

August 25, 2025

Ron Thomas
Chief of Police
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

Re: June 23, 2025, Officer Involved Shooting in Denver, CO, near Kepner Beacon Middle School resulting in the death of Brian Allen (dob 10/24/78); DPD Case# 25-325918

Dear Chief Thomas,

My office has reviewed the investigation of the officer-involved shooting on June 23, 2025, that occurred near Kepner Beacon Middle School (911 S. Hazel Ct.), and Pascual LeDoux Academy (1055 S. Hazel Ct.). In this incident, Mr. Brian Allen, age 46, was lawfully contacted on school grounds by three peace officers. Two officers were Denver Police Officers; one was a Denver Public School Officer. When Mr. Allen learned he was going to be arrested, he ran and fired at least eight gunshots at the officers. The officers returned fire, striking Allen with multiple bullets. Allen died from his injuries. After reviewing this investigation, I conclude that the shooting of Mr. Allen was justified, and no criminal charges will be filed against any of the officers. This letter reports my decision per C.R.S. §20-1-114 (1).

Summary of Facts

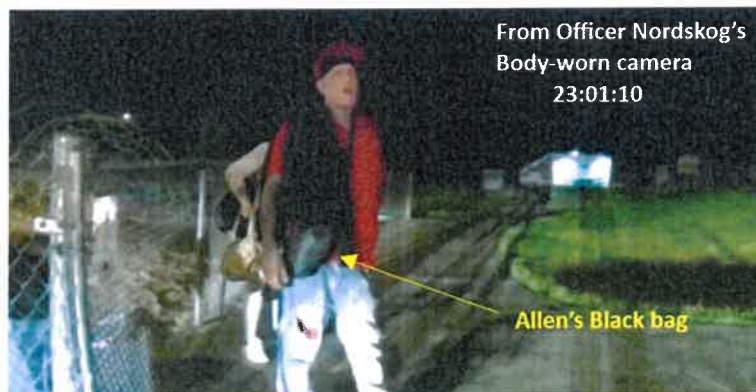
On June 23, 2025, at about 10:30 p.m., a 911 caller reported her concerns about an adult male she saw sitting at an entrance door to the Kepner Beacon Middle School.¹ Based on this call, officers from the Denver Public Schools and from the Denver Police Department were dispatched to investigate. This 911 call was not about Mr. Allen. However, additional information was later provided to officers that a man and a woman were also observed on school grounds on the southeast side of the Kepner school.

At 11:00 p.m., DPD Officer Mitch Nordskog (22096), DPD Officer Whitney Rohrback (20018), and DPS Officer Kyle Lucero (2111), saw an adult male (Brian Allen) and an adult female (Christina Castaneda) on the school grounds southeast of the school. Officer Nordskog got out of his police SUV and called to them, “Hey, just hang out real fast,” and he and Officer Rohrback walked toward them.

Mr. Allen was wearing a red shirt and light blue denim jeans. He wore a red ball cap over a black skull cap. A black satchel bag, hanging by a strap, hung at his waist just forward of his right hip. A black sweatshirt was draped over Allen’s right shoulder above the black bag. (See photo below).

¹ The caller said: “It looks like he’s shot ... something might be wrong with him.” The caller also said she was “concerned about suicide.”





Officer Nordskog explained to the couple that they were being contacted because they were on school grounds, and he asked for their names and dates of birth, which they provided. Officer Nordskog then walked to his police SUV to run a clearance. Mr. Allen and Ms. Castaneda waited, and Officers Rohrbach and Lucero stood near them. After a few minutes in his police vehicle, Officer Nordskog learned that both of them were wanted for arrest on felony warrants for parole violations. Officer Nordskog walked back to them. The officers' body-worn cameras and a surveillance camera recorded what occurred next.

Video Evidence

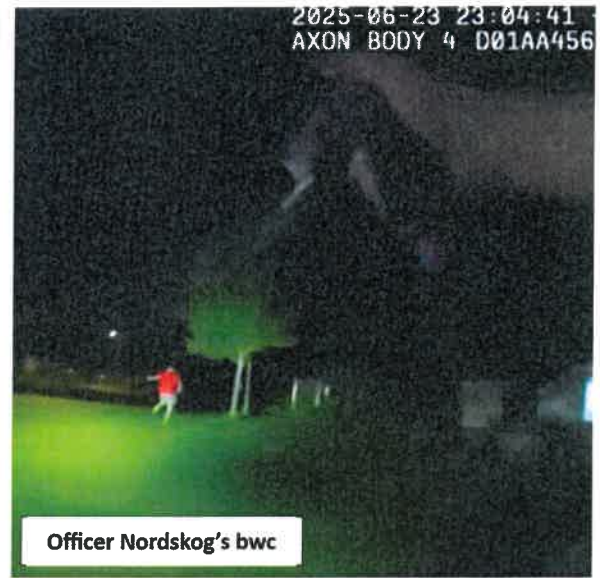
As Officer Nordskog was returning to him, Allen asked: “[Are] we good?” Officer Nordskog replied: “No. I got to talk to you, man. I’m sorry. We’re going to have to -- we got to do the whole thing.” Suddenly, Allen began to back away, saying: “We ain’t doing that. We ain’t doing that.” He dropped his sweatshirt to the ground and moved both of his hands to the black bag. The bag was in front of him. Officer Nordskog said to him: “Don’t fucking do that!” As Allen was handling the bag, he backed into the chain link fence and bounced off it, his cap fell off, and he hurriedly turned to his left and began to run. The officers were moving toward Allen. Suddenly, Officer Lucero yelled, “Gun! He’s got a gun!” All three officers drew their weapons.



Allen ran on the concrete path next to the chain link fence as the officers yelled at him to drop the gun. The officers' videos show that Allen did not have a gun in his right hand at this point, but it is difficult to see Allen's left hand because it was blocked from view by Allen's body much of the time.



From the concrete path, Allen veered left and ran south through a grass field. The officers followed and yelled at him to *"Drop the gun!"* The body-worn camera videos show that as the officers pursued him, Allen extended his left arm away from his torso. This is shown below at 23:04:41 on Officer Nordskog's video.² A corresponding gunshot sound is also recorded by the body-worn cameras.³



² Note that the clock on DPS Officer Lucero's body-worn camera is not synchronized with DPD body-worn cameras. The time stamps on his video show the times to be one to two seconds earlier than the time stamps on DPD Officer Nordskog's video.

³ Denver's Shot Spotter system also reports that the first gunshot of this incident occurred at 23:04:41.226.

This moment is also video recorded by a surveillance camera to Allen's left, on a building east of him at the Pascual LeDoux Academy. That surveillance video shows that Allen's left arm is outstretched behind him toward the officers, and he is firing a gun held in his left hand. A muzzle flash from Allen's gun is recorded at 11:04:41 p.m. None of the officers had fired their weapons before the muzzle flash.



This photo shows the muzzle flash from Allen at 11:04:41 p.m.
The officers have not fired their weapons at the time of this photo.

The officers have lights on their weapons.

After Allen fired this shot, all three of the officers returned fire at him.



Officer Nordskog's first shot. 23:04:42

Officer Nordskog's bwc



Officer Rohrback's first shot. 23:04:42

Officer Rohrback's bwc



Officer Lucero's first shot

Allen ran onto the sidewalk in front of him and turned to his right. After a short distance, he fell to the ground. As he fell, he fired at the officers again. While on the ground he continued to fire additional shots. He fired at least seven rounds from the sidewalk over the course of several seconds. Muzzle flashes from his gun can be seen on the Academy's surveillance video. (Two examples are shown below).



All three officers, still on the grass, fired multiple additional rounds at Allen while he was on the sidewalk.

After the gunshots from Allen ceased, the officers cautiously approached him. Allen's handgun was on the concrete sidewalk next to his head. Officer Nordskog kicked it away. An ambulance was called, and the officers began rendering aid to Allen. He was transported by ambulance to Denver Health Medical Center but was pronounced dead during surgery at 12:23 a.m. on June 24, 2025.

The female identified as Christina Castaneda fled from the area when Allen ran from the officers. She has not been located.

Officer Interviews

The officers were separately interviewed at DPD headquarters. Officers Rohrback and Lucero said they saw Allen reaching into his black bag when he first began to run from them, and they recalled seeing a gun in his right hand. Officer Nordskog said he did not see the gun at this point. All three officers recalled seeing Allen fire at them with his arm back toward them when he was running in the grass. They all recalled seeing a muzzle flash at that point. Officers Lucero and Nordskog described additional gunfire coming from Allen after that. They recalled hearing the sound of bullets striking the metal fence when Allen was firing from the sidewalk. All three officers, in different words, described fearing for their own safety and for the safety of the other officers. Officer Rohrback said they were in a gunfight. Each of them believed they needed to fire their weapons to stop the lethal threat Allen posed.

Autopsy

An autopsy was performed on June 24, 2025, by Dr. Ian Puffenberger, M.D, Forensic Pathologist. Dr. Puffenberger noted that Allen suffered 12 bullet entrance wounds and one graze wound. Bullets entered Allen in his left arm, left elbow, left hand, medial left arm, left thigh (inferior), left thigh (superior), left

back, left buttock (twice), the medial aspect of the left buttock, right lower back, and right buttock. His right ankle was grazed by a bullet. Dr. Puffenberger noted that Allen died as a result of the bullet wounds which caused injuries to his aorta, inferior vena cava, stomach, mesentery and other internal organs. Seven bullets were recovered from his body.

Allen's Handgun and Spent Cartridge Cases Recovered

Crime Scene Investigators from the DPD Crime Laboratory responded to document the scene and collect evidence. Allen's handgun was recovered on the sidewalk. It was a Smith & Wesson 40 caliber semi-automatic pistol.



Seven spent cartridge cases were recovered near the sidewalk. These cases were examined by the Crime Laboratory Firearms Unit and microscopically identified as having been fired from Allen's gun. The grass area through which Allen and the officers ran was searched for spent cartridge cases. 36 cases were located. All were determined to have been fired in the officers' guns. No cases from Allen's gun were found in the grass.

A weapons unload procedure at the DPD determined that the officers fired a total of 38 rounds. Officer Nordskog fired 17 rounds; Officer Rohrback fired 14 rounds; Officer Lucero fired 7 rounds.

Legal Framework

Criminal liability is established only if it is proved beyond a reasonable doubt that the elements of a criminal offense have been committed without a legally recognized justification. The justifications applicable to this case pertain to the use of deadly force in self-defense or in defense of another. These defenses are set forth in C.R.S. §18-1-704 and C.R.S. §18-1-707 (4.5).

C.R.S. §18-1-704 (Self-Defense and Defense of Another):

- (1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

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

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

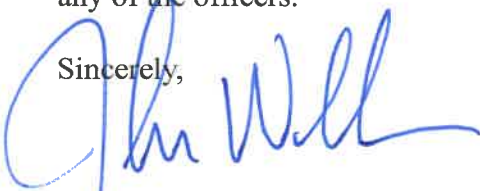
C.R.S. §18-1-707 (Peace Officer – Self-Defense and Defense of Another):

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

Analysis & Conclusion

Allen decided to shoot at the officers rather than submit to being arrested. He fired at least eight shots at them, demonstrating that he was shooting to kill or seriously injure them. The officers faced a very dangerous threat to their lives. The physical evidence and video evidence revealed by this investigation would be highly persuasive to any jury hearing this case, and that evidence overwhelmingly corroborates the officers' statements. I conclude that a jury would find the officers were legally justified to use deadly physical force to defend themselves. Specifically, a jury would find that each officer fired only in order to defend against what they reasonably believed was unlawful and potentially deadly force from Mr. Allen; that each officer reasonably believed they and the other officers were in imminent danger of being killed or of receiving serious bodily injury; and that each officer reasonably believed deadly force was necessary and that a lesser degree of force was inadequate. Thus, no criminal charges will be filed against any of the officers.

Sincerely,



John Walsh
Denver District Attorney

CC: Director of Public Safety Armando Saldate
Commander Matt Clark
Detective Daniel Andrews
Detective Dan Tregembo
John Davis, Esq.
Mike Lowe, Esq.
Denver City Attorney Katie McLoughlin
Director of the Office of Independent Monitor Lisabeth Pérez Castle
Denver City Council

Officer Mitch Nordskog
Officer Whitney Rohrbach
DPS Officer Kyle Lucero