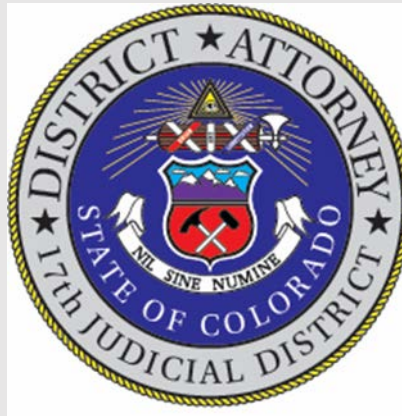


Critical Incident Response Team



Presentation of Investigation

Brian S. Mason

17th Judicial District Attorney

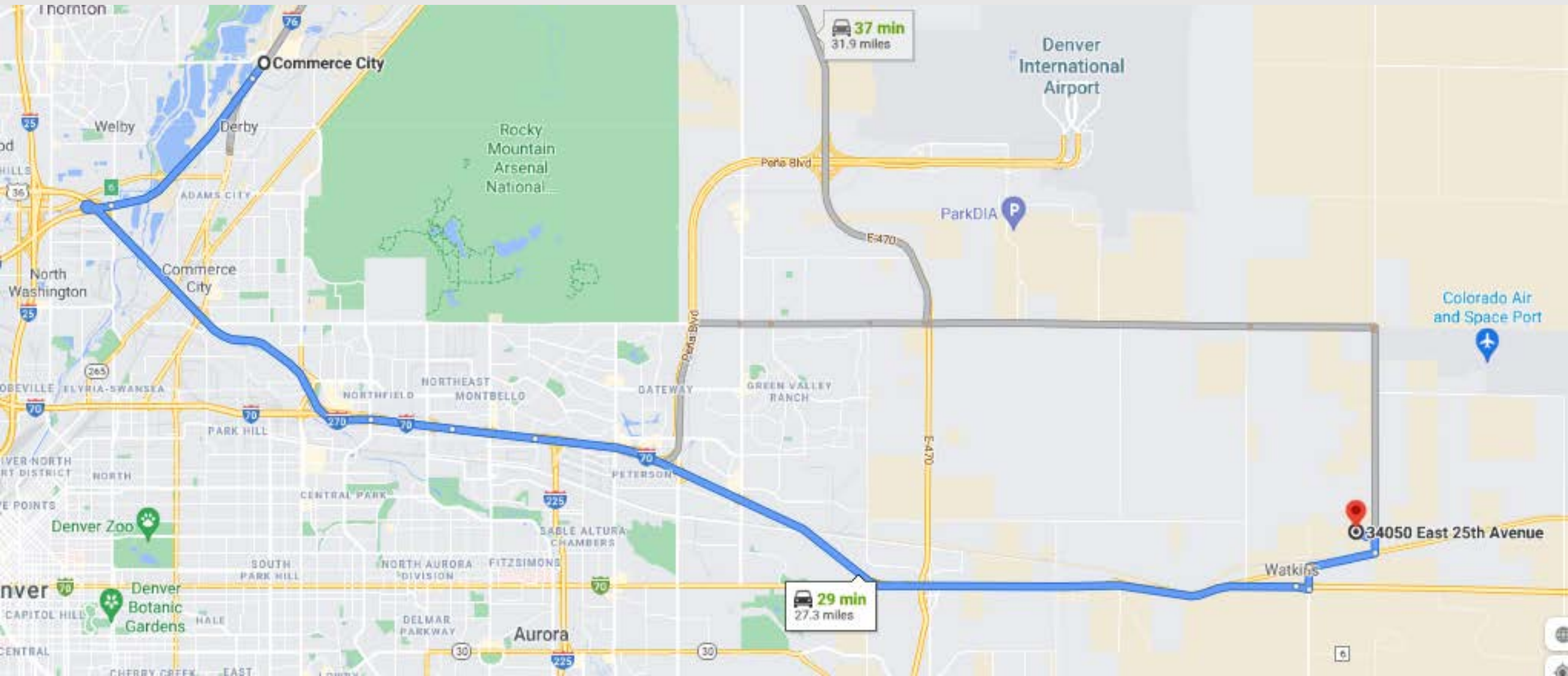
Summary of the incident

- ACSO attempted to stop a reported stolen vehicle at I-76 and 88th Avenue
- The vehicle eluded officers at high speeds for over 20 miles into residential area
- Driver ditched vehicle in driveway of random private home in Watkins, CO
- The suspects in vehicle fled and then trespassed into an RV camper parked at the home
- 6 patrol officers, guns drawn, announced their presence and ordered suspects out
- One deputy shouted “gun” when he observed a black object in a suspects hand through the camper’s back window

Summary of the incident

- After numerous commands, the camper door finally opened
- First, one female started to leave the camper with her arms raised yelling, “She’s got a gun!” and “She’s trying to kill me!”
- A second female stood directly behind the first female like she was holding the first female hostage.
- The second female held a black object against the first female’s back with other hand. The first female believed it was a gun.
- Patrol officers repeated commands, “Drop the gun or you will be shot!”
- The second female tried to move first female like a hostage away from the camper
- In front of the camper, a deputy fired one shot at the second female, causing her death
- It was later determine the black object was a butane lighter not a gun

Eluding in Stolen Vehicle



Ditched vehicle on trespassed property



Fled into RV Camper

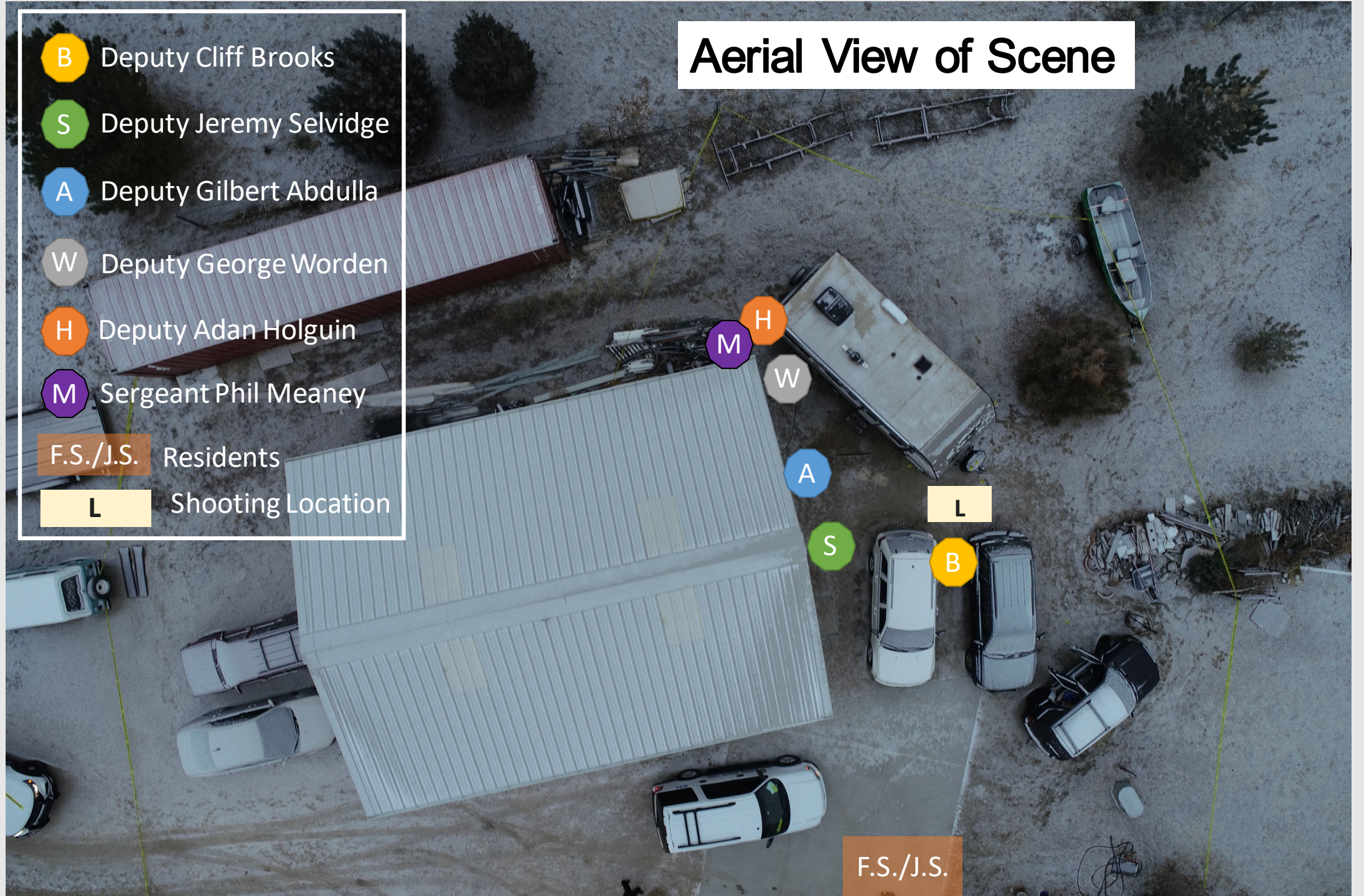


Where “hostage” & decedent exited camper



Aerial View of Scene

- B Deputy Cliff Brooks
- S Deputy Jeremy Selvidge
- A Deputy Gilbert Abdulla
- W Deputy George Worden
- H Deputy Adan Holguin
- M Sergeant Phil Meaney
- F.S./J.S. Residents
- L Shooting Location



Butane lighter decedent pretended was a gun



DA's review of filing criminal charges against police officer:

- Whether the evidence collected supports proof of all the elements of crime beyond a reasonable doubt
- AND
- Whether the evidence collected disproves the elements of any affirmative defense beyond a reasonable doubt
 - Self-defense
 - Defense of others

Defense of another:

- A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances
- AND
 - the arrest is for felony conduct involving the use or threatened use of deadly physical force
 - the suspect poses an immediate threat to the peace officer or another person
 - the force employed does not create a substantial risk of injury to others

Conclusion:

- An attempted traffic stop of a stolen vehicle escalated into a vehicular eluding
- The suspects unlawfully entered onto private property and into a camper
- Patrol officers announced their presence and gave commands to the suspects to safely come out of the camper
- The camper door opened, immediately giving the six patrol officers and two bystanders the perception of a hostage situation
- The first female announced that the female behind her had a gun

Conclusion:

- The second female held onto the first female with one hand and held a black object in the other hand
- The black object appeared consistent with a gun but was only later able to be identified as a large black butane lighter
- The officers shouted, “Drop the gun or you will be shot!”
- The second female ignored the commands and continued to move the first female away from the camper
- Each of the officers involved, as well as the lay witnesses, believed that the first female was held hostage at gun point

Conclusion:

- Given the appearance of a hostage held at gunpoint by an individual who refused to comply with commands, no other means of apprehension were reasonable
- The evidence and applicable Colorado law do not support the filing of charges in this case.
- Furthermore, the prosecution cannot disprove, beyond a reasonable doubt, that the involved officer had reasonable belief that the second female presented an immediate threat to the first female
- No charges will be filed