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Travis County District Attorney Margaret Moore released the following statement today:

The Travis County District Attorney's Office has concluded its review of the Austin Police Department's investigation of the facts and circumstances of two separate 2017 officer-involved shootings involving Scott Gilpin and Javier Tinoco and determined that in each case the credible investigative facts establish that each officer's use of force was justified under applicable Texas law governing when an officer may use deadly force. In accordance with the Office's policies, District Attorney Margaret Moore will not present these cases to a grand jury for possible indictment and has issued formal declination letters summarizing the facts of the investigation and the legal analysis forming the basis for her decision.

Declination letters were released in each of the following officer-involved shooting incidents:

Officer Jesse Lane (APD #7705) involving Scott Gilpin

On January 14, 2017, Anderson Mill Pub employees called 911 to report that a male subject armed with a handgun was involved in a fight at the pub. When Officers arrived at the pub, the suspect, Scott Gilpin, was no longer on scene. One officer went inside the pub and took custody of the handgun that had been seized from the suspect. Approximately thirty minutes later, officers were called back to the pub to a report that Gilpin had returned and was now discharging a firearm in the parking lot. Responding officers witnessed Gilpin reach into his Jeep to retrieve a second weapon, a shotgun. Gilpin ignored the officers' commands to drop his weapons, and instead he told officers they would, "have to kill him." Officers followed Gilpin as he walked away from the pub, still giving him commands to drop his weapons. Gilpin walked down Spicewood Parkway towards Hope Presbyterian Church holding both weapons with officers following him at a safe distance. At Hope Presbyterian Church, Gilpin took a defensive position behind a concrete walled off area that housed A/C units. Officers positioned on both sides of the courtyard could see Gilpin behind the enclosure holding a rifle. Gilpin fired off several rounds from this position. Officers made numerous attempts to de-escalate the situation by talking with Gilpin and asking Gilpin to put his guns down. A few minutes later, Gilpin left the enclosure and began to walk towards the courtyard holding a shotgun and rifle. Officers gave Gilpin commands to drop the weapons and asked Gilpin to not make them do this as he advanced forward. Although Gilpin was not pointing his weapons at the officers, officers later told detectives they feared that at any moment Gilpin could fire upon them. The layout of the courtyard was such that the officers had no way to shield themselves if Gilpin decided to shoot them. Officer Lane realized at this point that Gilpin's path would soon put the officers in a cross-fire situation. Officer Lane fired his rifle five times, striking and fatally injuring Gilpin.

Officer Samuel Travis (APD#7257) involving Javier Tinoco

On February 6, 2017, Austin Police Department Corporal Jeffrey Barrick conducted a traffic stop to investigate a suspected impaired driver, Javier Tinoco. As Corporal Barrick approached the driver, the driver put his car in reverse, knocking the Corporal to the ground underneath Tinoco's vehicle. Officer Samuel Travis fired his 9MM pistol at Javier Tinoco during this traffic stop to prevent Tinoco from seriously or fatally injuring Corporal Barrick with his vehicle. The shooting did not result in injury. Tinoco fled the scene in his vehicle. Pursuing officers used spike strips to stop Tinoco.

Mr. Tinoco was charged with Driving While Intoxicated-Felony, Aggravated Assault of a Peace Officer and Evading Arrest With A Motor Vehicle, all arising out of this incident, and his cases are pending. In keeping with ethical rules governing prosecutorial conduct, a fuller discussion of the facts leading to Officer Travis' shooting in the direction of Mr. Tinoco cannot be made at this time without jeopardizing Mr. Tinoco's right to a fair trial.

In each of these cases the District Attorney's Office has determined that each officer's use of deadly force was justified under the facts established in the investigation. A full discussion of those facts and the legal analysis forming the basis for the declination letter will be published on the District Attorney's Civil Rights Unit webpage: (<https://www.traviscountytexas.gov/district-attorney/cru>).

A Press packet containing documents, audio and video related to the Lane case are available from the District Attorney's Office Reception Desk, located on the first floor of the Criminal Justice Center, 509 West 11th Street.