



April 4, 2014

Chief Daniel J. Oates
Aurora Police Department
15001 E. Alameda Parkway
Aurora, Co. 80012

Re: The officer involved shooting of Stephen Harrold Adams, DOB 6/10/1965, on December 15, 2013.

Dear Chief Oates,

The Office of the District Attorney, Seventeenth Judicial District, has completed its review of the investigation of this matter. The investigation was conducted by the Aurora Police Department, and Detective Craig Appel, the lead detective, presented this investigation to the District Attorney's Office on February 3, 2014. The documents and materials presented to the Office of the District Attorney includes police reports, video and audio recordings of witnesses and police officers, the 911 call, transcripts of police radio communications, photographs, and diagrams. Upon review of these materials, it appears that this investigation was thorough and complete.

INCIDENT OVERVIEW

On Sunday, December 15, 2013, the Aurora Police Department received an emergency 911 phone call from Ms. Shunronica Doucett. Ms. Doucett reported that her ex-boyfriend, Steve Harrold Adams, was outside her home located at 1742 Jamaica Street with a double barreled shotgun and that he had just broken out her bedroom window. She stated, "He's going to kill me." After police officers were dispatched to her home, she stated that he had already left in a white GMC Suburban.

Officer Jeff Olson, responding to the area, observed a white suburban pull off of N. Joliet St. onto westbound Montview Blvd. As the vehicle slowed to make a left turn onto southbound Jamaica Street, Officer Olson drove past the vehicle, then immediately made a u-turn and began following the suspect vehicle, which was now southbound on Jamaica St. It should be noted that at this point the vehicle was headed back toward the home of Shunronica Doucett. Due to the

reported presence of a shotgun, Officer Olson followed at a safe distance, awaiting the arrival of additional police officers.

The vehicle made a series of left turns, ultimately resuming its course to 1742 Jamaica St., and Officer William "Mike" Stricklin arrived at that address to join Off. Olson. The officers were preparing to pull over the Suburban, when the Suburban abruptly swerved to the left and stopped immediately in front of 1742 Jamaica St. Ms. Doucett was still on the line with the dispatcher at this time. She said, "He's back, he back right now, he's back, he's right outside." She sounded distressed, and the dispatcher assured her that officers had arrived at her residence.

Officers Olson and Stricklin immediately activated the emergency lights on their patrol cars. Off. Olson got out of his patrol car and immediately began giving loud verbal orders to Mr. Adams to exit with his hands in the air. Mr. Adams had opened the door of the Suburban; however, he did not comply with Off. Olson's repeated orders. After repeated failures, Off. Stricklin began issuing orders, trying to get Mr. Adams to step away from his vehicle with his hands in the air. Mr. Adams again failed to comply.

Initially during the encounter, Mr. Adams did exit the SUV several times and stand near his vehicle. He did not, however, step far enough away for the officers to safely approach him. The officers were concerned was that he was still within reach of the shotgun.

The encounter escalated, and Mr. Adams became more agitated and began demanding that the officers have his girlfriend, Ms. Shunronica Doucett, come out and speak to him. Mr. Adams looked down at his watch and told the officers that they had five minutes to bring her out and he stated that if she didn't come out, the encounter would "end badly." Mr. Adams began to bang his hands on the steering wheel and horn of the Suburban. During this time, additional Aurora Police officer arrived.

Actions or behaviors by Mr. Adams during the standoff:

The statements of the involved officers are largely consistent, and they are corroborated by statements of non-officers.

Early in the standoff, Mr. Adams demanded that the police produce Ms. Doucett. Per Off. Stricklin, he pointed to the home and said, "Get that bitch out here." Several officers confirmed that he announced to the officers that they had five minutes to bring his girlfriend outside or else the officers would have to shoot and kill him. Per Officer McCants, Mr. Adams said he had to speak with his girlfriend within the next five minutes or else, "I'm going to start popping, someone's going to die." Mr. Adams counted down the passing minutes and continued to demand that the police produce Ms. Doucett. Not surprisingly, the Aurora Police did not comply, since that would have endangered Ms. Doucett.

After one order, Off. McCants reported that Mr. Adams said, "Fuck you guys. You guys have shot me before." Mr. Adams stated that he had a leg brace from being shot by the police. Off. McCants said that as Mr. Adams stated this, Adams lifted up his pant leg to show the brace. A search of records does not confirm Mr. Adams claim that he was shot by the police.

Mr. Adams singled out Officer McCants, an African-American, at one point, saying, "You're an Uncle Tom. You just want to shoot me. I hate Uncle Toms."

Mr. Adams also accused the officers as wanting to shoot him just because he was in a gang. Prior to that point, the officers did not know that Mr. Adams was involved in a street gang.

The officers were fearful that he would attempt to flee the scene in the Suburban because Mr. Adams did not comply with requests to turn off the vehicle and exit. During one phase of the standoff, he revved the engine several times, then pulled the SUV forward approximately ten feet, then Mr. Adams backed the SUV up about ten feet. This returned the vehicle close to its original resting point.

Officer Stricklin repeatedly tried to order or persuade Mr. Adams to get out of the Suburban. The officers wanted Mr. Adams to surrender or - at a minimum - to get out of the Suburban and move far enough away from it so that they had the option of using less lethal weapons. Mr. Adams had on a heavy winter coat, which made it difficult to subdue him with a taser. [When a taser is used at a distance, it fires two prongs with wires at the target. These prongs must implant themselves in the skin of the target person so that a strong current can travel between the prongs. This electrical current incapacitates the target person. A heavy coat and long pants block the prongs.] The officers had also hoped to be able to incapacitate Mr. Adams with a bean bag round; however, he never moved beyond reach of the SUV and the shotgun.

The officers also attempted to have Mr. Adams' mother speak to him and have him surrender. They had phone contact with her, and they utilized a patrol car's PA system to broadcast her call to Mr. Adams. Instead of calming him down or persuading him to surrender, Mr. Adams became more agitated after this phone call.

A nearby resident, Kelly Lancaster, Heard yelling, looked outside. She confirmed much of what the police officers reported. She saw a black male sitting in his vehicle. Police officers were ordering him to come out, but he refused. She heard the male yell, "that it will not end well." She heard the male threatening to kill himself or to shoot an officer.

Mr. Adams' actions with the shotgun:

The officers describe Mr. Adams displaying or pointing the shotgun at them on several occasions. He repeatedly opened and closed his window, and he repeatedly opened and closed his door.

Per Officer McCants, Mr. Adams asked the police if they wanted him to fire some shots into the air. Mr. Adams then stuck the barrel of the shotgun out of the window, though Adams did not fire any shots. Officer Petering also reported that Mr. Adams stated he was going to shoot into the air.

At another point – when Mr. Adams stepped out of the SUV and pointed the shotgun in the air – Off. McCants heard him say, “Someone’s going to die. Someone’s going to get hurt.”

Officer Stricklin heard Mr. Adams state that he had been to prison for twenty years and wasn’t afraid of the police.

On one occasion – when Mr. Adams was pointing the shotgun out of the SUV’s window – Officer Petering reports that it was pointing directly at him. Officer Petering was preparing to fire to protect himself, but Mr. Adams moved the shotgun so that it was pointing at the house.

Officer Stricklin describes that Mr. Adams stepped from the SUV, holding the shotgun. Mr. Adams faced towards the officers and used his right hand to hold the shotgun in the air. He pointed the muzzle upwards to the sky and stated, “Kill me, mother fucker.” After that incident, Mr. Adams re-entered the Suburban and put shotgun in his mouth or under his chin.

Events at the time that the officers opened fire:

After the stand-off and events described above, Mr. Adams began to exit his Suburban holding the shotgun. Officer Stricklin stated that Mr. Adams opened the door and “bladed” his body while pointing the muzzle of the shotgun towards Officer Stricklin and the other officers nearby. As he did this, Mr. Adams placed one of his feet out of the SUV and braced it on the ground. Mr. Adams was holding the shotgun with both of his hands across his chest. Officer McCants also describes Mr. Adams holding the shotgun in both hands. Officer McCants believed the shotgun was pointing directly at Officers Petering and MacDonald. When Mr. Adams exited his SUV and pointed the shotgun at officers, several of the officers indicated that they felt that Mr. Adams was going to shoot the officers with the shotgun.

Officer William Stricklin, Officer Jonathan McCants, Officer Benjamin Petering and Officer Steve Garcia opened fire at Mr. Adams. They stopped firing when Mr. Adams slumped over into the Suburban.

Shortly after the shots were fired, the firearms of the involved officers were collected. Based upon the officers' statements and examination of their firearms, it is believed that the four involved officers fired thirty-three to thirty-four rounds.¹ The majority of those shots hit the Suburban, and only a bullet fragment struck Mr. Adams in the knee.

According to the records from Aurora's dispatchers, the defendant and officers stopped in front of Ms. Doucett's home at approximately 4:57 a.m. The shots were fired at approximately 5:43 a.m. Thus, the standoff between Mr. Adams and the Aurora officers lasted approximately 43 minutes.

After the shooting:

After the shooting, a team of officers approached the Suburban. The shotgun was secured. It was later determined that the shotgun had been illegally shortened. It is a felony to possess a "short shotgun," which is defined by statute as a "dangerous weapon."

Mr. Adams was transported to University Hospital. Mr. Adams was interviewed at the hospital. Mr. Adams admitted to having the shotgun, but he claimed that it belonged to someone else. Mr. Adams admitted to "showing" the shotgun to officers, but he claimed that he did so to let the officers know that it was in the Suburban.

Aurora Police Detectives attempted to do a follow up interview with Mr. Adams after he was released from the hospital, but Mr. Adams did not call detectives back. The detectives were unable to obtain a release of medical records from him.

This matter was presented to the Office of the District Attorney for a determination of whether to file charges against Mr. Stephen Adams. At that time, this office charged Mr. Adams with: four counts of First Degree Assault on a Peace Officer (class three felonies); one count of Possession of a Dangerous Weapon (a class five felony); four counts of Menacing with a Deadly Weapon (class five felonies); and one count of Possession of a Weapon by a Previous Offender (a class six felony).

LEGAL ANALYSIS

Criminal liability is established in Colorado when it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statutes. In addition to proving the elements of the offense beyond a reasonable doubt, the prosecution must also disprove beyond a reasonable doubt any statutorily recognized justification or excuse.

¹ Off. Petering fired eight rounds from his rifle, Officer McCants fired nine or ten rounds from his handgun, Officer Stricklin fired eleven rounds from his handgun, and Officer Garcia fired five rounds from his handgun.

Colorado Revised Statute § 18-1-704 defines the circumstances under which anyone, including a peace officer, can use physical force in the defense of a person in Colorado.² The relevant parts of the statute are as follows:

(1) ... [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.

The legal question presented to the Office of the District Attorney is whether at the time Officer William Stricklin, Officer Jonathan McCants, Officer Benjamin Petering, and Officer Steve Garcia fired their weapons, they reasonably believed that Stephen Adams was about to use physical force against them or another person. Moreover, in order to establish criminal responsibility for an officer who uses such physical force, the government must prove beyond a reasonable doubt that the officer either did not believe Mr. Adams was about to use unlawful physical force, or, that the officer's belief that Mr. Adams was about to use unlawful physical force was unreasonable in light of the totality of the facts and circumstances.

It is impossible to know with certainty what Mr. Adams intended to do when he exited the Suburban that final time; however, there is substantial evidence to believe that Mr. Adams intended to use unlawful physical force. He had repeatedly made threats to the officers, and he had expressed a willingness to sacrifice his own life. He had by voice and action expressed his rage and anger. At the time he began exiting the Suburban, several officers – independently – concluded that their lives and the lives of their fellow officers were in danger. The officers would have no reason to believe that there was a peaceful reason for Mr. Adams to exit his vehicle holding a shotgun. Moreover, this was not just an ordinary shotgun. It was a shotgun that had the barrel and the stock cut down to make it a more effective street weapon.

The amount of force utilized was reasonable. Mr. Adams was armed with a firearm, and the police responded by using firearms. The officers did not have a lesser degree of force available to them. Due to his clothing and refusal to exit the SUV, the officers were unable to utilize either a taser or a shotgun with a beanbag round. It would also be unreasonable to expect the officers to approach a man armed with a sawed-off shotgun to try to subdue him hand-to-

² Note: Colorado Revised Statute § 18-1-707 defines the circumstances under which a peace officer can use deadly physical force in Colorado. However, "Deadly physical force" is defined as "force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact produce death." See C.R.S. § 18-1-901(3)(d). Since the officers' use of force did not, in fact, cause Mr. Adams to die, the appropriate standard to apply is 18-1-704. It should be further noted that, had Mr. Adams died, the officers would have been justified under C.R.S. § 18-1-707 in firing at Mr. Adams. Under these circumstances, the officers could reasonably believe that Mr. Adams intended the use or imminent use of deadly physical force.

hand or with a baton or similar techniques. Mr. Adams actions and behavior limited the options available to the officers.

Based upon the facts and circumstances known to these officers, Officers William Stricklin, Jonathan McCants, Benjamin Petering, and Steve Garcia reasonably believed that Stephen Adams – when he climbed out of his vehicle and pointed a shotgun at the officers – was going to seriously injure or kill one of the officers or another police officer. Therefore, under Colorado law, these officers were justified in using physical force at the time that they fired their weapons.

CONCLUSION

The District Attorney's Office has reviewed the investigation and applied the relevant law to the evidence. Pursuant to the Colorado law and the state statutes cited above, Officer William Stricklin, Officer Jonathan McCants, Officer Benjamin Petering, and Officer Steve Garcia were justified in using deadly force on December 15, 2013. No criminal charges will be filed against Officer William Stricklin, Officer Jonathan McCants, Officer Benjamin Petering, or Officer Steve Garcia.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Young". The signature is fluid and cursive, with a large initial "D" and a stylized "Y".

Dave Young
District Attorney