



CITY OF DALY CITY

PRESS RELEASE – August 20, 2021

333 90th Street
Daly City, CA 94015

For Immediate Release

District Attorney's Office Finds Officer-Involved Shooting was Lawful

Daly City, CA (August 20, 2021) – The San Mateo District Attorney's Office has concluded that the April 7 officer-involved shooting of Roger Allen was lawful, according to the DA's findings, which were published today.

At 1:55 p.m. on April 7, Daly City officers came upon a parked truck with a flat tire. After officers saw a gun, a struggle over it ensued. The shooting occurred after Allen pointed the gun at officers and fired a shot that grazed an officer's forehead, according to the DA's findings.

At the time, the officers were unaware it was a replica BB gun because "it was of the same size, design, color, material and feel as a real 9 mm Glock handgun," according to the DA's findings.

The facts led the DA to conclude "that had Mr. Allen's gun been an actual firearm, Officer (Nicholas) McCarthy would have been shot in the head and likely suffered a fatal wound instead of only suffering a graze wound from a BB that Mr. Allen fired when he raised up and pointed the previously concealed gun at him."

The DA concluded the Daly City officers "reasonably believed they were in a struggle for their lives over control of a gun that, had it been real, could have been used to shoot both of them."

The DA said that Allen began the confrontation by bringing the gun out and noted that he "was a parolee with a warrant for absconding and a possible motive of not wanting to return to custody."

The DA's report also noted that all Daly City officers "fully cooperated with the investigation and all provided complete and detailed statements narrating what they saw, did, heard or said," answering all questions and helping the DA "have a complete understanding of these events."

You can read the DA's complete findings here: <https://da.smcgov.org/blog/2021-08-20/officer-involved-fatal-shooting-roger-allen-april-7-2021>.

Any time there's an officer-involved shooting, it's a traumatic experience for everybody, including the families of those involved, the officers and their families, the police department and our community.

The City has engaged Jordan Consulting & Investigations, to lead the continued administrative investigation into the shooting. The firm is also auditing the department's policies and procedures, including relating to how it uses force.

The City also approved the purchase and implementation of 100 Axon body-worn cameras and 32 in-car dashboard cameras. Training is continuing and on-duty officers are expected to be outfitted with the cameras soon.

In May, at the direction of Mayor Manalo, Vice Mayor Daus-Magbual and Councilmember Buenaventura, City Attorney Rose Zimmerman asked Attorney General Rob Bonta's office to conduct a parallel investigation into the shooting. Councilmember DiGiovanni and Councilmember Sylvester were against this direction. Bonta's office declined, citing the DA's investigation and Daly City's plans for an outside independent review.

Contact: Rose Zimmerman, City Attorney, (650) 991-8122