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Sherwood, OR 97140

Chief Bill Steele
Tualatin Police Department
8650 SW Tualatin Rd.
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RE: December 25, 2016 Officer Involved Shooting
Deceased: James Tylka

Chiefs Dobrowolski, Groth, and Steele,

On December 25, 2016, the Washington County Major Crimes Team investigated three related incidents: the murder of Katelynn Tylka, the attempted aggravated murder of Trooper Nic Cederberg, and the officer-involved shooting of James Tylka. The cases were investigated by Detectives Kevin Dresser of the Tigard Police Department and Andrew Hays of the Washington County Sheriff's Office. We have completed our review of the investigation as it relates to Officers Christofaro, Smith, Twigg, Pierce, and Sanders, and conclude that all five officers who shot James Tylka were legally justified in doing so. A brief summary of the investigations is outlined below.

On December 25, 2016, Katelynn Tylka dropped her infant daughter off at a King City residence that James Tylka shared with his mother and step-father. As she was preparing to drive away, James Tylka approached her vehicle and shot her a total of eight times, six times in the chest and twice to the right side of her head near her right ear. She was seated in the driver seat, unarmed,

attempting to open the door and flee the vehicle when she was shot and killed. After he shot and killed Katelynn Tylka, James Tylka made one phone call and sent multiple text messages admitting that he had just murdered her. Multiple neighbors looked outside after hearing the gunshots and relayed a suspect and vehicle description to police, and that information was broadcast over the radio.

Moments after James Tylka's name and vehicle description were broadcast, Sherwood Officer Pearce located him driving westbound on Highway 99 and followed him for less than two minutes before losing sight of him. Trooper Nic Cederberg located James Tylka's vehicle less than 10 minutes later and broadcast his location. Within moments, Cederberg advised dispatch that the driver was shooting at him, and then about a minute later, dispatch broadcast that Trooper Cederberg was not answering on either of his radio channels. 90 seconds later, dispatch radioed, "Code Zero. Code Zero. Officer Down!" Code Zero is the alert dispatched when there is an immediate threat to the life of a police officer or firefighter.

Officers found Trooper Cederberg's vehicle south of Sherwood, on a dead end road named Gimm Lane. They saw Trooper Cederberg lying on the ground near the driver's door of his patrol car and knew that he had been shot. They had no idea where the suspect was. Gimm Lane is a narrow road with dense vegetation bordering the road's western shoulder and outbuildings to the east. Officers Stanley Smith, Christopher Pierce, and Joseph Twigg from the Sherwood Police Department, Eli Sanders from the Tualatin Police Department, and Anthony Christofaro from the Hillsboro Police Department quickly coordinated and formed a "360-cell," by communicating and physically grouping together to provide coverage for each other as they approached Trooper Cederberg. Their coordination likely saved additional lives, as Tylka had hidden himself in dense vegetation less than 10 yards from Trooper Cederberg's patrol car, on a hill overlooking Trooper Cederberg's body, armed with a Smith and Wesson M&P .40 caliber pistol that he had just taken from Trooper Cederberg.

The "360-cell" moved towards Trooper Cederberg, and the events were captured by a body-worn camera by Officer Smith that evening. Each officer had a distinct vantage from the cell formation, and described the events as follows:

- Officer Stanley Smith, Sherwood Police Department – They were creeping together towards Trooper Cederberg's body and had no idea where the suspect was. He heard Officer Twigg ask for someone to cover his left, and so he shone his flashlight right where Tylka was hiding. He saw Tylka's face and heard officers yelling commands. He saw a bright orange muzzle flash from Tylka. He fired one round from his Glock 21, a .45 caliber pistol, and heard volley shots coming from other officers. He then saw Tylka's face disappear, concluded that the threat was neutralized, and didn't fire any further.
- Officer Christopher Pierce, Sherwood Police Department – Held a hard shield in the front of the "360-cell" that moved towards Trooper Cederberg's body. He heard someone say to cover the left which made him turn his head towards where Tylka was hiding. He saw Tylka crouched down on the embankment, bloody, and holding a gun. He heard commands yelled from the officers, and saw that Tylka did not drop his weapon and continued to have it pointed towards them, so he fired one round from his Glock 21 pistol. Heard many shots, and saw Tylka fall over. He moved up the hill and saw Tylka lying on the ground and that the gun was no longer in Tylka's hand.
- Officer Joseph Twigg, Sherwood Police Department – Joined the "360-cell" and helped plan the best approach to Trooper Cederberg. As they crept towards the vehicles,

something caught his eye up the embankment where Tylka was hiding. He then realized that it was Tylka, sitting about 10 yards away, bloody, with a gun in his right hand. He saw Tylka point the firearm at them so he fired two rounds from his AR-15 rifle. He heard the other officers firing. He saw Tylka's body go down. Officer Twigg, who served in Iraq and Afghanistan in the Army National Guard, has extensive training in Tactical Emergency Casualty Care, and carries a combat trauma kit, provided medical aid to Trooper Cederberg that medical professionals credit with saving his life.

- Officer Eli Sanders, Tualatin Police Department – Joined the “360-cell” and was cautiously moving towards Trooper Cederberg. He saw a flashlight shining up the embankment and heard someone say “there he is.” He saw Tylka sitting in the woods with a gun trained on the officers, and saw Tylka fire his weapon at the officers. He fired 17 rounds from his Smith and Wesson M&P pistol, reloaded his gun, and didn't fire again because he saw that the threat was gone. Officer Sanders ran up to Tylka to secure him so that they could assist Trooper Cederberg.
- Officer Anthony Christofaro, Hillsboro Police Department – Directed the formation of the “360-cell” which ultimately saved the lives of officers assisting that night. As the cell moved towards Trooper Cederberg, he heard someone say “there he is.” He looked to his left and saw Tylka in the woods. He saw his face and neck and noticed that Tylka was “hunkering down” in the brush. He heard and saw a “pop flash” from Tylka, and then fired 19 rounds from his Colt M4 rifle. When he was no longer concerned about a threat, he immediately moved to provide aid to Trooper Cederberg.

Dr. Karen Gunson, the Medical Examiner for the State of Oregon, performed the autopsy in this matter. The autopsy revealed that James Tylka was shot a total of twenty-one times, including one self-inflicted gunshot wound to the left side of his head above his ear. The other gunshot wounds were to the upper and lower torso, at an angle consistent with Tylka's position of concealment above the officers on the hillside. The autopsy also revealed that Tylka's blood alcohol level was .11% at the time of his death.

A thorough forensic evaluation of the scene, and footage from Trooper Cederberg's dashboard recording system provides additional context. Trooper Cederberg and James Tylka shot at each other outside of their vehicles. Trooper Cederberg went down, and Tylka approached him, took his duty weapon, and shot at him again. Tylka then circled around their vehicles, leaving a trail of blood, as sirens indicated that officers were on their way. Tylka then chose his location of concealment to best ambush anyone attempting to assist Trooper Cederberg by selecting a vantage point directly above the trooper's body, a mere 10 yards away. There he waited with Trooper Cederberg's weapon for unsuspecting help to arrive.

At the time James Tylka was shot, all officers knew the following: that James Tylka had committed a homicide, that he was attempting to elude police, that he had fired at Trooper Cederberg from a vehicle, and that outside of the vehicles he had shot and possibly killed Trooper Cederberg. They knew that James Tylka was armed, and hiding in dense vegetation, and either pointed a firearm at them and/or fired his weapon. All officers believed James Tylka was attempting to shoot them or shoot fellow officers at the time they fired their weapons. In accordance with ORS 161.219, it is clear that all five of the above-listed officers acted under the reasonable belief that James Tylka was “using or about to use unlawful deadly physical force” at the time they fired their weapons.

Please note that at this point, one portion of the investigation is outstanding. Because of the extensive nature of Trooper Cederberg's injuries and necessary time for recovery, the Major Crimes Team has not completed its investigation of the officer involved shooting involving Trooper Cederberg. Consequently, the majority of investigation materials are not available for release at this time. However, because we have completed this portion of the investigation, our office will make Officer Smith's body-worn camera video available for release. The released video begins at about the 4:00 minute mark and ends at the 14:10 mark, excluding first aid treatment provided to Trooper Cederberg. While not on the released disk, the first four minutes of the video will be made available for review at the District Attorney's Office by appointment. Please contact Senior DDA Bracken McKey to schedule a viewing.

Sincerely,


Megan Johnson
Senior Deputy District Attorney


Bracken McKey
Senior Deputy District Attorney