



June 20, 2017

Chief Scott Hernandez
Colorado State Patrol
700 Kipling Street
Lakewood CO 80215

Chief Dan McCasky
Lakewood Police Department
445 S Allison Parkway
Lakewood CO 80226

Chief Dan Brennan
Wheat Ridge Police Department
7500 W. 29th Avenue
Wheat Ridge CO 80033

Re: *The investigation of the officer-involved shooting of Alexander Meltz, dob 3/31/1998, occurring on March 14, 2017*

Dear Chiefs:

The investigation and legal analysis of the officer involved shooting of Alexander Meltz is complete. The 17th Judicial District Critical Incident Investigation Team (CIIT) conducted the investigation into this matter, led by Westminster Police Detectives Matt Calhoun and Bernard VonFeldt. 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 for the 17th Judicial District. The factual findings of the investigation were presented to my office on April 28, 2017. The CIIT presented police reports, videos and transcripts of the interviews of witnesses, along with photographs and diagrams of the crime scene investigation. 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 or other involved parties. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove any criminal violations beyond a 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 department policies or procedures were followed, or whether the policies, practices, or training at the involved agency were sufficient. That evaluation is left to each individual agency.

Based on the evidence presented and the 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.

The Incident

On March 8, 2017, a blue 2016 Mercedes C300 was reported stolen from a residential garage in the City of Westminster. Subsequently, investigators with the Central Metropolitan Auto Theft Task Force (CMATT) located the vehicle parked in an apartment complex in the City of Federal Heights. The CMATT team is a group of investigators from a number of law enforcement agencies in the Denver metropolitan area committed to investigating crimes related to auto theft. These investigators equipped the stolen Mercedes with a GPS tracking device and put together an operational plan in an effort to identify a suspect. The details of that plan involved monitoring of the GPS device and conducting surveillance of any occupants of the vehicle, with the objective to identify and contact the driver upon his or her exit from the vehicle. The protocol of contacting the person after separation from the vehicle is to minimize the risk of a pursuit or other situation that could create a danger to the public. This particular operational plan was distributed at approximately 2:00 p.m. on March 13, 2017.

After the GPS was placed on the vehicle, the investigators received information that the vehicle moved a couple times from its parked location in the apartment complex. Later in the day on March 14, 2017, investigators observed a male, later identified as Alexander Meltz, get into the driver's seat of the Mercedes. Investigators followed Mr. Meltz in their unmarked vehicles to Cotton Creek Park, where Mr. Meltz backed the Mercedes into a space in the parking lot east of the park. Mr. Meltz got out of the vehicle with a basketball and walked onto a grassy area just west of the parking lot. About the same time, a male rode up on a bicycle and contacted Mr. Meltz. The male on the bicycle was later identified as Joseph Roqueni.

With Mr. Meltz was a safe distance away from the Mercedes and there were no bystanders at risk, the investigators decided to attempt to contact Mr. Meltz regarding the stolen vehicle. Three investigators with marked tactical vests and one plain clothed investigator approached Mr. Meltz and identified themselves as police officers. As the officers approached, they gave loud verbal commands to get on the ground. Mr. Roqueni complied with the commands and got down on the ground. Mr. Meltz ignored the commands and pulled a 9mm handgun from his waistband. He crouched down and pointed the gun at the investigators. Perceiving a threat to their lives and the lives of others in the area, the four investigators fired their guns at Mr. Meltz, killing him. Subsequent investigation revealed that Mr. Meltz fired two rounds, one that struck a residence across the street from the park. This residence is in direct line of where officers were positioned at the time of this shooting.

The four investigators who fired their weapons are identified as Sergeant Matthew Beaudin, Investigator Wes Kartus, Detective Charles Orris, and Detective Keith Weimer.

Witness Interviews

Investigators from various law enforcement agencies including Thornton, Westminster, Broomfield, and the District Attorney's Office conducted interviews of the necessary witnesses. The interviews of the officers who fired their weapons were conducted at the Westminster Police

Department. Though there were many witnesses interviewed, only the involved officers and material witnesses are specifically summarized herein.

Sergeant Matthew Beaudin: Sergeant Matthew Beaudin is an investigator for the Colorado State Patrol, assigned to a supervisory position with CMATT. Westminster Police Detectives Bernard VonFeldt and Sarah Jourdan conducted his interview hours after the incident with his attorney present. Sergeant Beaudin stated the following:

On March 13, 2017, Investigator Michael Monckton advised Sergeant Beaudin that he located a stolen blue Mercedes at an apartment complex near 103rd Avenue and Zuni Street in the City of Federal Heights. Sergeant Beaudin and the CMATT investigation team elected to conduct a surveillance operation on this particular vehicle, as it was connected to other crimes. As part of that operation, Sergeant Beaudin had Investigator Monckton place a GPS tracker on the vehicle as it was parked in an apartment complex. He also put together an operational plan that detailed the vehicle's description and a proposed surveillance strategy.

Sergeant Beaudin was both involved in and continually updated on the ongoing investigation of the stolen Mercedes. He followed it driving at high rates of speed, but was unable to identify a suspect driver other than a young male party with distinctive "puffy" hair. He stopped conducting surveillance at 8:30 p.m. on March 13, 2017. Around midnight on March 14, 2017, Sergeant Beaudin received notification from the GPS tracker that the vehicle moved. Further investigation revealed that the vehicle moved to a location at 107th Place and Grove Court where it stayed for several hours. Later in the day, around 11:00 a.m., the vehicle moved, but then returned a short time later to its location at 107th Place. Sergeant Beaudin reported some difficulty maintaining good surveillance on the Mercedes when it was moving, as the driver would travel at a high rate of speed in and out of traffic. Consequently, he requested that Detectives Orris and Weimer assist with the investigation by setting up surveillance in the area of 107th Place in hopes to identify a suspect with the vehicle.

A suspect got in the Mercedes and drove it northbound on Federal Boulevard to 112th Avenue, where he stopped at a red light. There, Sergeant Beaudin pulled his unmarked black Dodge Durango alongside the Mercedes and identified the driver as the same male he saw the day before. He noted the driver appeared to be texting. The Mercedes turned left and traveled westbound some distance before it turned left on Stuart Street, heading for Cotton Creek Park. Sergeant Beaudin heard from Detective Orris that the suspect had a basketball when he left the residence at 107th Place, so Sergeant Beaudin anticipated that the suspect may stop and get out of the car at the park. Sergeant Beaudin believed that this location would be a good place to make contact with the suspect, as the play area was away from the parking lot and there weren't a lot of people in the area.

Sergeant Beaudin and the other investigators positioned their vehicles around the parking lot area and watched the suspect back the Mercedes into a parking stall, park, and open the driver's door. The suspect got out with the basketball and walked into the park. Sergeant Beaudin advised that he waited until the suspect got about twenty feet away from the Mercedes to make contact because he wanted to avoid the possibility that the suspect would get back into the vehicle and threaten the safety of others nearby. Sergeant Beaudin was on his radio and knew that he had four other investigators in unmarked vehicles in the general vicinity—Detectives Orris, Detective Weimer, and Investigator Kartus were near the parking lot, and Investigator Musgrave was on the west side of the park in the event the suspect ran that direction. Sergeant Beaudin thought that the opportunity was right to attempt to contact the suspect.

As the suspect stood in the grassy area of the park, Sergeant Beaudin announced to other investigators over the radio, "Let's move in." At that point, Sergeant Beaudin pulled into the stall next to the driver's side of the Mercedes. He saw Detectives Orris's and Weimer's vehicles drive into the parking lot and Trooper Kartus' vehicle come up from the south. Sergeant Beaudin was in plain clothes and did not have his badge out, so his plan was to get out to cover while the other officers equipped with tactical vests could make the arrest. As Sergeant Beaudin got out of his vehicle, he saw another male ride up on a bicycle and talk to the suspect.

Sergeant Beaudin heard the other investigators yell, "Police! Get down!" The male with the bicycle immediately went to the ground. The suspect's attention appeared to be directed to Detective Orris, who was standing next to Sergeant Beaudin. Sergeant Beaudin pulled out his badge and also identified himself by stating, "Police." The suspect reached into his waistband, pulled out a silver gun with a black handle and held it tight against his body. The suspect looked directly at Sergeant Beaudin and pointed the gun at him. Sergeant Beaudin simultaneously drew his gun, yelled "Gun!" and then fired at the suspect. He estimated that he was ten to twenty feet away from the suspect when the suspect drew the weapon. He stated that he feared for his life and the lives of the investigators nearby. He fired three or four rounds at the suspect until the suspect fell to the ground. He then saw the suspect "twist" and move with the gun still in his hand. Sergeant Beaudin yelled, "Gun!" and "Drop it!" Thinking that the suspect might try to aim and fire the weapon, Sergeant Beaudin moved to the suspect's rear and fired two more rounds until the suspect was no longer moving. He did not know if the suspect fired a round or not.

Sergeant Beaudin asked Investigator Monckton to secure the gun away from the suspect's hands. The gun was then placed on the sidewalk. Sergeant Beaudin also asked another investigator to call an ambulance and tape off the area. He saw the male with the bicycle being taken into custody by another investigator and asked the male, "why did he pull a gun on us?" The male responded by shaking his head as if to say, "I don't know." Sergeant Beaudin told detectives that, "I knew he was going to shoot me" and "if I didn't shoot him I'd get killed."

Investigator Wes Kartus: Investigator Wes Kartus is a patrol officer for the Colorado State Patrol, assigned to CMATT. Westminster Police Detectives Bernard VonFeldt and Sarah Jourdan conducted his interview hours after the incident with his attorney present. Investigator Kartus stated the following:

On March 13, 2017, Investigator Kartus was engaged in a "proactive" operation with other CMATT investigators to identify stolen vehicles in the area of 103rd Avenue and Zuni Street. Investigator Michael Monckton located a stolen Mercedes through the use of a license plate reader. After confirming that the vehicle was in fact stolen, the investigators placed a GPS tracker on the vehicle to monitor its movement. The GPS tracker sent text messages to the investigators when the vehicle moved.

Investigator Kartus attempted to maintain visual surveillance of the Mercedes when he received a text message regarding vehicle movement. He received information that the Mercedes moved a short distance on the evening of March 13, 2017 and around midnight on March 14, 2017. However, each time he reached the location reported by the GPS, the Mercedes was unoccupied. At 11:20 a.m. on March 14, 2017, he received notification that the vehicle moved and was in the area of 107th Place near Federal Boulevard. Once at that location, Investigator Kartus saw the Mercedes parked on the street and identified a male party bouncing a basketball get into the driver's seat. The Mercedes drove off at a high

rate of speed with the undercover investigators following it. Investigator Kartus drove an unmarked black Nissan Xterra.

The Mercedes pulled into a parking lot east of Cotton Creek Park. Investigator Kartus proceeded past the parking lot and pulled over on the shoulder of Stuart Street awaiting further instruction. He maintained radio communication with the other officers who took positions around the Mercedes as it backed into a parking stall. Detective Orris parked his vehicle nearest to the suspect and provided live reporting of the suspect's actions. When the suspect was some distance from the Mercedes, Sergeant Beaudin directed the team of investigators to make the arrest.

Seeing the other investigators proceed through the parking lot area, Investigator Kartus drove his Xterra into the park south of the parking lot in an effort to block the suspect from escaping that direction. He got out and could hear the other investigators announcing themselves and giving the suspect verbal commands. A restroom building structure stood between Investigator Kartus and the investigators, so he could not tell who was standing where. Investigator Kartus had a straight line of sight on the suspect's right side. Investigator Kartus was wearing his tactical vest with a badge on the front breast and "POLICE" on the back.

The suspect was facing the other investigators as they approached from the parking lot. As Investigator Kartus was about a car length away from the suspect, he saw the suspect pull up his shirt, reach into his waistband and pull out a semi-automatic handgun. Investigator Kartus drew his firearm when he saw the suspect's gun. He saw the suspect "rock" the muzzle of the gun up so it was pointed at the investigators in the parking lot. He heard someone yell, "Gun!" and then heard several gunshots. Investigator Kartus stated that he fired multiple shots at the suspect because he perceived the threat to other officers and thought their lives were in danger. He did not know whether the suspect fired his gun.

The suspect fell to the ground but Investigator Kartus could see that the suspect still had the gun in the palm of his hand. When it appeared that the suspect was deceased and there was no longer a threat to safety, Investigator Monckton removed the firearm from the suspect's hands and placed it down by the sidewalk.

Detective Charles Orris: Detective Charles Orris is employed by Lakewood Police Department and is assigned to CMATT. He was interviewed by Westminster Police Department Detective Matt Calhoun and Broomfield Police Department Detective Dale Hammel. He gave the interview hours after the incident with his attorney present. Detective Orris stated the following:

On March 13, 2017, Detective Orris received information on the operations plan involving the stolen Mercedes. During the morning hours of March 14, 2017, Detective Orris received notification that the vehicle was moving in the area of 107th Avenue and Grove Street. With that information, he and Detective Weimer got in their vehicles and drove to the general vicinity of 104th Avenue and Federal Boulevard. Detective Orris drives an unmarked dark gray Nissan Xterra equipped with an automatic license plate reader that confirmed the stolen Mercedes was parked on 107th Avenue. As Detective Orris drove by, he noted that the vehicle was unoccupied. He positioned his vehicle so that he could maintain eye contact on the Mercedes parked down the street. After some time went by, he noticed a male party come out of a townhome holding a basketball. The male got into the driver's seat of the Mercedes and drove away.

Detective Orris lost track of the Mercedes, but maintained radio contact with other investigators who advised that the vehicle drove northbound on Federal Boulevard. Detective Orris caught up to the vehicle at the intersection of 112th Avenue and Federal Boulevard, where he notified the other undercover CMATT vehicles. The Mercedes headed westbound on 112th Avenue and then took a left turn at Stuart Street, heading southbound. Detective Orris recalled driving behind Investigator Wes Kartus, who was directly behind the Mercedes. Sergeant Beaudin was also following, but in a different lane of traffic. As the Mercedes turned into the parking lot of the park, Detective Orris followed. Detective Orris pulled into a parking stall in the north end of the lot. There was a white van with a logo between Detective Orris's vehicle and the Mercedes. There were other people in the parking lot. As the Mercedes backed in and parked, Detective Orris could only see the front end of the vehicle. The other CMATT investigators were taking positions in the area for further surveillance. Detective Orris identified the same male get out of the Mercedes and walk in front of it dribbling a basketball. The male then walked back around the driver's side and into the grassy area of the park. During this observation, the CMATT investigators are sharing their observations in an effort to best assess when to take the male into custody.

Sergeant Beaudin announced over the radio that they should make contact with the male party while he stood in the park some distance away from the Mercedes. Detective Orris put on a tactical vest with a badge and white "POLICE" lettering. As Detective Orris got out of his car, he saw Sergeant Beaudin drive up and park his Dodge Durango in front of the Mercedes. Detective Orris approached the male by walking around the left side of the van. At that point, he saw another male party standing nearby the suspect holding a bicycle. Detective Orris had his weapon drawn and shouted, "Police! Get on the ground!" Sergeant Beaudin came up to the right side of Detective Orris. The male looked directly at Detective Orris and pulled a black and silver handgun from his waistband. The male raised the gun and pointed it at Detective Orris and Sergeant Beaudin. Detective Orris estimated that he was no more than fifteen yards away from the male at this time.

Fearing that he was about to be killed, Detective Orris fired his weapon at the male. He thought he fired three or four times. Detective Orris heard the other officers fire their weapons at the same time. He could see Investigator Kartus on his left and Sergeant Beaudin on his right both firing their guns at the male party. He saw the male hunch over and fall to the ground on his right side. Detective Orris stopped firing when the male went down. Noting that the gun was still in the male's hand and pointed in their direction, Detective Orris and Sergeant Beaudin moved out of the line of fire and held a "cover" position. At that point, Detective Orris saw that Detective Weimer was also positioned off to his left. Once the investigators realized that there was no longer a threat, one of them removed the gun from the male's hand.

Detective Keith Weimer: Detective Keith Weimer works for the Wheatridge Police Department and is assigned to CMATT. Detectives Matt Calhoun and Dale Hammel conducted his interview hours after the incident with his attorney present. Detective Weimer stated the following:

On the morning of the incident, Detective Weimer received a call from Detective Orris requesting assistance with an investigation. Detective Orris advised that a stolen vehicle was on the move in the area of 104th Avenue and Federal Boulevard, and that other detectives could use some help with surveillance. Detective Weimer was aware of the operational plan regarding this particular investigation and knew that the suspect vehicle was a blue Mercedes. Detective Weimer maintained radio contact with Detective Orris and the other investigators who were maintaining surveillance of this vehicle.

Detective Weimer drove his unmarked gray Ford F-150 and followed Detective Orris to the area where the Mercedes was parked. Detective Weimer was parked in an area where he could not see the vehicle, but was advised that the suspect driver got into the vehicle and started driving. One of the investigators mentioned that the driver had a basketball with him. Detective Weimer and the other investigators followed behind the vehicle as it drove north to 112th Avenue.

Detective Weimer watched the suspect vehicle pull into a parking lot at a park and back into a stall. At that point, Detective Weimer parked his vehicle in the right hand turn lane of the street just outside the parking lot. Detective Orris reported that the driver was outside of the vehicle and a safe distance away for officers to make contact with him. One of the investigators, Detective Weimer believed to be Sergeant Beaudin, advised the others that it was time to take the suspect into custody. Detective Weimer put on his ballistic vest, outfitted with a badge and yellow "POLICE" lettering. Detective Weimer saw Sergeant Beaudin drive his truck in front of the Mercedes. Sergeant Beaudin got out and ran around the back of the Mercedes. He had his weapon drawn and gave orders to the suspect. Detective Weimer also got out with his gun drawn. He ran around the front of the Mercedes and commanded the suspect, "Police! Get down! Police! Get down." He also heard Sergeant Beaudin announce, "Police!" He described standing in the parking lot as the suspect stood approximately twenty feet away in the grassy area just west of the parking lot. Sergeant Beaudin was standing to the right of Detective Weimer about the same distance from the suspect. Investigator Kartus was off to the left in the same general vicinity.

As Detective Weimer approached the suspect, he noticed the suspect looking around, as if to find a way to escape. The suspect then crouched down, lifted his shirt and exposed a semi-automatic handgun. Detective Weimer described it as silver with a black handle. The suspect looked at Detective Weimer and Sergeant Beaudin and moved the firearm into a "close combat position." Detective Weimer saw the gun pointed at other officers and believed the suspect was going to shoot. One of the officers shouted, "Gun!" He stated that he fired his weapon because he was afraid for his life and the safety of other officers around him. He also expressed concern for the citizens nearby, including the individual standing next to the suspect. Detective Weimer further stated that there was "no question" in his mind that the suspect was going to shoot the police. He believed he shot four times. He did not know that other officers fired their weapons until after the incident.

Detective Weimer observed the suspect "crumble" to the ground and stop moving. He then stopped firing because he thought the threat was "neutralized." He immediately turned to the suspect's associate and commanded him to roll onto his stomach and move his hands out from his body. Detective Weimer was concerned that the suspect still had the gun in his hands. Detective Weimer maintained gunpoint on the suspect and his associate until the gun was removed and the associate was taken into custody.

Investigator Michael Monckton: Investigator Michael Monckton is an investigator with the Aurora Police Department assigned to CMATT. Broomfield Detective Dale Hammell and DA Investigator Mark Rule conducted his interview hours after the incident. Investigator Monckton stated the following:

On March 13, 2017, around 2:30 p.m., Investigator Monckton identified a stolen Mercedes parked in an apartment complex in the area of 103rd Avenue and Zuni Street. At the direction of Sergeant Beaudin, he placed a GPS tracker device on the vehicle in an effort to identify a possible

suspect. Subsequently, Investigator Monckton conducted surveillance of the vehicle's movement and attempted to identify a possible suspect until that evening when the Mercedes returned to the parking lot on 103rd Avenue.

Around midnight on March 14, 2017, the Mercedes moved again. However, investigators were unable to identify a suspect. Later in the day, the investigators were able to follow the Mercedes as it drove to an area near 107th Place and Grove Court. Other investigators identified the driver of the stolen car as a male carrying a basketball. The investigators drove their unmarked vehicles and followed the Mercedes to Cotton Creek Park.

Investigator Monckton arrived after other investigators were already parked near the Mercedes. He saw a male bouncing a basketball in front of the Mercedes and identified him as the same person he saw in the Mercedes the previous day. The investigators discussed over the radio that they would arrest the male suspect if he walked away from the vehicle. Investigator Monckton saw the suspect walk west into the park away from the Mercedes. He also saw a male ride up on a bicycle and appear to talk with the male suspect. Investigator Monckton then parked his vehicle east of the park and got out to assist the investigators contact the two men. As he got out, he heard the investigators yell, "Police! Get on the ground!" He saw the male with the bicycle drop to the ground. He could only see the suspect's head over parked cars in the parking lot. Investigator Monckton heard multiple shots and saw the suspect fall to the ground. He did not see the shooting. He returned to his car to report shots fired and then rushed to the area.

Once in the area of the shooting, Investigator Monckton observed the suspect lying on the ground. The suspect was on his right side and held a black and silver semi-automatic pistol in his right hand. The investigators yelled commands to the suspect to drop the weapon, but the suspect did not respond. Investigator Monckton then moved closer to the suspect and once he realized the suspect was deceased, he reached down and removed the suspect's finger from the trigger of the firearm. As he did so, he could see that the hammer of the gun was in the fully cocked position.

Joseph Roqueni: Westminster Police Detectives Matt Calhoun and Kurt Frenzel interviewed Mr. Roqueni, dob 10/02/1997, during the afternoon hours of March 14, 2017. Mr. Roqueni is a 19 year-old friend of Alexander Meltz. They attended Northglenn High school together, but since Mr. Roqueni changed schools, they only see each other once a week. He told detectives that Mr. Meltz called him around noon on the day of the incident and asked if he wanted to meet at the park to hang out and play basketball. At 12:33 p.m., he received another call from Mr. Meltz asking when he expected to arrive. According to Mr. Roqueni, he was already at the park when he received the second call from Mr. Meltz.

Mr. Roqueni rode his bicycle to Cotton Creek Park, as he lives nearby. He recalled approaching the parking lot from the west when he noticed Mr. Meltz walking toward him carrying a basketball. He was talking to Mr. Meltz near the parking lot when he noticed three police officers walk toward them. He recognized "POLICE" marked on the men's clothing. The men had guns drawn and loudly shouted, "Police, get on the ground!" three or four times. Mr. Roqueni immediately went to the ground. He then heard a number of gunshots as he was on the ground. He did not see what happened with Mr. Meltz, as he had his back turned. Mr. Roqueni stated that he did not know what happened until he was taken into custody and placed into the patrol car. He claimed no knowledge that Mr. Meltz had a gun or was in possession of a stolen vehicle.

Scott Roamer: Commerce City Police Detective Derek Aragon and DA Investigator Dave Tallman interviewed Scott Roamer on the day of the incident. Mr. Roamer stated he works for a heating and cooling company. At approximately 12:23 p.m., Mr. Roamer left his worksite at a nearby residence and stopped at Cotton Creek Park to use the restroom. He parked his white van in the parking lot and walked to the restroom. Mr. Roamer parked in the stall just to the north of the stolen blue Mercedes that was backed into the parking stall. Mr. Roamer drove his vehicle forward into the parking stall such that his driver's side was next to the Mercedes' driver's side.

Mr. Roamer recalled seeing the male party from the Mercedes holding a basketball and talking on the phone. He overheard the male tell the person over the phone to hurry up. On his way back from the restroom, Mr. Roamer saw the same male party talking to a male holding a bicycle. He heard the two discuss where they should play. As Mr. Roamer got back into his van, he noticed a silver Ford pickup truck pull up behind him. A male got out of the truck and Mr. Roamer believed him to say "get down on the ground." He saw another individual with a gun drawn, along with about four or five other individuals approach Mr. Meltz as Mr. Meltz started to walk away. Mr. Roamer stated that he heard several shots fired and saw Mr. Meltz get shot in the back.

Carolyn Suliman: Ms. Suliman was on the playground at Cotton Creek Park with her two year-old child when the incident occurred. She called 911 to report shots fired. Officer Joshua Sundberg and DA Investigator Mark Rule located her and interviewed her at the nearby elementary school.

Ms. Suliman described being on the playground when she heard what she initially believed to be fireworks. The sound was about ten "pops" in rapid succession, followed by one and then another a second apart. She looked up and recognized several men dressed similarly who appeared to be shouting and holding guns. She said the men looked and acted as if they were police officers. She could not hear what was being shouted, nor could she see any guns. She estimated that the episode lasted about five to ten seconds.

America Ivonne Nava-Ramirez: Broomfield Police Detective Dale Hammel interviewed Ms. Nava-Ramirez on the day of the incident. Ms. Nava-Ramirez is a hospice nurse who was parked in the parking lot of Cotton Creek Park finishing some paperwork before heading to her next appointment. She described seeing a black Mercedes sedan pull into a parking spot. Shortly thereafter, she saw a male get out of the car. He was on the phone and bounced a basketball in the parking lot. She also saw a male driving a white van with a logo pull in and park in the lot.

Ms. Nava-Ramirez saw the male from the Mercedes walk from the parking lot to the grassy area of the park, where he was contacted by approximately three male police officers. She noticed the men wearing badges and had vests labeled "POLICE." An obstructed view prevented her from seeing the police contact, but she heard the men announce "Police" and heard loud verbal commands, "Police!" and "Drop it! Drop it!" She heard one shot, followed by a series of multiple shots. She did not see the shooting incident, but assumed the male party was dead because he was not moving.

Other Witnesses: Westminster Detectives and a DA Investigator visited the nearby elementary school and canvassed the neighborhood in an effort to identify additional witnesses. Many individuals stated that they heard what they believed to be firecrackers but did not see anything. Some others recognized the sound as gunfire but did not see the shooting occur.

A few hours after the incident, a neighbor approached a Westminster Police Officer to advise that her surveillance system captured audio from the incident. Review of the audio recording reveals one gunshot, a pause for approximately one second, and then a series of multiple gunshots.

Robert Rapplean and Amanda Martinez were identified as possible witnesses by a media organization. These individuals gave telephone interviews to Westminster Detective Sarah Jourdan on March 14, 2017.

Robert Rapplean said he heard what he described as nine to ten "pops" while walking his dog south of the park. He then heard shouting that sounded like "Put the gun down!" As he walked closer, Mr. Rapplean observed three police officers standing over a person on the ground and a fourth police officer near a car. He stated that the four officers were wearing vests that made them clearly identifiable as police officers.

Amanda Martinez stated that she heard approximately four to five fireworks as she drove by the park around 12:45 p.m. She pulled over and saw a person lying on the ground who looked as if he was "tased." She saw three men with guns standing over the person and a fourth man getting out of an SUV. These men were not wearing uniforms and she did not see marked police cars in the area. She pulled over momentarily, but left the scene shortly after the incident.

Relatives of Decedent: In the days following the shooting incident, investigators conducted various interviews with family members of Alexander Meltz to get some background for the investigation.

Thomas Meltz is the grandfather to Alexander Meltz. In the days following the shooting incident, DA Investigators Mark Swisher and Patrick Ness conducted his interview. Thomas Meltz stated that Alexander Meltz lived with him off and on. Alexander quit high school prior to graduating and was attending Front Range Community College to achieve his diploma.

A few weeks prior to the incident, Thomas Meltz saw Alexander Meltz carrying a handgun in his waistband area. He did not know where the gun came from, but told Alexander that guns were not permitted in his home.

Alexander Metlz's father's name is also Thomas Meltz. He is an inmate at the Department of Corrections and, as such, his telephone calls are subject to monitoring. During the evening hours of March 14, 2017, Thomas Meltz made a telephone call to family members and discussed the death of his son, Alexander. During Thomas Meltz's conversation with his other son, Tom Meltz, Tom said the following:

"My friend Ozzie said they were at the park and Alex was in the Mercedes, and I guess the cops were following him and they pulled up to him at the park, and Alex would always say 'that if he ever was in that situation, he would shoot at the cops and that's exactly what he did, dad.'"

The investigation revealed that Joseph Roqueni goes by the moniker, "Ozzy."

Crime Scene Investigation

Criminalists from the Westminster Police Department and Adams County Sheriff's Office gathered evidence and processed the scene at Cotton Creek Park in the City of Westminster. The park is situated on the southwest corner of 112th Avenue and Stuart Street. The scene of the incident includes the easternmost portion of the park, consisting of open space, the public roadway at 111th Circle, a parking lot with 15 spaces, and a sidewalk that runs north and south along the parking lot. A number of townhome residences exist to the east of the park across Stuart Street.

The stolen blue Mercedes C300 was backed into a parking stall in the lot. There were a total of four vehicles identified with CMATT investigators in the parking lot. Two were parked adjacent to the Mercedes—a black Dodge Durango was parked in the space directly to the north, and a silver Ford F150 was parked in the driving lane in front and perpendicular to the Mercedes. A Chevy Colorado was behind the Ford F150, and a black Nissan Xterra was parked three spaces from the northern edge of the parking lot. There were additional CMATT vehicles outside of the parking lot. A black Chevrolet Tahoe was parked near the south entrance to the parking lot. A black Nissan Xterra was parked south of the parking lot in the grassy area near a building structure of restrooms. None of the CMATT officers' vehicles were marked as law enforcement vehicles.

The body of a deceased male, later identified as Alexander Meltz, was lying in the grass west of the sidewalk running alongside the parking lot. A handgun lay in the grass just east of the body. This firearm was identified as having been physically removed from the suspect's hand. The gun was a silver and black 9mm Ruger P95 semi-automatic. The hammer of the gun was in the back position. The gun was loaded with a magazine and one live cartridge in the chamber. The magazine contained a total of five (5) live rounds.

The Ruger handgun found near the suspect was later discovered to belong to an individual by the name of Jason Cauyaugust. On July 6, 2016, Mr. Cauyaugust reported his 2007 Jeep Wrangler stolen from where he parked and locked it. At the time of the theft, the gun was underneath the driver's seat of the vehicle. Police recovered the Jeep the following day, but the handgun was not in the vehicle. Mr. Cauyaugust had not yet registered the gun, but provided police with the serial number to the weapon. This serial number matched the gun located near the body of Mr. Meltz.

Investigators collected and examined the firearms reported to have been fired by investigators during the incident. This evidence leads to the conclusion that there were a total of twenty-one (21) shots fired by the four investigators.

Sergeant Matt Beaudin used a .40 caliber Smith & Wesson handgun. The magazine holds a maximum number of fifteen (15) rounds. Sergeant Beaudin reported to carry a full magazine and one in the chamber of the gun, for a total of sixteen (16) rounds. Examination of the weapon revealed one round in the chamber and nine (9) rounds in the magazine, leading to the conclusion that six (6) rounds were fired. The make of the rounds were identified as "Speer S&W."

Detective Orris carries a 9mm Glock 17 handgun, with a standard magazine load of seventeen (17) cartridges. Detective Orris reported carrying a full magazine and one in the chamber of the weapon, totaling eighteen (18) rounds. When collected, the gun had one round in the chamber and the magazine contained eleven (11) cartridges, suggesting that Detective Orris fired six (6) rounds. All of the ammunition was identified as either "Winchester 9mm Luger" or "WCC+P+."

Detective Weimer's weapon is a .45 caliber Springfield 1911 handgun equipped with a tactical light. Officer Weimer reported to carry the maximum load on this weapon, eight (8) rounds in the magazine and one in the chamber, for a total of nine (9) live rounds. The weapon contained one round and the magazine had four (4), leading to the conclusion that four (4) rounds were fired. All of the cartridges were identified as "Speer 45 Auto."

Investigator Kartus uses a .40 caliber Smith & Wesson handgun equipped with a tactical light. He reported to carry a full load of fifteen cartridges in the magazine and one in the chamber, for a total of sixteen (16) rounds. The weapon had one round in the chamber and the magazine contained ten (10) live cartridges, supporting the conclusion that Detective Kartus fired five (5) rounds. The make of the bullets was "Speer S&W."

A total of twenty-two (22) spent shell casings were located in the grass around the body, on the sidewalk, and in the parking lot as follows: ten (10) .40 caliber "Speer S&W," two (2) 9mm "Prograde Luger," four (4) .45 caliber "Speer 45 Auto," five (5) 9mm "WCC+P+07," and one (1) "Winchester 9mm Luger." One live 9mm Prograde live cartridge was recovered laying on the sidewalk near the parking lot. Based upon the analysis of the firearms recovered from the investigators, one .40 caliber Speer S&W was not located at the scene.

During the processing of the scene, a resident from 4278 111th Circle reported that she came home to find her front window broken. The window is on the west side of the home looking out toward the park. The residence was located across Stuart Street, northeast of the park, approximately four hundred feet from the shooting scene. A projectile was recovered from the residence.

An assessment of the firearms evidence leads to the conclusion that Mr. Meltz fired his weapon two times. To begin with, of the four involved officers, only Detective Orris fired a 9mm handgun. Detective Orris's round accountability leads to the conclusion that he fired his 9mm weapon six times. There were eight 9mm casings found on scene. The remaining two empty 9mm shell casings were located closest to the decedent's body. These casings also had the make "Prograde Luger," the same brand as the live 9mm round found on the sidewalk. None of the officers had "Prograde Luger" rounds, and none of them identified ownership of the live cartridge on the sidewalk. A reasonable explanation for the presence of this live cartridge would be if Mr. Meltz manually chambered a round by pulling the slide back and a live round was already in the chamber, the live round would be ejected out of the chamber. The 9mm firearm associated with Mr. Meltz had a live round in the chamber of the weapon and the hammer was in the cocked position. The hammer is placed in the cocked position in one of two ways, either by manually pulling the hammer back or pulling the trigger.

Additionally, the trajectory of the bullet that broke the neighbor's window does not appear consistent with any of the shots fired by law enforcement officers. None of the officers fired in a northeast direction. The trajectory is, however, consistent with the direction Mr. Meltz was reported to be facing at the time of the incident. The officers were directly in line between Mr. Meltz and this residence. Therefore, the evidence of the 9mm shell casings, the positioning of the hammer, and the trajectory between the scene of the incident and the broken window support the conclusion that Mr. Meltz fired his weapon two times in the direction of the officers prior to his death.

Medical Examination Analysis

On March 15, 2017, Dr. Steve Cina conducted a forensic autopsy on the body of Alexander Meltz, dob 3/31/1998. The decedent had a total of eleven gunshot wounds to multiple areas of the body, including the head, neck, back, and both legs. The wounds to the head and neck were considered to be fatal. Six of the gunshot wounds perforated the body, meaning that the path of the projectile appeared to have an entry and exit location. This included the head injury. Five of the wounds were penetrating injuries, meaning that a projectile entered the body but did not exit. This included the neck injury. Investigators collected those five projectiles.

The toxicology report revealed a positive level of THC. Dr. Cina determined the cause of death to be multiple gunshot wounds; the manner of death to be homicide.

Legal Analysis

As was previously noted, this review is limited to a determination of whether criminal charges should be filed against the involved officers. 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 the evidence is sufficient to prove all of 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. In this instance, in order to file a criminal charge, the District Attorney's Office must prove beyond a reasonable doubt that any of the involved law enforcement officer's actions were not justified under the circumstances surrounding this incident and the applicable law.

In this case, there is no dispute that several investigators fired their weapons at Alexander Meltz. Likewise, there is no dispute that the death of Alexander Meltz resulted from multiple gunshot wounds. There is also no question that any one of the four firearms used was capable of causing death. The issue of which of the involved officers actually caused the death is complicated, as four investigators fired handguns and there were two fatal gunshot wounds. The forensic evidence cannot conclusively distinguish which firearm or firearms caused the fatal shot. In addition, two of the handguns used by the investigators are the same caliber. Therefore, for purposes of this review, it is assumed that any one of the shooting officers actually caused the death of Alexander Meltz.

At the time of the shooting, all of the law enforcement officers were engaged in the course of their duties to arrest a suspect in possession of a stolen car. Therefore, the legal question presented to the Office of the District Attorney is whether, at the time the officers fired their weapons, the prosecution can prove beyond a reasonable doubt that the officers' actions were not justified under Colorado law.

The use of force by a law enforcement officer necessarily invokes an analysis under §18-1-707, C.R.S. (2016), the law applicable to the use of force by a peace officer. In pertinent part, the language of the statute reads as follows:

- (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 effectuating or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(3) Nothing in subsection (2) (b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If they believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid.

“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.” §18-1-901(3)(d), C.R.S. (2016).

Sergeant Matthew Beaudin

Sergeant Beaudin was engaged in the coordination of an investigation into a stolen Mercedes that tended to travel at high rates of speed through traffic when it was occupied. Sergeant Beaudin prepared an operations plan to conduct surveillance of a suspect driver and to safely apprehend that person away from the vehicle so as to avoid a pursuit.

Once the suspect was a safe distance from the parked Mercedes, Sergeant Beaudin called upon the investigators to make an arrest of the suspect. The investigators made their police presence known to the suspect. The suspect responded by drawing a handgun from his waistband. Sergeant Beaudin saw Mr. Meltz hold the gun tight against his body and look directly at him. At a distance of ten to twenty feet, Sergeant Beaudin saw Mr. Meltz point the gun directly at him and feared for his life. He also feared for the lives of his fellow investigators standing nearby. In Sergeant Beaudin's words, "I knew he was going to shoot me" and "if I didn't shoot him I'd get killed."

Under these facts, the prosecution cannot prove that Sergeant Beaudin's action of pulling the trigger intending to shoot the suspect was not justified as applied to §18-1-707, C.R.S. (2016).

Detective Charles Orris

Detective Orris assisted with surveillance of the stolen Mercedes. He followed the vehicle to Cotton Creek Park and parked north of the vehicle. As the male suspect got out of the car, Detective Orris approached the suspect and announced himself as a police officer, ordering the suspect to get on the ground. The suspect ignored the commands and pulled a handgun from his waistband while standing a distance of no more than fifteen yards.

Based on the suspects actions, Detective Orris believed that he was about to be shot and killed. Detective Orris stated that he feared for his life as well as the lives of his fellow officers that were standing very close to him and in the general line of fire of the suspect's aim. Consequently, the prosecution cannot prove that Detective Charles Orris was not justified in protecting himself and other investigators from what he perceived to be the use of deadly physical force under §18-1-707, C.R.S. (2016).

Detective Keith Weimer

Detective Weimer followed the stolen Mercedes to Cotton Creek Park in an effort to assist other investigators with surveillance. Once the vehicle was parked and the suspect got out of the car, Detective Weimer approached the suspect identifying himself as a police officer. The suspect turned toward Detective Weimer, lifted his shirt and pulled a handgun from his waistband.

Detective Weimer stated that the suspect held the gun in a "combat hold" and that the suspect looked at him as if he were ready to fight. He further stated that there was "no question" in his mind that the suspect was going to shoot the police. Believing that the suspect was about to fire the gun, Deputy Weimer fired his weapon, stating that he was in fear for his life and the lives of the others around him. Under these circumstances, the prosecution cannot prove that Detective Weimer was not justified in protecting himself and other investigators from what he perceived to be the use of deadly physical force under §18-1-707, C.R.S. (2016).

Investigator Kartus


Investigator Kartus located the stolen Mercedes on March 13, 2017, and was involved in the continued surveillance of the vehicle until March 14, 2017. When the decision was made to arrest the suspect, Investigator Kartus positioned himself away from the other investigators in the parking lot to prevent the suspect from escaping.

Investigator Kartus heard the other investigators announce their presence. From a short distance away, Investigator Kartus could see the suspect draw a firearm and point it in the direction of the other three investigators who were coming from the parking lot. He heard someone yell "Gun!" confirming his observation. He stated that he fired at the suspect because he perceived the threat to other officers and thought their lives were in danger. Therefore, based on this evidence, the prosecution cannot prove that Investigator Kartus's actions were not justified in protecting other investigators from what he perceived to be the use of deadly physical force under §18-1-707, C.R.S. (2016).

Conclusion

The physical evidence supports a conclusion that Mr. Meltz was aware of police presence, drew a firearm, pointed and fired it at the investigators who confronted him. The investigators explained that at the time they fired their weapons, they were in fear for their own life, as well as the lives of their fellow officers. Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against any of the law enforcement officers who discharged their weapons in the fatal shooting incident involving Alexander Meltz on March 14, 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' with a stylized flourish.

Dave Young
District Attorney