



December 4, 2017

Sheriff Michael McIntosh
Adams County Sheriff's Office
332 North 19th Avenue
Brighton, CO 80601

Re: *The investigation of the in-custody death of Paul Egli, DOB 5/3/1958, occurring on August 19, 2017*

Dear Sheriff McIntosh:

The investigation and legal analysis of the death of Paul Egli is complete. The 17th Judicial District Critical Incident Investigation Team (CIIT) conducted the investigation in this matter, led by Detective Brent Mullen and Detective Bryan Adair of the Thornton Police Department. The CIIT is comprised of detectives and crime scene technicians from multiple police agencies within the 17th Judicial District, as well as investigators from the Office of the District Attorney. The factual findings were presented to my office on October 4, 2017. The CIIT presented police reports, videos of interviews, photographs and diagrams of the scene investigation and surveillance video from the Super 8 motel. The Office of the District Attorney concludes that the investigation is thorough and complete.

The District Attorney's Review is limited to determining whether criminal charges should be filed against the involved officers. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove any criminal violations beyond reasonable doubt to a jury. In this instance, the prosecution also has the burden to prove beyond a reasonable doubt that the use of force was not justified pursuant to Colorado law. This review does not evaluate the appropriateness of the actions of the involved officers, whether police department policies were followed, or whether policies, practices, or training the involved agency were sufficient. That evaluation is left to each individual agency.

Based on the evidence presented and applicable Colorado Law there is no reasonable likelihood of success of proving beyond a reasonable doubt that any of the involved officers committed any crimes. Therefore, no criminal charges will be filed against the law enforcement officers involved in this incident.

OVERVIEW OF THE INCIDENT

On August 19, 2017 at approximately 8:39 p.m., Adam's County Sheriff's Deputies responded to the Super 8 motel located at 5888 N. Broadway, in unincorporated Adams County, on a report of a suspicious person running around the motel parking lot in his underwear.

Deputy Geoff Coster responded to the dispatch call. Deputy Coster arrived at the Super 8 motel and observed a male wearing only underwear running in between cars in the south parking lot. Deputy Coster exited the vehicle and approached the male. The male ran away from Deputy Coster. Deputy Coster yelled commands at the male and began to chase the male. The male stopped with his back to Deputy Coster. Deputy Coster approached the male from behind and attempted to place handcuffs on the male. The male attempted to roll away from Deputy Coster. Deputy Coster then brought the male to the ground. On the ground, the male continued to resist arrest. Deputy Joshua Padilla and Deputy Lonn Trail arrived and assisted Deputy Coster in taking the male into custody. After a short time, the Deputies were able to place the male into handcuffs.

Shortly after placing the male in handcuffs, the deputies realized that the man was in distress and requested that medical respond emergent. The deputies removed the handcuffs from the male, placed him on his back and began to perform chest compressions until emergency medical arrived. The male was transported to North Suburban Medical Center and was pronounced deceased at 9:34 p.m. The forensic pathologist, Dr. Cina, concluded that the cause of death was cocaine-induced excited delirium. The male was identified as Paul Egli, date of birth, 5/13/1958.

SYNOPSIS OF LAY WITNESS INTERVIEWS

All of the witnesses were contacted and interviewed within a short time of the incident.

Misty Corrales: Ms. Corrales is the assistant manager at Super 8. Her shift that evening was 2:00 p.m. to 12:00 a.m. At approximately 7:16 p.m., Ms. Corrales checked Mr. Egli into room 204. Mr. Egli returned to the front office a half hour after he checked in because he had lost his room key. Ms. Corrales provided a replacement key to Mr. Egli.

Mr. Egli returned to the office a short time later and told Ms. Corrales that she was trying to get him killed. Mr. Egli stated that he was trying to get into room 212 and the key was not opening the door. Ms. Corrales reminded Mr. Egli that he was assigned room 204, not 212. Mr. Egli left the office.

A short time later, a guest called the front office and reported that a man was running around the parking lot in his underwear, complaining that he was having a heart attack. The guest stated that she believed the man was high. Upon learning this, Ms. Corrales and a desk clerk, Janice Mena, went outside. Ms. Corrales observed Mr. Egli running towards them from the east. Mr. Egli was wearing only his underwear. Ms. Corrales told Mr. Egli, "you can't come in here like that." Mr. Egli responded "What am I supposed to do?" and then he ran south and ran up and down the stairs. At this time, Ms. Corrales called 911.

Ms. Corrales stated that Mr. Egli appeared "normal" earlier in the evening when he checked into the motel. Later, when she encountered Mr. Egli, he seemed confused and smelled differently.

Ms. Corrales did not observe the confrontation between the deputies and Mr. Egli.

Christian Larson: Mr. Larson was staying at the Super 8 motel, room 105, on August 19, 2017. Thornton Police Department Detective Bryan Adar interviewed Mr. Larson on August 20, 2017, hours after the incident occurred.

Mr. Larson was laying on the bed in room 105. He was watching a movie with headphones on. He heard a loud commotion and voices coming from outside of the room. He removed his headphones. The voices stopped and heard a "tussle."

Mr. Larson walked to the window and opened the blinds. Mr. Larson observed a male on the ground and three Deputies attempting to gain control of the male's arms. Mr. Larson stated that the male was "putting up a fight, not helping them do it." Mr. Larson had difficulty seeing the positioning of the deputies from his vantage point but did observe a deputy on top of the male, a second deputy on the side of the male, and a third deputy holding the male's legs down. During the incident, Mr. Larson heard a deputy state, "stop, don't do that."

Mr. Larson stated that deputies were eventually able to place handcuffs on the male. The deputies rolled the male over and sat the male up. Mr. Larson observed that the male had a small amount of blood on his mouth. The deputies then leaned the male up against a wall. The male appeared to be unresponsive. Mr. Larson heard a deputy state that the male was turning purple. The deputies immediately removed the handcuffs from the male, laid him on the ground, and began chest compressions on the male.

The male was not wearing shoes and only had on a pair of black boxers.

Richard Horn: Mr. Horn was a guest in room 211 on August 19, 2017. Thornton Police Department Detective Brad Barkley interviewed Mr. Horn hours after the incident.

At approximately 8:00 p.m., Mr. Horn was standing on the south side of the building smoking a cigarette. A white male ran by Mr. Horn. The male was wearing only a pair of shorts. The male then turned around and came back towards Mr. Horn. Immediately after this, an Adams County Deputy drove up. The male was about five car spaces away from Mr. Horn and the Deputy Sheriff pulled his vehicle up beside the male. The Deputy stepped out of his vehicle and began giving orders to the male. Mr. Horn could not recall the exact command but believed the deputy may have stated "get down" or something similar.

Mr. Horn stated that the deputy approached the male and the deputy took hold of one of the male's arms, and standing to the side of the man, used the arm to force the male downward, face down to the ground. On the ground, the officer knelt beside the male and the deputy attempted to handcuff the male. The deputy was unable to gain control of the male's other arm.

A second deputy appeared and approached the other side of the male. The deputies were telling the male to give the deputies his arm. After a few seconds, the deputies were able to place handcuffs on the male. Shortly after the male was handcuffed, the deputies rolled the male over and began performing CPR on the male.

During this encounter with the deputies, Mr. Horn did not hear the male say anything. Mr. Horn also did not observe the deputies deliver any punches or kicks, nor did he observe the deputies use any impact weapons or Tasers.

SYNOPSIS OF LAW ENFORCEMENT INTERVIEWS

The Sheriff's Deputies gave interviews within hours of the commencement of the investigation. Detectives from the Thornton Police Department conducted the interviews of the Deputies. The following are summaries of the involved Deputies.

Deputy Geoff Coster: Deputy Coster is a patrol deputy for the Adams County Sheriff's Department. Thornton Police Department Detectives Brent Mullen and Bryan Adair conducted the interview on August 20, 2017 at 12:50 a.m. with Deputy Coster's attorney present.

On August 19th, 2017, Deputy Coster received a dispatch call of a suspicious man running around in his underwear at 5888 Broadway. Deputy Coster was advised on scene that the man was associated with room 240. Deputy Coster proceeded to room 240 located on the 2nd floor of the northeast corner of the motel. He knocked on the door. He did not receive a response. Deputy Coster then went down the stairs and spoke with two female employees. The employees informed Deputy Coster that the individual was located in the front of the building. Deputy Coster returned to his patrol car and drove to the front of the motel.

Deputy Coster arrived in the south parking lot and observed the male running in and out of parked cars. Deputy Coster exited his vehicle and yelled, "Paul come here." After the command, the male began to run away from Deputy Coster. Deputy Coster took approximately three running steps towards the male and stated, "Do not make me chase you." The male stopped, his back remained to Deputy Coster, the male's arms were to his side, and the male's fists were clenched. The male was breathing heavily and sweating profusely. Deputy Coster approached the male and attempted to put the male in handcuffs by attempting to place the male's hands behind the male's back. Deputy Coster was unable to place handcuffs on the male because the male spun away from Deputy Coster. Deputy Coster then forced the male to the ground.

Once on the ground, Deputy Coster laid across the male's shoulders. Deputy Coster's right hand had a hold of the male's right wrist and Deputy Coster's left hand had a hold of the male's left wrist. Deputy Joshua Padilla arrived and delivered what Deputy Coster believed to be a punch to the male's right ribs in order to distract the male and allow the deputies to gain control of the male's right hand and place his right hand into handcuffs. Deputy Lonn Trail also arrived and was able to place the male's left hand into handcuffs.

The Deputies rolled the male over; Deputy Padilla sat the male up and allowed the male to sit against Deputy Padilla's legs. Deputy Coster observed that the male had a bloody lip and that his eyes were only partially open. Deputy Coster also believed that the male may be suffering from an overdose given his behavior. These factors caused Deputy Coster to request medical to respond to the location.

Deputy Coster then began to walk towards the office in order to obtain a copy of the male's identification. As Deputy Coster was walking away, he heard over his radio that Deputy Trial requested that medical respond emergent and that CPR was in progress. Deputy Coster returned and observed that Deputy Engle had arrived and was performing CPR on the male. In the short time that Deputy Coster had been away, the handcuffs had been removed from the male. Medical arrived and Deputy Coster guided medical to Mr. Egli's location.

Deputy Joshua Padilla: Deputy Padilla is a patrol deputy for the Adams County Sheriff's Office. Thornton Police Department Detectives Brent Mullen and Bryan Adair interviewed Deputy Padilla on August 20, 2017, hours after the incident occurred with his attorney present.

Deputy Padilla received a radio call that contained information that a man was running around in circles, naked at the Super 8 motel. Deputy Coster was the primary on the call and Deputy Padilla informed dispatch that he would respond to the location and provide cover for Deputy Coster.

Deputy Padilla arrived on scene and from his vehicle, observed Deputy Coster grab a male in his underwear by the arm. Deputy Padilla turned his vehicle around, briefly losing sight of Deputy Coster and the male. As Deputy Padilla was exiting the vehicle, he heard Deputy Coster air over the radio "combative." Deputy Padilla ran towards Deputy Coster and observed Deputy Coster on the ground, on top of the male. Deputy Coster was stating, "stop resisting, give me your arm."

Deputy Padilla sat on his knees, to the side of the male, and grabbed the male's right arm, which was located underneath the male's stomach. Deputy Padilla felt the male tense the male's right arm and tug his arm as if the male was flexing. Deputy Padilla let go of the male's right arm and delivered a knee strike as a distractive technique. Deputy Padilla then grabbed the male's right arm while the male continued to tense his arm. Deputy Padilla was then able to place a handcuff on the male's right wrist. Meanwhile, Deputy Trail arrived to assist and was able to place a handcuff on the male's left wrist. Throughout this interaction the male did not say anything, was breathing heavily and tensing his body in a resistive manner.

Deputy Padilla sat the male up and allowed the male to rest against Detective Padilla's knees. Deputy Padilla observed that the male's stomach was moving and that the male had a pulse. At this time, either Deputy Trail or Deputy Coster requested that medical respond to their location.

Deputy Padilla observed that the male had a bloody lip and was beginning to turn blue. Deputy Engle began tapping the male's face. The male coughed twice while Deputy Engle was tapping his face. The male continued to turn blue causing Deputy Padilla to remove the handcuffs. Deputy Engle and Deputy Padilla laid the male on the ground. Deputy Engle began performing chest compressions on the male.

Medical arrived and removed the male from the scene. Deputy Padilla then began placing crime scene tape up in order to secure the crime scene.

Deputy Lonni Trail: Deputy Trail is a patrol deputy for the Adams County Sheriff's Office. Thornton Police Department Detectives Brent Mullen and Bryan Adair interviewed Deputy Padilla on August 20, 2017, hours after the incident occurred with his attorney present.

Deputy Trail heard a radio call for a male running around the parking lot of the Super 8 motel and that Deputy Coster and Deputy Padilla were responding to the location. Deputy Trail also responded to the scene.

Deputy Trail arrived on scene and parked his vehicle close to unit 240. As Deputy Trail was exiting his vehicle to check on unit 240, he heard Deputy Coster on the radio state, "combative on the south parking lot."

Deputy Trail ran around the building towards the south parking lot. As Deputy Trail approached the south parking lot, an unidentified male pointed towards the first building on the south parking lot and stated, "I think your partner is over there." Deputy Trail continued running in that direction. Deputy Trail heard Deputy Coster state, "stop resisting." Moments later, Deputy Trail located Deputy Coster and observed Deputy Coster laying on the ground with a male underneath him. The male was laying on his stomach and Deputy Coster was laying on top of the male. Deputy Coster's body was positioned sideways with his right shoulder blade on top of the male's back. Deputy Coster's right arm was underneath the male and the male's left hand in Deputy Coster's left hand. The male was grunting and flailing his legs around.

Deputy Trail and Deputy Padilla simultaneously approached Deputy Coster and the male. Deputy Padilla dropped to his knees and attempted to secure the male's right hand. Deputy Coster stated that Deputy Coster's arm was underneath the male. Deputy Trail then placed his hand on the male's back and Deputy Trail grabbed the male's left hand out of Deputy Coster's hand. Deputy Trail pulled the male's arm up, allowing Deputy Padilla to place a handcuff on the male's left wrist.

The deputies then rolled the male onto his back. Deputy Padilla leaned the male forward into a sitting position. Deputy Trail observed that the male's head slumped forward; the male was breathing and appeared to be playing possum. Deputy Trail delivered a sternum rub to the male's chest. The male did not open his eyes or say anything.

Deputy Padilla then moved the male to the brick wall and placed the male in a seated position against the wall. The male slumped further forward. Deputy Trail was concerned that the male may have narcotics in his system and that the male was not responding to sternum rubs causing him to request that medical be expedited.

Deputy Trail then returned to his vehicle and parked the vehicle closer to the scene. Upon his return, Deputy Trail observed the handcuffs had been removed, the male was lying on his back and Deputy Engle was performing chest compressions. Deputy Trail relieved Deputy Engle and Deputy Trail began performing chest compressions for approximately two minutes until medical arrived.

Deputy Cory Engle: Deputy Engle is a patrol deputy for the Adams County Sheriff's Office. Thornton Police Department Detectives Brent Mullen and Bryan Adar interviewed Deputy Engle on August 20, 2017, hours after the incident occurred with his attorney present.

Deputy Engle was dispatched to the Super 8 motel due to a suspicious party. As Deputy Engle was driving to the location, he heard Deputy Coster air over the radio that there was a combative party. Deputy Engle arrived on scene and observed the male laying on his chest. Deputy Coster was laying on top of the male and attempting to secure the male's left hand. Deputy Padilla was on the right side of the male. Deputy Engle did not hear the male say anything.

After the deputies were able to place handcuffs on the male, they rolled him over and sat him up. As the deputies were speaking to the male, the male slouched forward, the male's breathing became shallow, his eyes were closed and the male was not responding to questions. The deputies removed his handcuffs, placed the male on his back and Deputy Engle began chest compressions on the male. Once Deputy Engle became fatigued from performing chest compressions, Deputy Trail relieved Deputy Engle and Deputy Engle continued performing chest compressions on the male. Medical arrived on scene and transported the male to the hospital. Deputy Engle followed the ambulance to the hospital.

SUPER 8 MOTEL SURVILLANCE VIDEO

Thornton Police Department Detective Doug Parker collected the surveillance video from Misty Corrales, the assistant manager of Super 8 motel.

Camera 3 depicts Mr. Egli walking from Northbound Broadway to the Super 8 motel office at 7:11 p.m. Camera 2, located inside the Super 8 motel, depicts Ms. Corrales checking Mr. Egli into the Super 8 motel. Mr. Egli is wearing a black t-shirt, pants, and red backpack on his back. Mr. Egli is in the office between 7:11 p.m. and 7:16 p.m. His interaction with Ms. Corrales and another employee does not appear out of the ordinary. Camera 3 depicts Mr. Egli exiting the office at 7:16 p.m. and walking toward room 240.

Camera 5 depicts Mr. Egli running alongside the building towards the office at 8:31 p.m. Mr. Egli is only wearing a pair of black underwear. Camera 3 depicts Mr. Egli walking across the parking lot and approaching Ms. Corrales at 8:32 p.m. Camera 5 then depicts Mr. Egli walking away from the office.

Camera 6 depicts Mr. Egli wandering between several vehicles located south of the building at 8:34 p.m. Deputy Coster is seen arriving at 8:34:13 p.m. in a marked patrol car. At this time, Mr. Egli is walking between two parked vehicles toward Deputy Coster's patrol vehicle. Deputy Coster exits the vehicle at which point Mr. Egli turns around and runs away from Deputy Coster. Deputy Coster follows Mr. Egli. Deputy Coster appears to place his hands on Mr. Egli's back and then the two are off screen. The surveillance video does not capture the interaction between Deputy Coster and Mr. Egli after this point.

Deputy Padilla is observed arriving at 8:34:38, parking his vehicle and running toward the area that Deputy Coster and Mr. Egli were last observed on the surveillance video. The video depicts Deputy Trail parking his vehicle at 8:35:01 and running toward the altercation at 8:35:08. Emergency medical personnel arrive on scene at 8:40:28. Again, the surveillance video does not capture the interaction between the deputies and Mr. Egli.

CRIME SCENE INVESTIGATION

Criminalist Chandra Thurston from the Westminster Police Department, Criminalist Heather Hatfield of the Thornton Police Department and Detective Brad Barkley of the Thornton Police Department processed the evidence.

Criminalist Thurston first went to the Adams County Sheriff's Office Substation. She photographed Deputies Coster, Padilla and Trail. Criminalist Thurston did not observe any injuries to the three deputies. Deputy Barkley inspected the Taser and Taser cartridges of Deputy Coster, Deputy Padilla and Deputy Trail. All were intact. Criminalist Thurston collected all of the involved-deputies' boots.

Criminalist Thurston next responded to North Suburban Medical Center. She examined and photographed Mr. Egli's body. Criminalist Thurston observed what appeared to be small pieces of gravel on Mr. Egli's chest. She documented various injuries that will be further detailed in the section of this letter titled, "Medical Examination Analysis."

Criminalist Thurston responded to the Super 8 motel located at 5888 Broadway. Criminalist Thurston processed room 240. The room contained few items. A red backpack, pair of shoes, a black t-shirt and pants were located on the bed. Drug paraphernalia, suspected marijuana, and a white substance found inside containers labeled marijuana were located in the room. Two beer bottles were observed on the center console. One bottle was open and was half-empty, the other bottle was unopened. Additional beer bottles were located in the refrigerator.

Criminalist Hatfield responded to 5888 Broadway. She took photographs of the south parking lot and the area near room 105. She did not locate any evidence, including blood evidence. Criminalist Hatfield then went to room 240 to assist Criminalist Thurston.

MEDICAL EXAMINATION ANALYSIS

On August 22, 2017, Dr. Stephen Cina conducted an autopsy of the male identified as Paul Egli, date of birth, October 13, 1970.

The medical examination revealed several non-fatal injuries. There were multiple superficial abrasions located on the decedent's torso and extremities. There were multiple rib fractures and a liver contusion. The rib fractures and liver contusions are attributable to extensive CPR efforts performed on the decedent.

There was no evidence of restraint related asphyxia. The examination of the neck revealed no injuries to the soft tissue of the neck. The hyoid bone and larynx were intact. There was also no ocular petechiae, commonly associated with strangulation.

The internal examination of the decedent revealed that the decedent had a large vocal cord tumor, which subtotally occluded the larynx. Toxicology tests were performed on the decedent's blood and were positive for cocaine.

Dr. Cina concluded that the cause of death to be cocaine-induced excited delirium. The large vocal cord poly, which subtotally occluded the larynx, contributed to the death.

LEGAL ANALYSIS

As was previously noted, this review is limited to determining whether criminal charges should be filed against the involved deputies. 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. Generally speaking, criminal liability is established when 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 reasonable doubt. In this instance, in order to file a criminal charge, the District Attorney's office must prove beyond a reasonable doubt that the officers' actions were not justified under the circumstances surrounding this incident and the applicable law.

The use of physical force by officers is governed by § 18-1-707(1)(a). According to the statute:

- (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 prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized.
 - (b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effectuating or attempting to effect such an arrest or while preventing or attempting to prevent an escape.

In this instance, Mr. Egli's death was not related to any force that deputies applied to effectuate his arrest. Mr. Egli's death was a result of cocaine-induced excited delirium and had nothing to do with the actions of the deputies in this matter.

The Colorado Supreme Court has stated that an officer may use an amount of force that is reasonable and necessary to ensure their safety during the period of lawful detention. Here, Mr. Egli fled from a law enforcement officer making a justified contact, refused to obey orders, and physically resisted Deputy Coster's attempts to detain him. The prosecution cannot prove that Deputy Coster's actions were not justified under the law.

Deputy Padilla and Deputy Trail responded to a situation where an officer was actively engaged with a combative suspect. Both deputies heard Deputy Coster air combative over his radio. Upon arriving both observed Deputy Coster engaged in a struggle with a male suspect on the ground. The evidence reveals that the Deputy Padilla delivered a single strike as a distractive technique in order to gain control of the suspect. At this point, the deputies were able to gain control of Mr. Egli and place him in handcuffs.

The evidence supports the conclusion that once Mr. Egli stopped resisting, the deputies placed handcuffs on him and sat him up. There is no evidence to suggest that the officers' use of force was not reasonably related to the scope and purpose of detaining Mr. Egli. As such, the evidence supports a conclusion that their actions were focused on effecting the arrest or escape of an arrested person. Under these facts, the prosecution cannot prove that any of the deputies' actions were not justified as applied to § 18-1-707.

CONCLUSION

Applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against any law enforcement officers who applied physical force to Mr. Egli on August 19, 2017. Please feel free to contact me if you have any questions or if you believe that further investigation is warranted.

Respectfully,

A handwritten signature in black ink, appearing to read 'DY', is written over the printed name 'Dave Young'.

Dave Young
District Attorney