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July 7, 2022

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

RE: Investigation of the shooting death of Colton Wagner (DOB 11/07/1989) which occurred on June 4, 2021 in Martin Luther King Jr. Park, in the area of E. 38<sup>th</sup> Ave. and N. Newport St., Denver, CO. DPD General Offense #21-131573.

Dear Chief Pazen,

The investigation and legal analysis of the death of Colton Wagner is complete. I conclude that under applicable Colorado law no criminal charges are warranted against Denver Police Officers Corporal Matthew VanPortfliet (Badge #14034), Kimberly Blanchard (Badge #15071) and Corporal Christopher Williams (Badge #08011). This letter will be posted on our website and our file will be available for interested members of the public to review.

#### **STATEMENT OF FACTS**

On June 4, 2021, at approximately 5:29 p.m., the Denver Combined Communications Center received numerous 911 calls reporting an individual firing a handgun in the Martin Luther King Jr. Park, in area of E. 38th Ave. and N. Newport St., Denver, CO 80207. The callers generally described the party as a white male, approximately 30 years of age, 6'00", wearing grey shorts, black shirt, and white shoes. They described him standing next to a grey Jeep. He was in an area about midblock of 3800 Olive Street.



*Figure 1. Google Map of Martin Luther King Park with surrounding streets in Denver. The incident was on the east side of the park, on Olive St. approximately midblock.*

Officers responded and located the suspect standing next to a grey Jeep Grand Cherokee. Both of which, suspect and suspect vehicle, matched the descriptions provided by dispatch. The suspect was leaning into the vehicle when officers arrived. The officers took positions behind their own vehicles and other parked cars along the east side of the park directly north of the suspect. Numerous body-worn cameras were activated.

Officers gave the suspect verbal commands, and he stood up from the passenger side of the vehicle holding a handgun. The suspect held the handgun to his head while officers gave the suspect verbal commands to drop his weapon among other commands. The suspect did not drop the firearm but lowered it to his side. The suspect then turned the gun toward the officers. The suspect began to walk and raised the weapon in the direction of officers. Three officers fired their weapons. The suspect fell to the ground. His hands and the gun were not visible to the officers, so they employed a rolling cover car to approach the suspect and secured the scene.

Contemporaneous with this incident, Denver Fire Department (DFD) was responding to a construction site located in the northeast corner at Olive Street and 38<sup>th</sup> Street. Firefighters remained nearby until the incident and shooting ended. An ambulance that was staged nearby immediately responded to provide medical care to the suspect and transported him to the hospital.

The suspect was identified as Colton Wagner dob: 11/07/1989. He was medically treated at Denver Health Medical Center but ultimately pronounced deceased at 8:40 p.m. by DHMC Doctor Coleman. Mr. Wagner suffered one gunshot wound to the chest.

Mr. Wagner's vehicle, a grey 2020 Jeep Grand Cherokee, was transported to the Denver Crime Laboratory processing bay and after a search warrant was obtained, it was searched. One .45 caliber handgun was recovered on scene next to the suspect. Numerous shell casings were recovered in the area where the suspect was reported to have fired his weapon. Numerous shell casings were also recovered in the area where officers fired their weapons.

Mr. Wagner's family was notified. The family reported that Mr. Wagner was a veteran. He had a history of mental health issues that had worsened in the weeks prior to the shooting. Mr. Wagner did not have a criminal history.

## STATEMENT OF CIVILIAN WITNESSES

### F.R.<sup>1</sup>

Civilian witness F.R. was interviewed by DPD officers at both the scene and at DPD HQ.

In summary, F.R. was driving his truck to the park to stop and eat dinner in the shade of the trees. He was traveling northbound in the 3800 block of N. Olive St. He made a U-turn at the intersection of E. 39th Ave. and N. Olive St. so that he could park on the west curb line in the 3800 block of N. Olive St. He heard loud noises when he was making his U-turn and initially believed it was noise from a nearby construction site. As he approached mid-block traveling south, he observed the suspect firing a handgun aiming at construction workers standing in the southeast corner of the park. He fled the area and saw the construction workers running from the area.

F.R. related he was in fear of the suspect shooting him. He circled around the block to call 911 and report the incident while parked nearby. He saw the suspect continuing to shoot in a westerly direction at another party in the park. F.R. described the suspect returning to his vehicle several times, presumably to reload, before shooting more rounds. The suspect stopped shooting and F.R. drove to contact the party being shot at in the southwestern corner of the park, later identified as J.D. J.D. reported that the suspect was shooting at him but declined F.R.'s offer to give him a ride out of the area. F.R. then drove north along the west side of the park and contacted a Denver Police vehicle with two officers. He directed the officers to the shooter and simultaneously heard more gunshots from the direction of the suspect. He returned to the southwest corner of the park and was speaking with J.D. again when he heard officers yelling at the suspect. He could not understand what was being said. He then heard officers shoot the suspect. He was contacted by responding officers and transported to DPD HQ for an interview.

### J.D.

J.D. was lying in the west side of the park in the shade with his dog. He was sleeping and his phone was dead. He heard a pop but did not think much at first. He looked up and saw a guy with an orange hat on Olive Street. Another guy was behind a grey SUV and initially he believed the guy in the orange hat was shooting at the guy near the grey SUV. However, he then

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<sup>1</sup> I use initials to protect the identity of law witnesses.

saw the guy near the SUV take a "shooters stance" and start shooting towards the construction site.

The shooter was a white male wearing shorts. The shooter then turned in a shooter's stance and pointed the gun towards J.D. and shot at him. He heard a bullet hit a metal object near him. J.D. took his dog by the collar and led it behind a tree and hid behind the tree. J.D. heard a bullet hit a metal object near him. J.D. took a recording of the shooter with his tablet since his phone was dead. The shooter put the gun down several times. J.D. then ran to another tree and talked to a man driving by in a truck. (later identified as F.R.).

He saw officers arrive and heard them yell "let me see your hands" and "he's got a gun". He heard the officers fire their weapons. He believed he heard a rifle shot by the sound of it. J.D. spoke to another witness that was walking his black German Shepard and who caught the incident on cell phone video.

### **R.K.**

On June 8, 2021, a homicide detective called R.K. and conducted a recorded phone interview. He was walking a black German shepherd on Oneida in front of MLK into the MLK Park. He heard something he thought was banging going on. He saw the guy in the Jeep in the distance "acting funky" and R.K. heard more bangs. R.K. heard a "pistol whizz goes by" him and he hid behind a tree. He saw another guy with a dog that said he was shot at. Then he saw cops arrive. The guy was messing around in his Jeep. The guy was walking towards cops and the cops shot around 15 times. He related that he did take video and would provide it to the police.

## **WITNESS OFFICERS' STATEMENTS**

### **Officer Jerome Ortega #18013**

Officer Ortega was working a two-man car with Officer Kimberly Blanchard. They were at the station doing paperwork and heard radio traffic about someone shooting a gun at the park. They heard that a Jeep was involved and a male was standing outside firing a weapon. They exited the south entrance from the station to 39<sup>th</sup> Ave. and took 39<sup>th</sup> Ave. to the park. Multiple callers reported the same information. They were responding to the park on a person actively shooting. When they arrived, there were three police cars in front of them. They pulled southbound on the street on the west side of the park trying to determine a location when a truck pulled up. The male (F.R.) in the truck stated there was a male shooting a gun on the other side of the park. Officer Ortega then went back to 39<sup>th</sup> Ave. and Oneida St. and saw other officers out of their vehicles on Olive Street. Officer Ortega saw the silver Jeep and pulled up to one of the police cars. Officer Ortega saw a male digging through the Jeep.

There was a patrol car to the east of them. Officer Ortega went to the Sergeant Beiriger's passenger side and heard one officer telling the male to "let me see your hands". Officer Ortega saw the male stand up and look around; he had a handgun in his hand. Officer Ortega heard someone yell that the male had a gun. They started giving commands to drop the gun. The male pointed the gun at his own head. The male then lowered the gun toward his waist and turned his

attention toward officers to the north and started walking toward the officers. Officer Ortega stated his line of sight became obstructed by a vehicle. He heard officers instruct the man to drop the gun and Officer Ortega heard shots being fired. The male was on the ground; officers called for an ambulance. Officers were still asking to see his hands. The officers were not sure where the gun was, and he was not showing his hands. They approached alongside a vehicle to get to him. The paramedics started to treat him, and officers started securing the scene.

When Officer Ortega first saw the male, he was looking around, not talking, not making eye contact. He was not yelling or saying anything. He was not complying with the officers' commands. He made a move, and the gun was in his hand. It was a black gun; he first had it by his waist, then pointed it at his head, then lowered it back down and then turned to walk toward the officers to the north of him. Those officers started giving him commands. When the male started to move northbound, Officer Ortega could not see him because of a vehicle in his line of sight. Officer Ortega saw that the suspect did have the gun in his hand until he could not see him. Officer Ortega heard "drop it", "stop" and then shots. He did not know how many shots were fired and then he saw the male fall. The male never said anything. They used a police vehicle to approach him as cover. He was asked the elapsed time from the shots to the paramedics, and he did not know. His partner got out of the car, and she went toward the west. He added that when the male was approaching the officers, he was afraid for those officers.

## **INVOLVED OFFICERS' STATEMENTS**

### **Corporal Matthew VanPortfliet #14034**

Corporal VanPortfliet was interviewed on June 4, 2021, at about 10:55 p.m.. Corporal VanPortfliet discussed his assignments since the academy and what occurred in his employment leading up to the incident. During this shooting Corporal VanPortfliet's body-worn camera was activated. However, at no point before the interview did Corporal VanPortfliet view any footage of the incident.

Corporal VanPortfliet responded from District 2 police station to a call of a shooting at MLK park. In route, he learned a party was shooting into the park and as he arrived people were fleeing and pointing. As he got to the east side of the park, he saw a suspect by the passenger side of a Jeep with trash around it. Corporal VanPortfliet went onto the grass with his car and exited taking cover behind a civilian car and drew his weapon. The suspect was initially seated but got up and leaned into his vehicle and exited with a gun in his hand. As he exited, the suspect faced the officers and put the gun to his head. Corporal VanPortfliet was issuing commands to "Drop the gun", "Lower the gun", "Denver Police".



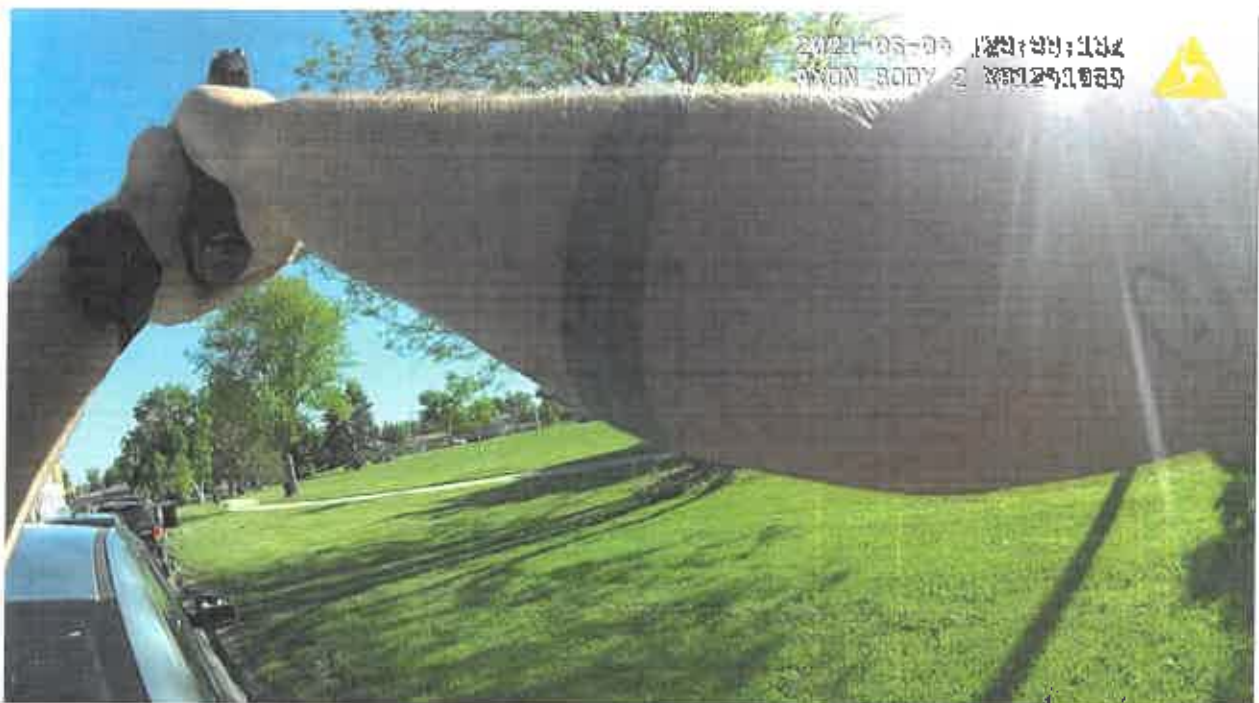


Figure 1. An image from Cpl. VanPortfliet's body-worn camera when he began announcing himself as a police officer and giving the suspect commands.

The man lowered the gun, but then started to raise it. Corporal VanPortfliet believed that he was going to shoot at him, other officers and possibly other people in the park. At that point, he fired his weapon. The suspect fell to the ground and the officer could not see the suspect's hands or the gun. The suspect was rolling on the ground and never responded to Corporal VanPortfliet's commands or said anything.

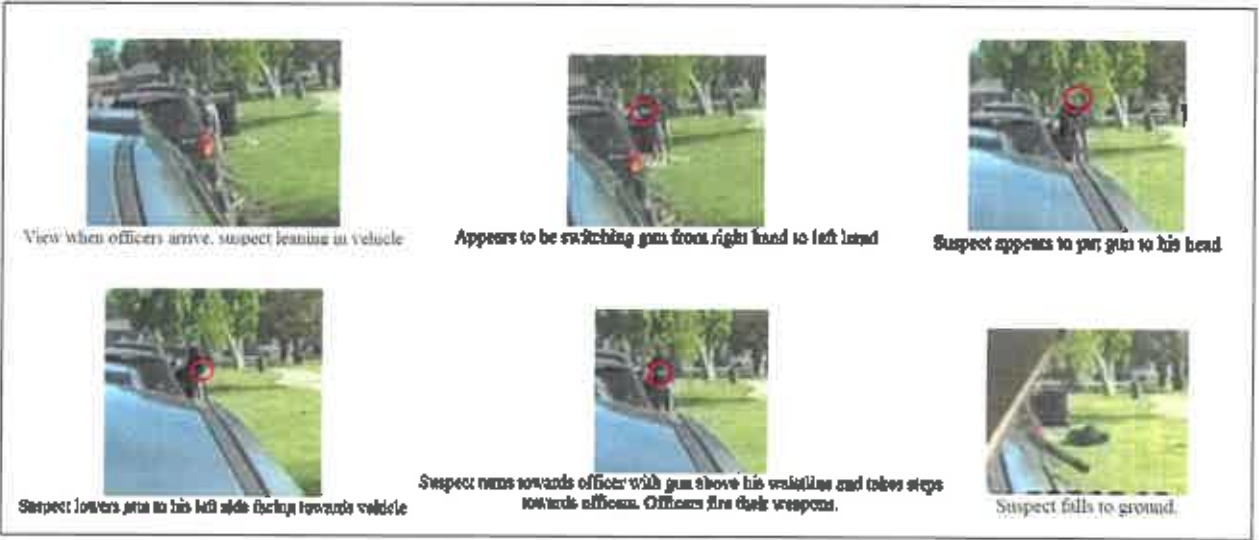


Figure 2. A series of images from Cpl. Van Portfliet's body-worn camera.

To safely contact the suspect, officers used a moving police car as cover. Corporal VanPortfliet assisted in placing handcuffs on the suspect and then he was separated and transported to HQ per protocol. Emergency responders treated the suspect as soon as the scene was safe.



*Figure 3. The trash around the suspect's vehicle as the officers arrived. The firearm is in the foreground.*

### **Officer Kimberly Blanchard #15071**

Officer Blanchard was interviewed on June 7, 2021, at 1:53 p.m. Officer Blanchard discussed her previous peace officer positions, assignments since the academy and what occurred in her employment leading up to the incident. During this shooting Officer Blanchard's body-worn camera was activated.<sup>2</sup> However, at no point before the interview did Officer Blanchard view any footage of the incident.

When the call came out about a man with a gun who was shooting in MLK Park, Officer Blanchard was at her police station in District 2. She and her partner got in their vehicle and headed toward the scene. The plan was to approach from the 3900 block (from the north). As they got to the park, they were met by a man in a pickup who gave a description and location of the shooter. There were also many 911 callers.

She pulled into the park a number of car lengths north of the suspect along with several other officers. Other officers were already giving commands. She got out of her car taking cover behind a civilian's vehicle.

She saw the suspect lean into the passenger side of vehicle (not sure if front or rear door) and emerge with a gun in his left hand. The suspect raised the gun to his own temple. Police officers were yelling "Drop the gun" repeatedly. The suspect lowered the gun and turned outward and raised it towards the officers and started advancing. At that point, Officer Blanchard fired her gun. She explained that she was "in fear that he was going to kill one of us" (DPD). She saw him fall to the ground. At that point, she could not see his hands or the gun, but he started moving back and forth. There were additional commands given by officers. At that point, other

<sup>2</sup> Officer Blanchard's body-worn camera video was obscured by the car she was using for cover and was unable to clearly capture images of the shooting.

officers used a vehicle to approach while giving cover to her and other officers allowing them to approach. Throughout the encounter, she did not hear the suspect say anything. When asked whether she gave any warnings about firing her weapon, Officer Blanchard responded that there wasn't any time; it happened too quickly.

Other officers made contact with the suspect. She then holstered her weapon. Officer Blanchard cleared the vehicle for any other parties. She then saw the gun on the ground. At that point, she was separated per department policy and taken to DPD headquarters.

### **Corporal Christopher Williams #08011**

Corporal Williams was interviewed on June 7, 2021, at about 12:05 p.m. Corporal Williams discussed his assignments since the academy and what occurred in his employment leading up to the incident. During this shooting Corporal Williams's body-worn camera was activated.<sup>3</sup> However, at no point before the interview did Corporal Williams view any footage of the incident.

The call came out while he was at the District 2 police station. The call detailed a man at the park who had a gun. Corporal Williams proceeded to his vehicle and headed to the park. The decision was made to come in from 39<sup>th</sup> Street onto Olive Street. Many people were at the park and leaving. Corporal Williams was given information about the suspect and where he was located. He and other officers approached and parked on the grass facing the described vehicle to the south, approximately 50-feet away.

He saw the suspect by his vehicle, leaning in through the open front passenger door. He took his AR-15 rifle out of his car and chambered a round. He took cover behind his vehicle and because shots were reported to have been fired, took aim on the suspect. Verbal commands were given by another officer. The suspect exited the car with a gun in his hand and did not comply with verbal commands to drop his gun. The suspect initially raised the gun to his own head then lowered it to his side. He then began to advance towards the officers and raise his gun towards them. At that point, Corporal Williams fired his rifle one time. The suspect fell but was still moving and they couldn't see his hands nor the gun. At that time, officers used a police car as cover to approach the suspect. They removed the gun from the suspect and at that point EMS began treatment. There were also many spent shell casings on the ground near the suspect. At no time did he hear the suspect say anything.

After the incident was over, Corporal Williams was quickly separated and taken to HQ where his rifle was unloaded per protocol. He estimated that medical care was on the scene within five minutes of the scene being made safe.

During the interview, Corporal Williams said he shot because the suspect made himself a deadly threat to him, fellow officers and people in and around the park. When asked about verbal warnings given, he responded that this happened in a split second and there was no time to give a warning.

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<sup>3</sup> Corporal Williams' body-worn camera video was obscured by his patrol car which he was using for cover and was unable to clearly capture images of the shooting.



## CRIME SCENE

The crime scene was in the 3800 block of Olive Street on the east side of the Martin Luther King Jr. Park about midblock. Yellow and red crime scene tape was hung. The boundaries of the park are Newport Street along the west side and Olive Street to the East. The north side of the park is 39<sup>th</sup> Ave. and the south side is 38<sup>th</sup> Ave.

Crime scene investigators found five vehicles parked facing southbound at the west curb line. The vehicles were from north to south. Vehicle #1 was a Silver Subaru Legacy, Vehicle #2 was a White Ford Fusion, Vehicle #3 was a Black Subaru. Vehicle #4 was Mr. Wagner's Dark Grey Jeep Grand Cherokee. Further down was and uninvolved vehicle identified as Vehicle #5.

There were two patrol vehicles parked on the grass to the west of the street, and to the north of all of the vehicles parked at the west curb line. There was also a patrol vehicle parked on the street to the east of Vehicle #1. Patrol vehicle #1 was a Ford Interceptor and was parked closest to the tree line in the park. To the east of patrol vehicle #1 was patrol vehicle #2 which was a Chevy Tahoe.

To the southwest of patrol vehicle #1 was one spent .233 cal. cartridge casing. At the rear (north) of Vehicle #1 on the street in a pool of water and on the grass, nine 9mm spent cartridge casings were recovered. Just southeast of vehicle #1 were bullet fragments.



*Figure 4. This image shows the shell casings found from the three officers that fired. In the foreground were the casings from Corporal VanPartfleet and Officer Blanchard. Near the tree to the right was the one shell casing from Corporal Williams.*



*Figure 5. Photo showing the shell casings from Officer Blanchard and Corporal VanPortfleet from the reverse angle and the distance to the suspect vehicle.*

At the rear (north) and west of vehicle #4 (the suspect vehicle) were approximately 24 spent 45 caliber cartridge cases, a .45 caliber Cimarron Firearm, cigarette butts, glasses and miscellaneous personal items, liquor bottles and trash. In the park to the southwest of the vehicle #4 was a tree and a metal trash can with multiple bullet defects. A grey brick house with the address of 3698 Olive Street (Southeast corner of the park) had a defect in the brick wall on the north side of the house. Parked on 38<sup>th</sup> St., north of the house was a blue Dodge Challenger with a defect to the driver side passenger compartment. DPD's Crime Laboratory attempted to recover the bullet but was unsuccessful.



*Figure 6. – Twenty-four .45 caliber shell casings were found outside of the suspect's car.*

## **WEAPONS UNLOAD**

Pursuant to DPD policy, the weapons of the involved officers were collected and unloaded. The number of rounds in each firearm, magazine and backup magazine was documented with the help of the Crime Scene Unit (CSU).

### **Corporal Williams**

Corporal Williams fired his urban assault rifle during the incident. He also had a service handgun and back-up handgun on his person. All three firearms were collected, and each were unloaded. All the rounds were counted and recorded for each firearm. When the count was concluded, it was determined that one (1) round had been fired from Corporal Williams's rifle.

### **Officer Blanchard**

Officer Blanchard fired her handgun during the incident and did not carry a back-up firearm. Officer Blanchard's firearm was collected. Officer Blanchard's firearm was unloaded, and all the rounds were counted and recorded. When the count was concluded, it was determined that Officer Blanchard had fired seven (7) rounds. Officer Blanchard was then issued a department replacement handgun.

### **Corporal VanPortfliet**

Corporal VanPortfliet fired his handgun during the incident. Corporal VanPortfliet also carried a back-up handgun which had not been fired. Both firearms were collected and unloaded. All the

rounds were counted and recorded for both firearms. When the count was concluded, it was determined that Corporal VanPortfliet had fired six (6) rounds from his service weapon and none from his back-up weapon. Corporal VanPortfliet was then issued a department replacement handgun.

## **AUTOPSY**

The autopsy at the Denver Office of the Medical Examiner was conducted on June 5, 2021, at approximately 8:30 a.m. There were representatives from DPD including a homicide detective and a member of the CSU to photograph and collect evidence. The autopsy was performed by Doctor Ian Puffenberger with Technician Ryan White assisting.

An X-ray revealed one projectile in the torso of the suspect. The cause of death was one penetrating gunshot wound on the left chest of Mr. Wagner. Mr. Wagner's blood alcohol level was .165 g/100 ml, beyond the legal limit to drive a vehicle in Colorado.

## **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 using physical force in self-defense or defense of others is described in C.R.S. § 18-1-704. As pertinent to this case, C.R.S. § 18-1-704 (1) states:

... a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

Deadly physical force "may be used only if a person reasonably believes a lesser degree of force is inadequate and the actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury." C.R.S. § 18-1-704(2)(a).

The justification for a peace officer's use of physical force while attempting to make an arrest is described in C.R.S. § 18-1-707. As pertinent to this case, C.R.S. § 18-1-707 states:

- 1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. 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.
- 2) When physical force is used, a peace officer shall:
  - a. Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;

- b. Use only a degree of force consistent with the minimization of injury to others;
  - c. Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
  - d. Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.
- 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 or 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, beyond a reasonable doubt 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 Officer Blanchard, Corporal Williams or Corporal VanPortfllet acted without lawful justification?**

After a thorough review of the evidence, I conclude that a jury would find that these officers had lawful justification to fire at Mr. Wagner in defense of their fellow officers and in self-defense, pursuant to C.R.S. § 18-1-704(2)(a) and C.R.S. § 18-1-707(3)(b) and (4.5). Furthermore, it is my belief that the People cannot disprove beyond a reasonable doubt the circumstances outlined in C.R.S. § 18-1-704 and C.R.S. § 18-1-707(3)(b) and (4.5).

At the moment they discharged their firearms, these officers reasonably believed that they were in danger of being killed or receiving serious bodily injury. When they responded to the location, they knew that the suspect had been shooting into the park so they knew he was armed. As they approached Mr. Wagner, they all knew he held a handgun in his hand. They made contact with him and ordered Mr. Wagner to drop his weapon. In response, Mr. Wagner pulled up his weapon on two



separate occasions. The first time he pulled his weapon up, he held it to his own head and the officers did not fire. They were able to give him commands to lower the gun. The second time Mr. Wagner turned the gun toward the officers and raised his gun toward them. All the officers involved reasonably believed that Mr. Wagner was about to shoot in their direction. It was reasonable for these officers to believe that they were facing an imminent and deadly threat. They told investigators that they did, indeed, feel they were facing deadly force.

I believe that a jury would conclude that the actions taken by Officer Blanchard, Corporal Williams and Corporal VanPortfliet were reasonable and proportional in light of the totality of the circumstances pursuant to C.R.S. § 18-1-704 and CRS § 18-1-707 (3) (b) and (4.5) beyond a reasonable doubt.

Furthermore, I find that the officers complied with C.R.S. § 18-1-707. Corporal VanPortfliet yelled at Mr. Wagner that he was a police officer. All the officers were wearing clothing that identified themselves as officers. The officers were unable to announce their intention to deploy deadly force because events unfolded too quickly for them to do so. After the shots were fired, aid was rendered as soon as possible to do safely. Finally, I have determined that the officers acted in a way that minimized the likelihood of injury to others; there were no civilians in their line of fire.

The Supreme Court of the United States has instructed 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.

Under these dangerous circumstances, Officer Blanchard, Corporal Williams and Corporal VanPortfliet were forced to make a split-second judgment, and their decision to shoot Mr. Wagner in self-defense and in defense of others was justified under Colorado law C.R.S. § 18-1-704 and C.R.S. § 18-1-707. Their actions complied with the legal requirements set forth in C.R.S. § 18-1-707.

Sincerely,



Beth McCann  
Denver District Attorney

Cc: Deputy Chief Barb Archer; Division Chief Joe Montoya; Commander Matthew Clark; Commander Kathleen Bancroft; Lieutenant Joe Bell; Detective Jacob Huffine; Detective Shannon McIver; Denver City Attorney Kristin Bronson; Interim Director of the Office of Independent Monitor Gregg Crittenden; John Davis, Attorney for Officer Blanchard, Corporal Williams and Corporal VanPortfliet