



DenverDA

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August 3, 2007

Peter A. Weir
Executive Director, Colorado Department of Public Safety
700 Kipling Street
Denver, CO 80215

Colonel Mark V. Trostel
Colorado State Patrol
700 Kipling Street
Denver, CO 80215

RE: Investigation of the shooting death of Aaron Snyder,
DOB 9/20/74, by Colorado State Patrol Agent Jay F.
Hemphill, on July 16, 2007, in the State Capitol building,
200 East Colfax Avenue, Denver, Colorado.

Dear Executive Director Weir and Colonel Trostel:

As we have done in other officer-involved shooting cases, this decision letter is being released at this time to inform all those involved and the public in a timely manner, even though some aspects of the investigation continue. We are able to do so at this time because all pertinent facts are known relative to our decision of whether the actions of Colorado State Patrol Agent Jay F. Hemphill were justified. We conclude that no criminal charges are fileable or provable against Agent Hemphill for causing the death of Aaron Snyder. His actions were legally justified.

Aaron Snyder is deceased. Therefore, no criminal charges are necessary related to his criminal conduct. Snyder acted alone. This shooting involved a law enforcement officer from your agency which is an agency outside the 2nd Judicial District. Therefore, the administrative aspect of the shooting will be addressed by the Colorado State Patrol and the Colorado Department of Public Safety. When we have been advised by you that your agencies have concluded the administrative investigation and review, we will open our Officer-Involved Shooting file in this case for in-person review at our office. As is always the case, the physical evidence will be in the possession of the Denver Police Department. The Denver Police Department is the official custodian of records related to this case.

SYNOPSIS OF SHOOTING

On July 16, 2007, shortly before 2:00 p.m., Aaron Snyder entered the west door of the State Capitol Building. Within five minutes he entered the temporary offices of Governor Bill Ritter, Jr. Snyder was dressed in a black tuxedo and was carrying Remington Hearing Protection in his left hand. He stated, "I am the Emperor and I am here to take over the State of Colorado." Colorado State Patrol Agent Jay Hemphill, assigned to protect the Governor, intercepted Snyder in the reception area of the office, engaged him in discussion, and within a minute diplomatically got him back out the door. Agent Hemphill continued discussions with Snyder for approximately three more minutes. They were standing immediately in front of the glass-windowed door to the Governor's Office at arm's-length speaking in a moderate conversational tone. During the discussion Snyder's comments were disquieting and became challenging. Officer Hemphill became concerned enough that he made a 10-78 emergency alert from his radio (emergency—officer needs help). Snyder unexpectedly moved back his tuxedo coat revealing a large firearm protruding from his right-pants pocket. In concert with this action, he stated: "No police are going to stop me." Agent Hemphill dropped the pen and notebook he was holding. He drew his service pistol. As Snyder started moving toward him Agent Hemphill commanded loudly: "Stop—State Patrol— or I will kill you." Snyder ignored the commands and continued to move at Agent Hemphill. Agent Hemphill fired four shots. Snyder fell backward to the marble floor of the Capitol just to the right of the door to the Governor's office. He was dead at the scene.

STATEMENT OF INVESTIGATION

The attached document entitled *Officer-Involved Shooting Protocol 2007* is incorporated by this reference.¹ It describes the manner in which these cases are investigated in Denver, Colorado. Immediately after the shooting, numerous witnesses were identified and were later taken in a bus to Denver Police headquarters for interviews. All witnesses provided written statements and videotaped interviews were conducted with 21 of the witnesses. Agent Jay Hemphill and Technician Gabriel Velasquez, who was the first responding Colorado State Patrol officer and an ear-witness to the shooting, gave voluntary sworn videotaped statements to investigators. The crime scene was thoroughly processed by the Denver Police Department Crime Laboratory and all evidence collected. Search warrants were obtained and later executed on Snyder's vehicle and place of residence. Tapes from all pertinent surveillance cameras in the Capitol building were meticulously reviewed and preserved. Interviews were conducted in Fort Collins at Snyder's place of employment and other evidence was collected. Interviews were conducted with employees at Mister Neat's Formalwear, a pistol range, and stores where Snyder purchased his firearm, ammunition, and accessories. All of the evidence seized during the execution of the search warrants has been reviewed. All surveillance tapes have been reviewed multiple times. All written and videotaped statements have been reviewed. All necessary follow-up investigation continues.

¹ See Attachment – Page 48.

We received full cooperation throughout the investigation from all citizen witnesses; the Governor's office; the Colorado Department of Public Safety; the Colorado State Patrol; the Colorado Bureau of Investigations; and other law enforcement agencies.

STATEMENT OF FACTS

There is only one surviving witness who has knowledge of every second of the contact with Snyder—Colorado State Patrol Agent Jay Hemphill. The other witnesses only saw and heard portions of the event. Two witnesses watched the event live on the Colorado State Patrol security monitor in the Governor's office from the point Agent Hemphill had his service pistol drawn. There is no sound with the surveillance camera system. The view was from the surveillance camera positioned across from the door to the Governor's office.² Although the camera is always on for live viewing, the recorder for this camera is controlled by motion detection and records just a few frames per second. The level of sensitivity to motion and the frame rate—frames-per-second—is set by technicians. The machine does not record at “real time,” as do the newer recorders in the Capitol. As a result, the point at which Agent Hemphill shoots Snyder is not recorded. A second camera aimed at the north-entry door to the Capitol is recorded by the newer “real-time” recorder. The view from this camera does not show Agent Hemphill and Snyder during the confrontation, but Snyder's head and upper body come into view when he hits the floor after being shot.

As is generally the case, there are expected to be differences among the witnesses in their perception of what they saw and heard. These witnesses made their observations from different vantage points and with varying levels of attentiveness. The inaccuracy of information from some witnesses is very apparent when tested against the surveillance tapes, other witness statements, and the physical evidence. For example, one witness stated it was Snyder who was pointing a gun at Agent Hemphill. The number of shots varied from 2 to 6; the description of the exact words spoken varied; and the movements of Agent Hemphill and Snyder varied. When all of the statements are considered in concert with the totality of the evidence gathered in the investigation, a clear picture emerges that is consistent with Agent Hemphill's statement.

Colorado State Patrol Agent Jay Hemphill is assigned to the Governor's Protection Detail with the Executive Security Unit. He and other members of the Detail have the primary responsibility of protecting Governor Bill Ritter, Jr. At the time of this incident, Agent Hemphill was on duty in the Governor's Office at the State Capitol. During his 12 years with the Colorado State Patrol, he has served as a Trooper in Summit County for 2 years; security for the Governor's Mansion for 3 years; security and driver for Mrs. Owens for 7 years; and for the past 6 months protecting the Governor in his office at the State Capitol. In that capacity, he dresses in plainclothes.³

² See Attachments – page 3.

³ At the time of this incident, Agent Hemphill was dressed in a light color sport coat, shirt, tie, and dark slacks. He had his badge on his belt. His firearm, radio, and handcuffs would not be visible with his sport coat on. He also has the Colorado State Patrol pin on his sport coat.

The following is a paraphrasing of the pertinent portions of Agent Jay Hemphill's videotaped statement given to investigators at Denver Police headquarters after the shooting.⁴

At approximately 2:00 p.m., the Governor's receptionist came to Agent Hemphill's desk and told him there was a man (later identified as Aaron Snyder) out front claiming to be the Emperor and stating he was there to take over the State of Colorado. Agent Hemphill could tell she was concerned. Agent Hemphill said, "We try to talk to them ... I tell them 'I want to help you' ... we have a lot of people with issues that come into the office." He went on to say, he tried to get him outside the office so he could talk with him ... empathize with him. The door is not locked and anyone can walk in. While getting him out of the office Snyder repeated the statement that he was the Emperor and was there to take over the State of Colorado. Snyder also stated, "Abortion is an abomination" and again stated, "I am the Emperor and I'm going to take over the State." He said words to the effect that he would do whatever it takes to do that. Snyder was stoic and showed no emotion. He did not appear to be hyper or nervous. He seemed focused and determined like he had a mission and was going to complete it—like he was set to take action. Agent Hemphill said Snyder was not like others he had dealt with.

Agent Hemphill estimated that he was approximately 6 feet 4 inches tall and weighed over 200 pounds. He was dressed in a black tuxedo which was out of place—"dressed to the nines." The door to the Governor's office closes automatically when you walk out of the office. Snyder continued to make the statements he had made inside the office. Agent Hemphill responded that there were "better ways to deal with this." Agent Hemphill, without losing visual sight of Snyder, retrieved a pen and notebook from the secretary's desk to use in speaking with Snyder. This is a technique used to gain cooperation by letting the person know you are listening to their concerns. It is used to try to help calm down the situation ... it makes them feel like you care about their issue. He said Snyder spoke in a moderate tone. His demeanor was flat. At first Snyder seemed to be listening to him, but then "his mind set seemed to be back on his goal."

After some discussion, he noticed Snyder was carrying "ear muffs" used at firing ranges. He asked him about the "ear muffs" in his left hand and whether he had a firearm. Snyder pulled back his coat and showed a large gun protruding significantly from his right-pants pocket. Agent Hemphill said, "When he showed me his gun is when my concern rose." He immediately told Snyder, "This is unacceptable ... you cannot bring a gun in here ... you cannot do this ... there are better venues for this." Agent Hemphill made a 10-78 emergency alert on his radio ... he said, "I was concerned and knew I needed the back up." He said he tried to maintain a "6-foot-reaction gap" between the two of them. He said, "Everything happened so fast ... once he showed the gun it was going downhill." He pulled his radio out with his left hand ... Snyder stated, "No police are going to stop me." Snyder moved toward him ... he drew his weapon and said in a loud tone, "Stop—State Patrol—or I will kill you." Agent Hemphill said Snyder was focused right on him throughout the discussion. When Snyder made the statement while displaying his gun, Agent Hemphill tried to step back to create more separation between them. Snyder moved toward him as he tried to maintain the separation. Agent Hemphill's command, "Stop ... State Patrol ... or I will kill you" was ignored by Snyder. Snyder never complied with anything he said. Agent Hemphill said he fired two shots at center mass and one shot to his

⁴ Transcripts of the multiple videotaped statements are not available this quickly. This paraphrasing of the statement is from typed notes taken while viewing the statement.

head. Immediately after Snyder fell to the floor he saw Colorado State Patrol Technician Gabriel Velasquez come into view to his right. Agent Hemphill said he was in shock. He holstered his weapon.

Agent Hemphill said Snyder did not appear to be intoxicated, or high on anything else ... he was not incoherent ... he was focused. He said the firearm was holstered in his right-pants pocket ... easy to see ... the handle was accessible ... “when he came towards me his hand moved toward the handle” ... he was about four feet away ... just outside touching distance. This is when he fired the shots. Agent Hemphill said, “I was afraid for my life ... he was a larger man ... he had a firearm ... he was intent on his actions ... I was concerned for my life and the safety of the Governor.” He thought he fired 3 shots.⁵ He said he stopped firing because Snyder fell to the ground and no longer presented a threat. He dropped the magazine and holstered his firearm. When his Sergeant arrived he gave the firearm to him in the condition it was in at the time of the shooting.

In responding to follow-up questions, Agent Hemphill stated: As the conversation was going on outside the Governor’s office he was watching Snyder and his hands ... his hands were pretty much down to his sides ... Snyder was focused on him and he was focused on Snyder ... he tried to keep some peripheral vision but had no recollection of how many people were in the area.

When asked what was going through his mind at the time of the shooting—he said, “Me getting shot or the Governor being shot or his secretary being shot. The subject was very close to the door—there is a window in the door.” He said he was trying to maintain a “reactionary gap.” “The subject’s size would give him a tactical advantage ... he could have potentially overwhelmed me.”⁶ There was no one else there when he fired the shots. He was the sole protector of himself, the Governor, and anyone else in the area.

He said that in the final moments before the shooting ... Snyder showed his weapon ... stated, “No police are going to stop me.” ... then his movements occurred ... followed immediately one after the other ... it took approximately 3 seconds to fire the shots ... if that ... two to center mass and one to the head. He did not recall if he still had his hand-held radio in his hand at the time of the shooting ... he did have it in his hand when he made the emergency 10-78 call ... he cannot recall if his shots were fired with one hand or two. He said a “10-78 call means the officer needs help immediately ... it is the ultimate emergency call ... bring in all the wagons.” He said this was his state of mind at the time the weapon was displayed by Snyder. When asked what he believed would have happened if he had not taken the action he did, he responded, “I believe he could have killed me and killed the Governor.”

In response to other questions, he confirmed that his conduct was consistent with his training with the Colorado State Patrol. He indicated that he has drawn his weapon before in the line-of-duty, but has never fired before. He described his actions after the shooting: After the

⁵ Agent Hemphill actually fired four shots. It is not unusual for officers or witnesses to be inaccurate in this area. Witnesses to this event had the number of shots range from 2 to 6.

⁶ At the time of his death, Aaron Snyder was 6’ 3” tall and weighed 234 pounds. Agent Jay Hemphill is 6’ 0” tall and weighs 210 pounds.

shots he backed off ... he holstered his weapon ... he saw Technician Gabriel Velasquez come out of his peripheral vision ... he described himself as being in a state of shock ... his Sergeant came ... he sat on a bench ... a Denver police officer took him down to the Denver Police Department ... he was sequestered in a room for 5 hours waiting to give his statement to investigators.

The following is a paraphrasing of the observations by two witnesses to the final seconds of the confrontation.

A nineteen-year old Capitol tour guide, G.C., stated, I heard someone yelling ... that is what caused me to look in the direction of the sound ... I heard the voice from the Colorado State Patrol officer ... he was holding his gun pointing it at the guy ... I thought—oh my God he has a gun out ... he said in a loud voice, “Stop ... I’m the Colorado State Patrol” ... didn’t hear anything from the other guy ... “Do not come any closer ...” that standard thing they say ... no trouble hearing him—he was clear ... guy had to hear it ... Jay took a step back ... pointing the gun at him ... they were four feet apart ... “Don’t come any closer” ... the guy took a step right toward him ... leaned into it ... he shot 4 or 5 shots ... he shot and the guy fell down ... he was on the ground ... the officer said the “F” word ... another Colorado State Patrol officer ran up ... I don’t think he (the shooting officer) could believe he had done it ... looked really distressed ... he didn’t want to shoot the guy ... he had to ... the guy took a step toward him ... he told him not to do that ... he warned the guy not to come any closer and the guy did ... his name is Jay (the shooting officer) ... he is a real nice guy ... we all know him.

G.C. said he could not see anything in the guy’s left hand ... He could not see his right side or right hand because of the angle from which he was viewing it ... He was approximately 25 feet away ... he had no idea what the guy’s right hand was doing when Jay was pointing the gun at him ... the guy took a step ... standing right in front of Jay ... Jay took a step back and put himself in a stance ... Jay warned him ... with the step backward the guy was still close ... I heard gunfire ... initially I didn’t believe this ... then when he was down and Jay said the “F” word I knew it was real ... “Jay seemed really hurt that he had to shoot this guy.”

The Governor’s Director of Operations, Scott Hutchings, observed the shooting on the monitor inside the Governor’s office. His desk is adjacent to Agent Hemphill’s desk. When he turned the monitor on, Agent Hemphill already had his service pistol drawn and trained on Snyder. Hutchings stated, I was there when the Governor’s receptionist came back ... she seemed a little flustered when she came in ... she came right to Jay ... she said words to the effect—the Emperor has come to take over the State of Colorado ... this guy is here dressed in a tuxedo ... Jay put on his sport coat and walked out ... we have people like this come in all the time ... so at first I kind of laughed it off.

Later, I turned on the monitor to see what was going on ... when I turned on the monitor it was showing four screens ... I turned it to the camera pointing at the Governor's office door⁷ ... Jay had his gun out ... Jay is aiming the gun at the guy ... this guy is walking toward Jay ... Jay takes a small stutter step backward ... on the monitor I could see Jay take one step back with his gun drawn ... he appeared to be saying something ... the camera system does not have sound, but I could hear the loud sounds through the walls of the Governor's office ... Jay is aiming his gun at the guy ... (demonstrates held out arms straight in front of him) ... the guy is standing straight ... he then takes steps toward Jay ... Jay takes one step back and then a half step back ... Jay fires three shots ... then fires one more ... I can't believe this guy is still walking toward him ... I could not see the guys hands ... he was walking almost at attention ... I can't believe this guy keeps walking toward him ... Jay fires ... then the guy fell backward ... the first 2 shots and then the 3rd shot he was still walking toward him ... that's what I couldn't believe ... then with the 4th shot he fell.

This just blew my mind ... that as loud as Jay was giving the commands ... this guy just kept walking at him ... even after the first shots ... I could not hear what was being said ... I was in the office behind a wall. After the shots I stood there in shock ... I then closed the door to the area where the Governor's office is located ... he was in his office at the time ... the other employees were under their desks when I shut the door to the back area of the office.

The following is a description of a few pertinent actions taken by Snyder in the three months prior to going to the Governor's office which provide additional information concerning his state of mind, possible motives, and intent.

On March 30, 2007, Snyder went to the Rocky Mountain Shooters Supply in Fort Collins, Colorado. In a statement to investigators, the store manager said that Snyder asked to shoot on their range. Snyder was dressed in black pants, a white shirt, and tie. He said Snyder's "expressionless" demeanor and other behavior caused him concern. He asked Snyder to fill out a form in which he answered "yes" to a question of whether he had "a history of mental illness." He wrote, "Depression & delusions in past."⁸ In response to verbal questions, he said he had not fired a gun before. When asked why he wanted to shoot a gun that day, he said that "he was the divine leader of the Nation." He was told he could not shoot at the range. He stood silent for a minute then turned and left the store. The store manager was concerned enough to call the Sheriff's Department to advise them.

On April 2, 2007, Snyder purchased a Smith & Wesson .357 magnum revolver from the Sportsman Warehouse in Thornton, Colorado.⁹ He also purchased ammunition.

⁷ See Attachments – page 3. This is the camera that is always on for live viewing. However, the recorder for this camera is controlled by motion detection and records just a few frames per second. The level of sensitivity to motion and the frame rate—frames-per-second—is set by technicians. The machine does not record at "real time," as do the newer recorders in the Capitol. Therefore, Mr. Hutchings statement covers critical time frames when recording was not occurring.

⁸ See Attachments – page 7.

⁹ See Attachments – page 8.

On April 4, 2007, Snyder returned to the Rocky Mountain Shooters Supply. He was dressed in black pants, a white shirt, and tie. The same store manager stated, "He was carrying a Smith & Wesson box the way you would carry a baby." He opened the box to reveal the .357 revolver. Snyder said he bought it at the Sportsman Warehouse in Thornton. He stated, "I would like to shoot on the range." When informed he could not use the range for the same reasons previously stated; "without expression, he asked if he could see the range." He then "stood motionless for 15 minutes viewing the range." When he turned to leave, he asked if he could shoot .38 Special ammunition out of the gun. The store manager stated, "I told him it can shoot .38 Special and .357 magnum." The store manager reported this to the Colorado State University Police Department.

On July 16, 2007, the day of the shooting, at 8:25 a.m., Snyder sent the following email to a fellow employee at Advanced Energy Industries, Inc.¹⁰ It stated,

Thank you very much for hiring me. I have not properly introduced myself. I am the emperor, the sovereign ruler of this nation. God has bestowed this honour on me. Today is the appointed day in which God has chosen for me to begin my reign. I have decided to favour Advanced Energy as a company. Please keep the emperor's desk free for my use in R&D purposes when I have spare time. I take engineering very seriously. With love in Jesus Christ.

Aaron Aurelius Ricardus Constantinus¹¹

On July 16, 2007, at 10 a.m., Snyder entered the Mister Neat's Formalwear store in Thornton, Colorado. The employee who rented him the tuxedo told investigators the store had just opened ... he came in ... said he needed the tuxedo right now ... when she asked "what's the occasion" ... he paused ... looked down ... smiled and said ... "Today is the day of the Emperor's Reign" ... he then said "the event is in Denver" ... she was terrified ... she tried not to show it ... she saw a gun which was sticking out a good amount in his right-pants pocket ... she thinks it was a revolver in a brown holster ... he was not trying to conceal it ... it was hanging out a lot ... he had black knife in left-pants pocket sticking out about 2 inches ... he was sweating uncontrollably ... breathing and panting very heavy ... she told him she would put something together ... she started measuring him ... she was trying to be as normal as possible ... she took pants measurement ... told him she would need to do an alteration ... he got frustrated ... got impatient by his tone of voice ... he asked how long it was going to take ... he said "I have to go" ... she asked him "when does it start" ... he said "as soon as I get there" ... she did the alteration to the pants ... he tried everything on for about 20 minutes ... he took a very long time ... she could see his feet under the dressing room door ... she kept hearing metal objects dropping on the floor ... he came out at one point and had the gun in his right-pants pocket and the knife in the left-pants pocket ... he said "I want to look fresh ... I want to look clean" ... she engaged him in a little small talk ... she asked for his driver's license ... she remembered his first name was Aaron ... he charged it on his VISA Wells Fargo Gold card ... he signed ... she explained return policy ... she said she was terrified that something was going to

¹⁰ See Attachments – page 12.

¹¹ See Attachments – pages 20, 22, 29, 30, 32-34, 42, 44. Snyder makes multiple references to Marcus Aurelius, Emperor, and on page 44 signs off on his July 13th entry as "Aaron Aurelius Ricardus Constantinus."

happen to her ... he left the store at 10:50 a.m. ... he wore the tuxedo out of the store with the gun and the knife still visible in the pockets ... shortly after he left she called the police ... a Thornton officer arrived 15 minutes later ... she gave him all the information ... later in the day when a friend called her about the shooting at the Capitol she again informed the police.

Dr. Sundheim pronounced Snyder dead at the State Capitol at 2:24 p.m. on July 16, 2007. An autopsy was performed on the body of Aaron Snyder. The autopsy report will follow. The cause of death is multiple gunshot wounds. Snyder suffered three gunshot wounds to the chest. Two of the bullets remained in his body and one exited his back. He suffered one gunshot wound just to the right of his nose. All the bullets were recovered for testing.

On July 16, 2007, at 4:25 p.m., a Coroner's investigator removed Snyder's firearm from his right-pants pocket—the grip, hammer, and holster were protruding significantly from the pocket. The weapon was turned over to Denver Police Department Crime Laboratory Technicians who were processing the scene. The firearm is a Smith and Wesson, model 686, 7-shot, .357 magnum revolver. The firearm was fully loaded with seven (7) rounds of Winchester ammunition. Thirteen (13) live rounds of Winchester ammunition were recovered from inside his left-coat pocket. The Remington M-31 Hearing Protection was recovered from his right hand which was extended over and to the right of his head. A Bible was recovered protruding from his left-pants pocket.

At the time of shooting, Agent Hemphill was armed with his service weapon—a .40 caliber Smith & Wesson, model 4013, semi-automatic pistol. He was carrying the weapon with nine (9) rounds in magazine and one (1) round in the chamber. After the shooting the weapon had five (5) rounds in the magazine and one (1) round in the chamber. He fired four (4) rounds of .40-caliber SPEER ammunition. All four (4) shots struck Snyder. All four (4) of the recovered bullets were matched to having been fired from his service pistol. The four (4) shell casings recovered at the scene were also matched to his service pistol.

Among other items, the container for the Remington M-31 Hearing Protection; the container for the holster; the box for the Smith & Wesson Search-Rescue knife; a Steven Covey day planner with sections August 2006 through April 2007; papers, and books were recovered in the search of his residence. Additional items, including the Smith & Wesson knife in sheath under the front-passenger seat; two boxes of .357 cartridges in the glove box; the May through July sections of the Steven Covey day planner found on the back seat; his cell phone; the Mister Neat's tuxedo bag; a parking receipt for his black Kia Spectra in the lot in the 1200 block of Bannock Street, dated 1:35 p.m., July 16, 2007 was on the passenger floorboard; an employee photo identification card found on the back seat; and other books, notebooks, and documents were recovered in the search of his vehicle.¹²

The available surveillance camera recordings from all the cameras at the Capitol were meticulously reviewed for the time frames spanning this incident. An outside perimeter camera shows Snyder approaching the Capitol from the direction of 14th and Lincoln.¹³ This is consistent with the location he parked his car in the 1200 block of Bannock Street. An interior

¹² See Attachments – pages 9-11, 14-47.

¹³ See Attachments – page 1.

surveillance camera shows Snyder coming in the west-entry door. Two other interior surveillance cameras show him at the location of the Governor's office. One camera is directed at the north-entry door and the other camera is directed at the door to the Governor's office. The time stamp on the cameras directed at the north-entry door and west-entry door are time synchronized. The time stamps use "24-hour time." The time stamp on the camera directed at the Governor's door is not time synchronized with the other two cameras. The time stamp on this camera uses "12-hour time." Also, the Governor's door camera time stamp is set three (3) minutes fifteen (15) seconds earlier than the other two cameras.

The following chart provides the time line of pertinent events. The necessary time adjustments have been made to account for the three (3) minute fifteen (15) second difference in clock settings. The hour/minute/second time stamps appear exactly as they do on the video recordings.¹⁴

Time (Camera aimed at North Door to Capitol is real time recording)	Time (Camera aimed at Governor's Door is motion activated—starts and stops)	Viewing (Brief statement of what is seen on the respective surveillance cameras.) (North Door camera in BOLD font.) (Governor's Door camera in regular font.) (West Door camera in Italics.)
13:57:40	(1:54:25) Does not record this area.	<i>Snyder approaching on the sidewalk from the southwest from 14th and Lincoln</i>
13:58:21	(1:55:06) Does not record this area.	<i>Snyder enters Capitol through the main west entry door</i>
14:03:22	2:00:07	Snyder comes into view walking north in the center corridor directly in front of the Governor's office. The door to the Governor's office is closing after someone entered.
14:03:26	2:00:11	Snyder turns left by the column and walks toward the Governor's office door—15 feet away. He has the Remington Hearing Protectors in his left hand. Door is closed. (Camera stops recording)
14:03:29	(2:00:14) Not recording	Snyder goes off camera toward Governor's office
	2:00:18	(Camera starts recording) Snyder is entering the Governor's office.

¹⁴ See the 3rd row of the chart as an example. The 24-hour time can be converted to 12-hour time by subtracting 12 from the hour indicator, i.e., 14:03:22 becomes 2:03:22. When you adjust for the 3 minute 15 second differential it becomes 2:00:07. Therefore, 14:03:22 on the north-door camera equates to 2:00:07 on the Governor's-door camera.

	2:00:23	Snyder is all the way in the Governor's office and the door has almost closed. (Camera stops recording)
	2:01:11	(Camera starts recording) Agent Hemphill opens Governor's door—Snyder comes out first followed immediately by Agent Hemphill.
	2:01:19	Agent Hemphill and Snyder are both outside the office standing facing one another directly in front of the door (profile view from the camera). They are within touching distance. Agent Hemphill has his right foot set slightly back of the left. Snyder is standing erect with arms down to side.
	2:01:27	(Camera stops recording)
	2:01:47	(Camera starts recording) Agent Hemphill goes back into office and comes back out 4 seconds later. (This is when he went in to get a pen and note pad.)
	2:01:57	(Camera stops recording)
	2:02:04	(Camera starts recording) Agent Hemphill is taking notes while the two stand facing one another in the same positions in front of the Governor's office door.
	2:02:06	(Camera stops recording)
	2:02:13	(Camera starts recording) Agent Hemphill appears to be moving his sports coat and reaching with his left hand to the area where he has his radio. (Camera stops recording)
	2:03:01	(Camera starts recording) Agent Hemphill and Snyder appear to be in about the same position as previously. Agent Hemphill's head is moving consistent with talking. (Camera was activated by a volunteer tour guide walking northeast toward the tour desk.) (He was one of the witnesses interviewed.)
	2:03:07	(Camera stops recording)
	2:03:56	(Camera starts recording) Agent Hemphill's right foot appears to have moved back from the prior viewing. (The camera was activated by an individual walking northbound toward the north door.) (He was one of the witnesses interviewed.)
	2:03:57	Agent Hemphill appears to start moving backward. The person walking northbound looks to the left at them and goes out of view within a second. [This individual is a newspaper reporter who later told investigators, "It did occur to me that Jay (he knew him from working in the Capitol) was very much focused on the guy and his every move ..."]

	2:03:58	(Camera stops recording)
	2:04:17	(Camera starts recording) Agent Hemphill is now approximately 3 feet back from his previous position. Snyder is in roughly the same position as before. (Camera starts and stops recording in this one second time frame) (The recorder is not real time and is set at a frame rate of a couple frames per second.)
14:07:38	(2:04:23) Not recording	The body language reaction of witnesses in the area of the Tour Desk near the main north suggests the final frames of the confrontation were beginning—likely with Agent Hemphill shouting commands at Snyder (A witness told investigators, “... the man who shot looked scared to me when he fired.”)
14:07:48	(2:04:33) Not recording	See just the top portion of Snyder’s head come into view at the left edge of the camera view
14:07:49	(2:04:34) Not recording	See just Snyder’s upper body hit the marble floor ... you can see he is supine and does not move
14:07:53	2:04:38	Colorado State Patrol Technician Gabriel Velasquez comes into view and goes immediately to the area of Snyder’s body (Camera starts recording) Agent Hemphill is approximately 4 more feet back from his previous position. Snyder is lying supine on the marble floor. Colorado State Patrol Technician Gabriel Velasquez enters the view from the left and goes to the location of Snyder’s body.
14:07:55	2:04:40	Technician Velasquez is by Snyder’s body.
	2:04:54	Agent Hemphill comes into view from left to right ... his service pistol is holstered. Technician Velasquez is kneeling down by Snyder’s body.
14:08:10	(2:04:55)	Agent Hemphill comes into view ... he has already holstered his service pistol.

The available surveillance camera recordings are consistent with Agent Hemphill’s statement and with the statements of other witnesses. Witnesses from whom statements were taken can be seen at various times on the recordings. Their locations and movements are consistent with their statements. Although there is no audio recording, the body language and movements of some witnesses can be matched to the content of their statements. For example, one witness noticeably turns his head at **14:07:38**. Based on his statement, this is likely the time Agent Hemphill started to deliver the loud commands to Snyder. There are similar indications

from other witness movements vis a vis their statements. Therefore, it is highly probable that the “final frames” of the confrontation lasted less than eleven (11) seconds—from the shouting of commands (**14:07:38**) until Snyder was lying supine on the marble floor (**14:07:49**). And, Agent Hemphill is seen moving backward a minimum of twenty-seven (27) seconds before he delivers the loud commands.

Using the above time line of events, we know Snyder entered the Governor’s office approximately five (5) minutes after entering the west-entry door of the Capitol. We know from witness statements that some of the five (5) minutes was spent in the area just to the southeast of the Governor’s door where the tour groups gather.¹⁵ The surveillance cameras do not view this area. Snyder was observed kneeling by one of the benches used by the tour groups. His hands and head were on the bench in a praying position. When he stood up his face was sweating. He had a pair of Remington Hearing Protection in his left hand. He immediately walked in the direction of the Governor’s office and came into view of the surveillance cameras at **14:03:22** and 2:00:07, respectively. Snyder was in the reception area of the Governor’s office for fifty-six (56) seconds until he was moved out by Agent Hemphill. Agent Hemphill was speaking with Snyder immediately in front of the Governor’s door for three (3) minutes and four (4) seconds prior to the start of the “final frames” of the confrontation. Approximately four (4) minutes passed from the time Snyder entered the Governor’s office until he was shot.

LEGAL ANALYSIS

Criminal liability is established in Colorado only if it is proved beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and it is proved beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being and causing their death is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly physical force by a peace officer is justified. As the evidence establishes that Snyder was shot by Agent Hemphill the determination of whether his conduct was criminal is primarily a question of legal justification.

Section 18-1-707(2) of the Colorado Revised Statutes defines the circumstances under which a peace officer can use **deadly physical force** in Colorado. In pertinent part, the statute reads as follows: (2) A peace officer is justified in using deadly physical force upon another person ... only when **he reasonably believes that it is necessary**: (a) **To defend himself or a third person** from what he reasonably believes to be the use or imminent use of deadly physical force.

Section 18-1-707(2) also provides that a peace officer is justified in using deadly physical force upon another person . . . when he **reasonably believes that it is necessary to effect an arrest** . . . of a person whom he reasonably believes has committed or attempted to commit a felony involving the **use or threatened use of a deadly weapon**; or is **attempting to escape by the use of a deadly weapon**; or otherwise indicates, except through motor-vehicle violation, that he is **likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay**.

¹⁵ See Attachment – page 2.

Section 18-1-901(3)(d) and (e) of the Colorado Revised Statutes define the terms “Deadly Physical Force” and “Deadly weapon” respectively, as follows:

(3)(d) “Deadly Physical Force” means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produces death.

(3)(e) “Deadly Weapon” means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury: (I) A **firearm**, whether loaded or unloaded; (II) A knife; (III) A bludgeon; or (IV) Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

Therefore, the question presented in this case is whether, at the instant Agent Hemphill fired the shots that caused the death of Snyder, he reasonably believed that Snyder was directing or was about to direct deadly physical force against him or a third person, or had committed a felony involving the use or threatened use of a deadly weapon, or was likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. In order to establish criminal responsibility for an officer knowingly or intentionally causing the death of another, the state must prove beyond a reasonable doubt that the officer doing the shooting either did not really believe in the existence of these requisite circumstances, or, if he did hold such belief, that belief was, in light of all available facts, unreasonable. We could not disprove any of these sections of the statute beyond a reasonable doubt as required by law.

CONCLUSION

Information available at this time concerning Aaron Snyder reveals a very troubled individual with significant mental health issues. Until his actions on July 16, 2007, as best we know at this time, for 32 years Snyder was basically a law-abiding citizen. While the attached writings of Aaron Snyder and other information that may become known about him will provide pieces to the mental-health puzzle and provide some insight into his actions on July 16, 2007, what caused him to act in this manner and his specific intent will be left to speculation.¹⁶ His parents, family and friends have known him in better times and have supported him in dealing with his mental health issues. This is yet another example of the challenges associated with the treatment of those who suffer from mental illness.

It is tragic that, for reasons known only to him, he chose to arm himself with a loaded firearm and additional ammunition, enter the State Capitol, and engage in these life-threatening actions. The other potential victims in this confrontation and Agent Jay Hemphill had the misfortune of encountering Snyder at his worst. As indicated in this letter, others had contact with him that caused them enough concern to call law enforcement authorities.

Agent Hemphill had no information or knowledge concerning Snyder prior to contacting him when he walked through the door into Governor Bill Ritter’s office. Therefore, all of the

¹⁶ See Attachments – Pages 14-15, 19-45. We have attached multiple pages of Snyder’s writings that appear to have relevance to this event. The pertinent pages from his Steven Covey day planner are in chronological order beginning on March 30 2007, then moving to April 21, 2007 through July 15, 2007. The “Preface” document that precedes the Covey pages is dated April 21, 2007. His writings from August 2006 through July 15, 2007, also include positive entries interspersed with the troubling ones, including prayer lists. His entries over the course of a year suggest a love and respect for his family.

information that was known to others about Snyder at that time or has been revealed since the incident is irrelevant to the decisions made and actions taken by Agent Hemphill during his contact with Snyder. All the other information is only relevant to the extent it sheds light on the motives, actions and intent of Snyder. Agent Hemphill's decisions and actions were dictated by his personal observations during his four minutes of contact with Snyder. At its inception, this was simply an encounter with an individual who was exhibiting inappropriate and somewhat bizarre behavior. Agent Hemphill had handled similar situations during his years of service with the Colorado State Patrol's Executive Service Unit. This time, based on Snyder's actions, the outcome would be different.

Throughout the contact between Agent Hemphill and Snyder, it is the behavior and actions of Snyder that trigger a countering response action by Agent Hemphill. This is consistent with the way these contacts evolve and with officer training. Agent Hemphill's actions can direct the interaction but it is Snyder who determines what level of force Agent Hemphill will need to use to control him. It is Agent Hemphill's training, experience and skill that guide his response decisions and actions. When an officer is confronted with a subject who is a potential threat to the officer or others, the officer's goal is to reduce the threat and place that person under control. The degree of force required depends on the type of behavior being exhibited, the degree of resistance to lawful commands, and the level of danger created by the actions of the individual confronting the officer.

Agent Hemphill took immediate action by engaging Snyder in the reception area of the Governor's office and moving him back out the office door to separate him from the Governor's staff members and the Governor. Agent Hemphill knew that he was the only person who stood between Snyder and the total vulnerability of the staff and the Governor. The Governor's temporary office space is small and there is no other door for escape. Agent Hemphill had retrieved a pen and notebook which were tools he would use in an effort to control Snyder's unsettling conduct. As he had done in other similar situations, he would attempt to calm Snyder through conversation and take notes to convey an interest in his comments. This is reflective of his intent to seek a diplomatic and peaceful resolution. At this time, Agent Hemphill was unaware that Snyder was armed with a firearm. Officers are often confronted by contacts with individuals where an unknown threat level may exist. This was clearly the case here. Officers are also confronted by individuals who may engage in conduct to mask their intent while waiting for an opportunity to overpower the officer. Officer training and experience prepares them to be alert to changing circumstances. Agent Hemphill was alert and focused throughout the contact with Snyder.

Rather than a calming exchange, as hoped for by Agent Hemphill, Snyder's conduct soon moved from the bizarre and delusional statements he was making to very disquieting and challenging comments. His comments were inconsistent with his calm outward demeanor and limited body movement. During most of the contact he stood fairly motionless. Then the contact rapidly escalated when Snyder moved back his tuxedo coat to display a large firearm in a holster protruding from his right-pants pocket while directing challenging comments at Agent Hemphill—"No police are going to stop me." By this action, he was making threats and demonstrating the ability to back them up. Snyder also had a height and weight advantage over Agent Hemphill. This disparity of size heightened the risk level to Agent Hemphill and others,

including the Governor. Agent Hemphill's specific job is to protect the Governor. Snyder also had a pair of Remington M-31 Hearing Protection in his hand. In addition to being highly unusual, these could also be used as a striking object if he initiated an attack on Agent Hemphill. Snyder's conduct elevated the contact from a verbal discussion with an uncooperative individual to an arms-length encounter with an armed assailant. Agent Hemphill used his radio to activate a 10-78 emergency notice to his fellow officers which indicates to them that he needs assistance.

Agent Hemphill and Snyder were immediately outside the door to the Governor's office. The contact had suddenly turned to a high risk deadly force confrontation. Under the specific facts of this incident, Snyder's conduct reduced Agent Hemphill's defensive options to the use of his firearm. He immediately freed his hands of the pen and notebook with which he was taking notes. He quickly drew his firearm in combination with delivering strong verbal commands to Snyder. By this action, Agent Hemphill was using a *show of force* that could potentially prevent the need to *use the deadly force*. And, at the same time he was preparing to fire if necessary. He moved backward in an effort to maintain a separation from Snyder without losing tactical control of the door to the Governor's office. Again, Snyder's conduct would dictate Agent Hemphill's next defensive response. Had Snyder complied with the *show of force* and lawful commands, Agent Hemphill would have controlled and arrested him and the matter would have ended peacefully. Rather than peaceful compliance, Snyder again chose a non-compliant aggressive response. The *deadly threat* posed by Snyder turned to a *deadly attack* when Snyder moved toward Agent Hemphill after being told he would be killed if he did so. Agent Hemphill moved backward to create separation from Snyder as he fired the four shots. These final frames of the contact all occurred in a seamless rapid escalation. Any reasonable person would conclude that Snyder's intent was to do harm and that he was equipped to do so. He was armed with a fully-loaded, seven-shot, .357-magnum revolver and thirteen (13) rounds of additional ammunition. He had just shown a firearm and stated, "No police are going to stop me." His actual intent will never be known and is immaterial in making our decision. It is what the officer reasonably believes that controls his and our decision.

It is this final non-compliant act by Snyder of moving toward Agent Hemphill, after being commanded not to do so ("Stop—State Patrol—or I will kill you.), thereby closing the distance between himself and Agent Hemphill, which turned the *deadly threat* into a *deadly attack*. The act of closing distance impacts the time available for Agent Hemphill to make a response decision and take the defensive action. This must all occur before Snyder closes the distance to the point of zero reaction time for Agent Hemphill to thwart the attack. An instantaneous and decisive response was required by Agent Hemphill, because he was not simply protecting himself, but was charged with protecting the Governor, his staff, and other citizens. All reasonable options were eliminated by Snyder's actions.

Where the lives of officers, citizens, and in this case the Governor are at great risk, officers are expected to take the reasonable and necessary action to protect them. After opportunities to avoid this deadly result by simply complying with lawful commands, Snyder forced the final split-second decision by Agent Hemphill. Had Snyder gained even a momentary advantage over Agent Hemphill, every person in the vicinity stood in harm's way. Snyder stood an unobstructed step away from the glass-windowed door into the Governor's office. The circumstances were so fragile that simply knocking Agent Hemphill off balance could have

allowed Snyder to quickly re-enter the Governor's office while drawing his fully-loaded firearm. The Governor and his staff would have been defenseless and trapped with no means of escape. Agent Hemphill knew this. He acted to protect himself and everyone else in the area.

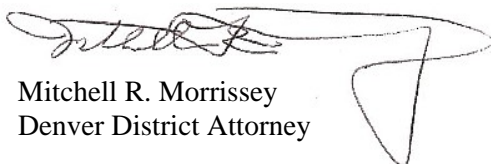
Agent Hemphill's clear intent throughout this confrontation was to act professionally, control Snyder, and stop him from harming others. He was forced by Snyder's actions to use deadly force to do so. Based on the totality of facts developed in this investigation it is reasonable to conclude that Agent Hemphill saved lives by his professional and decisive response to the actions of this armed assailant. We have no doubt that Agent Hemphill would have preferred Snyder comply with his lawful commands, but when that did not occur, he had a duty, responsibility, and lawful right to protect himself and others.

While Snyder's specific intent will never be known for certain, and is irrelevant in making our decision, we do know his actions conveyed an ill intent, a plan, and the means to do great harm. The totality of his writings, including those attached to this letter portrays a troubled and delusional individual. In acting on the thoughts expressed in his writings, he took a number of specific steps over a period of time in preparation to carry out his plan. During the three months prior to his appearance at the Capitol on July 16, 2007, he purchased the .357 Smith and Wesson revolver; purchased 2 boxes of ammunition (100 rounds); went to a firing range in an effort to practice; wrote the "Preface" document; wrote other documents related to his planning; purchased the Remington Hearing Protection and the holster on July 15, 2007; went to work the next morning and sent a disturbing e-mail; left work and engaged in very disturbing conduct at Mister Neat's, including being armed with the .357 revolver and a knife; made disturbing comments at Mister Neat's that caused the employee to call the police; drove to Denver; paid for parking at 1:35 p.m. at a lot four (4) blocks from the Capitol; walked to the Capitol and entered the west doors armed with the .357 revolver, extra ammunition, and the Hearing Protection; knelt by the bench thirty (30) feet from the Governor's-office door and prayed; 5 minutes after entering the Capitol—he entered the Governor's office; announced his intentions as described in his writings; repeated the statements; refused to be deterred from his mission; challenged Agent Hemphill by word in concert with displaying the .357 revolver; continued to move toward Agent Hemphill in spite of being told he would be killed if he did so; and refused to comply with the final command.

It was reasonable for Agent Hemphill to fear for his life and the lives of those he is charged with protecting—including the Governor. His deadly force response was reasonable, necessary and legally justified under the specific facts of this case.

As in every case we handle, any interested party may seek judicial review of our decision under C.R.S. 16-5-209.

Very truly yours,


Mitchell R. Morrissey
Denver District Attorney

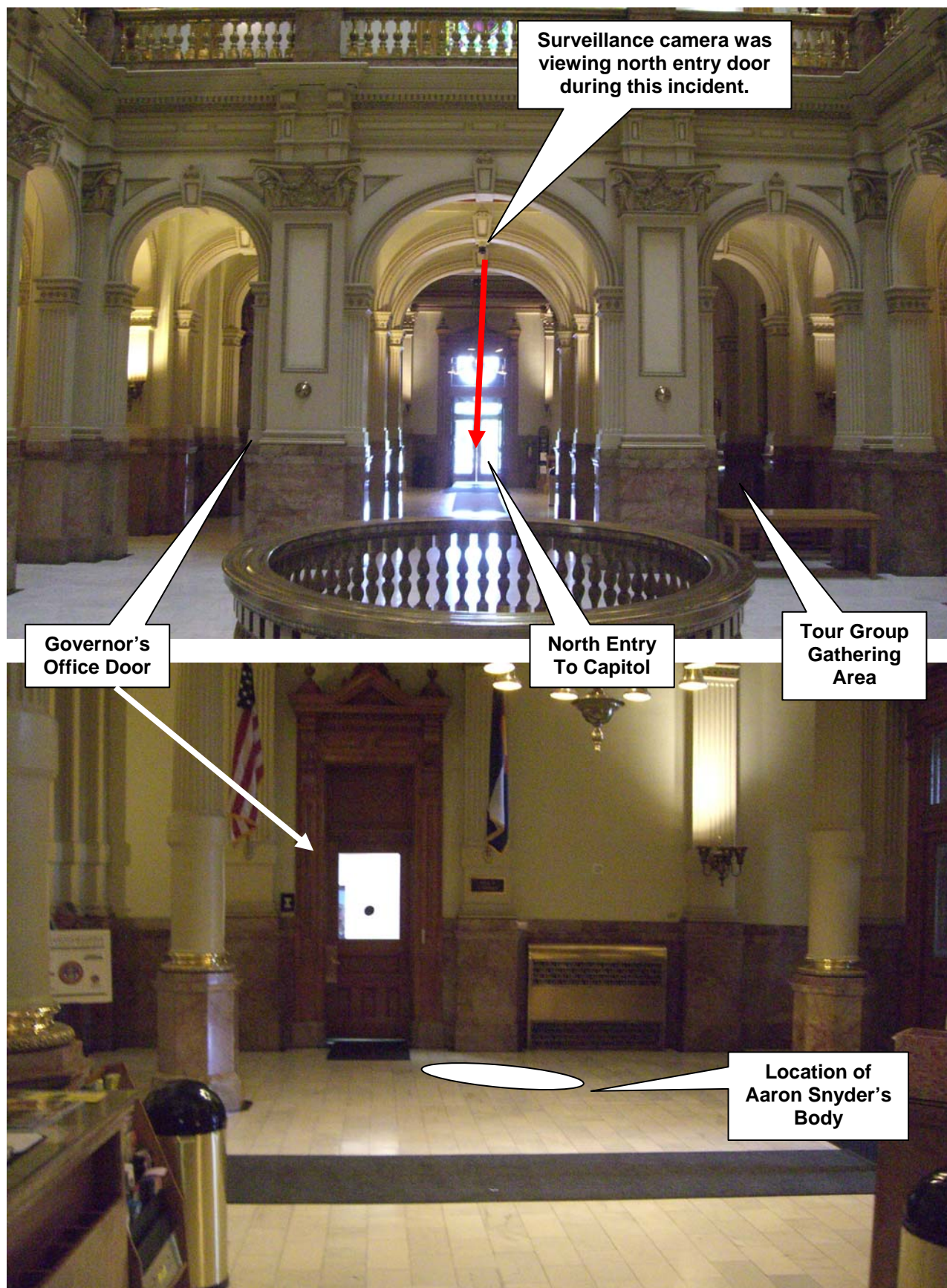
cc: Agent Jay Hemphill, Colorado State Patrol; David Bruno, Attorney at Law; Doug Jewell, Attorney at Law; Bill Ritter, Jr., Governor; Jim Carpenter, Governor-Chief of Staff; Stephanie Villafuerte, Governor-Deputy Chief of Staff; Kathy Sasak, CDPS; Robert Cantwell, C.B.I.; CSP Lt. Col. Anthony Padilla; CSP Lt. Col. Richard Salas; CSP Captain Mark Savage; CSP Captain James Colley; John W. Hickenlooper, Mayor; All City Council Members; Alvin J. LaCabe, Jr., Manager of Safety; Arlene Dykstra, Acting Denver City Attorney; Marco Vasquez, Deputy Chief; Michael Battista, Deputy Chief; Dan O'Hayre, Division Chief; Dave Fisher, Division Chief; David Quinones, Division Chief; Mary Beth Klee, Division Chief; Gregory LaBerge, Crime Lab Commander; Deborah K. Dilley, Commander District 6; John Burbach, Captain; Jon Priest, Lieutenant, Homicide; Jim Haney, Lieutenant; Detective Michael Martinez, Homicide; Detective Randy Stegman, Homicide; John Lamb, Commander, Civil Liability Bureau; 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.

Attachments to
Officer-Involved Shooting decision letter
Agent Jay Hemphill – Colorado State Patrol
Pages 1 – 47
Page 48 – Officer-Involved Shooting Protocol



West side of Capitol
Snyder viewed on interior
surveillance camera entering
the main door at 13:58:21

Snyder viewed on outside
surveillance camera walking
from here up to the main west
door.



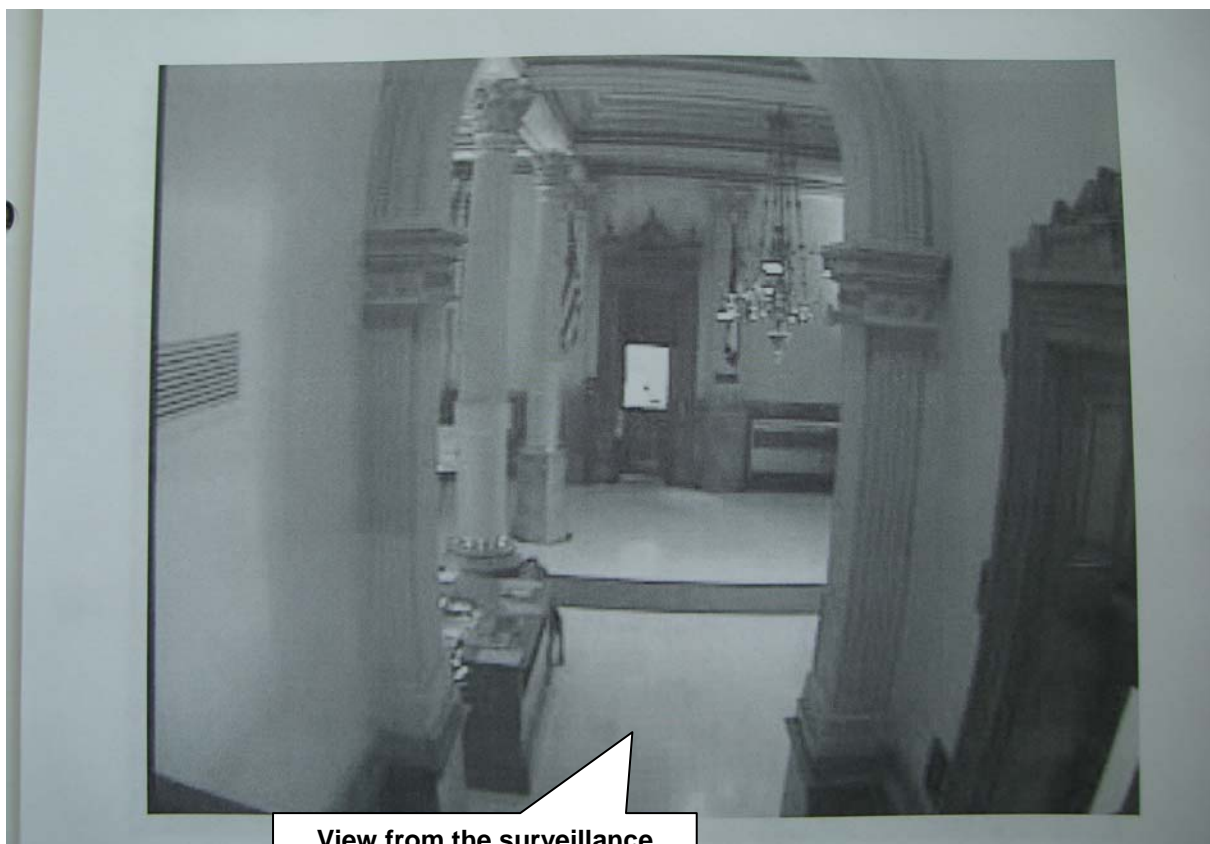
Surveillance camera was viewing north entry door during this incident.

Governor's Office Door

North Entry To Capitol

Tour Group Gathering Area

Location of Aaron Snyder's Body



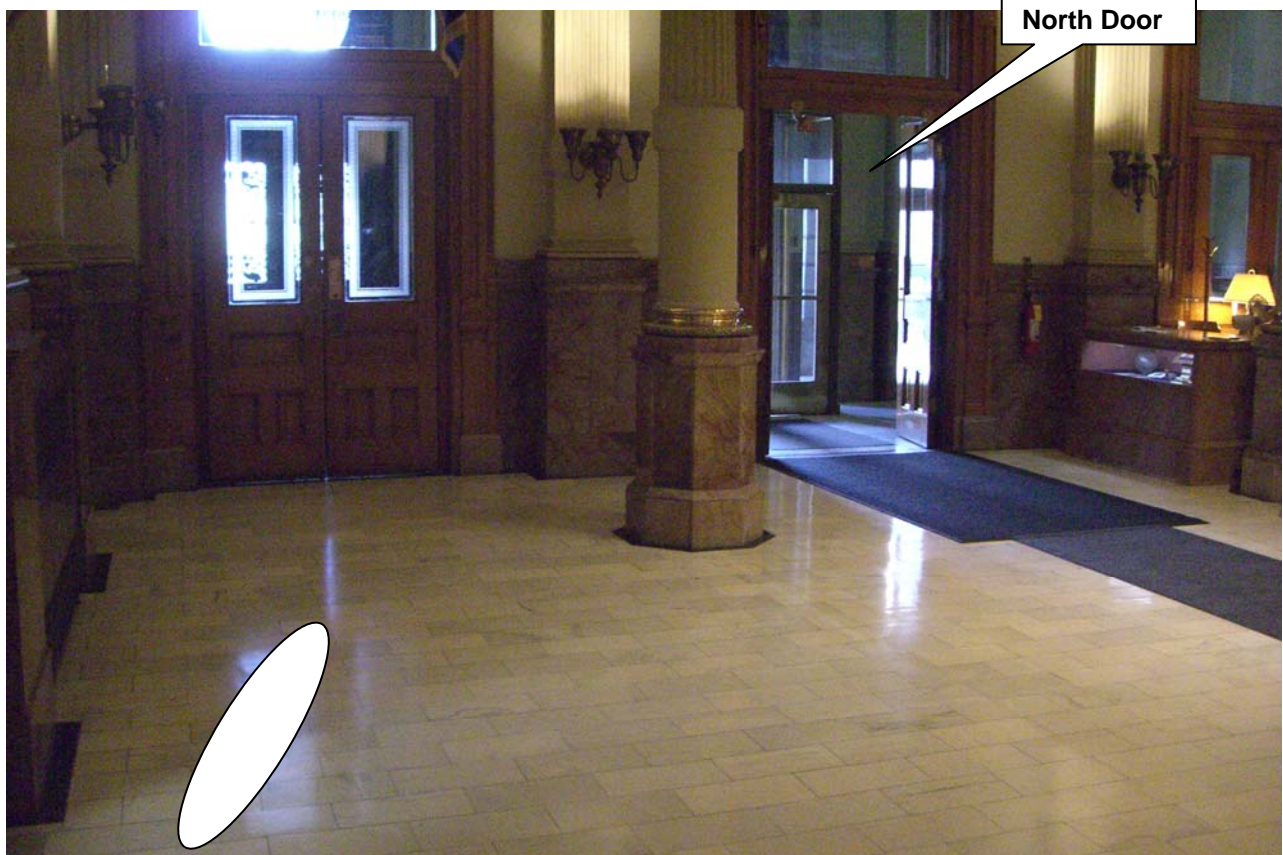
View from the surveillance camera located across from the door to the Governor's



View from the surveillance camera toward the north entry door to the Capitol.
(Outside light causes bright white area.)



Governor's Office Door

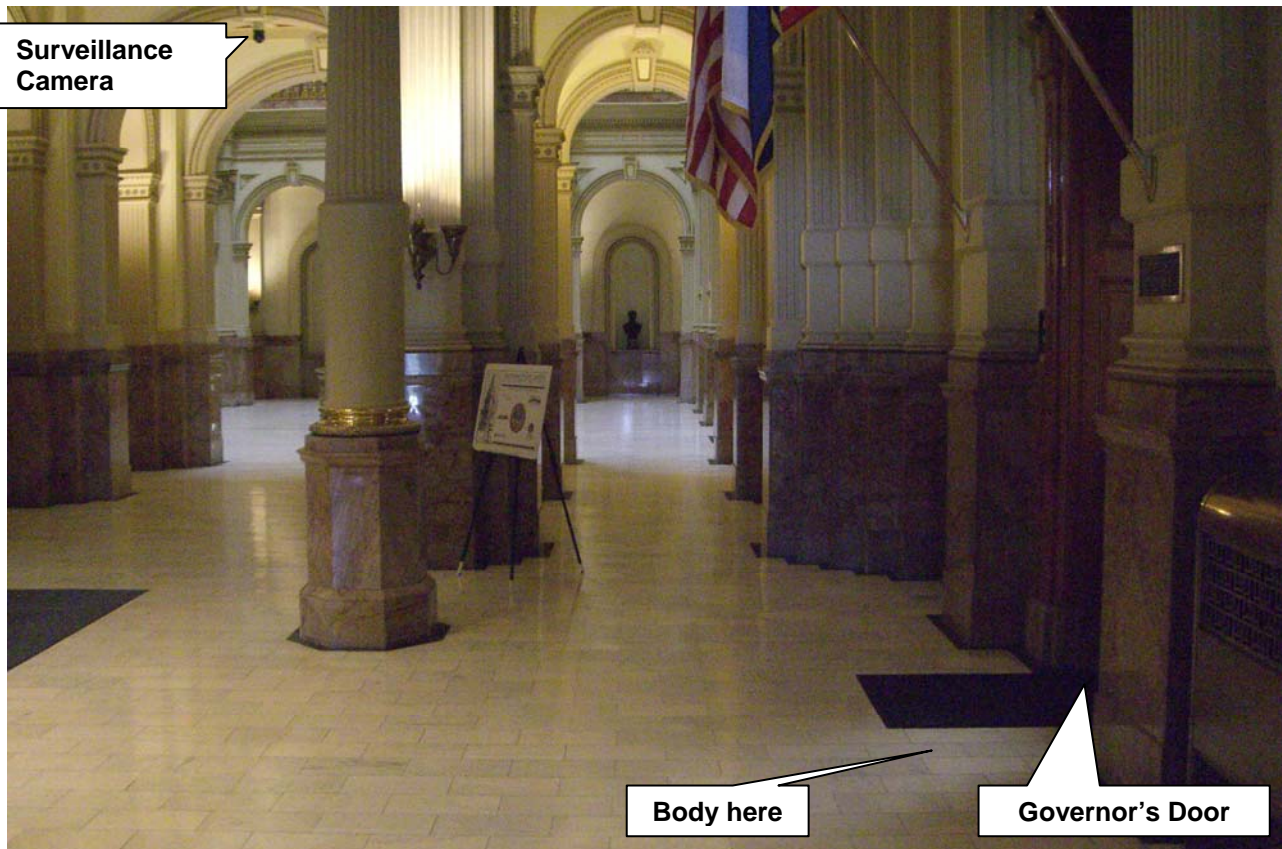


North Door



Body here on other side of column.

Photo taken from area where tour groups gather.



Surveillance Camera

Body here

Governor's Door

**Found in Snyder's vehicle
Job Photo Identification
Advanced Energy Industries, Inc.
Hired May 14, 2007**





Recovered from Snyder's vehicle.
Twenty (20) Winchester rounds
(cartridges) were in his possession at
the Capitol. Seven (7) in the .357
magnum revolver and thirteen (13) in
his coat pocket.



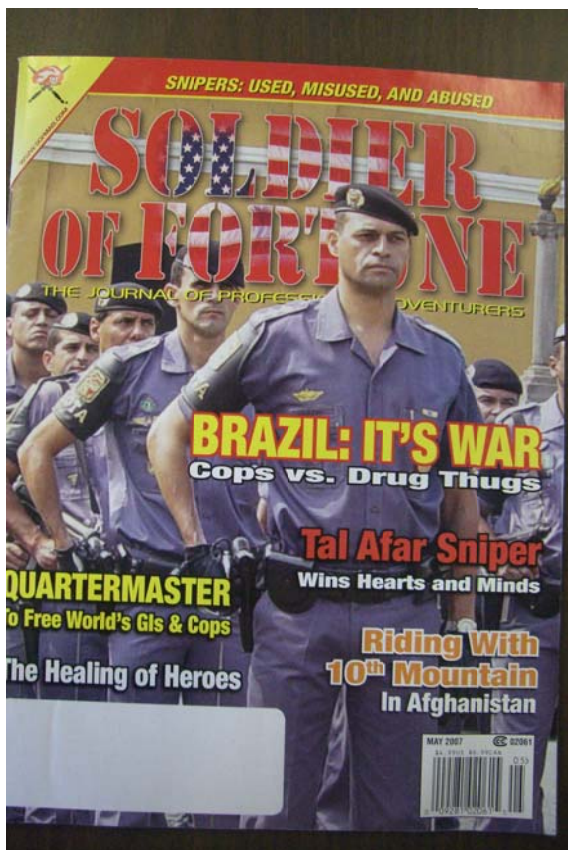
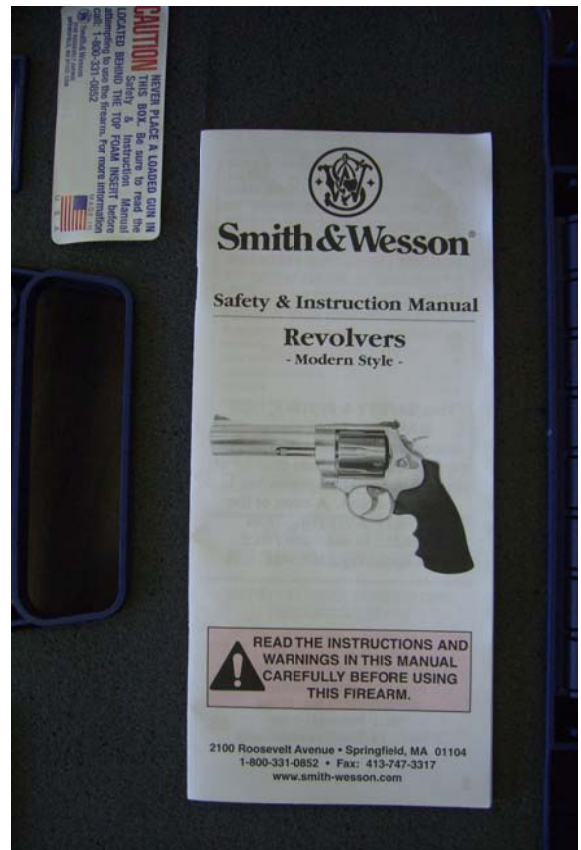
Knife in his possession when
renting the tuxedo from
Mister Neat's Formalwear.



July 15, 2007
11:16 a.m.



Officer-Involved Shooting
July 16, 2007



07-11516

Datta, Ravi

From: Snyder, Aaron
Sent: Monday, July 16, 2007 8:25 AM
To: Datta, Ravi
Subject: RE: Services

Ravi,

Thank you very much for hiring me. I have not properly introduced myself. I am the emperor, the sovereign ruler of this nation. God has bestowed this honour on me.

Today is the appointed day in which God has chosen for me to begin my reign.

I have decided to favour Advanced Energy as a company. Please keep the emperor's desk free for my use in R&D purposes when I have spare time. I take engineering very seriously.

With love in Jesus Christ,

Aaron Aurelius Ricardus Constantinus

From: Datta, Ravi
Sent: Monday, July 16, 2007 7:53 AM
To: Snyder, Aaron
Cc: Brodie, Tom; Whatley, Willis; Hahn, David
Subject: Services

Aaron,

If the secondary MB comes in today than Tom will need you to help him out with soldering, so that will be priority for the next few days. Tom please let Aaron know when he is needed.

Thanks

Ravi

13
Please reserve

this desk for

the emperor's use.

Aaron Avallius

Saturday, April 21st 2007

PREFACE

This notebook will be an assistance tool for the official planning and subsequent execution of the plan to deliver all the unborn children in this country — Christendom.

I am the Lord Governor of Christendom. Jesus is our acknowledged King.

Shortly after Christ overthrew the United States, already we see that the partial-birth abortions have been banned in Christendom.

Jesus has already seized the city of Washington, D.C. in the spirit world, and is keeping this country in the order of law until which time as I shall march the Praetorian Guard into the deposed capital to seize physical control of the city.

This is official planning by the Lord Governor of Christendom. Any willful effort to deliver this information to the deposed U.S. "authorities" is an act of treason, and punishable by death.

Christ Jesus overthrew the United States, the most wicked country in history, when He took away the U.S.'s sovereignty and transferred it to me, Aaron Richard Snyder.

That this has indeed happened God has proved to me with many signs.

S.I.C.G.

Written here is an asterisk ... then a downward arrow ... then "next page."

This is the "next page" referred to with the asterisk. It is actual the back of the page.

5000 4/15 10:00 AM

5000 4/15 10:00 AM

* Of course, my precious family members are exempt from this warning.

Practitioner Uniform

- beauty + glory
- helmet plated with 24 karat gold (pure gold)
-

Estimated Expenses to Stop Bloodshed

Praetorian Guard

Uniforms	$\$50,000 \times 300 =$	\$15 Million
Weapons (rifle, sword, sidearm)	$\$5,000 \times 300 =$	\$1.5 Million
Salary	$\$40,000 \times 300 =$	\$12 Million

Lord Governor

Uniforms	$\$100,000 \times 5 \text{ uniforms} =$	\$500,000
Weapons (rifle and sidearm)		\$5000
Salary	$\$40,000 \times 1 =$	\$40,000

Other Expenses

Handcuffs	$\$20 \times 500 \text{ pair} =$	\$10,000
Payoff Cash		= \$500,000
Incidental Expenses (hotels, meals, toiletries, etc. for 301 men)		= \$3 Million
Transportation (Buses to carry soldiers to Washington D.C.)		= \$20 Million
Purchase of other arms (Tanks, armored vehicles, etc.)		= \$25 Million
Retire my parents		= \$5 Million
SUBTOTAL		= \$82,555,000.00
Add Reserve		= \$15 Million
TOTAL		= \$97,555,000.00

Results 1-1 of about 1 for federal reserve bank near Denver, CO



<http://www.google.com/maps?hl=en&q=federal+reserve+bank&near=Denver,+CO&radius,...> 4/6/2007



Shootist Pistol Range

(303) 781-3382



Shootist Pistol Range
2980 S Galapago St
Englewood, CO 80110-1448
(303) 781-3382
Hours of Operation
Call for hours

Notes

Services at this Location

Products

Pistols

Business owners: Make updates to your business profile.
Learn about business profiles

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Business hours may vary by location. Please contact advertiser to verify.

Business hours may vary by location. Please contact advertiser to verify.

SHOOTIST PISTOL RANGE
10 LANE PISTOL RANGE
CLEAN MODERN FACILITY
COMPLETE FIREARMS STORE
303-781-3382
2980 S Galapago Englewood



classmates.com

1934
1984
1974
1964

**Directions to
Shootist Pistol Range**

30

F R I D A Y

MARCH 2007

APR

APR

APR

APR

21

SATURDAY
APRIL 2007

✓ Completed
→ Forwarded
✗ Deleted
G/O Delegated
• In Process

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MARCH 2007

S	M	T	W	T	F	S
		1	2	3		
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MAY 2007

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APPOINTMENT SCHEDULE

↓ ABC PRIORITIZED DAILY TASK LIST

- ✓ Spent time with God
- A work 18 hours (this is hard) clocked → or you're dead
- ✓ A plan
- ✓ A study like Marcus Aurelius
- A life is hard; the only easy day was yesterday
- log time (on yesterday's page)
- ✓ A exercise
- ✓ A laundry

8

9

10

11

12

1

2

3

4

5

6

7

8

DAILY TRACKER

Track expenses, e-mail, voice mail, or other information.

- ✓ pay 3 times
- III

5

6

7

8

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Excellence is not an act but a habit. The things you do
the most are the things you will do best.
—Marva Collins

21

SATURDAY
APRIL 2007

DAILY NOTES

There are several facts which must
be addressed immediately:

① I must be accountable for how
I spend time.

② I must be able to show at
the end of my life how I spent
the time that was given me.

③ I must work harder than anyone
else in the world because of
what I've been given.

↳ the only way to accomplish
these things is to clock and
log my progress each hour.

Also: This makes life hard,
which means you're doing right.

22

SUNDAY
APRIL 2007

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- ✓ Completed
- Forwarded
- ✗ Deleted
- G Delegated
- In Process

MARCH 2007							MAY 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31				

APPOINTMENT SCHEDULE

↓ ABC PRIORITIZED DAILY TASK LIST

✓ ~~A~~ Spend time with God

A appointment tomorrow 3:30 pm (phone)

✓ A study like Marcus Aurelius

A dogs of war (take notes)

✓ A run

DAILY TRACKER

Track expenses, e-mail, voice mail, or other information.

pry 3 times

11

Every act of creation is first of all an act of destruction.
—Pablo Picasso

23

MONDAY

APRIL 2007

DAILY NOTES

115TH DAY 352 LEFT WEEK 17

Being a scholar is
part of my duties as
Lord Gravencr.

clear blue
engineering

human resources

The happiest miser on earth is the man who saves up every friend he can make.
—Robert E. Sherwood

27

FRIDAY

APRIL 2007

DAILY NOTES

107TH DAY 248 LEFT WEEK 17

It is my
responsibility as
sovereign ruler to
stop abortion
at once!

To live is to change, and to be perfect is to have changed often.
—John Henry Newman

16

WEDNESDAY

MAY 2007

DAILY NOTES

136TH DAY 119 LEFT WEEK 10

This day remember to
show GREAT
MERCY!

A ruler's throne is
established by mercy.

Proverbs

① let many ^{lower} ~~lower~~ criminals out of prison

② All women who have
had abortions are
PARDONED!

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I wear the key of memory, and can open every door in the house of my life.
—Amelia E. Barr

28

MONDAY

MAY 2007

DAILY NOTES

14TH DAY 217 LEFT WEEK 23

The scripture says :

"He that is faithful in that which is least is faithful also in much: and he that is unjust in the least is unjust also in much."

St. Luke 16:10

⇒ I turned right to this page when I opened my Bible!

I have been given the least — an engineering job. Therefore I must be faithful in it. Otherwise I will be unjust in the deliverance of the unborn children.

⇒ Decision made.

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There is nothing that can be changed more completely than
human nature when the job is taken in hand early enough.
—George Bernard Shaw

03

SUNDAY

JUNE 2007

DAILY NOTES

14TH DAY 211 LEFT WEEK 22

I rule this country
for Jesus Christ.

+

Habits are the shorthand of behavior.
—Julie Henderson

11

MONDAY

JUNE 2007

DAILY NOTES

162ND DAY 103 LEFT WEEK 24

DO NOT WIPE
NOSE ON PANTS
- mother

DO NOT PICK NOSE
OR SORES
- mother

According to my King,
everything is proceeding
ON SCHEDULE for the
DELIVERANCE of
the unborn children.

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Ever since I was a little boy, I dreamed I would
do something important in aviation.
—Neil Armstrong

15

FRIDAY

JUNE 2007

DAILY NOTES

166TH DAY 199 LEFT WEEK 34

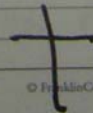
I found out last night
that God does not want
me to have the title
"Lord Gaernar". My
official title is emperor.

IMPERATOR

God's name is magnified more
if the people see their
emperor bowing face to the
earth before the GREAT
KING, JESUS.

my title : emperor (imperator)

ALL HAIL JESUS !!!



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Nothing's far when one wants to get there.
—Queen Marie of Rumania

16

SATURDAY

JUNE 2007

DAILY NOTES

167TH DAY 198 LEFT WEEK 34

Wikipedia says that an
emperor is greater than a
king...

→ But the Bible proves
Wikipedia wrong, because
God is a King, not an
emperor.

⇒ A King is greater
than an emperor.

Q.E.D.
by scripture

... and I am not a King,
but am an emperor.

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My dear father! When I remember him, it is always
with his arms open wide to love and comfort me.
—Isobel Field

17

SUNDAY

JUNE 2007

DAILY NOTES

168TH DAY 197 LEFT WEEK 24

Now that God has
made me the emperor of
His Christendom, I must
never miss a prayer session again
for the rest of my life.

+

Education is all about loving
God with all your mind!

Our business in this world is not to succeed,
but to continue to fail, in good spirits.
—Robert Louis Stevenson

18

MONDAY

JUNE 2007

DAILY NOTES

169TH DAY 196 LEFT WEEK 11

When public officials greet
each other: point the
right finger up, and say
"All hail King Jesus."

Like Marcus Aurelius, you
are expected to be a scholar
for the rest of your life.

Being a scholar is an integral
part of my duties as employer.

~~Must~~ Must work like
Nikola Tesla

The Nikola Tesla Award is one of the
most distinguished honors presented
by the Institute of Electrical

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The last temptation is the great treason:
To do the right deed for the wrong reason.
—T. S. Eliot

22

FRIDAY

JUNE 2007

DAILY NOTES

173RD DAY 192 LEFT WEEK 31

Latin:

⇒ de iure imperator

"based on law" emperor

a de iure sovereign is
one who rules • legally

⇒ only the divine can
legally appoint a de iure
sovereign ruler

i.e. appointed by King Jesus

contrast:

de facto is one who rules
in fact but not legally

Jesus has given me
de iure sovereignty.

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Honesty is the first chapter in the book of wisdom.
—Thomas Jefferson

23

SATURDAY

JUNE 2007

DAILY NOTES

174TH DAY 191 LEFT WEEK 35

The emperor is
absolutely forbidden
by God to be
rich. +

⇒ the emperor must never
miss a prayer session
with the King (Jesus)

For the rest of my life, the
command is to love God
with all of my mind!

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It isn't the great big pleasures that count the most;
it's making a great deal out of the little ones.
—Jean Webster

24

SUNDAY

JUNE 2007

DAILY NOTES

175TH DAY 190 LEFT WEEK 25

One of the big keys
to achieving your goals
is to have frequent
prayer on your knees;
also, not always music, but
intense prayer.

The key reason you're not
working like Nikola Tesla
yet is because your prayer
life is not disciplined.

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Excellence is achieved by the mastery of fundamentals.
—Vince Lombardi

25

MONDAY

JUNE 2007

DAILY NOTES

176TH DAY 189 LEFT WEEK 16

Just as it is a law of physics
that an electron is not attracted
to another electron, so it is
impossible for me to have any
attraction to a white girl.

And the king commended,
and they brought those men that
had accused Daniel, and cast
them into the den of lions,
them, their children, and their
wives — and the lions had
the mastery over them, and
broke all their bones in pieces
or ever they came to the
bottom of the den.

Daniel 6:24

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Even the best team, without a sound plan, can't score.
—Woody Hayes

26

TUESDAY

JUNE 2007

DAILY NOTES

177TH DAY 188 LEFT WEEK 26

~~XXXXX~~

No man, not even other
Christians, shall be able
to stand before me all
the days of my life —
just like Joshua.

That is Jesus' promise
for me.

11.


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6/27/07

103

okay, back to engineering!

psy. warfare doesn't work on
a powerful Christian!

→ Jesus has made me
a powerful Christian +
... a Christian ruler. 

Curiosity is the wick in the candle of learning.
—William A. Ward

27

WEDNESDAY

JUNE 2007

DAILY NOTES

178TH DAY 187 LEFT WEEK 26

One of the first things
I will do as emperor
is to build a
real lions den with
savagely bloodthirsty lions.

My duties as emperor
always come first without
exception. STATE MATTERS
ALWAYS COME FIRST
WITHOUT EXCEPTION.

+

S.I.C.G.

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The truth is incontrovertible. Malice may attack it and ignorance may deride it, but in the end, there it is.
—Winston Churchill

28

THURSDAY

JUNE 2007

DAILY NOTES

179TH DAY 186 LEFT WEEK 36

I the emperor shall
establish a firm
decree, that if any
citizen of the empire
shall worship me

~~and~~ ~~and~~ THEY

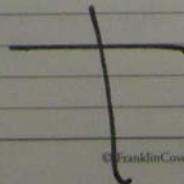
SHALL BE PUT TO

DEATH.

Worship

is only for God, and

I AM NOT GOD.



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There is nothing to make you like other human beings
so much as doing things for them.
—Zora Neale Hurston

29

FRIDAY

JUNE 2007

DAILY NOTES

180TH DAY 185 LEFT WEEK 26

Organizing and
plotting and planning
the New World Order
IS A CRIME
AGAINST
HUMANITY!

IF the FBI backs
down, I will show
them mercy.

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The real secret of success is enthusiasm.
—Walter P. Chrysler

30

SATURDAY
JUNE 2007

DAILY NOTES

181ST DAY 184 LEFT WEEK 26

Watch Brechert

you need to work
out at the gym
every day

→ a gym that's not
at home

~~hello there~~

My official name:

Caesar Aaren Aurelius
Constantinus

Never give up, for that is just the place and time that the tide will turn.
—Harriet Beecher Stowe

09

MONDAY

JULY 2007

DAILY NOTES

190TH DAY 175 LEFT WEEK 48

~~edit~~

I'm not a failure —

I'm starting afresh with the knowledge that prayer is the key to working like Nikola Tesla.

Also, the time is come for me to assert my de jure imperial authority.

Eat the minimum & exercise — this is the manifest will of God for you.
(Drink lots of water)

Absolutely, prayer is the key.
It is the essential ingredient to working long hours consistently.

Be kind; everyone you meet is fighting a hard battle.
—John Watson

13

FRIDAY

JULY 2007

DAILY NOTES

194TH DAY 171 LEFT WEEK 18

Being a scholar is
not a hobby for you
as emperor; being a
scholar is part and parcel
of being emperor Aaren Aurelius.

Once again, being a
scholar is not my hobby;
it is part of my official
duties as emperor
Aaren Aurelius Ricardus
Constantinus.

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15

SUNDAY

JULY 2007

✓ Completed

→ Forwarded

X Deleted

G Delegated

• In Process

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE 2007

S	M	T	W	T	F	S
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

AUGUST 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APPOINTMENT SCHEDULE

8 _____

9 _____

10 _____

11 _____

12 _____

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

↓ ABC PRIORITIZED DAILY TASK LIST

A make up prayer times & spend time with God

DAILY TRACKER

Track expenses, e-mail, voice mail, or other information.

171

Last Entry

President Bush was
chosen by the American
people; but I've been
chosen by God Almighty.
12:07

⑥

God is preparing me mentally
to kill thousands of
POLICE OFFICERS.

→ in the streets,
all slain



OFFICER-INVOLVED SHOOTING PROTOCOL 2007



Mitchell R. Morrissey
Denver District Attorney

The Denver District Attorney is a State official and the Denver District Attorney's Office is a State agency. As such, although the funding for the operations of the Denver District Attorney's Office is provided by the City and County of Denver, the Office is independent of City government. The District Attorney is the chief law enforcement official of the Second Judicial District, the boundaries of which are the same as the City and County of Denver. By Colorado statutory mandate, the District Attorney is responsible for the prosecution of violations of Colorado criminal laws. Hence, the District Attorney has the authority and responsibility to make criminal charging decisions in peace officer involved shootings.

The Denver Police Department was created by the Charter of the City and County of Denver. Under the Charter, the police department is overseen by the Office of the Denver Manager of Safety. The Manager of Safety and the Chief of Police are appointed by and serve at the pleasure of the Mayor of Denver. The District Attorney has no administrative authority or control over the personnel of the Denver Police Department. That authority and control resides with City government.

When a peace officer shoots and wounds or kills a person in Denver, Colorado, a very specific protocol is followed to investigate and review the case. Officer-involved shootings are not just another case. Confrontations between the police and citizens where physical force or deadly physical force is used are among the most important events with which we deal. They deserve special attention and handling at all levels. They have potential criminal, administrative, and civil consequences. They can also have a significant impact on the relationship between law enforcement officers and the community they serve. It is important that a formal protocol

be in place in advance for handling these cases. The following will assist you in understanding the Denver protocol, the law, and other issues related to the investigation and review of officer-involved shootings.

For more than a quarter century, Denver has had the most open officer-involved shooting protocol in the country. The protocol is designed to insure that a professional, thorough, impartial, and verifiable investigation is conducted and that it can be independently confirmed by later review. The fact that the investigative file is open to the public for in-person review at the conclusion of the investigation and review process, permits not only formal legal reviews to occur, but also allows for any citizen to review the case. This, perhaps more than any other single factor, helps to insure that the best possible investigation is conducted by all involved parties.

When an officer-involved shooting occurs, it is immediately reported to the Denver police dispatcher, who then notifies all persons on the call-out list. This includes the Division Chief of Investigations, First Assistant District Attorney and Chief Deputy District Attorney, Division Chief of Patrol, Captain of Crimes Against Persons Bureau, Homicide Unit personnel, Director of the Crime Lab, Crime Lab Technicians, and others. These individuals respond first to the scene and then to DPD headquarters to take statements and conduct other follow-up investigation. The Denver District Attorney, Manager of Safety, and Chief of Police are notified of the shooting and may respond.

The criminal investigation is conducted under a specific investigative protocol with direct participation of Denver Police Department and Denver District Attorney personnel. The primary investigative personnel are assigned to the Homicide Unit where the best resources reside for this type

of investigation. The scope of the investigation is broad and the focus is on all involved parties. This includes the conduct of the involved officer(s) and the conduct of the person who is shot. Standard investigative procedures are used at all stages of the investigation, and there are additional specific procedures in the Denver Police Department's Operations Manual for officer-involved shootings to further insure the integrity of the investigation. For example, the protocol requires the immediate separation and sequestration of all key witnesses and all involved officers. Involved officers are separated at the scene, transported separately by a supervisor to police headquarters, and sequestered with restricted visitation until a formal voluntary statement is taken. Generally the officers speak with their attorney prior to making their voluntary statement. A log is kept to document who has contact with the officer. This is done to insure totally independent statements and to avoid even the appearance of collusion.

In most cases, the bulk of the criminal phase of the investigation is concluded in the first twelve to twenty-four hours. Among other investigative activities, this includes a thorough processing of the crime scene; a neighborhood canvass to identify all possible witnesses; the taking of written statements from all witnesses, and video-taped statements from all key witnesses and the involved officer(s). The involved officer(s), like any citizen, have a Constitutional Fifth Amendment right not to make a statement. In spite of this fact, Denver officers have given voluntary sworn statements in every case, without exception, since 1979. Since November of 1983, when the videotape- interview room was first used, each of these statements has been recorded on videotape. *No other major city police department in the nation can make this statement.*

Officers are trained to properly secure their firearm after an officer-involved shooting. The protocol provides for the firearm to be taken from the officer by crime lab personnel for appropriate testing. The officer is provided a replacement weapon to use pending the completion of the testing. The protocol also allows for any officer to voluntarily submit to intoxicant testing if they chose. The most common circumstance under which an officer might elect to do so would be in a shooting while working at an establishment that serves alcohol beverages. Compelled intoxicant testing can be conducted if there are indications of possible intoxication and legal standards are met.

The Denver Chief of Police and Denver District Attorney commit significant resources to the investigation and review process in an effort to complete the investigation as quickly as practicable. There are certain aspects of the investigation that take more time to complete. For example, the testing of physical evidence by the crime lab—firearm examination, gunshot residue or pattern testing, blood analyses, and other testing commonly associated with these cases. In addition,

where a death occurs, the autopsy and autopsy report take more time and this can be extended substantially if it is necessary to send lab work out for very specialized toxicology or other testing. In addition to conducting the investigation, the entire investigation must be thoroughly and accurately documented.

Officer-involved shooting cases are handled by the District Attorney, First Assistant District Attorney, and Chief Deputies District Attorney specifically trained for these cases. At least two of these district attorneys respond to each officer-involved shooting. They are notified at the same time as others on the officer-involved shooting call-out list and respond to the scene of the shooting and then to police headquarters to participate in taking statements. They are directly involved in providing legal advice to the investigators and in taking video-taped statements from citizens and officer witnesses, and from the involved officer(s). They continue to be involved throughout the follow-up investigation.

The Denver District Attorney is immediately informed when an officer-involved shooting occurs, and if he does not directly participate, his involved personnel advise him throughout the investigative process. It is not unusual for the District Attorney to personally respond and participate in the investigation. At the conclusion of the criminal investigation the District Attorney personally makes the filing decision.

If criminal charges are not filed, a brief decision letter describing the shooting is sent to the Chief of Police by the District Attorney, with copies to the involved officer(s), the Mayor, City Council members, other appropriate persons, and the media. The letter is intentionally brief to avoid in any way impacting the integrity and validity of the Denver Police Department administrative investigation and review, which follows the criminal investigation and review. This represents a 2005 change from the very thorough decision letters that have previously been written by the District Attorney in these cases.

This change has been made because the Denver Manager of Safety now writes an exhaustive letter at the conclusion of the administrative review of the shooting. The Manager of Safety's letter can include additional facts, if any, developed during the administrative investigation. Therefore, the Manager of Safety's letter can provide the most comprehensive account of the shooting. In contrast to the criminal investigation phase, the administrative process addresses different issues, is controlled by less stringent rules and legal levels of proof, and can include the use of investigative techniques that are not permissible in a criminal investigation. For example, the department can, under administrative rules, order officers to make statements. This is not permissible during the criminal investigation phase and evidence generated from such a statement would not be admissible in a criminal prosecution.

The Manager of Safety has taken a more active role in officer-involved shooting cases and has put in place a more thorough administrative process for investigating, reviewing, and responding to these cases. The critical importance of the administrative review has been discussed in our decision letters and enclosures for many years.¹ As a result of the positive changes the Manager of Safety has now instituted and his personal involvement in the process, we will not open the criminal investigative file at the time our brief decision letter is released. Again, we are doing this to avoid in any way impacting the integrity and validity of the Manager of Safety and Denver Police Department ongoing administrative investigation and review. After the Manager of Safety has released his letter, we will make our file open for in-person review at our office by any person, if the City fails to open its criminal-case file for in-person review. The District Attorney copy of the criminal-case file will not, of course, contain any of the information developed during the administrative process. The City is the Official Custodian of Records of the original criminal-case file and administrative-case file, not the Denver District Attorney.

THE DECISION

By operation of law, the Denver District Attorney is responsible for making the criminal filing decision in all officer-involved shootings in Denver. 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.

The same standard that is used in all criminal cases in Denver is applied to the review of officer-involved shootings. The filing decision analysis involves reviewing the totality of the facts developed in the criminal investigation and applying the pertinent Colorado law to those facts. The facts and the law are then analyzed in relation to the criminal case filing standard. For criminal charges to be filed, the District Attorney must find that there is a reasonable likelihood that all of the elements of the crime charged can be proven beyond a reasonable doubt, unanimously, to twelve jurors, at trial, after considering reasonable defenses. If this standard is met, criminal charges will be filed.

One exception to the Denver District Attorney making the filing decision is if it is necessary to use the Denver Statutory Grand Jury. The District Attorney will consider it appropriate to refer the investigation to a grand jury when it is necessary for the successful completion of the

investigation. It may be necessary in order to acquire access to essential witnesses or tangible evidence through the grand jury's subpoena power, or to take testimony from witnesses who will not voluntarily cooperate with investigators or who claim a privilege against self-incrimination, but whom the district attorney is willing to immunize from prosecution on the basis of their testimony. The grand jury could also be used if the investigation produced significant conflicts in the statements and evidence that could best be resolved by grand jurors. If the grand jury is used, the grand jury could issue an indictment charging the officer(s) criminally. To do so, at least nine of the twelve grand jurors must find probable cause that the defendant committed the charged crime. In order to return a "no true bill," at least nine grand jurors must vote that the probable cause proof standard has not been met. In Colorado, the grand jury can now issue a report of their findings when they return a no true bill or do not reach a decision—do not have nine votes either way. The report of the grand jury is a public document.

A second exception to the Denver District Attorney making the filing decision is when it is necessary to have a special prosecutor appointed. The most common situation is where a conflict of interest or the appearance of impropriety is present. As an example, if an officer involved in the shooting is related to an employee of the Denver District Attorney's Office, or an employee of the Denver District Attorney's Office is involved in the shooting. Under these circumstances, there would exist at a minimum an appearance of impropriety if the Denver District Attorney's Office handled the case.

THE COLORADO LAW

Criminal liability is established in Colorado only if it is proved beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and it is proved beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting and causing injury or death to another human being is generally prohibited as assault or murder in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force or deadly physical force is justified. As there is generally no dispute that the officer intended to shoot at the person who is wounded or killed, the determination of whether the conduct was criminal is primarily a question of legal justification.

Section 18-1-707 of the Colorado Revised Statutes provides that while effecting or attempting to effect an arrest, a peace officer is justified in using deadly physical force upon another person . . . when he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force. Therefore, the question presented in most officer-involved shooting cases is whether, at the

¹ See the "Conclusion" statement in the "Decision Letter" in the December 31, 1997, shooting of Antonio Reyes-Rojas, where we first pointed out issues related to the importance of the Administrative review of officer-involved shootings. Subsequent letters continued to address this issue.

instant the officer fired the shot that wounded or killed the person, the officer reasonably believed, and in fact believed, that he or another person, was in imminent danger of great bodily injury or death from the actions of the person who is shot. In order to establish criminal responsibility for knowingly or intentionally shooting another, the state must prove beyond a reasonable doubt that the person doing the shooting either did not really believe he or another was in imminent danger, or, if he did hold such belief, that belief was, in light of the circumstances, unreasonable.

The statute also provides that a peace officer is justified in using deadly physical force upon another person . . . when he reasonably believes that it is necessary to effect an arrest . . . of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or is attempting to escape by the use of a deadly weapon; or otherwise indicates, except through motor-vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

In Colorado, deadly physical force means force the intended, natural, or probable consequence of which is to produce death and which does in fact produce death. Therefore, if the person shot does not die, by definition, only physical force has been used under Colorado law.

GENERAL COMMENTS

The following statement concerns issues that are pertinent to all officer-involved shootings.

The great majority of officer-involved shootings in Denver, and throughout the country, ultimately result from what is commonly called the split-second decision to shoot. It is often the culmination of a string of decisions by the officer and the citizen that ultimately creates the need for a split-second decision to shoot. The split-second decision is generally made to stop a real or perceived threat or aggressive behavior by the citizen. It is this split-second time frame which typically defines the focus of the criminal-review decision, not the string of decisions along the way that placed the participants in the life-or-death final frame.

When a police-citizen encounter reaches this split-second window, and the citizen is armed with a deadly weapon, the circumstances generally make the shooting justified, or at the least, difficult to prove criminal responsibility under the criminal laws and required legal levels of proof that apply. The fact that no criminal charges are fileable in a given case is not necessarily synonymous with an affirmative finding of justification, or a belief that the matter was in all respects handled appropriately from an administrative viewpoint. It is simply a determination that there is not a reasonable likelihood of proving criminal charges beyond a reasonable doubt, unanimously, to a jury. This is the limit of the District Attorney's statutory authority in these matters. For

these reasons, the fact that a shooting may be "controversial" does not mean it has a criminal remedy. The fact that the District Attorney may feel the shooting was avoidable or "does not like" aspects of the shooting, does not make it criminal. In these circumstances, remedies, if any are appropriate, may be in the administrative or civil arenas. The District Attorney has no administrative or civil authority in these matters. Those remedies are primarily the purview of the City government, the Denver Police Department, and private civil attorneys.

Research related to officer-involved shootings indicates that criminal charges are filed in approximately one in five hundred (1-in-500) shootings. And, jury convictions are rare in the filed cases. In the context of officer-involved shootings in Denver (approximately 8 per year), this ratio (1-in-500) would result in one criminal filing in 60 years. With District Attorneys now limited to two 4-year terms, this statistic would mean there would be one criminal filing during the combined terms of 8 or more District Attorneys.

In Denver, there have been three criminal filings in officer-involved shootings in the past 40 years, spanning seven District Attorneys. Two of the Denver officer-involved shootings were the result of on-duty, work related shootings. One case was in the 1970s and the other in the 1990s. Both of these shootings were fatal. The cases resulted in grand jury indictments. The officers were tried and found not guilty by Denver juries. The third criminal filing involved an off-duty, not in uniform shooting in the early 1980s in which one person was wounded. The officer was intoxicated at the time of the shooting. The officer pled guilty to felony assault. This case is mentioned here, but it was not in the line of duty and had no relationship to police work. In 2004, an officer-involved shooting was presented by the District Attorney to the Denver Statutory Grand Jury. The Grand Jury did not indict. A brief report was issued by the Grand Jury.

Based on the officer-involved shooting national statistics, there is a very high likelihood that individual District Attorneys across the country will not file criminal charges in an officer-involved shooting during their entire tenure. It is not unusual for this to occur. In Denver, only two of the past seven District Attorneys have done so. This, in fact, is statistically more filings than would be expected. There are many factors that combine to cause criminal prosecutions to be rare in officer-involved shootings and convictions to be even rarer. Ultimately, each shooting must be judged based on its unique facts, the applicable law, and the case filing standard.

The American Bar Association's *Prosecution Standards* state in pertinent part: "A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction. In making the decision to

prosecute, the prosecutor should give no weight to the personal or political advantages or disadvantages which might be involved or to a desire to enhance his or her record of convictions. Among the factors the prosecutor may properly consider in exercising his or her discretion is the prosecutor's reasonable doubt that the accused is in fact guilty." The National District Attorneys Association's *National Prosecution Standards* states in pertinent part: "The prosecutor should file only those charges which he reasonably believes can be substantiated by admissible evidence at trial. The prosecutor should not attempt to utilize the charging decision only as a leverage device in obtaining guilty pleas to lesser charges." The standards also indicate that "factors which should **not** be considered in the charging decision include the prosecutor's rate of conviction; personal advantages which prosecution may bring to the prosecutor; political advantages which prosecution may bring to the prosecutor; factors of the accused legally recognized to be deemed invidious discrimination insofar as those factors are not pertinent to the elements of the crime."

Because of the difference between the criminal, administrative, and civil standards, the same facts can fairly and appropriately lead to a different analysis and different results in these three uniquely different arenas. While criminal charges may not be fileable in a case, administrative action may be very appropriate. The legal levels of proof and rules of evidence that apply in the criminal-law arena are imprecise tools for examining and responding to the broader range of issues presented by officer-involved shootings. Issues related to the tactical and strategic decisions made by the officer leading up to the split-second decision to shoot are most effectively addressed by the Denver Police Department through the Use of Force Review Board and the Tactics Review Board process and administrative review of the shooting.

The administrative-review process, which is controlled by less stringent legal levels of proof and rules than the criminal-review process, provides both positive remedial options and punitive sanctions. This process also provides significantly broader latitude in accessing and using information concerning the background, history, and job performance of the involved officer. This type of information may have limited or no applicability to the criminal review, but may be very important in making administrative decisions. This could include information concerning prior officer-involved shootings, firearm discharges, use of non-lethal force, and other conduct, both positive and negative.

The Denver Police Department's administrative review of officer-involved shootings improves police training and performance, helps protect citizens and officers, and builds public confidence in the department. Where better approaches are identified, administrative action may be the

only way to effect remedial change. The administrative review process provides the greatest opportunity to bring officer conduct in compliance with the expectations of the department and the community it serves. Clearly, the department and the community expect more of their officers than that they simply conduct themselves in a manner that avoids criminal prosecution.

There are a variety of actions that can be taken administratively in response to the department's review of the shooting. The review may reveal that no action is required. Frankly, this is the case in most officer-involved shootings. However, the department may determine that additional training is appropriate for all officers on the force, or only for the involved officer(s). The review may reveal the need for changes in departmental policies, procedures or rules. In some instances, the review may indicate the need for changing the assignment of the involved officer, temporarily or permanently. Depending on the circumstances, this could be done for the benefit of the officer, the community or both. And, where departmental rules are violated, formal discipline may be appropriate. The department's police training and standards expertise makes it best suited to make these decisions.

The Denver Police Department's Use of Force Review Board and the Tactics Review Board's after-incident, objective analysis of the tactical and strategic string of decisions made by the officer that lead to the necessity to make the split-second decision to shoot is an important review process. It is clearly not always possible to do so because of the conduct of the suspect, but to the extent through appropriate tactical and strategic decisions officers can de-escalate, rather than intensify these encounters, the need for split-second decisions will be reduced. Once the split-second decision time frame is reached, the risk of a shooting is high.

It is clear not every officer will handle similar situations in similar ways. This is to be expected. Some officers will be better than others at defusing potentially-violent encounters. This is also to be expected. To the degree officers possess skills that enhance their ability to protect themselves and our citizens, while averting unnecessary shootings, Denver will continue to have a minimal number of officer-involved shootings. Denver officers face life-threatening confrontations hundreds of times every year. Nevertheless, over the last 20 years officer-involved shootings have averaged less than eight annually in Denver. These numbers are sharply down from the 1970s and early 1980s when there were 12-to-14 shootings each year.

Skill in the use of tactics short of deadly force is an important ingredient in keeping officer-involved shootings to a minimum. Training Denver officers receive in guiding them in making judgments about the best tactics to use in various situations, beyond just possessing good firearms proficiency, is one of the key ingredients in minimizing

unnecessary and preventable shootings. Denver police officers handle well over a million calls for service each year and unfortunately in responding to these calls they face hundreds of life-threatening encounters in the process. In the overwhelming majority of these situations, they successfully resolve the matter without injury to anyone. Clearly, not all potentially-violent confrontations with citizens can be de-escalated, but officers do have the ability to impact the direction and outcome of many of the situations they handle, based on the critical decisions they make leading up to the deadly-force decision. It should be a part of the review of every officer-involved shooting, not just to look for what may have been done differently, but also to see what occurred that was appropriate, with the ultimate goal of improving police response.

RELEASE OF INFORMATION

Officer-involved shootings are matters of significant and legitimate public concern. Every effort must be made to complete the investigation and make the decision as quickly as practicable. The Denver Protocol has been designed to be as open as legal and ethical standards will permit and to avoid negatively impacting the criminal, administrative, or civil procedures. “Fair Trial—Free Press” standards and “The Colorado Rules of Professional Conduct” limit the information that can be released prior to the conclusion of the investigation.

Officer-involved shooting cases always present the difficult issue of balancing the rights of the involved parties and the integrity of the investigation with the public’s right to know and the media’s need to report the news. The criminal investigation and administrative investigation that follows can never keep pace with the speed of media reporting. This creates an inherent and unavoidable dilemma. Because we are severely restricted in releasing facts before the investigation is concluded, there is the risk that information will come from sources who may provide inaccurate accounts, speculative theories, misinformation or disinformation that is disseminated to the public while the investigation is progressing. This is an unfortunate byproduct of these conflicted responsibilities. This can cause irreparable damage to individual and agency reputations.

It is our desire to have the public know the full and true facts of these cases at the earliest opportunity, but we are required by law, ethics, and the need to insure the integrity of the investigation to only do so at the appropriate time.

CONCLUSION

The protocol that is used in Denver to investigate and review officer-involved shootings was reviewed and strengthened by the Erickson Commission in 1997, under the leadership of William Erickson, former Chief Justice of the Colorado Supreme Court. The report released after the 15-

month-long Erickson Commission review found it to be one of the best systems in the country for handling officer-involved shootings. We recognize there is no “perfect” method for handling officer-involved shooting cases. We continue to evaluate the protocol and seek ways to strengthen it.

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