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June 18, 2020

Vanessa Wilson
Interim Chief of Police
Aurora Police Department
15001 East Alameda Parkway
Aurora, Colorado 80012

RE: January 8, 2020 – Officer Involved Shooting by Officer Darryll Huntsman

Chief Wilson,

The Aurora Police Department Major Crimes Homicide Unit and the Denver Police Department Homicide Unit have completed their investigation into the January 8, 2020 shooting of S.R. by Aurora Police Department Officer Darryll Huntsman. S.R., (15 year old, white, male), was not seriously injured. Aurora Police Department Detective David Sutherland was the lead detective. I have completed my review of the investigation. Below are my summary of the facts, investigation, legal analysis and conclusion.

EXECUTIVE SUMMARY

On January 8, 2020, Aurora Police Department ("APD") dispatch received a 911 call concerning a possible burglary. The 911 caller described a Honda CRV associated with the suspects. APD Officer Darryll Huntsman responded to the area and located the Honda CRV in front of 17601 East Tennessee Place. He was the first officer to arrive on scene. Officer Huntsman exited his vehicle and approached the Honda CRV with his handgun drawn. Officer Huntsman observed the occupant of the vehicle, later identified as S.R., "pop up" in the backseat, raising a black object in his hand. Officer Huntsman observed what he thought was a handgun in S.R.'s hand. Fearing for his life, he fired one round through the front windshield of the CRV, striking what was later determined to be a cell phone in S.R.'s hand. S.R. sustained a blister wound to his finger.

Applying the law to the facts of this incident, as described in detail below, I conclude the evidence supports Officer Darryl Huntsman reasonably believed he was in imminent danger, which justified his use of force on January 8, 2020.

THE STATUTORY FRAMEWORK FOR INVESTIGATIONS INTO OFFICER-INVOLVED SHOOTINGS

C.R.S. § 16-2.5-301 governs investigations into peace officer-involved shootings.

This statute provides, in relevant part:

> Each police department, sheriff's office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado bureau of investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district.

Pursuant to Colorado statute, the Denver Police Department Homicide Unit assisted the APD Major Crimes Homicide Unit with this investigation. Denver Police Department Homicide Detective Dan Andrews assisted Detective Sutherland with the investigation, including interviewing Officer Huntsman.

C.R.S. § 20-1-114 provides, in relevant part:

> The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request.

This document constitutes a report of the findings of the District Attorney for the 18th Judicial District, and includes the basis of the decision not to charge the involved officer with any criminal conduct.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

I reviewed all materials provided by Detective Sutherland including all recorded interviews, 911 call, all body camera footage, written reports, call history, and photographs.

SUMMARY OF THE FACTS

On January 8, 2020 at 8:24 a.m., APD dispatch received a 911 call from Y.T. Y.T. observed two males and two females outside of her house located at 17501 East Tennessee Drive. She heard someone in the group say something about breaking into a house. Y.T. provided dispatch with the description of the vehicle associated with the group as a red Honda with license plate CXZ-947.

At approximately 8:30 a.m., APD Officer Darryll Huntsman responded to the area and located the red Honda CRV parked in front of 17601 East Tennessee Place. Officer Huntsman was the first officer to arrive on scene.

Earlier that morning, the Back Office System Software ("BOSS") had alerted Officer Huntsman that a stolen red Honda CRV was travelling eastbound on Mississippi from Blackhawk. The BOSS is a computer system that alerts officers when a reported stolen license plate number hits on the license plate reader. This was the same CRV.

Officer Huntsman parked his patrol car in front of the CRV. He observed what appeared to be two people immediately duck down in the backseat of the CRV. Officer Huntsman exited his vehicle with his weapon drawn, using the engine block and tire rim as cover. No other officers were on scene at this point.

Detective Andrews and Detective Sutherland interviewed Officer Huntsman. Officer Huntsman explained why he exited his vehicle with his weapon drawn. First, he knew the CRV was reported stolen and he did not know if anyone was armed. Second, he was concerned that the call out involved a potential burglary. Officer Huntsman told detectives that in his experience, suspects who commit burglaries were armed fifty percent of the time.

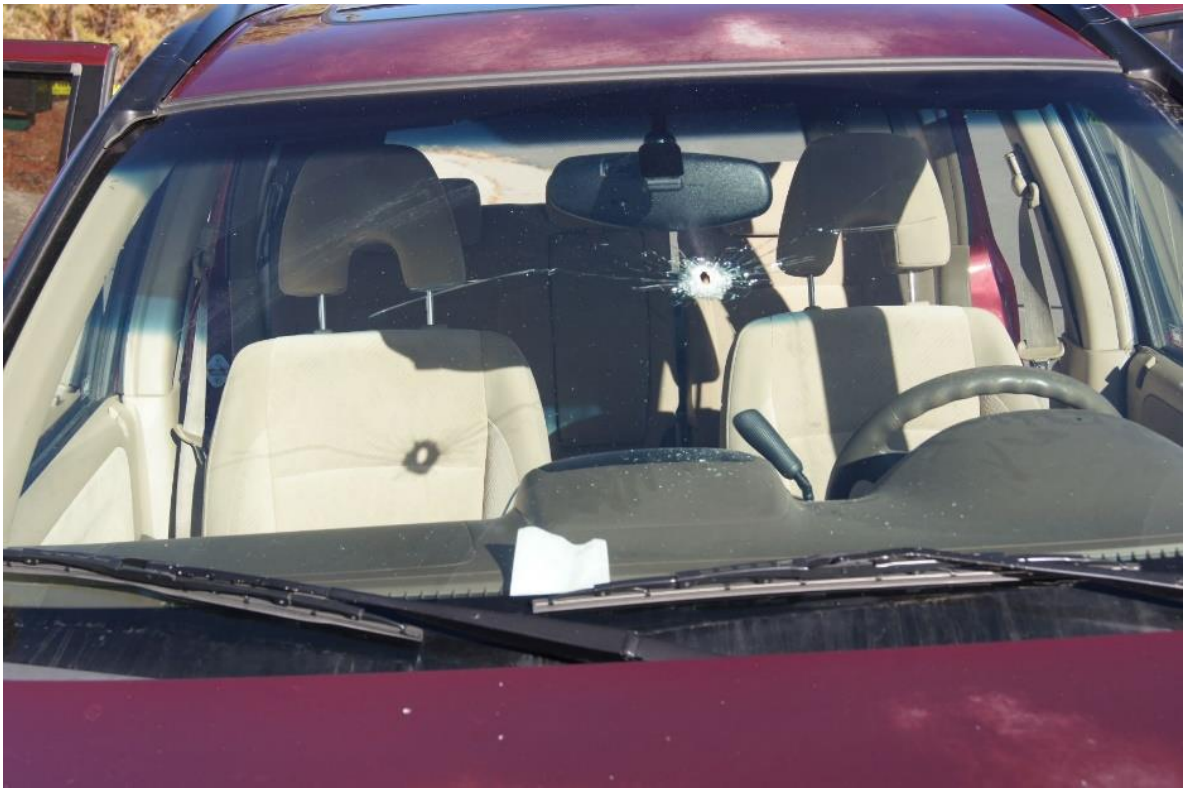
As he exited his vehicle, he told the occupants of the CRV to show their hands. Officer Huntsman observed a person "pop up" in the backseat of the CRV with a black object in his hand. The person, later identified as S.R., raised the black object. Officer Huntsman believed the object was a handgun. He immediately fired one round through the front windshield at the person inside the vehicle he believed was raising a handgun at him. Officer Huntsman told detectives he intentionally fired one round because he was in fear for his life. He described the moment as an "oh shit" moment because he thought he might die.

After Officer Huntsman fired one shot, S.R. immediately showed his hands. Officer Huntsman ordered S.R. to remain in the vehicle until other officers arrived on scene. Shortly thereafter, other officers arrived and ordered S.R. out of the backseat of the CRV. S.R. reported injuries of glass in his eyes and a blister on his finger. S.R. was transported to Children's Hospital for treatment and released. He was then arrested for an outstanding, unrelated warrant.

Officer Huntsman wore his department issued body camera throughout his contact with S.R. His body camera video recorded this shooting event. The following times and events are based on the body camera video. Officer Huntsman activated his body camera at approximately 8:30 a.m. At that time, he was in his vehicle driving to 17601 East Tennessee Place. At 8:31:12 a.m. Officer Huntsman aired that he observed the CRV with people hiding in it. At 8:31:20 a.m. Officer Huntsman parked his vehicle and exited with his weapon drawn. At 8:31:26 a.m. Officer Huntsman stated, "let me," fired one shot, and then said "see your hand." He then said, "ah shit." Officer Huntsman's arms and handgun blocked the body camera's view of the CRV. At 8:31:33 a.m. Officer Huntsman moved his arm and I could see S.R. in the backseat of the CRV with his hands up. Officer Huntsman stood in front of the hood of the CRV. Officer Huntsman then radioed for a "cruiser" to start his way. Officer Huntsman commanded S.R. not to move. At 8:32:50 a.m. a fellow officer arrived on scene. Officer Huntsman told the officer that he "ended up putting a hole through the windshield." He also stated that he was not sure if there was another person in the vehicle. At 8:33:50 a.m., Officer Huntsman ordered S.R. to exit the vehicle. S.R. complained of an injury to his finger that occurred when the shot hit his cell phone.

SCENE DOCUMENTATION AND EVIDENCE COLLECTION

Aurora Police Department Crime Scene Investigator Michael Brewer photographed and documented the scene. One bullet hole was located in the center of the windshield of the CRV.



A black cell phone and a blue cell phone case were recovered in the backseat and cargo area of the CRV.

Both the cell phone and blue case had damage consistent with being caused by a bullet. The rear cargo door sustained damage consistent with a penetrating bullet hole. One 9-mm cartridge case was recovered twenty feet from the front corner of the CRV.

A realistic looking black pellet gun was recovered from the right rear door pocket of the CRV.

APD Homicide Detective Jamie Krieger examined Officer Huntsman's weapon. Officer Huntsman carried a Glock 17, 9-mm handgun. The ammunition count was consistent with Officer Huntsman firing one round.

WITNESS INTERVIEWS

APD officers attempted to contact additional witnesses to the shooting. Officers contacted residents in the area. There were no additional eyewitnesses to the shooting or additional videos.

On January 8, 2020, Detective Sutherland interviewed S.R.. S.R. denied knowing the CRV was stolen. However, APD Officers confirmed the CRV was in fact stolen the night before in an aggravated robbery that occurred in El Paso County. S.R. told detectives that his friend, P.B. received the CRV as a gift from his mother. P.B. drove S.R. and two females to Aurora to visit a friend. P.B. and the two females exited the vehicle and walked to the friend's house. S.R. remained in the CRV, sitting sideways in the backseat. No one else was in the CRV. S.R. had his cell phone in his hands when the officer pulled up. He observed the officer get out of his vehicle and fire one shot. The shot hit the cell phone that was in his hand. A realistic looking black pellet gun was recovered from the right rear pocket door. The evidence does not indicate that S.R. brandished the pellet gun. S.R.'s only injury was a blister on his right index finger.

APD officers located P.B. (15 year old, white, male) in a nearby residence and arrested him for outstanding, unrelated warrants. P.B. matched the description of the person who stole the CRV at gunpoint the night before. APD was unable to interview P.B. because a parent/guardian could not

be located to consent to an interview of P.B. The females associated with P.B. and S.R. were not located.

APPLICABLE LAW

The District Attorney's review of this event is guided by the following statutes pertaining to the use of force – both generally and by peace officers:

Section 18-1-704(1) C.R.S. states in relevant part:

> (1) Except as provided in subsections (2) and (3) of this section, 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.

Section 18-1-707 C.R.S. states in relevant part:

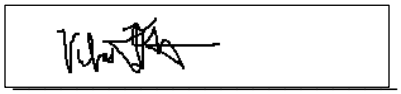
> (1) . . . a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:
> (a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
> (b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

ANALYSIS AND CONCLUSION

Based on my review of all the evidence in this case, I conclude the evidence supports Officer Huntsman reasonably believed he was in imminent danger when he fired one round, striking the black object in S.R.'s hand on January 8, 2020. However, Officer Huntsman's statement of "ah shit" after he fired only one round gave me concern. That statement could be interpreted a number of different ways. Officer Huntsman told detectives he had an "oh shit moment," because he thought he could be shot. S.R. and the damaged cell phone corroborate the fact that Officer Huntsman observed a dark object in S.R.'s hands. Officer Huntsman stated he believed the object was a handgun and he feared for his life. I must base my conclusion on evidence rather than speculation.

As a result, I conclude the evidence supports Officer Darryl Huntsman reasonably believed he was in imminent danger, which justified his use of force on January 8, 2020.

Respectfully,



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