



DenverDA

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June 29, 2006

Gerald Whitman
Chief of Police
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

RE: Investigation of the shooting death of Michael Julias Ford, DOB 5/29/84, DPD #613567, in which Technicians Ryan Grothe, 95015, and James Sewald, 90027, fired their weapons on June 25, 2006, at 4600 Stapleton Drive – Safeway Warehouse, Denver, Colorado. Prior to being shot by Denver officers, Ford shot and wounded Technician Derick Dominguez, 91001.

Dear Chief Whitman:

On June 25, 2006, Michael Julias Ford (hereafter “Ford”) entered the Safeway Warehouse at 4600 Stapleton Drive armed with a six-inch barrel, six shot Ruger .357 caliber revolver. He shot five employees. One victim died at the scene and four suffered gun-shot wounds. He also set numerous fires within the warehouse.

Scores of Denver police officers and firefighters immediately responded with the “active shooter” at large within the warehouse. At that time, it was unknown if there was more than one assailant and the number and location of victims was uncertain. Denver police Metro-SWAT officers, at great personal risk, made entry into the warehouse in an effort to protect those inside, locate and extract any victims, and locate and apprehend the assailant(s). Their professional, skilled, and timely actions most certainly prevented more carnage at the hands of Ford.

This decision letter will address only the officer-involved shooting aspect of the event. Ford acted alone. He is deceased. No criminal charges are necessary related to his lethal rampage. Therefore, our involvement in that aspect of the event is concluded. In accordance with the protocol, the administrative and tactical aspects of the event will be addressed by the Manager of Safety and Chief of Police in their review.

Although there were numerous Denver officers engaged in the activities within the warehouse, the shooting involved only one of the three-man Metro-SWAT teams that entered the building. The team was composed of Technicians Derick Dominguez, Ryan Grothe, and James Sewald. There were no other officers or civilians present when these officers were ambushed at close range by Ford.

The three officers entered the warehouse in the vicinity of the last sighting of the suspect. Soon after entering they were ascending a metal staircase along the warehouse wall with the intent to clear an area on the second floor. The warehouse wall was on their left and a staircase railing on their right. To the right of the stairs it was wide open to the large warehouse area. When they neared the top of the stairs, smoke was so thick from fires set by Ford that they were forced to retreat back down the stairs. As they descended the stairs, Ford ambushed them from behind the staircase.

Technician Dominguez described moving back down along the railing as he visually scanned to the right where he saw fires burning. In addition to looking for the suspect, he was also trying to locate a fire extinguisher. As his eyes moved back from right to left to the area behind the staircase Ford came into his peripheral vision. In that split second, Ford fired rapid shots at the officers from what Technician Dominguez described as a car length away. One of the shots came through the metal face of the 12th step and struck him in the left hip shattering his femur bone—the bullet fragmenting into his body.¹ He said he felt like he had been hit with a sledgehammer. He went down immediately. Technician James Sewald told investigators that he quickly pulled Technician Dominguez to the bottom of the steps to a position by the wall behind him on the floor. As Technician Dominguez lay wounded on his back bleeding in severe pain, Technician Ryan Grothe immediately returned fire at Ford with his AR-15 semi-automatic rifle from a position of no cover at the bottom of the stairs. Technician Sewald also engaged Ford with rapid fire from his HK 53 semi-automatic rifle. The officers were firing at Ford who was moving laterally from their left to right across an open area of the warehouse. This movement continued to leave no opportunity of cover for the officers. Ford then reversed direction and moved toward a wide opening leading to another area of the warehouse.

During these movements, Ford was struck by the volley of shots fired by Technicians Grothe and Sewald. He fell to the floor in the wide opening. The officers could see his handgun on the warehouse floor in this area. They ordered him to stay down as he was pushing himself up from the floor. Instead of complying, he pushed up from the floor in an effort to get the firearm. The officers fired again and Ford again fell to the floor at almost the same location. He did not get up again. Because of Ford's position in relation to the officers and his gun on the floor, Technician Sewald stated that when firing his sight picture was Ford's side and back. This is consistent with bullets that struck Ford during this second volley of shots.

The officers maintained cover on Ford as they scanned the area to insure he was the only assailant. Technician Dominguez stated that Technician Grothe “grabbed me and dragged me out and covered me until an ambulance came.” Technician Grothe then returned to assist his fellow officers in the ongoing search for victims, possible additional assailants, and to protect firefighters in extinguishing the multiple fires set by Ford. Technician Dominguez was rushed to Denver Health Medical Center for treatment of the gunshot wound. After extensive surgery to repair his shattered femur and hip joint, he continues his recovery at this time.

The voluntary videotaped statements given by the three officers are consistent with the physical evidence collected during the investigation. During his lethal rampage, Ford fired 16 rounds from his six-inch barrel, six shot Ruger .357 caliber revolver.² This required him to reload twice

¹ See attached photo of area of the shooting.

² See attached photo of the firearm. The conclusion that 16 rounds were fired by Ford is based on the recovery of 16 shell casings during the crime scene investigation.

during the deadly assault on the employees and officers. He also set multiple fires that endangered employees, police officers, and firefighters. Technicians Ryan Grothe and James Sewald fired a total of 17 shots. Seven of these bullets struck Ford. The wounds were to his arm, leg-knee area, side, and back. All seven bullets and their fragments remained in his body. There were no exit wounds.

Based on the totality of the facts developed in this investigation, the shots fired by the two officers were not criminal conduct under C.R.S. 18-1-707. Justification for the shooting of Ford is found under both the “to defend” and “to effect arrest or prevent escape” sections of the statute. We could not prove beyond a reasonable doubt that it was unreasonable for the two officers to perceive that Ford’s conduct posed an imminent threat to them when they fired the shots. Additionally, under the specific facts of this case, they are justified in using deadly physical force to protect themselves or to effect the arrest or prevent the escape of a person who has committed a crime involving the use or threatened use of a deadly weapon or is attempting to escape by means of a deadly weapon. Ford’s conduct in this case is covered by all three grounds of justification. Therefore, no criminal charges are fileable and provable against the officers in the shooting death of Ford.

The attached document entitled *Officer-Involved Shooting Protocol 2006* is incorporated by this reference. The following pertinent statement is in that document: ***“In most officer-involved shootings the filing decision and release of the brief decision letter will occur within two-to-three weeks of the incident, unless circumstances of a case require more time. This more compressed time frame will allow the Denver Police Department administrative investigation to move forward more quickly.”*** In this case, the facts and decision are sufficiently clear that this letter can be released at this time. Although there is still testing and documentation to be completed, it does not involved results that would impact this decision. That information can be provided in the administrative review of the shooting.

The Denver Police Department is the custodian of records related to this case. The case investigation documents in our possession will be open for in-person review at our office at the conclusion of the Manager of Safety and Denver Police Department’s administrative investigation and review of this shooting, if the City fails to open its criminal case investigative file for review at that time. As in every case we handle, any interested party may seek judicial review of our decision under C.R.S. 16-5-209.

On behalf of a thankful community, I commend these three heroic officers; all of the officers, firefighters, and paramedics who responded; the police dispatchers; all of the Safeway employees; and the hospital doctors, nurses, and support personnel who tended to the victims and continue to care for them. Your collective actions saved lives and for that we are grateful. I hope the thoughts and prayers of the community will bring some measure of comfort to the victims, their families, and friends.

Very truly yours,


Mitchell R. Morrissey
Denver District Attorney

cc: Technician James Sewald; Technician Ryan Grothe; Technician Derick Dominguez; Doug Jewell, Attorney at Law; John W. Hickenlooper, Mayor; All City Council Members; Alvin J. LaCabe, Jr., Manager of Safety; Cole Finegan, Denver City Attorney; Marco Vasquez, Deputy Chief; Michael Battista, Deputy Chief; Dan O'Hayre, Division Chief; Dave Fisher, Division Chief; Steve Cooper, Division Chief; Mary Beth Klee, Division Chief; Gregory LaBerge, Crime Lab Commander; Pat Carver, Captain, Metro-SWAT; Pat Phelan, Lieutenant, Metro-SWAT; Frank Conner, Lieutenant, Metro-SWAT; John Burbach, Captain; Jon Priest, Lieutenant, Homicide; Jim Haney, Lieutenant; Joel Humphrey, Detective, Homicide; Bruce Gibbs, Detective, Homicide; John Lamb, Commander, Civil Liability; Chuck Lepley, First Assistant District Attorney; Lamar Sims, Chief Deputy District Attorney; Doug Jackson, Chief Deputy District Attorney; Henry R. Reeve, General Counsel, Deputy District Attorney; Justice William Erickson, Chair, The Erickson Commission; Richard Rosenthal, Office of the Independent Monitor.

Bullet hole from the shot fired by Ford that wounded Technician Derick Dominguez.

After shooting at the officers and wounding Technician Dominguez, Ford moved from behind the staircase from left to right and then reversed direction and went down at this location—head to left—feet to right.

