



OFFICE OF THE DISTRICT ATTORNEY

JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

January 21, 2023

Chief Sam Watson
Englewood Police Department
3615 S. Elati Street
Englewood, CO 80110

RE: July 21, 2022 Officer Involved Shooting at 2911 S. Umatilla St., Englewood, Arapahoe County, CO

Dear Chief Watson,

On July 21, 2022, the 18th Judicial Critical Incident Response Team (CIRT) responded to an officer involved shooting in Englewood, Arapahoe County, Colorado. Aurora Police Detective Bobbi Olsen is the lead CIRT investigator. Englewood police officers responded to a burglary in Englewood, Arapahoe County, Colorado. Englewood Police Officer Brian Houlne fired shots at Lars Bowen as he was driving at Englewood Officer Matthew Karr. Mr. Bowen was not struck with any bullets.

EXECUTIVE SUMMARY

Members of the Englewood Police Department responded to a burglary in progress at 2911 S. Umatilla Street in Englewood Colorado. At that location is Automotive Reconditioning Solutions (ARS). Responding officers were Brian Houlne, Shaw Gifford, Matthew Karr and Austin Morrison. ARS is a car restoration business enclosed with a barbed wire and chain link fence. Officers observed an occupied black Audi in the lot of this closed business. The occupant, who officers later learned was Mr. Lars Bowen, rammed the Audi into and through the fence, narrowly missing Officer Gifford and turned heading Southbound into the Northbound lane where Officer Karr had previously retreated to allow the vehicle to proceed Southbound. The car accelerated to a high rate of speed as it hurtled towards Officer Karr. Officer Houlne fired five shots, from his department issued pistol, into the vehicle as Officer Karr leapt back.

Applying the law to the facts of this incident, as described in detail below, I conclude that Officer Houlne reasonably believed that Mr. Bowen posed an imminent threat of death or serious bodily injury to Officer Karr. I find Officer Houlne had the legal right to defend himself and others from the threat posed by Mr. Bowen.

APPLICABLE LAW

The ethical obligation of prosecutors – and the policy of the District Attorney’s Office – is to only prosecute a case when: 1) there is a good faith basis to believe the individual to be prosecuted has committed the crime; and 2) there is a reasonable likelihood of conviction at trial. This is a higher standard than the probable cause standard used by police officers making initial charging and arrest decisions. Criminal liability is established when there is a good faith basis to believe the individual committed the crime, and there is sufficient evidence to prove all of the elements of the crime beyond a reasonable doubt, to include the criminal conduct and the criminal mental state. Additionally, the prosecution must disprove any statutorily recognized justification or defense beyond a reasonable doubt. The District Attorney’s review of an officer-involved shooting event is guided by the statutes pertaining to the affirmative defenses applicable to use of force by peace officers, specifically:

C.R.S. § 18-1-707:

(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 of death or serious bodily injury 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.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

Detective Bobbi Olsen of the Aurora Police Department is the lead CIRT investigator. I reviewed all materials provided from the CIRT investigation including police reports, photographs, interviews with involved officers, and body camera footage.

SUMMARY OF THE FACTS

On July 21, 2022 at 1:46, the Englewood Police Department received a call from an alarm company indicating an alarm had been triggered at the ARS business at 2911 Umatilla Street in Englewood. The business owner requested police be called to a burglary in progress. The owner was able to remotely access cameras inside the business. He informed police that he observed a tall, white male with blond hair, inside the business and later entering into a vehicle in the enclosed business's lot.



Upon arriving at the business, responding officers Brian Houlne, Matthew Karr, Shaw Gifford and Austin Morrison, observed an occupied black Audi inside the business car lot. The vehicle was facing away from officers so they were able to observe the suspect's silhouette when the brake lights illuminated.

Officers Gifford, Karr and Houlne were outside the parking lot enclosure on Umatilla St. positioned on the Southeast side of the lot near where the Audi was parked.



Mr. Bowen rammed the Audi into and through the fence.



Officer Gifford was standing in the roadway between the patrol vehicles, located on the Northeast and Southeast corners outside the lot. When the car came through the fence he had to dive for cover behind a patrol car. Officer Karr was also in the roadway and he backed into the Northbound lane to allow the vehicle to turn Southbound.



The vehicle turned Southbound but drove across the Southbound lane into the Northbound lane and accelerated at a high rate of speed towards Officer Karr.



Officer Houlné had parked his patrol vehicle in the median between the North and Southbound lanes of Umatilla Street, just South of where the Audi was located in the lot. He was standing behind his patrol vehicle on the driver's side on Umatilla Street as the suspect vehicle drove towards his patrol vehicle and towards Officer Karr. He fired five shots into the suspect's vehicle as Officer Karr leapt back into the Southbound lane.



Officer Karr was not injured. The shots struck the vehicle along its length, but Mr. Bowen was not struck. There were bullet strikes in the driver's side windshield, the front passenger window, mid body on the passenger side panel, the rear fender and the rear passenger side panel.

Mr. Bowen drove away. Officers were able to access vehicle tracking data for Mr. Bowen and he was later apprehended.

ANALYSIS AND CONCLUSION

Mr. Bowen drove through a chain link fence and towards Officer Gifford and then accelerated towards Officer Karr. Officer Houlne fired five shots at the vehicle driven by Mr. Bowen.

The determination to be made is whether Officer Houlne reasonably believed his use of deadly physical force was necessary to defend others from what he reasonably believed to be the imminent use of deadly physical force. His action was reasonable and justified based upon Mr. Bowen driving through a fairly solid barrier, accelerating towards Officer Gifford and then accelerating and turning into the lane where Officer Karr had retreated and driving straight at him without slowing or swerving. Officers had identified themselves as police officers and were driving patrol vehicles with lights activated surrounding the lot. It was reasonable for Officer Houlne to conclude the Audi SUV was capable of deadly force.

It was reasonable for Officer Houlne to use physical force to defend his fellow officers from the unlawful and imminent use of deadly physical force against them. Officer Houlne did not commit any crime and criminal charges will not be filed against him.

Rebecca S. Gleason

Chief Deputy District Attorney