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November 25, 2020

Paul Pazen
Chief of Police
Denver Police Department
1331 Cherokee Street
Denver, CO 80204

Richard Reigenborn
Adams County Sheriff
4430 S. Adams County Parkway
1st floor – Suite W5400
Brighton, CO 80601

RE: Investigation of the shooting death of Christopher Escobedo (DOB 3/16/1987), which occurred on September 12, 2020 in the backyard of 1540 N. Meade St. Denver, Colorado.

Dear Chief Pazen & Sheriff Reigenborn,

The investigation and legal analysis of the death of Christopher Escobedo is complete. I conclude that under applicable Colorado law no criminal charges are warranted against Denver Police Officer Ramses Aranda (Badge #1830), Denver Police Officer Shane Madrigal (Badge #17059), Adams County Sheriff Deputy Corey Engle (Badge #14035), Adams County Sheriff Deputy Marcus Knight (Badge #13009), and Adams County Sheriff Deputy Matthew Tran (Badge #18038). This letter will be posted on our website and our file will be available for interested citizens to review.

STATEMENT OF FACTS

On September 12, 2020 at approximately 4:05 a.m. Adams County Sheriff Deputy Marcus Knight was working patrol in a marked vehicle when he observed a white Ford Explorer parked in the lot of the Circle K, 5810 N. Broadway St. in unincorporated Adams County. Deputy Knight noticed the vehicle, occupied by a male driver, had no license plates. Based on his experience, and recent activity in the area, Deputy Knight suspected the vehicle might be stolen. Deputy Knight made phone contact with Adams County Sheriff Deputy Matthew Tran to report his suspicions. Deputy Tran was working patrol in a marked vehicle in the same area and began driving toward the Circle K. Deputy Knight observed a female wearing a maroon sweatshirt exit

the convenience store and walk to the Ford Explorer and enter the front passenger seat. Deputy Tran arrived at the location as the Ford Explorer exited the lot and went southbound on N. Broadway St.



Figure 1: White Ford Explorer at Circle K with Officer Knight's patrol vehicle and female entering passenger side.

Deputy Tran began to follow the Ford Explorer as it continued southbound onto N. Bannock St. and Deputy Knight drove out of the lot to fall in behind Deputy Tran but was temporarily stopped at a traffic light. As the Ford Explorer continued southbound on N. Bannock St. Deputy Tran engaged his emergency lights to initiate a traffic stop. The driver of the Ford Explorer began to “slow roll”, reducing speed but continuing to drive southbound for approximately one quarter mile, before finally pulling to a stop on the west curb line. Deputy Tran started to exit his vehicle and observed the male driver looking back in both the driver side mirror and the rearview mirror. Deputy Tran began his initial approach to the Ford Explorer at which time the driver accelerated away at a high rate of speed.

Deputy Knight, driving southbound on N. Bannock St., observed the Ford Explorer speeding away and drove around Deputy Tran with emergency lights engaged, attempting to catch up with the eluding vehicle. As Deputy Knight continued following the Ford Explorer southbound on N. Bannock St. he saw the driver holding a handgun out the driver side window, pointed in the air. Deputy Knight then observed the driver, pointing the same handgun out the driver side window and fire at Officer Knight twice. Deputy Knight saw two muzzle flashes and heard two shots. Deputy Knight reported on the radio the suspect was shooting at him.

By this time Deputy Tran had re-entered his vehicle and took over the role of second pursuit vehicle, announcing to dispatch location, speed and actions of suspect vehicle. As the pursuit continued WB onto 48th Ave., near N. Fox St., Deputy Knight again observed the suspect shoot at him from the driver side window. The Ford Explorer moved onto westbound I-70 at Pecos St.

and then exited onto Federal Blvd, driving southbound. As Deputy Knight made the turn onto Federal Blvd. he heard, but did not see, several more gunshots.

Adams County Sheriff Deputy Cory Engle, Adams County Sheriff Deputy Joseph Lubick and Adams County Sheriff Deputy Elise Hardy heard the radio traffic from Deputy Tran and Deputy Knight and began driving toward the area of the pursuit.

At approximately 4:08 a.m., based on the direction of travel, Adams County Dispatch notified the Denver Combined Communications Center of the officer pursuit and shots fired heading into Denver. Denver aired a simulcast to officers on the pursuit and shooting. Denver Police Department District Four Officers Shane Madrigal, Thomas Moen and John McAndrews were parked in the lot of Kepner School, at W. Kentucky Ave. and S. Irving St. Upon hearing the simulcast about the shooting, and learning the suspect was southbound on Federal, the officers began to drive toward an interception point.

As the pursuit continued into Denver, the suspect vehicle turned westbound onto E. 29th Ave. and then southbound onto N. Sheridan Blvd. with Deputies Knight, Tran and Lubick in pursuit.

At approximately 4:17 a.m. the Denver Combined Communication Center received a 911 call from the female passenger in the white Ford Explorer who said she wanted officers chasing the vehicle to back off. The female passenger denied knowing the person driving. The pursuit continued eastbound onto W. Colfax Ave.

Denver Police Department Officers Andrew St. John and Ramses Aranda heard the simulcast and began driving toward the area of the pursuit, eventually joining near the area of W. Colfax Ave. and N. Federal Blvd.

The suspect continued eluding officers driving southbound onto Interstate 25 and then exiting onto westbound 6th Ave.

Deputy Knight requested supervisor approval to conduct a Tactical Vehicle Intervention (TVI) in order to end the pursuit. Deputy Knight received approval but was unable to get close enough to initiate the maneuver.

The suspect exited 6th Ave., driving northbound onto Sheridan Blvd., crossing onto the shoulder and momentarily losing control of the vehicle. As the suspect and pursuit vehicles drove northbound on Sheridan Blvd., Adams County Deputy Sheriff Jacob Padilla deployed stop sticks at W. 14th Ave. and N. Sheridan Blvd. The suspect hit the stop sticks with both the front and rear passenger side tires, causing the tires to deflate. The suspect continued northbound on Sheridan and then turned westbound on W. 17th Ave. Deputy Knight struck the rear of the suspect vehicle multiple times with his front bumper in an unsuccessful attempt to force the vehicle to stop. The suspect turned southbound into a residential area, continued south on N. Meade St. and quickly turned east onto W. Conejos Pl. The suspect lost control of the vehicle and struck a parked car north of 1540 N. Meade St., ending the vehicle pursuit.



Figure 2: Pursuit route of both Adams County Sheriff Deputies and Denver Police Officers.

Denver Police Officer Tana Cunningham drove her marked police vehicle up to the passenger side of the disabled Ford Explorer. Deputy Knight parked his car and observed a female (maroon sweatshirt) exit the passenger side of the Ford Explorer. The female appeared to be trying to move toward Officer Cunningham but was quickly followed out of the passenger side of the Ford Explorer by a male who took hold of the woman and moved toward the backyard of 1540 N. Meade St.



Figure 3: Officer Cunningham's police vehicle and Ford Explorer on side of 1540 N. Meade St.

Deputy Knight and Officer Cunningham moved to the area of the backyard, which was fenced to the south and east, but open to the north. Deputy Knight and Officer Cunningham, using weapon mounted lights, observed movement behind the bushes in the southwest corner of the yard. Though not fully visible, officers could see a white t-shirt and maroon sweatshirt moving behind the bush.



Figure 4: Bushes in southwest corner of 1540 N. Meade St. where suspect was holding female hostage.

Officer Andrew St. John arrived and approached the disabled Ford Explorer as the suspect exited out the passenger side and pulled the female into the backyard of 1540 N. Meade St. Officer St. John focused on the suspect behind the bushes in the southwest corner of the yard as officers started giving commands for him to drop the gun and come out with his hands up.

Deputy Tran observed the location of the disabled suspect vehicle, parked, exited his vehicle and saw Deputy Knight in the backyard of 1540 N. Meade St. Deputy Knight told Deputy Tran the suspect and hostage were in the bushes. Deputy Tran saw movement but could not make out details of the subjects. Deputy Tran advised responding officers on possible crossfire situations and began giving verbal commands toward the suspect in the bushes. Deputy Tran asked if the suspect was armed and a Denver Police Officer confirmed he was. Officers gave the suspect repeated commands to drop the gun and come out with his hands up.

Deputy Engle arrived at the location of the crash, aware from radio traffic that the suspect fired at officers and took a female hostage. Deputy Engle drove around the block, parked on Meade St., picked up and charged his rifle and moved on foot to the backyard of 1540 N. Meade St. Observing multiple officers in the yard with their attention focused on the bushes, Deputy Engle did not immediately have a visual of the suspect.

Officer Madrigal arrived in the area of Lowell and Conejos, parked and exited his vehicle. Hearing officers yell “he’s in the backyard”, Officer Madrigal moved into the backyard of 1540 N. Meade St. and observed officers using lights to illuminate the bushes in the southwest corner of the yard. Officers gave repeated commands to drop the gun.

Officer Aranda arrived on scene and entered a backyard to the south of 1540 N. Meade St. searching for suspect. Officer Aranda returned to 1540 N. Meade St. and entered the backyard from the north and took up a position focused on the suspect and hostage in the bushes.

Officer Thomas Moen arrived, participated in a quick search of a yard to the south, and then moved into the backyard of 1540 N. Meade St. Officer Moen took over the primary role of giving commands to the suspect, still hiding in the bushes. Officer Moen attempted to establish a dialogue and talk the suspect out peacefully as other officers discussed getting a shield and a car for cover.

Officer Moen continued giving verbal commands. The female hostage yelled her hands were up and she and the suspect walked out from the behind the bushes. The suspect was holding the female hostage in front of him with his left arm and holding a silver/black semiautomatic handgun to her head with his right hand. Officer Moen continued giving orders to drop the gun. Officers with no cover or concealment in the yard, backed up while continuing to urge the suspect to give up.



Figure 5: Suspect moving out from the bushes across the yard holding female hostage with left hand and pointing semi-automatic weapon to her head with right hand.

Deputy Engle and Deputy Tran saw the suspect holding the female hostage at gun point and decided to move outside the yard and south down the alley, using gaps in the picket fence to continue observation of the suspect and hostage, while maintaining a parallel and “L” ambush position. Deputy Tran and Deputy Engle discussed taking a shot if given the opportunity. Deputy Engle, armed with his Sig Sauer 223 rifle, and Deputy Tran, armed with his Glock 17 9mm semiautomatic handgun, both obtained a good site picture of the suspect, positioning themselves to utilize the brick house as a background.



Figure 6: Deputy Engle’s and Deputy Tran’s position and view of the suspect and female hostage through fence.

As Deputy Engle and Deputy Tran got to the end of the fence they became concerned that the situation was deteriorating and that the female hostage and the officers were in imminent danger and that they had no choice but to end the situation by firing at the suspect. Deputy Engle fired once at the suspect’s head, and Deputy Tran fired once from his handgun at the same time at the suspect’s head.

After these shots the suspect dropped to the ground and the female hostage moved northwest in the yard toward officers. Officers, both in the alley and in the yard, observed that the suspect continue to move on the ground with access to his firearm. Deputy Engle and Deputy Tran fired several more shots from their position in the alley. Deputy Knight, Officer Madrigal and Officer Aranda fired from the backyard until the suspect stopped moving.

Officers quickly advanced towards the suspect and kicked the gun away from him and placed him in handcuffs. Officer Auger took custody of the female hostage and moved her away from the scene. Officers initiated efforts to provide medical assistance on the suspect, who would later be identified as Christopher Escobedo.



Figure 7: Suspect's gun and additional magazine.

Denver Health Medical Center Paramedics responded to the location and pronounced Mr. Escobedo dead at 4:30 a.m.

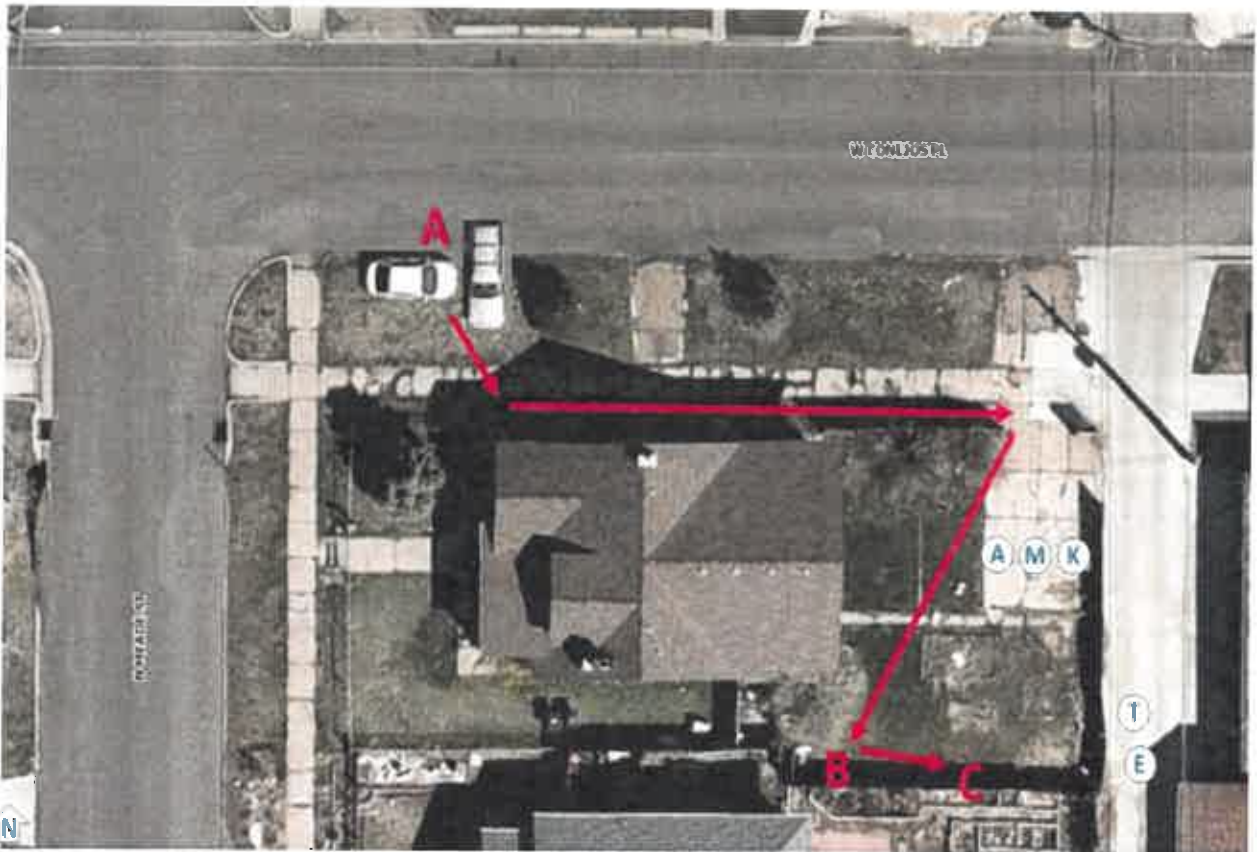


Figure 8: A is the location where the Ford Explorer crashed on the north side of 1540 N. Meade and then rammed by Officer Cunningham. The red arrows represent the path Mr. Escobedo and the female hostage took to the bushes, B, and then to the middle of yard, C, where he was shot. A, M, and K are the approximate locations of Officer Aranda, Officer Madrigal and Deputy Knight in the backyard when they fired their weapons. T and E are the approximate locations of Deputy Tran and Deputy Engle in the alley when they fired their weapons.

Adams County Sheriff Deputy Marcus Knight

Deputy Knight was interviewed on September 14, 2020 at 9:18 a.m. Prior to his interview Deputy Knight was not provided access to any of the body worn camera footage from Denver Police Officers.¹

Deputy Knight told Denver Police and Aurora Police homicide investigators that he has been with the Adams County Sheriff's Department since January 2013 and had no prior law enforcement experience before joining Adams County. After the academy Deputy Knight was assigned to the jail division for about a year and then in November 2014 was assigned to the patrol division. In July 2019 Deputy Knight was promoted to the Canine Unit and that is the position he held on the night of September 12, 2020.

On September 12, 2020, Deputy Knight was working the graveyard shift from 9:30 p.m. to 7:30 a.m. with his canine Lex. Deputy Knight was dressed in his Adams County Sheriff Deputy

¹ None of the Adams County Sheriff Deputies had body worn cameras during the incident.

uniform and was driving a fully marked Adams County Ford Expedition police vehicle with decals and overhead lights which clearly identified it as law enforcement vehicle. Deputy Knight was armed with a Springfield XDM 9mm semi-automatic handgun with a magazine which holds 19 rounds which Deputy Knight topped off, giving him 20 rounds when fully loaded. In addition, Deputy Knight carried two additional magazines filled to capacity (19 rounds each).

In the early part of his shift on September 12, 2020, Deputy Knight had been involved in two other stolen vehicle pursuits, one in which the suspect was caught after a highspeed chase and another pursuit which was called off due to the suspect vehicle getting onto the highway and safety concerns.

Deputy Knight told the homicide detective that at 4:00 a.m. he decided to pull into the Circle K at 5810 N. Broadway St. with the intention of going in and washing his hands and getting a drink when he noticed the white Ford Explorer sitting in the parking lot with no plates. Deputy Knight immediately noticed the male driver was staring at Deputy Knight and that the male appeared uncomfortable or nervous with Deputy Knight's presence. Deputy Knight decided to just sit in his police car until the Ford Explorer started to move, at which time he would initiate a traffic stop to determine if the vehicle was stolen or just did not have license plates. While waiting for the Ford Explorer to move Deputy Knight contacted Deputy Tran and informed him of what he saw and asked where Deputy Tran was located at that time.

Right after Deputy Tran told Deputy Knight he was close at 58th and N. Broadway St. a female wearing a marron sweatshirt exited the convenience store and got into the passenger seat of the Ford Explorer and they backed out of the parking spot, eventually heading southbound on N. Broadway. Deputy Knight saw that Deputy Tran had started to follow the Ford Explorer and then he began to follow Deputy Tran and the Ford Explorer.

After Deputy Tran initiated the traffic stop, Deputy Knight caught up to Deputy Tran and the Ford Explorer as it eventually did come to stop. As Deputy Tran began to exit his vehicle the Ford Explorer took off and Deputy Knight swerved around Deputy Tran and began pursuing the Ford Explorer with sirens and lights. Deputy Knight then stated:

We got down about --- I think it's called Condit, where the old milk factory used to be just north of there. He left-hand held a gun out the window. I immediately aired to dispatch; he's holding a gun out the window. And then two, three seconds later I am still behind him, I watched him reach out. Saw two muzzle flashes and heard two really loud pops. We continued southbound on Bannock to 48th, we turned westbound on 48th, through the stop sign, and right at the between--- I'd say it's Fox and Kalamath as you go over the bridge for the railroad tracks, I heard approximately five to seven more rapid fire gunshots towards my car and observed the muzzle flash.

Deputy Knight felt at this time the driver of the Ford Explorer was trying to shoot and kill him. They continued westbound on 48th toward Pecos, when the Ford Explorer got on to I-70 westbound. Deputy Knight stayed back and offset from the Ford Explorer to protect himself from any additional shots while still trying to keep a visual on the Ford Explorer. The Ford Explorer exited I-70 onto Federal Blvd. and headed southbound, at which point Deputy Knight believed he heard more shots. Deputy Knight contacted his command while on Federal and

requested permission to initiate a deadly force Tactical Vehicle Intervention (TVI) due to the danger the suspect presented in discharging his weapon. Deputy Knight received permission to initiate that procedure but was never able to get close enough to engage in the TVI.

The pursuit continued until the Ford Explorer started going westbound on 6th Avenue and then exited at Sheridan Blvd. At this time Deputy Knight saw two Denver Police vehicles coming up the Sheridan exit off-ramp attempting to box the Ford Explorer in and crash him into the ditch and end the chase. Unfortunately, the driver of the Ford Explorer was able to swerve around the police vehicles up the embankment and then back down where he continued northbound on Sheridan.

At Colfax and Sheridan Deputy Knight observed that Deputy Padilla deployed stop sticks to puncture the Ford Explorer's tires, which was successful and both passenger side tires began to deflate. The driver of Ford Explorer turned eastbound on to 16th Street and was losing control of the vehicle due to the tires going flat and Deputy Knight ramming the rear of the vehicle to get it to come to a stop. Eventually the Ford Explorer turned eastbound on Conejos and Meade, went up into a yard and crashed. A Denver Police vehicle then immediately rammed the passenger side of the Ford Explorer and pinned it in so it could not flee again.

Deputy Knight pulled his police vehicle to the corner of Meade and Conejos and got out and pulled his weapon. The female in the Ford Explorer got out and it appeared to Deputy Knight she was attempting to run away when the male driver got out right behind her and grabbed her and immediately put the gun in his right hand to the side of her head and started dragging her into the backyard of the residence.

Deputy Knight and the Denver Police officer who had rammed the Ford Explorer then went around the corner of the fence and into the backyard, where he was told that the suspect and the female hostage were in the bushes in the southwest corner of the yard. Deputy Knight could see the suspects white shirt poking through the bushes but could not tell what he was doing or what was going on with the female hostage.

At this time numerous other law enforcement officers had arrived on scene and Deputy Knight became concerned with possible crossfire issues since some of the officers were to the west on Meade St. The law enforcement personnel on scene begin to communicate their concerns about crossfire and gave out the location of the suspect and the female hostage.

Deputy Knight then took a position in the backyard and continued holding the suspect in the bushes at gunpoint. Several officers were giving the suspect commands until one Denver Police officer assumed that role and attempted to persuade the suspect to drop his weapon and come out with his hands up. These commands were repeated over and over to the suspect, but he refused to comply.

Eventually all the officers began to back up and make a half-moon shape in the back yard. None of the officers had protection and Deputy Knight pulled back by the fence in the alleyway or driveway while still holding his gun on the suspect in the bushes.

The suspect then came out from the bushes holding the female hostage around the neck and had the gun to her head. Officers continued to give him verbal commands to drop his weapon.

Deputy Knight stated that as the suspect neared the middle of the yard with the gun in his right hand and pointed at the female hostage's head he heard the suspect say something like "I'll fucking kill this bitch and then I'll pop myself." It was at this point Deputy Knight heard the first pop and he thought the suspect had shot the female hostage.

After the first shot he saw the female hostage fall to the suspect's left and then Deputy Knight heard more shots. Deputy Knight then stepped up and realized the suspect still had the gun in his hand and was standing there starting to fall backwards and that is when Deputy Knight started to fire his weapon. As Deputy Knight fired at the suspect, he saw a Denver Police officer fall backward and believed that the suspect was returning fire. Deputy Knight fired until his slide locked to the rear, which meant the magazine was empty. He reloaded his weapon and came back up on target, but the suspect was no longer moving, and Deputy Knight yelled out "cease fire."

Adams County Sheriff Deputy Matthew Tran

Deputy Tran was interviewed on September 14, 2020 at 4:12 p.m. Prior to his interview Deputy Tran was not provided access to any of the body worn camera footage from Denver Police Officers.

Deputy Tran told Denver Police and Aurora Police homicide investigators that he has been with the Adams County Sheriff's Department since December 2018 and had no prior law enforcement experience before joining Adams County. After the academy Deputy Tran was assigned to the jail division for about a year and then in January 2020 was assigned to the patrol division and that is the position he held on the night of September 12, 2020. Deputy Tran is an Army veteran who served several combat tours in Afghanistan as an infantryman and is a competitive marksman with pistols and rifles.

On September 12, 2020, Deputy Tran was working the graveyard shift from 9:30 p.m. to 7:30 a.m. in a solo capacity. Deputy Tran was dressed in his Adams County Sheriff Deputy uniform and was driving a fully marked Adams County Ford Explorer police vehicle with decals and overhead lights which clearly identified it as a law enforcement vehicle. Deputy Tran was armed with a Glock 17 Gen5 9mm semi-automatic handgun with an extended magazine which holds 23 rounds which Deputy Tran topped off, giving him 24 rounds when fully loaded. In addition, Deputy Tran carried two additional regular capacity magazines filled to capacity (17 rounds each).

In the early part of his shift on September 12, 2020, Deputy Tran assisted Deputy Knight in a pursuit of a stolen vehicle in which the suspect was caught after a highspeed chance.

Around 4:00 a.m. Deputy Tran received a phone call from Deputy Knight about a white Ford Explorer with no license plates at the Circle K and that he intended to contact it when it became mobile. When the Ford Explorer left the convenience store and started south on N. Bannock Deputy Tran saw that it did not have any license plates and initiated a traffic stop. Deputy Tran turned on his overhead and takedown lights and the Ford Explorer began to slow down and signaled that it was going to pull over but did not immediately pull over. Deputy Tran knew from past experiences that vehicles that did this type of "slow roll" stop usually would take off as he would start to get out of his police vehicle.

Eventually the Ford Explorer came to stop at 53rd and N. Bannock and Deputy Tran began to exit his vehicle and saw that the driver was looking back at him through his review mirrors. When Deputy Tran got to the front of his police vehicle the Ford Explorer took off and Deputy Knight began pursuit. Deputy Tran got back into his police vehicle and took position two in the pursuit, with lights and sirens activated. Deputy Tran aired speed and direction of the pursuit, noting that at times the speed of the pursuit was 80 to 90 miles per hour.

When the Ford Explorer was on 45th and Federal Deputy Tran saw a muzzle flash come from the driver-side window and then immediately saw Deputy Knight swerve to the right. Deputy Knight got on the radio and announced shots fired.

After the Ford Explorer went through the stop sticks at Colfax and Sheridan, Deputy Tran traveled towards Meade St. and Conejos where he parked his police vehicle a house or two away from where the Ford Explorer had crashed into a house. Deputy Tran went around the house into the backyard and saw Deputy Knight and Denver Police officers engaging the suspect who was hiding behind bushes in the southwest corner of 1540 N. Meade St.

As the suspect emerged from the bushes Deputy Tran saw that the suspect was holding the female around the neck with his left arm and in his right hand he had a silver pistol which was pressed up against the female's head with his finger on the trigger. The suspect and female hostage eventually made it to the corner of the back yard and Deputy Tran and Deputy Engle started to make their way down the alley towards the outside corner of the fence. Deputy Tran stated:

When he reached the corner, I just remember looking back and seeing Deputy Engle, who had his SWAT rifle with him and no words were said. It was almost like him and I kind of knew what each other was thinking . . . So, you know, I was comfortable if I had to, taking the shot from the place that I was . . . but I wanted a better angle just to mitigate any – any injuries to the hostage...

We were walking on the outside of the fence. I had eyes on the hostage and the – the suspect the entire time through the cracks of the fence... Finally, I get parallel to the suspect and the hostage and now I see a side profile of him, side profile of the victim. And he's still got the gun to her head. At this time, he has no idea that we're there ...

Deputy Engle and I, like I said, were in that position now. We're parallel. I'm looking through my red dot and he's still not dropping the gun after hearing the Denver guys --- the Denver PD guys say multiple times, drop the gun. At this point I'm thinking, you know—and this all happening so fast—but at this point, my first thought is, is he's – he's either going to kill the hostage or he's going to try and kill one of us or he's going to do both . . . This guy doesn't – you know, this guy wants to harm somebody tonight. So I just remember telling myself, you know, I – I have to do something—or something—or somebody – or somebody else is going to get hurt.

So I began to squeeze the trigger on my service pistol. As my shot was just about to break, I hear Deputy Engle's rifle go off and there was milliseconds, it – if felt like forever.

Deputy Tran said that after Deputy Engle and he fired he saw the suspect start to fall but that the suspect still hand his gun in his right hand and it was pointed directly at the fence. Deputy Tran then fired three or four more shots, and then heard other officers in the yard firing their weapons at the suspect.

Adams County Sheriff Deputy Corel Engle

Deputy Engle was interviewed on September 14, 2020 at 10:55 a.m. Prior to his interview Deputy Engle was not provided access to any of the body worn camera footage from Denver Police Officers.

Deputy Engle told Denver Police and Aurora Police homicide investigators that he has been with the Adams County Sheriff's Department since 2014 and had no prior law enforcement experience before joining Adams County. After the academy Deputy Engle was assigned to the jail division for about a year and half then was assigned to the patrol division. In 2017, Deputy Engle also became a member of the SWAT team.

On September 12, 2020, Deputy Engle was working the graveyard shift from 9:30 p.m. to 7:30 a.m. in a solo capacity. Deputy Engle was dressed in his Adams County Sheriff Deputy uniform and was driving a fully marked Adams County Ford Explorer police vehicle. Deputy Engle was armed with a Glock 19 9mm semi-automatic handgun on his duty belt, but that weapon was not discharged during the incident. Deputy Engle had his Sig Sauer M4 SWAT issued rifle with a 30- round magazine which he only loads to 28 rounds and does not top off or chamber a round when it is in his cruiser.

Deputy Engle got involved in the incident after he heard Deputy Knight and Deputy Tran were involved in a pursuit of vehicle and that shots had been fired. Deputy Engle was never involved in the pursuit and instead arrived on scene after the Ford Explorer had crashed into 1540 N. Meade St. and the suspect had taken the female hostage to the backyard.

Once Deputy Engle got on Meade St., he decided to deploy his SWAT rifle and chambered one round as he made his way to the backyard and alley. As he rounded the corner Deputy Engle saw Adams County deputies and Denver Police officers engaging the suspect who was behind the bushes and giving him verbal commands to come out with his arms up and drop his gun. Deputy Engle decided to move down the ally to the northeast corner of the yard.

When the male emerged from the southeast corner of the house Deputy Engle saw that the male suspect was directly behind the female hostage with a small silver gun in his right hand pointed up at her head. Deputy Engle stated:

. . . as he emerges out from behind the house there, he starts moving parallel as he's facing the officers, you know, or I guess the hostage would be facing the officers as well. And he's moving parallel from – from the west, towards the east side of the yard. At that side of yard, the south side and east side were completely fenced off... It - as soon as he emerged, I was truly in fear of not only the hostage - I was not only in fear for her life, that she was in immediate danger for her life -I was also in fear for the other officers and

myself because of the ability that he had to just make one small motion and that gun becomes pointed at us.

Deputy Engle decided to move south down the fence and knew that the suspect would stay focused on the officers in front, Deputy Engle when on to state:

At that point, I could still hear officers were, you know, talking with this guy, yet his actions, he showed no indication of any – any type of compliance at this point. He still kept a gun up to her head, and ultimately at that point I decided to take a shot through the fence to end the threat at that point.

After the shot Deputy Engle saw the suspect drop to the ground and saw that the suspect's right arm was positioned in a way that if he still had the gun it would be directed at the officers in the backyard, and the suspect was still moving, Deputy Engle fired additional rounds at the suspect.

Deputy Engle laid out several factors for why he believed he had no choice but to shoot the suspect, specifically: (a) when he arrived on scene he was the only person with a rifle and while other officers had pistols he had the best equipment for an accurate shot and to terminate the threat, (b) the suspect had already fired his weapon at Deputy Knight and the officers in the backyard had zero cover if the suspect turned and started firing his weapon at them, and (c) the suspect was backed into a corner and he was showing no signs of going quietly or without causing harm to the hostage or an officer, despite being given every opportunity to put down his weapon and surrender to police. Deputy Engle noted that the suspect was trapped and had nowhere to escape thus increasing the likelihood of his using his firearm. In Deputy Engle's mind the situation was deteriorating.

Denver Police Officer Ramses Aranda

Officer Aranda was interviewed on September 14, 2020 at 5:52 p.m. Prior to his interview Officer Aranda was not provided access to his body worn camera footage or any officer's body worn camera footage.

Officer Aranda told Denver Police and Aurora Police homicide investigators that he has been with the Denver Police Department since 2018 and had no prior law enforcement experience before joining the Denver Police Department. After the academy Officer Aranda was assigned to District One as a patrol officer and that is the position he held at the time of this incident.

On September 12, 2020, Officer Aranda was working the graveyard shift from 9:00 p.m. to 7:00 a.m. in a solo capacity. Officer Aranda was dressed in his Denver Police Department uniform and was driving a fully marked Denver Police Department Ford Explorer police vehicle. Officer Aranda was armed with a Gen5 Glock 17 9mm semi-automatic handgun with a magazine which holds 17 rounds which Officer Aranda topped off, giving him 18 rounds when fully loaded. In addition, Officer Aranda carried three additional magazines filled to capacity (17 rounds each).

Around 4:00 a.m. Officer Aranda was finishing up another call when he heard the call come out about the car pursuit involving Adams County Sheriff Deputies and the Ford Explorer. Officer Aranda joined the pursuit of Ford Explorer and followed other officers until the Ford Explorer crashed into 1540 N. Meade St.

Once on scene Officer Aranda went to a backyard to the south of 1540 N. Meade St. to cut the suspect off if he attempted to flee over the fence. After it was determined that the suspect was being held at gunpoint behind the bushes at 1540 N. Meade Officer Aranda returned to that backyard and took a position with other officers with his weapon drawn and pointed at the bushes where the suspect had taken the female hostage at gunpoint. Officer Aranda recounted the following as the suspect began to emerge from the bushes with the female hostage:

I remember calling for a car – I don't know if I – I – I don't remember if I did or if somebody else did, but we were trying to get a car because we were in a vulnerable position. It was just a huge fatal funnel and it, you know, just felt very vulnerable . . . and he's coming out, he starts saying, I'm going to fucking kill her. And I remember him saying he was going to kill himself as well.

And then I believe after that, I hear – I hear a gunshot that I know for a fact came from him. I see the female fall and I see him fall. I'm not sure who shot at this point. All I see is him moving on the ground and I can't see his hands and I can't see the gun . . . I saw an officer fall back, at that point, I started shooting.

Denver Police Officer Shane Madrigal

Officer Madrigal was interviewed on September 14, 2020 at 2:59 p.m. Prior to his interview Officer Madrigal was not provided access to his body worn camera footage or any officer's body worn camera footage.

Officer Madrigal told Denver Police and Aurora Police homicide investigators that he has been with the Denver Police Department since 2017 and had no prior law enforcement experience before joining the Denver Police Department. After the academy Officer Madrigal was assigned to District Four as a patrol officer and that is the position he held at the time of this incident.

On September 12, 2020, Officer Madrigal was working the graveyard shift from 9:00 p.m. to 7:00 a.m. in a solo capacity. Officer Madrigal was dressed in his Denver Police Department uniform and was driving a fully marked Denver Police Department Ford Taurus police vehicle. Officer Madrigal was armed with a Gen5 Glock 17 9mm semi-automatic handgun with an extended magazine which holds 21 rounds which Officer Madrigal topped off, giving him 22 rounds when fully loaded. In addition, Officer Madrigal carried three additional magazines filled to capacity (17 rounds each).

Around 4:00 a.m. Officer Madrigal was at Kepner Middle School with two other officers when they heard the call come out about the car pursuit involving Adams County Sheriff Deputies and the Ford Explorer, and that it was coming near their current position at Kentucky and Irving. Officer Madrigal joined the pursuit of the Ford Explorer and followed other officers until the Ford Explorer crashed into 1540 N. Meade St.

After arriving on scene, Officer Madrigal joined other officers in the backyard of 1540 N. Meade St. where he took a position in the middle of the yard. When the suspect came out of the bushes with the female hostage Officer Madrigal was on one knee on a concrete pad in the backyard with his weapon drawn. Officer Madrigal stated:

From there, you know, it's – we – we let one officer – we let one officer assume commands. Officer Moen began to try to talk him down. I can't remember specifically what he stated to attempt to talk him – talk him down, but it's – I was hoping he would listen to him and we can resolve this situation. I – you know, I've never been in that type of situation and the – in the police department, so I was – you, know, it was – really hoping he would listen to Tommy's commands.

. . . I just took a knee there and it was kind of standstill. Then I heard a shot go off. I do not know if he shot. I do not know if another officer shot, but at that point, the two parties separated.

Officer Madrigal then discharged his weapon at the suspect, stating:

I believe he is getting up. I knew if he had the ability to use his weapon, he was going to use it. He already shot at officers. He made no attempt to – no attempt to comply. The female called in stating that she was going to be killed and he was stating he was going to kill her. And I knew if he had the opportunity to, he was going to use his weapon to harm either her or myself or other officers in – in the yard, or at least, the officers on scene that night. I – I knew if I did not discharge my weapon, that he was going to possibly kill somebody that night.

After he stopped firing Officer Madrigal approached the suspect and kicked away the suspect's gun, which was very close to the suspect's body.

Female Hostage

On September 12, 2020 at 6:45 a.m. the female hostage was interviewed by Denver Police Detective Daniel Tregembo and provided the following information.

The female hostage stated that Mr. Escobedo was her common-law husband and they had been together about one year. They moved out of their most recent address about two months prior to the incident and had been staying at motels and in their car. The day before the incident they had traded-in a broken-down car for the white Ford Explorer and had not yet gotten plates for the vehicle.

Right before the pursuit, they had stopped at the Circle K so she could use the restroom. After she used the restroom she got back into the Ford Explorer and she noticed a police officer in the lot. She said Mr. Escobedo was nervous because the Ford Explorer did not have plates. She attempted to reassure him that because they had a bill of sale they would be fine, but Mr. Escobedo would not listen. When the officer turned on his lights to make traffic stop Mr. Escobedo at first started to pull over but eventually took off "really fast."

The female hostage said that Mr. Escobedo kept telling her to have the police back off. She said she waved her hands out the window trying to get them to stop chasing them, and that Mr. Escobedo then pointed the gun behind her head and fired it out the back-passenger window. During the chase Mr. Escobedo told her to call 911 and tell the police to back off or he would kill her, which she did until she dropped the phone out the window.

After the tires went flat and they wrecked into a car on Conejos and Meade, the female passenger said she got out of the passenger side of the car and was immediately grabbed by Mr. Escobedo and pulled into the backyard and behind the bushes.

When they came out from behind the bushes Mr. Escobedo was holding her with his left arm and had the gun pointed at her head. As they moved across the backyard the officers kept giving Mr. Escobedo commands to drop the gun and surrender but that he would not comply, she then heard a shot and she moved away from Mr. Escobedo as other officers fired at him.

Christopher Escobedo

On September 12, 2020, Mr. Escobedo had an active warrant for his arrest for a parole violation.

AUTOPSY REPORT

On September 14, 2020, at 10:00 a.m. an autopsy was performed by Dr. Sterling McLaren, Forensic Pathology Fellow and Dr. Ian Puffenberger, Assistant Medical Examiner on Mr. Escobedo. Law enforcement personnel and Crime Scene Unit investigators were present during the external examination of Mr. Escobedo. Dr. McLaren and Dr. Puffenberger spent two days on the external and internal examinations of Mr. Escobedo.

During the course of their examinations the doctors determined that Mr. Escobedo had 34 entrance wounds, 9 exit wounds and recovered 25 bullet fragments from Mr. Escobedo's head, body and extremities. Mr. Escobedo had gunshot wounds to his head, neck, left shoulder, left and right chest, right hand, arm and forearm, left hand, abdomen, right rib cage, right back, right and left thighs, groin and left and right ankles. Numerous major organs were damaged from these gunshot wounds, including the brain, lungs, liver, aorta and pancreas, along with numerous skull and bone fractures.

Two gunshot wounds struck Mr. Escobedo in the head and neck area. One gunshot wound to Mr. Escobedo's head entered his nose and traveled front to back and slight upward where it entered his skull and caused fatal injuries to Mr. Escobedo's brain. The gunshot wound to his neck entered the right side of his neck, traveled right to left slightly downward and exited the left side of the neck, reentering into his left shoulder where the bullet came to rest. This wound would not have been immediately fatal.

Toxicology reports showed that Mr. Escobedo had methamphetamine, amphetamine, morphine, and fentanyl in his system at the time of his death.

Dr. McLaren and Dr. Puffenberger determined that the Mr. Escobedo died as a result of multiple gunshot wounds to his head, body and extremities.

CRIME SCENE

Immediately after the shooting officers secured the scene with crime scene tape. At 9:25 a.m. the Crime Scene Unit responded to process the scene.

1540 N. Meade St:

Crime Scene Unit investigators observed, photographed and collected numerous spent cartridge casings from the alley east of 1540 N. Meade St. and the backyard of 1540 N. Meade St., specifically:

Alley: 14 Winchester 223 Rem spent cartridge cases and 3 WIN 9mm Luger spent cartridge cases.

Backyard: 20 WIN 9mm Luger spent cartridge cases and 14 Speer 9mm Luger +P. An empty 9mm magazine (capacity 19) was located near the cartridges.

In the backyard near the deceased body of Mr. Escobedo Crime Scene Unit investigators observed, photographed and collected a .45 caliber Springfield Arms semi-automatic handgun which had one round in the chamber and 5 live rounds in the magazine. In addition, two magazines were located on the ground near Mr. Escobedo's body which contained .45 caliber ammunition (13 rounds each).

West 45th and N. Federal Blvd.

Crime Scene Investigators recovered 3 spent 45 caliber cartridges (all stamped "SIG 45") near the intersection of W. 45th and N. Federal Blvd.

Suspect Vehicle

On September 15, 2020, Crime Scene Investigators observed, photograph and collected evidence from the white Ford Explorer. The investigators noted that the rear passenger window was broken out and recovered 4 spent .45 caliber cartridges (3 stamped "SIG 45" and 1 stamped "Federal 45") and a black plastic bag full of live .45 caliber cartridges on the front driver floorboard.

Weapon Unloads

Crime Scene Investigators performed weapon unloads on the following involved firearms:

-Sig Sauer SIG M400 223Rem caliber semi and full automatic rifle, 1 round from chamber and 13 rounds from magazine (capacity 30). All ammunition was Winchester 223 REM. (Deputy Engle)

-Glock G17 Gen 5 9 mm semi-automatic pistol, 1 round from chamber and 19 rounds from magazine (capacity 23). All ammunition was WIN 9mm Luger. (Deputy Tran)

-Springfield Armory XD-9 9mm semi-automatic pistol, 1 round from chamber and 19 rounds from magazine (capacity 20). All ammunition was WIN 9mm Luger. (Deputy Knight)

-Glock G17 Gen 5 9 mm semi-automatic pistol, 1 round from chamber and 11 rounds from magazine (capacity 21). All ammunition was Speer 9mm Luger +P. (Officer Madrigal)

-Glock G17 Gen 5 9 mm semi-automatic pistol, 1 round from chamber and 12 rounds from magazine (capacity 18). All ammunition was Speer 9mm Luger +P. (Officer Aranda)

Firearms Report

The spent cartridges recovered from the 1540 N. Meade St, the white Ford Explorer and the W. 45th Ave./Federal intersection were analyzed by the Denver Crime Lab and resulted in the following findings:

-3 spent Winchester 9mm Luger cartridges recovered from alley were fired from Deputy Tran's Glock semi-automatic handgun.

-5 spent Speer 9mm Luger +P cartridges recovered from the backyard were fired from Officer Aranda's Glock semi-automatic handgun.

-9 spent Speer 9mm Luger +P cartridges recovered from the backyard were fired from Officer Madrigal's Glock semi-automatic handgun.

-20 spent Winchester 9mm Luger cartridges recovered from the backyard were fired from Deputy Knight's Springfield semi-automatic handgun.

-14 spent Winchester 223 Rem recovered from alley were fired from Deputy Engle's Sig Sauer SIG M400 rifle.

-7 spent .45 caliber cartridges (6 "Sig 45" and 1 "Federal 45") recovered from the white Ford Explorer and 45th/Federal were fired from Mr. Escobedo's Springfield semi-automatic handgun.

LEGAL ANALYSIS

Criminal liability is established only if it is proved beyond a reasonable doubt that all of the elements of an offense defined by a statute have been committed and it is proved that the offense was committed without legal justification as set forth in Colorado statutes. The justification of a police officer using physical force is described in C.R.S. § 18-1-707. As pertinent to this case and as recently amended, C.R.S. § 18-1-707 (1) states:

A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.

The justification for a peace officer's use of deadly physical force while attempting to make an arrest is described in C.R.S. § 18-1-707(3) (4) and (4.5), and as pertinent to this case states that:

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- (b) The suspect poses an immediate threat to the peace officer or another person;
- (c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

These justifications are "affirmative defenses." This means that a person accused of a crime for using force does not need to prove that he or she was justified in using the force. Instead, the prosecution must prove, to a unanimous jury, that the force was *not* justified. Accordingly, the question I must consider is: **Is there enough evidence of criminal conduct that a jury would find, beyond a reasonable doubt, that Deputy Engle, Deputy Tran, Deputy Knight, Officer Aranda or Officer Madrigal acted without lawful justification?**

After a thorough review of the evidence, I have concluded that Deputy Engle, Deputy Tran, Deputy Knight, Officer Aranda and Officer Madrigal were legally justified in firing their weapons at Mr. Escobedo as they acted in self-defense or defense of others.

Here, all the officers believed that Mr. Escobedo was about to use unlawful deadly force on the female hostage, other officers or themselves during their attempts to lawfully arrest Mr. Escobedo for firing at police officers, driving a stolen vehicle, and threatening the female hostage with a loaded handgun.

When Mr. Escobedo first fired his weapon at Deputy Knight and Deputy Tran during the high-speed pursuit, he set into motion the life and death decisions the officers would have to make in the backyard of 1540 N. Meade St. It is clear from the evidence that Mr. Escobedo was armed with .45 caliber semi-automatic handgun and was willing to shoot it at law enforcement officers and threaten its use against the female passenger. Deputy Knight and Deputy Tran both witnessed shots being fired at them by Mr. Escobedo and had knowledge that the female had called 911 to say Mr. Escobedo was going to kill her if the police did not back off the pursuit.

These actions, coupled with his willingness to engage in a highspeed pursuit, provided officers with a reasonable belief that he was a danger to the female passenger, members of the community and all officers who might engage him.

Upon crashing the Ford Explorer into 1540 N. Meade St., Mr. Escobedo escalated the situation when he took the female passenger hostage at gunpoint and dragged her to the backyard of 1540 N. Meade St. Officer Cunningham and Deputy Knight both witnessed Mr. Escobedo grab her and put the semi-automatic gun to her head and drag her to the bushes in the southwest corner of the backyard. This information was later relayed to all officers on scene.

During the entire episode officers attempted to persuade Mr. Escobedo to drop his weapon and release the female hostage. It is undisputed that the officers all tried to avoid having to shoot their weapons, but Mr. Escobedo refused and continued to threaten the female hostage unless the officers left him alone. As Deputy Engle noted, the situation between Mr. Escobedo and the officers was deteriorating, and Mr. Escobedo was becoming more agitated and desperate.

When Mr. Escobedo and the female hostage came out from the bushes it is undisputed that Mr. Escobedo had the gun in his right hand and it was pointed at the female hostage's head and that it would have taken only a split second for Mr. Escobedo to pull the trigger and kill the female hostage, who he had threatened and who he continued to threaten to kill. Further, the layout of the yard and position of the officers in the yard did not provide the officers with any cover, and again it would have only taken a split second for Mr. Escobedo to point the weapon at the officers in the backyard and pull the trigger and kill them or cause them serious bodily injury.

Deputy Engle and Deputy Tran knew that they were in the best position to end the threat Mr. Escobedo posed to the female hostage and the officers in the yard. Mr. Escobedo's attention was in the yard and not on Deputy Engle or Deputy Tran who were behind the fence. Their decision to fire and kill Mr. Escobedo was reasonable and justified to end the incident without serious injury or death to the female hostage or the officers. Further, the additional shots they fired at Mr. Escobedo were legally justified because Mr. Escobedo was still moving around and to their knowledge still had the weapon he had previously fired at officers.

Deputy Knight, Officer Aranda and Officer Tran were justified in firing their weapon at Mr. Escobedo after the initial shot because Mr. Escobedo continued to move around and posed a threat to them if he fired his weapon at them or the female hostage. It was not clear to the officers at that time who fired the first shot; they thought it could have been Mr. Escobedo. While it is true that Mr. Escobedo sustained more than two dozen defects from the law enforcement officers firing at him, the amount of time from the first shot to the last shot was no more than 5 seconds, and all officers ceased firing once Mr. Escobedo was no longer moving and the threat of Mr. Escobedo firing his weapon at them or the female hostage was over.

For these reasons, Deputy Engle, Deputy Tran, Deputy Knight, Officer Aranda and Officer Madrigal have a lawful and justifiable claim of self-defense or defense of others.

For all of these same reasons, Deputy Engle, Deputy Tran, Deputy Knight, Officer Aranda and Officer Madrigal reasonably believed that a lesser degree of force would have been inadequate and that the female hostage or the officers on scene were in imminent danger of being killed or of receiving great bodily injury. The gun in Mr. Escobedo's hand easily could have killed the female hostage or any of the other officers at the scene if Mr. Escobedo had been able to shoot first.

Furthermore, Deputy Engle, Deputy Tran and Deputy Knight, Officer Aranda and Officer Madrigal were justified in using deadly force pursuant to C.R.S. 18-1-707. Deputy Engle, Deputy Tran, Deputy Knight, Officer Aranda and Officer Madrigal had a reasonable belief that it was necessary to defend the female hostage, officers in the yard or themselves from the imminent use of deadly force upon the female hostage, other officers or themselves.

All other means of apprehension were unreasonable given the circumstances, the arrest was for a felony involving conduct including the use of deadly physical force, the suspect posed an immediate threat to the peace officers and another person, and the force did not create a substantial risk of injury to others. C.R.S. 18-1-707(3) The officers did not have the opportunity to warn the suspect that firearms were to be used given the situation. Such a warning might have put the officers and the female hostage at risk. This was a dangerous and very tense situation and the officers had to make split second decisions as to the best way to end the escalating danger.

The Supreme Court of the United States has commented regarding assessing the reasonableness of an officer's beliefs when using physical force:

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

Graham v. Connor, 490 U.S. 386 (1989) at pp. 396-397.

Sincerely,



Beth McCann
Denver District Attorney

cc: Deputy Chief Barb Archer; Commander Mark Chuck, Major Crimes; Lieutenant Matthew Clark, Major Crimes, Sgt. Scott Murphy; Sgt. Brock Ellerman; Sgt. Scott Hagan; Sgt. Abel Salas; Detective Daniel Tregembo; Detective Jaime Sisneros; District 1 Commander Jeffrey Martinez; Adams County Deputy Sheriff Corey Engle and his attorney, Adams County Deputy Sheriff Marcus Knight and his attorney, Deputy Sheriff Matthew Tran and his attorney; Officer Ramses Aranda and his attorney; Officer Shane Madrigal and his attorney; Kristin Bronson, City Attorney, and Nicholas E. Mitchell, Office of the Independent Monitor.