
March 20, 2024



**Iowa Attorney General's Review
of Officer Involved Death**

Incident of January 8, 2024
Sioux City, Iowa
Sioux City Police Department Officers Dyllon Frederickson and
Brice Talbott
Subject Involved: Salvador Perez-Garcia

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Executive Summary

Following its review of the investigation conducted by the Iowa Division of Criminal Investigation, the Iowa Attorney General's Office concludes that the fatal shooting of Salvador Perez-Garcia by law enforcement officers on January 8, 2024, was legally justified. After spending several hours attempting to goad police officers into a confrontation, it took slightly more than a minute for Perez-Garcia to attempt to kill police officers three times by crashing his truck into their cruisers. After he got out of his truck, he refused orders to drop the weapon with which he was threatening an officer. The officers reasonably believed that Perez-Garcia was an immediate threat to their lives and the lives of civilians in the immediate area, and the use of deadly force was justified to put an end to that threat. The Attorney General's Office therefore concludes that criminal charges are not warranted and considers the investigation to be closed.

Process and Authority

Law enforcement officers fatally shot Salvador Perez-Garcia just before 4:00 a.m. on January 8, 2024, in the parking garage of the Hard Rock Hotel & Casino, 205 Pearl Street, Sioux City, Woodbury County, Iowa. The incident involved two Sioux City police officers who responded to a call for assistance from a third Sioux City police officer.

The Iowa Division of Criminal Investigation investigated the incident, and its investigation is complete. DCI interviewed the officers involved

and gathered other evidence, including video recorded by body, dashboard, and surveillance cameras.

The Attorney General's Office has authority under Iowa Code § 13.12 to assess any officer-involved death to determine whether criminal charges are warranted. The Office has had a full opportunity to review the findings of the investigation and discuss the investigation with the assigned agent. All law enforcement reports, including any audio or video recordings, will be returned to DCI when this report is issued.

Pertinent Facts

A. The garage.

The Hard Rock Hotel & Casino parking garage is a multi-level structure located at 205 Pearl Street in Sioux City, Iowa. The City of Sioux City owns it and leases it to the Hard Rock. The garage has multiple security surveillance video cameras. Its first level is used for maintenance and long-term vehicle storage. A ramp to the second-floor parking area is immediately to the right of the garage entrance.

B. Timeline.

1. Perez-Garcia's actions before the incident.

On January 8, 2024, Salvador Perez-Garcia entered the garage at 1:06 a.m. and drove around in his pickup truck. He parked directly in front of security surveillance cameras and spoke directly toward them. He smoked what appears to be methamphetamine from a glass pipe and

displayed to the camera the propane torch he used to light the pipe. He also intently watched the entrances to the garage. He continued this behavior until he exited the garage at 2:33 a.m.

Perez-Garcia then drove approximately two blocks north to the Sioux City Police Department Headquarters. He entered the headquarters parking lot at 2:36 a.m. and parked in the rear lot for approximately a minute and a half. There were no law enforcement officers present.

Perez-Garcia left the lot and returned to the parking garage, entering it at 2:42 a.m. He drove to the second level and there slowly drove his truck toward the vestibule doors to the elevator entrance until he struck the doorway and framing.

2. The lead-up to the incident.

Sioux City Police Officer Colin Scherle was on duty during an overnight shift on January 7–8, 2024, spot-checking hotel parking areas for particular vehicles as part of an investigation. He entered the parking garage at approximately 3:41 a.m. and parked near the northeast corner of the second level of the garage to survey a nearby ground-level parking lot for those vehicles.

Perez-Garcia was approximately half a level above Officer Scherle. While Officer Scherle drove through the second level to park, Perez-Garcia drove down a ramp from the third level to the second. Perez-

Garcia stopped his truck on the ramp where he could observe Officer Scherle. He remained there for approximately 10 minutes.

At approximately 3:52 a.m., Garcia-Perez threw several papers out of his front passenger and driver's side windows both while he was parked and driving down the ramp. Roughly two minutes later, Garcia-Perez stopped next to a concrete barrier that looks down to the ground level. He again threw papers out of the driver's side window before reversing and backing up to his previous location on the ramp.

At 3:54:36 a.m., Perez-Garcia drove his vehicle forward and backward several times as if attempting to spot Officer Scherle's precise location.

3. The incident.

At 3:56:17 a.m., Perez-Garcia rammed his truck into the front left corner of Officer Scherle's patrol cruiser. He had driven around one of the garage's structural walls and accelerated down the ramp to give himself a direct path toward Officer Scherle. The crash triggered the airbags in both vehicles and trapped the cruiser between Perez-Garcia's truck and the walls of the northeast corner of the garage.

One second later, Officer Scherle radioed the telecommunications center that a "vehicle just rammed into me, second story of the Hard Rock." He identified Perez-Garcia's truck and that it was occupied by a single person. Meanwhile, Perez-Garcia opened the driver's side door of his truck, removed his seatbelt, and reversed his truck slightly. At

3:56:38 a.m.—barely 20 seconds after the first crash—he again rammed his truck into Officer Scherle’s cruiser. He then backed away and, at 3:57:27 a.m., drove down the ramp toward level one and the main exit. Officer Scherle radioed at 3:57:33 a.m. that Perez-Garcia was driving toward the parking garage’s main exit. Though he was initially trapped in his patrol cruiser, he got out and pursued Perez-Garcia on foot.

Uniformed Sioux City Police Officers Brice Talbott and Dyllon Frederickson, operating their cruisers’ emergency lights and sirens, arrived at the garage in response to Officer Scherle’s call for assistance. They drove into the garage. As Officer Frederickson did so at approximately 3:57:40 a.m., Perez-Garcia drove his truck head-on into Officer Frederickson’s cruiser. Officer Frederickson had sounded his cruiser’s air horn multiple times to ensure Perez-Garcia was aware of him. Officer Talbott almost instantaneously parked his cruiser behind Perez-Garcia’s truck to prevent Perez-Garcia from backing the truck away.

Officer Frederickson got out of his cruiser five seconds later. He circled behind the cruiser and approached Perez-Garcia with his firearm drawn and pointed in Perez-Garcia’s direction. As he approached and yelled “get on the ground, drop it, drop it right now,” Perez-Garcia got out of his truck, raised a chained weapon, and swung it at Officer Frederickson. Perez-Garcia swung the weapon several more times. Frederickson attempted to shoot Perez-Garcia, but his firearm

malfunctioned. He backed away as he cleared his firearm's malfunction to create distance between himself and Perez-Garcia.

Officer Talbott got out of his cruiser at approximately 3:57:47 a.m. He ran toward Perez-Garcia from the rear of Perez-Garcia's truck to try to push him to the ground. Once Officer Talbott realized that Perez-Garcia was armed, he pushed himself away to create distance between them. At that point, Officer Frederickson had cleared his weapon. Perez-Garcia continued to ignore commands to drop the chained weapon he was swinging at Officers Frederickson and Talbott. The two officers then fired multiple rounds at Perez-Garcia, the first at about 3:57:57 a.m. and the last about three seconds later.

Roughly one minute and 45 seconds had passed since Perez-Garcia had crashed into Officer Scherle's patrol cruiser. The Office of the Iowa State Medical Examiner would determine that Perez-Garcia had been shot nine times.

C. Aftermath of the incident.

Once Perez-Garcia was incapacitated and on the ground, officers took the chained weapon from him and immediately began to provide first aid while radioing for emergency medical responders. When Officer Frederickson used medical shears to cut off Perez-Garcia's clothes, the officers discovered that Perez-Garcia had a sort of homemade body

armor, best described as consisting of several layers of thin metal designed to cover Perez-Garcia's torso, hand-stitched into his clothing.

The papers Perez-Garcia had thrown from his truck had written on them "polecia corructos" and "el casino culpable," meaning "police are corrupt" and "the casino is culpable." "Polecia Corructos" was also written on the steering wheel of Perez-Garcia's truck.

The chained weapon was homemade and clearly designed to inflict serious bodily injury or death. It would have taken detailed planning and work to create.

Applicable Law

To be justified, the force used by the officers who fired upon Perez-Garcia must have been reasonable. Force is reasonable if a reasonable person, in like circumstances, would judge the force to be necessary to prevent an injury or loss. It can include deadly force if (1) it is reasonable to believe that such force is necessary to avoid injury or risk to the person's or another person's life or safety and (2) it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code §§ 704.1, 704.2, and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Under *Graham*, reasonableness of

police use of force cannot be evaluated from the perspective of a civilian or the perspective afforded by 20/20 hindsight. The Court further stated that the fact that law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness. Since *Graham*, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied.

Analysis

The actions Officers Frederickson and Talbott took during this incident were legally justified, and their decision to fire on Perez-Garcia was reasonable under the circumstances.

Perez-Garcia was solely responsible for the circumstances that led to his being shot. He intentionally rammed his truck into Officer Scherle's patrol cruiser, and Officers Frederickson and Talbott were responding to Officer Scherle's call for assistance stating that Perez-Garcia had done so. His first encounter with Officers Frederickson and Talbott was to ram his truck head-on into Officer Frederickson's cruiser, which had its lights and sirens activated and Officer Frederickson sounded his air horn several times to make sure Perez-Garcia was aware of him. After that crash, Perez-Garcia got out of his truck and threatened both Officer Frederickson and Officer Talbott with a weapon that he refused to drop

when commanded. It was apparent that Perez-Garcia intended to cause serious bodily injury or death.

That the officers' decision was reasonable is further confirmed by Perez-Garcia's actions before the incident. His behavior in the garage indicates that he was deliberately attempting to draw the attention of law enforcement to provoke a confrontation. So too do his leaving the garage to park at police headquarters and his returning to the garage when he encountered nobody in the headquarters parking lot. His preparation of a homemade weapon and homemade body armor indicates that he intended for that confrontation to be violent and to threaten serious bodily injury or death. His preparation of flyers criticizing the police as corrupt indicates that he hoped to draw significant attention to his confrontation, likely by causing significant injury or death.

There could have been no doubt in Perez-Garcia's mind that he was intentionally attacking law enforcement officers, which the facts indicate was his goal. Even after Perez-Garcia attempted to murder Officers Scherle and Frederickson by ramming his truck into their police cruisers, Officers Frederickson and Talbott attempted to end the situation peacefully, giving Perez-Garcia multiple chances to drop his weapon and surrender.

Officers confronted an armed man who had, in fewer than two minutes, attempted three times to kill police officers by ramming them with his truck. All three officers were in immediate danger of serious

bodily injury or death, as were every other civilian or bystander Perez-Garcia might have encountered if he left the parking garage or entered the adjacent casino. Officer Frederickson's and Officer Talbott's decisions to use deadly force to end that danger were justified.

Conclusion

The Iowa Attorney General's Office concludes that law enforcement officers' actions in this incident were legally justified and that criminal charges are unwarranted. It considers the criminal investigation into this incident to be closed.