



For Immediate Release:
Chris Hopper
Director of Communications
chopper@da17.state.co.us
da17media@da17.state.co.us
(303) 835-5639

March 9, 2023

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to an officer-involved shooting in Adams County on May 24, 2022.

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

*AdamsBroomfieldDA.org, Facebook: [@da17colorado](https://www.facebook.com/da17colorado) Twitter: [@da17colorado](https://twitter.com/da17colorado)
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March 8, 2023

Sheriff Gene Claps
Adams County Sheriff
4430 S Adams County Pkwy 1st Floor, Suite W5400
Brighton, CO 80601

RE: The officer-involved shooting of Mr. Matthew Jones, occurring on May 24, 2022

Dear Sheriff Claps:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the May 24, 2022, officer-involved shooting of Mr. Matthew Jones. One Deputy from the Adams County Sheriff's Office discharged his firearm in the incident that led to Mr. Jones' injuries. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Westminster Police Detectives Steve Sanders and Matt Calhoun. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Adams County Sheriff's Office. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is mandated by Colorado law which requires the public release of a report explaining findings and the basis for a District Attorney's decision relative to the filing of criminal charges when an officer is involved in a shooting that results in serious bodily injury. As such, this review is limited to determining whether any criminal charges should be filed against the involved officer for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all elements of a crime beyond a reasonable doubt. The prosecution also has the burden to prove beyond a reasonable doubt that the use of force was *not* legally justified. This independent investigation and review are not intended to take the place of an internal affairs investigation by your agency. The 17th Judicial District Attorney's review does not evaluate compliance with any departmental policies, standards, or procedures.

The circumstances surrounding this incident resulted in criminal charges against Mr. Matthew Jones which, as of the date of this letter, are still pending in Adams County District Court. Individuals charged with a crime retain a presumption of innocence until the final resolution of the case. Therefore, despite the law requiring public disclosure of decisions with respect to the filing of charges against an officer, we must also preserve the integrity of the pending criminal case. Consequently, and based on limitations set forth in the Colorado Rules of Professional Conduct restricting pretrial publicity, this letter does not reveal all facts pertinent to the entire

investigation. Furthermore, in an effort to preserve the integrity of the pending case, the record of this investigation will remain restricted from public access until the conclusion of the criminal proceedings. The record and any video evidence of this investigation will not be made available until the conclusion of the pending case associated with this matter.

The involved deputy participated in a recorded interview with the CIRT investigators. This review provides a summary of the interview only as it relates to the legal decision not to file criminal charges against the deputy. Mr. Jones fairly exercised his constitutional right to remain silent, which is in no way used against him in the overall analysis below.

Based on the evidence presented and the applicable Colorado law, there is no reasonable likelihood of success of proving the elements of any crime beyond a reasonable doubt against the involved deputy and no charges will be filed against him.

FACTUAL SUMMARY OF THE INCIDENT

At approximately 12:28 a.m. on May 24, 2022, Deputy Johnathan Eller and Deputy Joseph Archuleta were a two-man unit performing patrol duties in the district five area of Adams County. Deputy Eller was driving and Deputy Archuleta was the passenger. On patrol, they observed a Dodge pickup truck with no license plates. The driver of the truck was later identified as Mr. Matthew Jones. Deputy Eller attempted a traffic stop on the truck, but the truck began to accelerate and elude officers, increasing speeds of up to ninety-two miles per hour heading westbound on Colfax Avenue. Deputy Strong was in the area and heard the radio traffic and worked to place stop sticks under the underpass in the area of exit 304 to stop the pursuit and disable the vehicle. The stop sticks were successful in striking the truck's front tires, but the truck was still mobile. Deputies continued to pursue Mr. Jones, who entered westbound I-70 with continued speeds around ninety miles per hour.

Deputy Strong was able to join the pursuit and observed Mr. Jones traveling in the westbound lanes of traffic, then swerve multiple times across the median from the westbound lanes to the eastbound lanes while heading westbound. The truck's front tires were heavily sparking and Deputy Strong could smell the odor of burning rubber. The truck speeds started to decrease to approximately forty miles per hour.

Colorado State Patrol Troopers joined the pursuit and observed Mr. Jones going westbound in the eastbound lanes of traffic and then exit the wrong way on the exit 299, Manilla Road. Mr. Jones then entered back onto I-70 traveling westbound in the eastbound lanes while being pursued. Deputy Eller continued driving westbound in the westbound lanes of traffic, driving parallel to Mr. Jones.

The troopers described the suspect vehicle as being all over the highway, to include going off the south side of the interstate. The troopers caught up to the vehicle and attempted a tactical vehicle intervention (TVI). Mr. Jones was able to maneuver the vehicle back onto the highway going westbound in the westbound lanes of traffic. Mr. Jones then moved across the median, driving westbound in the eastbound lanes of the highway. The troopers attempted another TVI forcing Mr. Jones' vehicle off the roadway. The trooper tried to prevent the vehicle from getting

back onto the highway to avoid a head-on fatal crash with oncoming traffic. As Mr. Jones was off the roadway, his truck contacted the Colorado State Patrol vehicle. The contact was made as the two vehicles were driving parallel to each other, Mr. Jones' passenger side contacted the trooper's driver's side of the vehicle. The Trooper then attempted a third TVI, which temporarily disabled the Trooper's vehicle. The TVI's conducted on the vehicle did not cause the desired effect as Mr. Jones was able to continue to drive on the highway. Traffic was light, but travelers were required to slow and maneuver around Mr. Jones' truck.

Troopers and deputies were concerned for the safety of the motorists on the roadway. At approximately 12:42 a.m., Mr. Jones turned off his headlights and his vehicle was blacked out driving westbound in the eastbound lanes of traffic. At this time, Adams County Sheriff's Deputies and Colorado State Patrol Troopers called off the pursuit for safety concerns. Around this time, Mr. Jones' truck stopped on the highway, and he exited on foot.

A semi-truck driven by Y.C.¹ was heading eastbound on I-70 and noticed the police presence and another vehicle with sparks coming from it that came to a stop. Y.C. slowed down to approximately five miles per hour as he approached the area. The area was dark with poor lighting. Y.C. observed Mr. Jones approach his semi-truck and get onto the running board. Mr. Jones then began punching the window while yelling, "Open the fuck up." Y.C. tried to lock his door while also working to hold it closed so Mr. Jones could not enter his truck.

Y.C. described the man as desperate and was concerned what would happen if he entered his truck and could potentially force him to drive somewhere. Y.C. also expressed concern that Mr. Jones could hurt or kill him if Y.C. was thrown out of his semi-truck. As Mr. Jones continually punched his window, Y.C. did not observe anything in Mr. Jones' hands at that time. Mr. Jones eventually fell to the ground. Y.C. observed him run towards the median. Y.C. stated that Mr. Jones went down to the ground and got up trying to run. Y.C. could hear a deputy yelling something at Mr. Jones and then heard four to five rounds of gunfire in rapid succession.

When Mr. Jones approached the semi-truck, deputies arrived and parked on the highway near the semi-truck. Deputy Eller attempted to exit his vehicle, but became entangled in his taser wires and was unable to exit. Deputy Archuleta exited the passenger side of the patrol vehicle and began to approach the front of the semi-truck. Deputy Archuleta approached and observed Mr. Jones banging on the window of Y.C.'s truck. Deputy Archuleta advised the loud banging on the window led him to believe that Mr. Jones had something in his hand. Deputy Archuleta arrived and gave commands for Mr. Jones to get off the truck and get on the ground. Mr. Jones jumped off the truck and cut across in front of Deputy Archuleta. Deputy Archuleta described seeing Mr. Jones swing his hand up towards Deputy Archuleta while stating, "I'm going to fucking kill you" repeatedly. Deputy Archuleta later explained that it was that moment that he believed he was going to be shot by Mr. Jones.

Deputy Archuleta stated that due to Mr. Jones' statements and his perception that Mr. Jones' mannerisms of pointing at him, Deputy Archuleta believed Mr. Jones was armed with a handgun and was going to shoot him. Deputy Archuleta believed that he was in imminent danger of being killed. Deputy Archuleta stated that he was concerned for his safety, safety of

¹ Initials are used to maintain the privacy of citizen-witnesses.

the other officers and the surrounding motorists. Deputy Archuleta fired his duty weapon, striking Mr. Jones. Deputies and troopers immediately rendered aid. Mr. Jones was taken into custody and transported to University Hospital for treatment and survived his injuries. The investigation revealed that Mr. Jones was unarmed at the time.

Criminalists conducted an examination of the scene and collection of evidence. At the scene, seven 9mm cartridge casings were located on the roadway. Deputy Archuleta turned over the firearm he used in the incident for examination, identified as a 9 mm semi-automatic handgun weapon for examination. The examination confirmed seven rounds were discharged from the deputy's weapon at the scene.

LEGAL ANALYSIS

As previously noted, this review is limited to a determination of whether criminal charges should be filed against the law enforcement officer involved in this incident. In addition, the involved deputy participated in a recorded interview with the CIRT investigators. Because the underlying criminal case remains pending, this review provides a summary of the interview only as it relates to the legal decision to not file criminal charges against the deputy. The decision to file criminal charges involves an assessment of all known facts and circumstances as well as an evaluation of whether there is a reasonable likelihood of conviction at trial under the applicable law. Criminal liability is established when the evidence is sufficient to prove all the elements of a crime beyond a reasonable doubt. In addition to proving the elements of a crime, the prosecution must also *disprove* any statutorily recognized justification or defense beyond a reasonable doubt. Consequently, to file a criminal charge, the District Attorney's Office must be able to prove beyond a reasonable doubt that the involved law enforcement officers' actions were *not* justified under the circumstances surrounding this incident and the applicable law.

Under Colorado law, a law enforcement officer may use an amount of force, including deadly physical force, only when it is reasonable and appropriate under the circumstances. In this case, an analysis of the use of deadly physical force as defined by law is not necessary because the use of force did not cause death. As such, this review focuses on the officer's use of physical force against the Mr. Jones.

A law enforcement officer may use physical force in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person. However, physical force may be used only if nonviolent means would be ineffective and must use only that degree of force consistent with the minimization of injury to others.

Under Colorado law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force. An officer's right to use physical force in self-defense is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified.

The law applicable to the officers' use of force at the time of this incident requires:

[w]hen 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.

§18-1-707(2), C.R.S. (2022).

The United States Supreme Court has set forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer’s use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he 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, 396-97 (1989).

Applying the legal standard in this case, the first question is whether physical force was appropriate under the statute. Deputy Archuleta was assisting in law enforcement efforts to initiate a traffic stop. A high-speed pursuit ensued, and Mr. Jones began to elude law enforcement by driving eastbound in the westbound lanes of I-70 putting officers and other motorists in danger. After several tactical vehicle interventions by law enforcement, Mr. Jones stopped his vehicle on I-70 and approached a semi-truck who had stopped on the highway. Mr. Jones approached the semi-truck driver, banged on his driver’s side window and demanded he be let into the truck. The semi-truck driver, Y.C., described the man as desperate and Y.C. was concerned for his life and personal safety.

Deputy Archuleta arrived and gave commands for Mr. Jones to get off the truck and get on the ground. Mr. Jones jumped off the truck and cut across in front of Deputy Archuleta. Deputy Archuleta described seeing Mr. Jones swing his hand up towards Deputy Archuleta while repeatedly stating, “I’m going to fucking kill you.” Deputy Archuleta described that he believed he saw a black object in Mr. Jones’ hand. Mr. Jones began to run along a perpendicular path in

front of Deputy Archuleta while pointing and raising his right hand at Deputy Archuleta in a manner which the Deputy believed was consistent with pointing a handgun. At that moment, Deputy Archuleta believed he was going to be shot by Mr. Jones.

Based on his statements during the interview, Deputy Archuleta was concerned for his safety, the safety of other officers, and the safety of motorists on the highway. Between the time Deputy Archuleta perceived the threat and when he was able to respond, there was insufficient time to give Mr. Jones any warnings prior to discharging his firearm. Given these circumstances, it would be unreasonable to expect the law enforcement officer involved in this event to apprehend Mr. Jones by nonviolent means. Regardless, the deputy did not use deadly physical force as defined by law. The use of physical force by the deputy here was indeed appropriate not only to affect Mr. Jones arrest, but also to prevent the imminent threat of injury to the deputy or another person. Deputy Archuleta's statements and observations support his reasonable belief that Mr. Jones was armed.

The second question is whether the degree of force was consistent with the minimization of injury to others. Mr. Jones is alleged to have eluded officers and attempted to carjack an individual on the highway. As such, Mr. Jones' behavior presented a threat to the deputy and others in the immediate vicinity, resulting in the deputy's escalation of force. This degree of force proved to be necessary to apprehend Mr. Jones without further threat of injury to others.

The investigation demonstrates compliance with the remaining provisions of the law as written. The officers who apprehended Mr. Jones rendered medical aid to him upon contact. Further, Mr. Jones' relatives were notified of the incident during the ensuing investigation.

Though not specifically required by the language of the statute applicable here, proper application of the law of self-defense must answer the question whether an objectively reasonable officer, confronted with the same facts and circumstances, would have reasonably believed that Mr. Jones posed an immediate threat to the safety of the officer or others, and that the officer used a degree of force that the officer reasonably believed to be necessary for the purpose of defending himself or others. The facts of this investigation reveal that several law enforcement officers attempted to stop Mr. Jones who eluded officers at a high rate of speed on a major metropolitan highway putting officers and motorists in danger. Upon contact with Mr. Jones, he is alleged to have attempted to carjack a semi-truck driver. When confronted by law enforcement, a deputy observed what he believed to be a weapon pointed at the deputy. The deputy believed his life was in danger and fired his duty weapon.

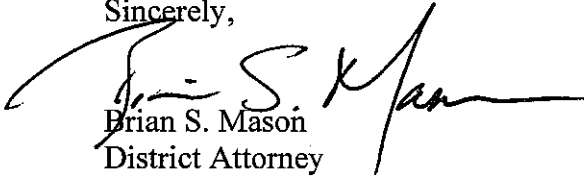
The deputy who fired his weapon explained that Mr. Jones' actions caused him to fear for his own life. The facts of the investigation support a conclusion that at the time the deputy used force upon Mr. Jones, the officer reasonably believed that Mr. Jones presented a threat to the motorists and officers responding to the area. These facts further support a conclusion that the deputy reasonably believed that the degree of force he employed was necessary to prevent the risk of harm presented by Mr. Jones. Under the circumstances, the use of a less lethal force was not a reasonable alternative.

Given the totality of the circumstances and evidence, the prosecution cannot prove that the

involved deputy was not justified in using reasonable force under §18-1-707, C.R.S. (2022). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of criminal charges against Adams County Sheriff Deputy Archuleta.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian S. Mason". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian S. Mason
District Attorney