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

The Travis County District Attorney's Office has concluded its review of the Austin Police Department's investigation of the facts and circumstances of the February 19, 2018, officer involved shooting death of Thomas Alvarez by Austin Police Department (APD) officers Benjamin Rogers (APD # 7557), Deandre Wright (APD # 7238), Khristof Oborski (APD # 4498), Matthew Henion (APD #7072), Nicholas Gebhart (APD #7298), Rafael Rosales (APD # 4421) and Robert Brady (APD # 7594). The Travis County District Attorney's Office has determined that the credible facts establish that the officers' 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 this case to a grand jury for possible indictment and has issued a declination letter summarizing the facts of the investigation and the legal analysis forming the basis for her decision.

On February 19, 2018, at 5:30p.m., a resident called 911 from her home, saying she'd been followed by a roommate and was uneasy. As she was on the phone, she saw and reported the arrival of that roommate, later identified as Thomas Alvarez, in a yellow taxi cab.

When police arrived at the scene, they attempted to get Alvarez and the cab driver to exit the vehicle. Alvarez did so, but then got back into the car, eventually taking the driver's seat as the cab driver exited. Alvarez then led police on a lengthy pursuit, finally being boxed in by police cars and a gate on Edge Creek Drive. Soon after stopping there, Alvarez pointed a handgun out of the window.

Patrol and later SWAT officers surrounded the vehicle and a trained hostage negotiator attempted to make contact with Alvarez. There was, initially, some minimal communication but Alvarez soon stopped responding. He was seen, however, pointing the gun out of the window again. At that time, no officers fired their weapons.

Approximately one hour after coming to a stop on Edge Creek Drive, during which time Austin Police Officers tried in vain to get Alvarez to surrender the weapon, and during which time he was seen pointing the gun at his own head, Alvarez pointed the gun out of the window at officers again.

Several officers discharged their weapons at that time. Alvarez continued to move and point his weapon at police, and a second volley of shots was fired about ten seconds later. Alvarez was still moving around inside the vehicle, and when he pointed his gun at officers yet again six minutes later, the third and final round of shots was fired by law enforcement.

Seven police officers fired their weapons at Alvarez: three in the first volley, three in the second, and six in the final volley. Alvarez was pronounced dead shortly thereafter.

All subject officer gave individual statements, as did witness officers, which were corroborated by the physical evidence. Video footage captured by multiple bodycams further corroborated the officers' statements and showed the events that transpired that day.

In this case 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 these facts and the legal analysis forming the basis for the declination letter will be published on the District Attorney's Civil Rights Unit website: (<https://www.traviscountytexas.gov/district-attorney/office-divisions/civil-rights/cru>).

Press packets containing documents, audio and interviews related to this case are available on request by accessing the Civil Rights Unit's webpage and following the instructions provided for requesting and obtaining press packets.

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