



For Immediate Release:
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March 15, 2022

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the discharge of a firearm by an Aurora Police Department SWAT Officer on September 26, 2021.

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

*AdamsBroomfieldDA.org, Facebook: [@da17colorado](https://www.facebook.com/da17colorado) Twitter: [@da17colorado](https://twitter.com/da17colorado)
Instagram: [@da17colorado](https://www.instagram.com/da17colorado) YouTube: [ColoradoDA17](https://www.youtube.com/ColoradoDA17)*



March 15, 2022

Vanessa Wilson
Chief of Police
Aurora Police Department
15001 E. Alameda Parkway
Aurora CO 80012

RE: Officer Discharge of Firearm

Dear Chief Wilson:

You asked the 17th Judicial District Critical Incident Response Team (CIRT) to investigate the discharge of a firearm by a SWAT Officer occurring on September 26, 2021. The CIRT, led by Adams County Sheriff's Office Detectives Liliana Cano and Jason Shearer, presented the factual findings of the investigation to my office on December 22, 2021. The other investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Aurora Police Department. This letter includes a brief summary of the facts and legal conclusions reached based upon the materials reviewed.

The investigation of this incident resulted in criminal charges against a civilian which, as of the date of this letter, is still pending in Adams County District Court. Individuals charged with any crime retain a presumption of innocence until the final resolution of the case. Consequently, based on limitations set forth in the Colorado Rules of Professional Conduct restricting pretrial publicity, this letter does not reveal all of the facts pertinent to the investigation. Furthermore, in an effort to preserve the integrity of the pending case, the record of this investigation will remain restricted from public access until the conclusion of the criminal proceedings. Once the pending case associated with this matter has been resolved, the record and any video evidence will be made available.

On September 26, 2021, at 2 PM, the Aurora Police Department (APD) was called to a report of a shooting into a home. The suspect had fled the scene and no arrest was made. However, around 4:45 PM later that same day, the mother of the suspect called APD and reported that she learned her adult son was the person who earlier fired shots into the neighbor's home. The mother asked APD to respond and remove her son from her home. The mother warned that her son was "scared, schizophrenic and [was] using drugs," and that he was armed and threatening to kill other members of the household.

Officers with APD responded to 2230 Billings St. The officers learned that most members of the house had fled, but that two family members remained hiding in the basement of the house.

The mother reported that her son refused to come out of the house and if police responded he would engage in a "blaze of glory." Officers were unable to make contact with the son inside the home and called APD SWAT to assist with the barricade and potential hostage situation.

The SWAT was also unable to contact the son. Household members from the basement communicated to APD their concern that the suspect was trying to force his way into the basement. Consequently, SWAT Officers devised a tactical plan to safely end the stand-off by making what was referred to as a "crisis entry" to protect the hostages and apprehend the suspect.

The entry involved the use of a "flash-bang" device that detonates with a large flash of light and sound intended to distract the suspect. Flash-bang devices were deployed at the same time entry was made into the home. As the SWAT officers entered the home, two of them saw what they perceived as muzzle flashes. Apparently one of the officers, believing the flash to be someone shooting from inside, fired his weapon toward the direction of the flash. These gunshots caused property damage but did not strike a person or otherwise cause personal injury. Both officers later reported that they believed the flashes to be the barricaded suspect firing a gun at them as they entered. There is no evidence that shots were fired at the officers. Aside from the deployment of flash-bang devices, no conclusions could be reached as to what the two SWAT Officers perceived as muzzle flashes.

Generally, a crime is committed when the defendant has performed a voluntary act prohibited by law, together with a culpable state of mind. Proof of a culpable state of mind is an essential element of any crime that would be considered from this investigation. Here, while the gunshots caused property damage, there is no evidence that the officer had a culpable mental state to commit a crime when he discharged his firearm. Therefore, considering the circumstances, I conclude that there is no criminal conduct by this officer.

This review is strictly limited to determining whether any criminal charges should be filed against the involved officer. This independent investigation and review are not intended to take the place of an internal affairs investigation by your agency. As such, my review does not evaluate compliance with any departmental policies, standards, or procedures.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian S. Mason". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian S. Mason
District Attorney