethal force was his only option at that point. Officer Dalrymple fired his weapon approximately four (4) times at Johnson from roughly 25 yards. Post incident processing and ammunition count revealed Officer Dalrymple fired seven (7) rounds from approximately 44 yards. Officer Dalrymple was unsure if he or Officer Zhizhin fired first.



Post incident photographs of Officer Dalrymple's FN15 .223 caliber rifle and ammunition count; one (1) round from the chamber and 22 rounds in the magazine, which has a 30-round capacity.

After Johnson fell to the ground, Officer Dalrymple remembered seeing Johnson lift his head up momentarily, then drop back to the ground. He did not see any additional movement from Johnson and did not engage further with his rifle. Officer Dalrymple continued to give commands such as, "let me see your hands" and "roll over to your stomach." While giving commands, additional officers responded to his location and Sergeant Dunworth checked Officer Dalrymple for injuries. Officer Seabra took over commands and Officers Dalrymple and Zhizhin were asked to wait by Officer Chavez's patrol vehicle while a contact team approached Johnson. Officer Dalrymple confirmed he has never had any previous contacts with Johnson, his father Keith Johnson, nor had he ever been to 149 Sunflower Drive.

Officer Dalrymple was escorted to a nearby patrol vehicle and transported to the Windsor Police Department.

Officer Zhizhin

Officer Zhizhin was in the field training officer (FTO) process with Windsor Police and had been employed with the department since 04/24/2023. Officer Zhizhin was assigned to swing shift, 2:00 p.m.-12:00 a.m., with is training officer, Officer Dalrymple. Officer Zhizhin was on-duty during his regularly scheduled work hours at the time of the incident. Officer Zhizhin rode with Officer Dalrymple in his assigned patrol vehicle, which is a marked police Ford F150, used to respond to calls for service during their shift.

Officer Zhizhin was wearing a police uniform at the time of this incident, including the following: short-sleeved navy-blue uniform shirt with Windsor Police Department shoulder

patches, exterior bullet proof vest carrier bearing a metal name plate with his last name and a silver Windsor Police badge as well as additional police equipment such as radio, extendable baton, and medical kit. Officer Zhizhin wore a black basketweave duty gun belt which held his department issued handgun, taser, magazine, and tourniquet. Officer Zhizhin carries a department issued firearm, a Glock G17 generation 5. He carried a total of 3 magazines, all of which he kept loaded to maximum round capacity (17).



Post incident photographs of Officer Zhizhin showing exterior vest, silver badge, police equipment, gun belt, and shoulder patches

Officer Zhizhin stated the duration of his shift on 06/19/2023 had been average and recalled working on a report at the police station when he heard dispatch air a call to late shift officers. Officer Zhizhin believed the first call came in after 8:00 p.m., and he thought it was originally dispatched as a disturbance with call details regarding a male party stating he “wasn’t going back to prison.” A while later, a second call for service was dispatched to the same address, 149 Sunflower Drive, but this second call was categorized as a “mental health crisis.”

Officer Zhizhin stated as he and Officer Dalrymple continued to listen to the radio traffic, it sounded like the call was escalating and they responded. Officer Zhizhin drove their patrol vehicle to the area and originally parked at the outer perimeter near 1st Street and Snapdragon. Officer Zhizhin rolled his window down to listen and after about 10 minutes he heard a single gunshot. Officer Zhizhin advised the patrol vehicle was parked with the subject house, 149 Sunflower Drive, to his left, which is the direction he heard the gunshot come from.

Officer Zhizhin and Officer Dalrymple decided to move closer to the residence. Officer Zhizhin moved the patrol truck to the north of the residence putting them in line with the backyard. Officer Zhizhin utilized the spotlights of the patrol truck to illuminate the backyard. Both officers exited the patrol truck and Officer Zhizhin, armed with his handgun, took cover behind the bed of the patrol truck and Officer Dalrymple, armed with his rifle, took cover near the hood

of the patrol truck. Officer Zhizhin continued to monitor radio traffic as he held a position of cover behind the patrol truck to stay apprised of the tactics being discussed as well as any efforts to negotiate with Daniel Johnson. He learned all efforts to negotiate with Johnson were unsuccessful.

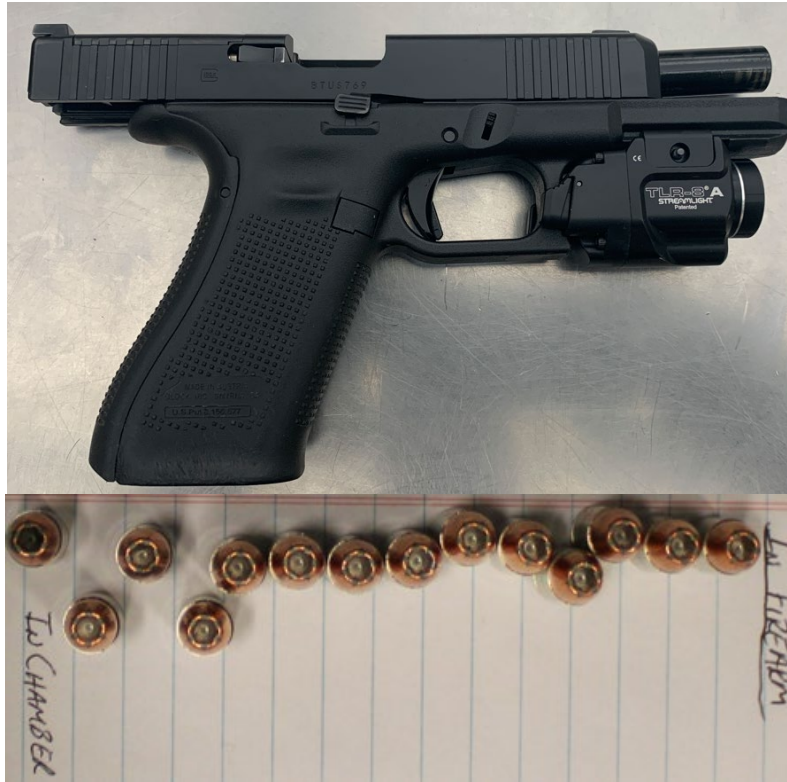
A short time later, Officer Zhizhin heard another gunshot from the area of the residence. It was at this point Officer Zhizhin started to make a plan to prepare for the situation. He was planning due to the fact they were dealing with an armed, mentally unstable person who made statements about not going back to prison. It was decided that if they encountered Johnson, Officer Dalrymple would give verbal commands and Officer Zhizhin would handle radio traffic.

He was further concerned because behind his position, there was a 2-story home with people inside. Officer Zhizhin said he knew there were people inside because he noticed the lights on inside. Furthermore, Officer Zhizhin believed Officer Dalrymple's Kevlar door paneling was a standard panel and not upgraded for a more powerful bullet round to impact. Officer Zhizhin stated he did not know what kind of ammunition was loaded in the shotgun.

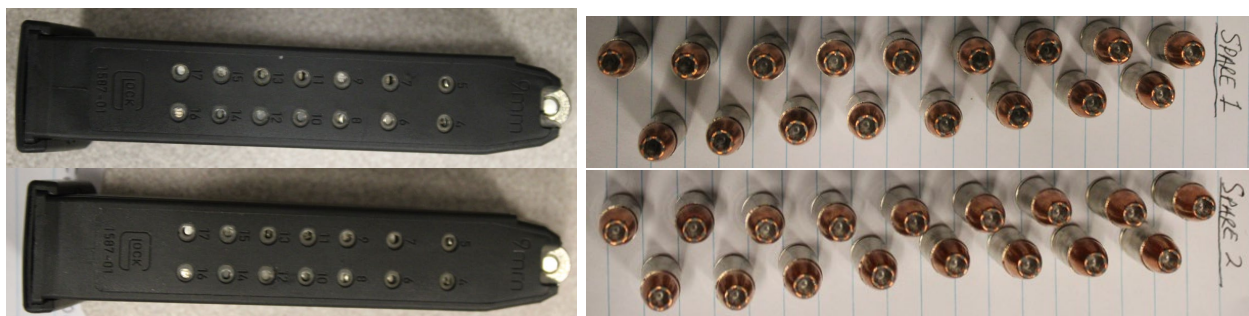
Officer Zhizhin stated at some point, Johnson became visible in the backyard with a shotgun in his right hand. Officer Zhizhin heard Officer Dalrymple give loud, clear verbal commands for Johnson to give up or force may be used against him. Officer Zhizhin estimated 3-4 seconds passed after verbal commands were given, and Johnson did not comply. Instead, Johnson began to advance towards them with the shotgun still in his right hand, pointed up. As Johnson continued to advance, he began to level the shotgun towards Officer Zhizhin.

Officer Zhizhin explained he had already made the decision in his mind as to when he would engage Johnson with deadly force if the shotgun pointed at him reached a 45-degree angle. Officer Zhizhin articulated being in fear for his life as well as the lives of the people located in the home behind him as Johnson continued to lower and point the shotgun at him.

Officer Zhizhin fired his weapon four (4) times and estimated the distance at 20-25 yards. Post-incident processing and ammunition count revealed Officer Zhizhin fired four (4) rounds from approximately 44 yards. After the fourth shot, Johnson fell to the ground. Officer Zhizhin aired via his radio "shots fired," and the suspect was down. Both Officers Zhizhin and Dalrymple ceased fire after Johnson fell to the ground. Officer Zhizhin kept his weapon pointed at Johnson while Officer Dalrymple continued to give him verbal commands, to show his hands so officers could render aid. Johnson was unresponsive. Officer Zhizhin could not see the shotgun, only Johnson's body because of the way he fell.



Post incident photographs of Officer Zhizhin's 9mm Glock 17 Generation 5 and ammunition count; one round from the chamber and 14 rounds in the magazine, which has a 17-round capacity



Post incident photograph of Officer Zhizhin's additional two magazines which were both at full capacity with 17 rounds each

Officer Zhizhin did not believe that Johnson fired the shotgun as he was leveling it towards him and he only heard the first two gunshots. Officer Zhizhin did not know if it was him or Officer Dalrymple who fired first. Officer Zhizhin did not think there were any other means of force that could have been used. He advised he and Officer Dalrymple did discuss less lethal options beforehand but determined they would not be viable resource. He explained the distance was too great for a less lethal shotgun to have the needed effect.

Officer Zhizhin said Sergeant Dunworth came to their location and checked them both to ensure they were uninjured. Officer Zhizhin stated the late shift supervision took over the scene and developed a plan to approach Johnson. Officer Zhizhin was not part of this team, but watched as

other officers approached, utilizing a K-9 to drag Johnson away from the shotgun and into full view. Officer Zhizhin heard the radio traffic aired requesting for EMS to respond for a time of death pronouncement. Officer Zhizhin said it was at that point, he knew it was over and holstered his weapon. Officer Zhizhin explained he has never had any previous contacts with Johnson, his father Keith Johnson, nor had he ever been to 149 Sunflower Drive.

Officer Zhizhin was escorted to a nearby patrol vehicle and transported to the Windsor Police Department.

Witness interviews

Interview with Keith Johnson

Investigators with the 19th Judicial District Critical Incident Response Team (CIRT) interviewed Keith Johnson at the Windsor Police Department.

During the interview, investigators noted that Keith had an odor of alcohol emanating from his breath and he seemed confused about why he was at the police department but was able to answer questions and interact with investigators appropriately. Keith was asked why police were at his house and what happened. Keith did not know. Keith did not remember calling 911 himself, but stated if he had, he would have used his landline to call. Keith denied speaking with any officers at his home or witnessing any sort of disturbance. Keith also denied hearing any gunshots, seeing Johnson armed with or firing a gun, nor any officers firing guns.

Keith was asked if he had consumed any alcohol that evening, and he advised he started drinking alcohol at approximately 8:00 that morning and he had consumed a 12-pack of Busch Lite, citing this as the reason why he was having a hard time remembering anything that happened. Keith elaborated that he drinks around 10-12 beers almost every day.

Keith was able to confirm that Johnson was his son and did in fact live with him, however they did not interact much. Keith and Johnson are the only occupants of the home, 149 Sunflower Drive. Keith said Johnson had been living with him for about one year, with Johnson living in the basement and Keith living upstairs. Keith explained he and Johnson live more like roommates than family members, but thought they had a good relationship. Keith stated that Johnson had broken up with a girlfriend from Nebraska about a year ago but seemed to be taking the breakup "in stride." Keith denied having any recent arguments with Johnson and again reiterated he and Johnson both kept to themselves.

Keith was able to confirm only he and Johnson were in the home that evening and he believed Johnson had been drinking whisky. Keith said Johnson had used marijuana in the past but did not believe Johnson was currently using any narcotics. Keith did not know if Johnson had any sort of financial issues, but Johnson had never asked Keith for money. Keith additionally did not know if Johnson had been depressed recently, explaining that Johnson was a "quiet guy," and further elaborated he didn't think Johnson would tell him if he was depressed. Johnson made no comments to Keith about wanting to harm or hurt himself. Keith denied Johnson having any sort of medical history nor was he taking any medications. Keith said that Johnson has never attempted suicide before. Keith denied ever hearing Johnson make any suicidal statements, but

if he (Keith) thought that Johnson ever had any suicidal thoughts, he would have called 911 to get Johnson help. Keith said that Johnson was not on probation or parole.

Keith was able to provide information regarding his own personal firearms. He explained he has two (2) 12-gauge shotguns and a BB gun that are kept locked in a gun safe in his (Keith's) bedroom closet. The keys to the safe are inside Keith's dresser, information Johnson knew. Keith was unsure if his gun safe was currently locked and he could not recall the last time he witnessed Johnson possessing a firearm. Keith again advised he did not observe Johnson with a firearm this evening and was unsure if Johnson went into his (Keith's) bedroom at all during the night.

The interview concluded and Keith was transported to a neighbor's home to wait as his home was processed for evidence.

Interview with John Buchanan

An Investigator with the 19th Judicial District Critical Incident Response Team (CIRT), interviewed John Buchanan by phone. John advised he and Johnson had been best friends from a very young age.

On 06/19/2023 around 2100 hours, Johnson began texting John with apparent suicidal ideations. John said he told Johnson he was almost home from work, and he'd call Johnson as soon as he could with the intent to talk him down again. John called Johnson around 2117 hours but got Johnson's voicemail. John was unsure why Johnson didn't answer his call but didn't expect anything bad to have happened.

Investigators were able to recover the ten (10) text messages Johnson sent to John, several had suicidal implications; "See you in the next life brother," "My time is now," and "I'll talk to you in the spirit world." Johnson sent the text messages to John between 2021-2051 hours.

Scene investigation and evidence collection

Investigators from the Critical Incident Response Team (CIRT) responded to the scene and began to survey the area to locate and mark items of evidentiary value.

Investigators were advised where Officers Dalrymple and Zhizhin were located when the shooting took place and the direction in which they fired. Seven (7) .223 rifle shell casings and four (4) 9mm shell casings were located near the Windsor Police Ford F-150 truck. The shell casings located were consistent with types of ammunition Officers Dalrymple and Zhizhin carried in their firearms. It was also noted the windshield of the police truck bore significant bullet defects, later determined to be caused by Officer Dalrymple when he discharged his rifle.



Overall photograph of Officers Dalrymple's and Zhizhin's patrol vehicle and the surrounding shell casings marked by evidence placards.

In the backyard of 149 Sunflower Driver, Investigators located the 12-gauge shotgun next to an eastern fence line. This was not the original location of the shotgun as it had been moved away from Johnson by Officer Seabra for the safety of medical personnel while rendering aid.



Midrange photograph of the 12-gauge shotgun next to the eastern wooden fence marked by evidence placard 12

Post-incident inspection of the shotgun revealed the firearm sustained a bullet impact on the trigger guard. Additionally, Investigators located a spent shell casing that had not been ejected from the shotgun.



*(Left) Close up photograph of apparent round impact on the trigger guard of the shotgun
(Right) Close up photograph of the spent casing that had not been ejected*

Further search of the backyard revealed an area of suspected blood on the grass next to the east side of the residence along with depressions in the grass consistent with where Johnson had fallen to the ground. A bullet defect was also found on southeast corner of the residence, the area in which Johnson was located when officers engaged him. Two (2) bullet defects were also located on the trim and gutter on the north side of the residence.

The man door into the attached garage of the residence is located to the southwest of where Johnson fell and was not visible to Officers Dalrymple and Zhizhin from their location. Near the east facing man door into the garage is a small cement slab, a white folding chair, a hatchet, an open 12 pack of Coors Light, a full black trash bag, parts to a grill, and various trash debris on the ground. Between the black trash bag and the grill lid, Investigators located a red spent shotgun shell casing.



Midrange photo of a spent shotgun shell casing located near the east facing man door to the garage marked by evidence placard.

A search warrant was executed for 149 Sunflower Drive and Investigators searched the interior of the residence. In Keith's bedroom, Investigators located the gun safe in the closet and found it was open. Two (2) soft gun cases were found on Keith's bed. Investigators additionally located another firearm as well as an opened box of 12-gauge Winchester Upland Heavy Field Loads ammunition on the bed.



(Left) Overall photograph documenting the black safe in the closet, two (2) soft gun cases on the bed

(Right) Close up photograph of an opened box of 12-gauge ammunition located on Keith's bed marked by evidence placard 27, the wooden stock of another firearm visible behind it

Investigators continued their search of the interior of the residence to try and find any round impacts from when Johnson discharged the shotgun but were unable to locate anything. Johnson's phone was located in the garage and collected for evidence.

Autopsy

At autopsy, forensic pathologist Dr. Michael Burson determined Johnson sustained six (6) gunshot wounds and a canine bite wound. The following is a breakdown of the locations of the gunshot wounds and canine bite wound sustained by Johnson and detailed in the autopsy report by Dr. Burson:

1. Head -one (1) gunshot wound; left aspect of the face
2. Torso -three (3) gunshot wounds; left chest, left aspect of the back, and a graze wound of the left aspect of the back
3. Extremities -two (2) gunshot wounds; right hand and left knee
 - a. Canine bite wound -right lower leg

Postmortem blood toxicology revealed a blood alcohol concentration (BAC) of .190 g/100mL and 190 mg/dL of ethanol. Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgement, reduced alertness, and impaired muscular coordination. It additionally revealed 1.7 ng/mL of Delta-9 THC (active ingredient of marijuana). Delta-9 THC is the principle psychoactive ingredient of marijuana (cannabis,

hashish). It is also the active component of the prescription medication Marinol. Marijuana causes relaxation, distorted perception, euphoria, and feelings of wellbeing, along with confusion, dizziness, somnolence, ataxia, speech difficulties, lethargy and muscular weakness.

Conclusion

All available body worn camera footage and surveillance footage was reviewed at length and found to be consistent with officer and witness statements, as well as the physical evidence collected at the scene.

The post-incident investigation revealed that Johnson's father, Keith Johnson, called 911 from 149 Sunflower Drive, Windsor, CO, because his son, Daniel Johnson, was making suicidal statements. Windsor Police Officers responded, and numerous attempts were made to establish contact with Johnson as well as de-escalate the situation. These attempts were unsuccessful, and upon getting Keith safely out of the home, officers learned Johnson was armed with a shotgun. Officers Dalrymple and Zhizhin arrived on scene a short time later to provide extra perimeter security and eventually moved closer onto Snapdragon Drive, putting them in a position to have visual of the backyard of 149 Sunflower Drive.

Johnson, armed with a loaded shotgun, discharged the firearm twice around the area of the garage of 149 Sunflower Drive. After Johnson fired the second shot, he emerged into the backyard still armed with the shotgun. Officers Dalrymple and Zhizhin were in positions of cover behind their patrol vehicle with their firearms deployed. Upon seeing Johnson armed with the shotgun, Officer Dalrymple gave several loud verbal commands to Johnson to drop the gun. Both officers were on duty; dressed in marked police uniforms with shoulder patches, exterior vest carrier bearing a Windsor police badge and other various police equipment, as well as a duty gun belt while standing in a position of cover behind a clearly marked Windsor Police truck.

Johnson ignored all commands and advanced towards officers, leveling the shotgun in their direction. Both officers articulated fear of imminent bodily injury or death, believing Johnson was going to shoot at them. Officer Dalrymple fired his rifle seven (7) times at Johnson and Officer Zhizhin fired his handgun four (4) times at Johnson.

Though the body worn camera footage does not present a clear image of Johnson pointing the shotgun at Officers Dalrymple and Zhizhin because of their location behind the patrol truck, the physical evidence is consistent with their statements. Johnson's post-mortem toxicology analysis confirmed his use of alcohol which likely contributed to his behavior at the time of this encounter with police.