



December 3, 2018

Chief Nicholas Metz
Aurora Police Department
15001 E. Alameda Parkway
Aurora, CO 80012

Re: The investigation into the shooting death of Richard "Gary" Black Jr., dob 1/20/1945
occurring on July 30, 2018

Dear Chief Metz:

The investigation and legal analysis into the shooting death of Richard "Gary" Black is complete. The multi-agency team comprised of detectives from the Aurora Police Department and the Denver Police Department conducted the investigation into this matter, led by Detective Randy Hansen of the Aurora Police Department. The factual findings of the investigation were presented to our office on October 9, 2018. The investigation involves police reports, videos and transcripts of the interviews of witnesses, along with body-worn camera videos, photographs and diagrams of the 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 officer 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 any crimes beyond a reasonable doubt at trial. Therefore, no criminal charges will be filed against the law enforcement officer involved in this incident.

Overview of the Incident

During the early morning hours of July 30, 2018, Aurora Police Officers were dispatched to two separate incidents within a close proximity. The first report was an "altercation" at 1995 Iola Street. The second was reported as an "unknown problem" at 10609 E. Montview Boulevard. Police arrived to a scene of people running toward the street from 10609 E. Montview Blvd. and yelling about an incident that appeared to be ongoing inside the residence.

As officers approached the front door to the residence at 10609 E. Montview Blvd., they saw evidence of a break-in. The front door was broken off the hinges and there was blood near the threshold of the door. A black male walked out of the front door with his hands in the air. Within seconds, two gunshots came from within the residence. The officers turned their attention to the inside of the residence, where they saw a white male emerge from a hallway. The male was armed with a handgun in one hand and held a flashlight in the other. Officers gave the male repeated verbal commands to drop the gun and show his hands. The male ignored the commands and appeared to conceal himself from the officers' view. Within seconds, the male emerged from the hallway and walked to the living room, still holding the handgun. He quickly raised his flashlight toward the front door where the officers stood with their guns drawn. Within a split-second, an officer fired his weapon four times at the male, killing him.

The male with the handgun in the living room was subsequently identified as Richard "Gary" Black Jr., the homeowner. Upon clearing the residence, officers found a child standing in the bathtub shower with an adult male identified as the child's father. Officers also found a male lying on the bathroom floor bleeding from apparent gunshot wounds. The male was deceased and later identified as Dajon Harper, the individual who caused the disturbance at 1995 Iola Street and broke entry into the 10609 E. Montview Blvd. residence. The officers subsequently learned that Mr. Black shot and killed Mr. Harper during a struggle involving the child in the bathroom.

Timeline

A review of the City of Aurora Police voice call and radio traffic recordings, as well as the background event chronology/computer-aided dispatch (CAD) records from July 30, 2018 reveals the sequence of events as reported through the dispatch center. The CAD records shows the notes added to the call through the dispatch center and made available to the officers through a computer in the patrol vehicle. However, the fact that the CAD notes are made available does not necessarily mean that the officer reviewed it.

At **01:28:48**, a 911 call was made by an unidentified caller who did not say anything. At **01:29:08**, the 911 dispatcher called the number back and talked to an unidentified female who reported that "somebody is trying to hurt us" at the corner house on Iola and Montview. She did not know the number she was calling from. Another female got on the phone and identified herself as Ashley Mayfield at an address of 1995 Iola Street. She reports that "we were just at home chillin' and an altercation popped off," but provided no further information before hanging up.

An unidentified male called 911 at **01:30:13** reporting that his "brother's going crazy." He stated that he did not know the address, but that he was in Aurora on "Lola Street." He said that he ran from the house and that his "brother's out there trippin'." He requested that the police track his phone. When the dispatcher asked for his number, the male hung up. The earliest CAD note at **01:30:46**

reported an "altercation" at the corner house on "Iola/Montview" and that the caller stated that she couldn't talk and hung up.

At **01:31:15**, the dispatcher called the female's number back again. The female stated that she couldn't talk but "just get here" and hung up. The dispatcher's two additional attempts to call back proved unsuccessful.

At **01:31:55**, dispatch aired the following (verbatim):

Dispatch pending unknown problem 1995 Iola Street, 1-9-9-5 Iola. It's a corner house at Iola and Montview. Stated there was an altercation there, they hung up, RP answered on call back said she couldn't talk on phone and hung up. Call's pending at 1:32.

At **01:32:19**, a Spanish-speaking female called 911 and an interpreter was used to communicate. The female reported her "neighbors fighting" at 1995 Iola Street. She did not know the nature of the fight or whether weapons were involved. Dispatch called an unknown number back at **01:33:19** and spoke with a male who refused to identify himself. The male explained that his wife was giving a report to someone else on the other line. He stated that his neighbors were making noise and fighting at 1995 Iola Street.

The CAD entry at **01:33:23** reports an "unknown problem" at 1995 Iola Street and the unsuccessful efforts to identify the nature of the emergency. The notes reflect that the reporting party stated that his brother "has gone crazy" and "run from the loc."

Another female called 911 at **01:33:29**, advising that someone was breaking into her house at 10609 E. Montview Blvd. The nature of the call is chaotic—sounds of banging and yelling can be overheard in the background. The caller paused during the chaos and a different female voice can be overheard in the background saying something about being "in these people's house," followed by, "I'm sorry Ma'am...He's on some kind of drugs. This is my son." The original female caller reported that her grandson is "bleeding all over the place" and that her son and grandson were stuck in the bathroom. She continued to report that someone "broke my front door all the way down" and that there was "blood all over the house." She stated that the "other family came in my living room right now." The caller advised that her husband was fighting with whoever was in the bathroom. The dispatcher asked the caller if there were any weapons. The female started to respond, "I don't" and then repeated the question, "are there weapons?" Both a male and female can be overheard to respond, "no." She then told the dispatcher "no" and can be overheard asking the others where they came from. A woman is heard to respond, "across the street on the corner." The female caller advised the dispatcher that "the drug addict is trying to drown my grandson, he's eleven." This call concluded when the female advised that she saw the police.

At **01:34:32**, a 911 call was transferred to Aurora Police Dispatch from Denver. A female can be heard yelling in the background about a baby in the bathroom. The female asked someone nearby, "what is this address?" and repeated it to the dispatcher as 10609 Montview Avenue. The female yelled, "Dajon!" A male's voice appeared to respond with an inaudible yell and the woman shouted, "you are in people's house, open the door!" The male yelled again. The female caller reported to the dispatcher that her son kicked in the door to her neighbor's house and that she was inside with him. She identified herself as "his mom" and stated "he's on some type of drug or something." She continued to state that her son was "running through the neighborhood busting cars, busting in people's doors while they're asleep." Yelling and chaos ensued throughout the remainder of the call. The dispatcher continued

efforts to get the woman caller's attention to confirm the address. The caller responded that she didn't know where she was located, but that she was on "Montview." She stated, "he kicked in their door" and that he was "trying to drown the baby." She confirmed with dispatch that he had no weapons, but repeated that he was on some kind of drug. A few minutes into the call, the caller also confirmed that she was outside of the house and that police officers were at the location.

The CAD note at **01:34:44** reports an incident location at 10609 E. Montview Blvd. The report states: "RP thinks someone is breaking into her house kids are crying." The report continues, "someone is bleeding male broke door down and is in the bathroom, male was bleeding."

At **01:35:23**, dispatch airs a call to Unit 301 (Officers Limbaugh and Tubbs) (verbatim):

301, on the unknown problem...it's gonna be at 10609 East Montview Boulevard, 10-6-0-9 east Montview Boulevard. Its a RP who's stating that there was somebody trying to break into the house. Lots of people crying and that there was somebody that was bleeding there. It is gonna be across the street from the 1995 Iola Street call with a party that's saying there was something going, an altercation there.

Cruiser 13 (Sergeant Serrant) adds himself to the call for cover at **01:35:59**. According to the CAD note, Unit 301 was en route to the location of the dispatch at **01:36:05**. The CAD note at **01:36:32** states, "no weapons involved." At **01:36:36** dispatch advises Unit 301 and Cruiser 13 that they are starting rescue due to the report of an unknown male bleeding in the house. The CAD note reflects that Unit 301 arrived on scene at **01:37:28**, and Cruiser 13 arrives at **01:37:44**.

At **01:37:56**, dispatch airs to Unit 301 and Cruiser 13 that there are reports of a male trying to drown an 11 year-old.

At **01:38:18**, Cruiser 13 airs to dispatch, "we got shots fired." Dispatch airs "shots fired" at 10609 E. Montview Blvd. and requests additional units at **01:38:35**. The CAD note at **01:38:48** reflects "shots fired."

Body-Worn Cameras

Investigators collected 94 body-worn camera videos from the incident. A thorough review of the initial responding officers' recordings provides significant insight into the sequence of events from their perspective. Additionally, these recordings include timestamps that further assisted the timeline of the investigation. The timestamp of the recordings reflects military time specific to each camera, and does not appear to be synchronized between each officer's cameras.

This section includes summary analysis of some of the responding officers' camera recordings. It should be noted that the body camera device has a continuous recording mode that preserves video data but not audio. In this format, when an officer activates the camera, the preceding thirty seconds of video is preserved without any audio. Both the audio and video are recorded from the time the officer activates the device.

Sergeant Patricio Serrant

Sergeant Serrant activates his camera at **01:37:39**. He proceeds to walk toward the driveway of the residence where he encounters a number of unidentified adults walking away. At **01:37:48** an

unidentified male voice is overheard, "He don't have a weapon." At **01:37:49**, Sergeant Serrant encounters a female in a blue nightgown, later identified as Jeannette Black. She is pointing at the residence and says, "Please! He's in the bathroom drowning my grandson I think." Sergeant Serrant asks, "Who is? What's his name?" as he continues walking. Ms. Black replies, "A drug addict that...their friend. He broke our house in..."

Sergeant Serrant proceeds to the front porch where the front door of the residence is seen open into the living room. He appears to be the first police officer at the door. At **01:38:02** a male, later identified as David Lovelace, appears in the living room walking toward the front door. Mr. Lovelace appears to see Sergeant Serrant and raises his arms. At **01:38:03** Sergeant Serrant draws his weapon with the attached flashlight activated and points it at Lovelace. Sergeant Serrant says, "Let me see your hands man." Sergeant Serrant hollers, "Is this the guy?" Mr. Lovelace says, "It's not me! I was helping him." At **01:38:05**, Mr. Lovelace steps out of the front door onto the front porch with his arms raised. At **01:38:08** Sergeant Serrant again asks, "Is this the guy?" Mr. Lovelace responds, "its not me!" Sergeant Serrant asks, "Who are you?" Sergeant Serrant then tells other officers to take him (Mr. Lovelace).

As the camera is facing away from the door, two gunshots are heard at **01:38:12**. Sergeant Serrant moves away from the porch and positions himself near the garage door. He airs, "Cruiser 13 we got shots fired." The camera faces the open front door. Voices and yelling can be heard in the background. At **01:38:27** Sergeant Serrant asks, "what do you got? What do you got?" A male voice responds, "Nothing." Sergeant Serrant shines his flashlight on the front door, which shows the front door appearing to be broken off the hinges and what appears to be a lampshade lying just outside the threshold. At **01:38:26** a male voice yells, "Gun! Gun! Drop the gun." At **01:38:29**, Sergeant Serrant yells, "Let me see your hands." The camera view shows the interior of the residence, but no one can be seen. At **01:38:30** a male voice yells, "Drop the gun! Hey! Get your hands in the air!" At **01:38:35**, a male voice says, "guy in a robe's got a gun."

At **01:38:36**, three shots are fired in succession. The camera continues to show the open front door but no movement inside. At **01:38:37**, Sergeant Serrant asks, "You got it? You got it?" A male voice responds, "yes." At **01:38:38**, an additional shot is fired. The camera shows the shot fired from Sergeant Serrant's left side. At **01:38:42** a male voice yells, "Drop the gun!" Sergeant Serrant hollers, "Drop the gun!" At **01:38:42**, Sergeant Serrant asks, "is he down?" two times. A male voice responds, "he's down." Sergeant Serrant then says, "move forward." Another officer to the left slowly steps up onto the front porch toward the open front door. Sergeant Serrant moves with the officer. Both officers have their weapons drawn and shine flashlights into the door. At **01:38:53**, a male voice yells, "Don't reach for that gun!" Sergeant Serrant yells, "Do not touch the gun!" As Sergeant Serrant gives this order, Mr. Black can be seen moving on the floor of the living room. At this point, the officers discuss entering the residence. Sergeant Serrant puts on gloves as an officer to the left holds his gun drawn pointing into the residence.

At **01:39:25**, Sergeant Serrant says, "we have a baby, supposed to have a baby inside." At **01:39:25** the officer to Sergeant Serrant's left begins to enter the threshold. The officer hollers an announcement, "Anyone else in the building make yourself known! Who else is inside?" A child can be heard yelling inside. At **01:39:31**, a male's voice is heard softly saying, "My son and my grandson are in the bathroom with the perpetrator." The officers make entry into the living room, where Sergeant Serrant immediately tends to Mr. Black on the floor. The camera faces a wall in the living room while the officers discuss clearing the residence and finding the children. Sergeant Serrant appears to stay

with Mr. Black as the other officers clear the residence. At **01:41:28**, Sergeant Serrant advises dispatch to stage medical until the house is cleared by the officers.

At **01:41:52**, an officer escorts a child, later identified as K.H., into the living room. The child is wrapped in a towel and says, "That's my Grandpa. He saved me." Sergeant Serrant escorts him to the front door. The camera is pointed out the door as officers coordinate to get the child outside. At **01:42:15**, the camera pivots back to the living room where a male, later identified as Chad Hayashi, is standing wearing only shorts. Sergeant Serrant asks, "Who are you?" Mr. Hayashi replies, "I'm his son," and proceeds to walk out of the residence. Sergeant Serrant confirms with officers that the residence is clear and then requests medical rescue to the scene. He walks toward the hallway near the location of the bathroom where another officer advises him that the male on the floor is not breathing. Sergeant Serrant returns to Mr. Black. At **01:43:08**, Sergeant Serrant asks Mr. Black, "Do you live here?" Mr. Black responds, "yes." Sergeant Serrant then advises an unidentified officer that Mr. Black was shot by the police and that there is a deceased male in the bathroom. Referring to Mr. Black, Sergeant Serrant states, "I think he was trying to protect, but I don't know. He had a gun. He wouldn't drop it." The officers then discuss whether to move the broken door for the emergency medical team.

At **01:44:19**, medical rescue personnel enter the living room and tend to Mr. Black. The police officers advise medical personnel of the circumstances surrounding the incident. Sergeant Serrant walks out of the residence at **01:45:51**. Once outside, Sergeant Serrant instructs the other officers to get identification and statements of any witnesses who were inside the residence. At **01:46:25**, an officer begins to advise Sergeant Serrant about K.H.'s statements, when K.H. tells Sergeant Serrant that he was pulled into the shower by "the black man in the bathroom; he broke in." The other officer then advised Sergeant Serrant of the child's additional statements that the male tried to drown him and rape him, when his grandpa came in and "beat his ass."

Officer Drew Limbaugh

Officer Limbaugh activates his camera at **01:37:27** as he is riding in the passenger seat of a patrol car. He appears to be working on a laptop computer. The patrol car is parked and, at **01:37:45**, Officer Limbaugh gets out and walks down the sidewalk. At **01:37:57**, Officer Limbaugh turns on his flashlight and a number of individuals can be seen walking away from the residence toward Montview Blvd.

As Officer Limbaugh walks toward the driveway to the residence at **01:38:00**, he is approached by a female, later identified as Frances Shanelle Mayfield. Ms. Mayfield says, "He's on some kind of drugs" and continues to say something indecipherable. Officer Limbaugh says, "Just stay back," and continues to walk.

Just as Officer Limbaugh arrives to the driveway of the residence, a female in a blue nightgown appears to walk briskly toward the street. This female is later identified as Jeanette Black. At **01:38:11**, Ms. Black walks past Officer Limbaugh and says, "He got guns" followed by something indecipherable. Officer Limbaugh continues to walk up the driveway toward the residence. The front door to the residence appears open and officers are standing on the raised front porch with their flashlights activated. Officer Limbaugh is still on the driveway. At **01:38:15**, a male voice asks, "is this the guy?" and at **01:38:17**, a male voice asks, "who are you?"

At **01:38:18**, two gunshots are heard in succession. The officers standing on the porch move away from the front door. Officer Limbaugh draws his service weapon. The camera faces the open

front door. At **01:38:22**, Officer Limbaugh appears to activate the flashlight on his weapon and holds it on the open front door. At **01:38:29**, a male voice asks, "what do you got?" Officer Limbaugh responds, "nothing" as he continues to aim his weapon at the front door.

The interior of the home is illuminated. At **01:38:31**, a male figure can be seen inside the residence, appearing to emerge from a back hallway. This figure is later identified as Richard Black. Mr. Black appears to be wearing a bathrobe and is walking slowly. At **01:38:32**, Officer Limbaugh yells, "Gun! Gun!" Mr. Black continues to walk down the hall nearly out of sight.

At **01:38:34**, Officer Limbaugh yells, "Drop the gun!" Another male voice yells, "Let me see your hands!" Mr. Black appears to turn his attention to the front door—he moves slightly toward the living room, leans to the side, and looks directly toward the officers. At **01:38:35**, Officer Limbaugh again yells, "Drop the gun! Hey! Get your hands in the air!" At **01:38:39**, Mr. Black appears to back behind the wall nearly out of view. He appears to be looking around the wall toward the open front door where the officers are standing. At **01:38:41**, Mr. Black emerges fully from behind the wall and turns toward the front door. At the same time, Officer Limbaugh states, "guy in a robe's got a gun." Mr. Black appears to step into the living room and can be seen holding a handgun in his right hand down near his hip. Mr. Black quickly raises his left hand holding a flashlight and shines it toward the front door. At **01:38:42**, Officer Limbaugh fires three shots in rapid succession at Mr. Black. Mr. Black falls to the ground. At **01:38:44**, a male voice asks, "You got it? You got it?" Officer Limbaugh responds, "yes," and at **01:38:46**, fires another shot at Mr. Black.

At **01:38:47**, Officer Limbaugh yells, "Drop the gun!" Another male voice yells, "Drop the gun!" At **01:38:50** a male voice asks, "Is he down? Is he down?" Officer Limbaugh responds, "He's down. He's down." A male voice says, "move forward a little bit" and Officer Limbaugh appears to step up on the front porch. He advances toward the front door while holding his weapon drawn on Mr. Black, who lie on the living room floor. At **01:38:58**, Mr. Black appears to rotate his torso slightly to the left, bringing his left arm down toward his left hip, lying more on his back than on his right side. At **01:38:59**, Officer Limbaugh yells, "Don't reach for that gun! Do not touch the gun!"

At **01:39:06**, Officer Limbaugh says, "alright, somebody else, glove up. Somebody get some rubber gloves on, I got you." A male voice says, "Hold him." Officer Limbaugh responds, "I got him." Officer Limbaugh stands at the threshold of the front door, holding his weapon drawn with the attached flashlight shining on Mr. Black, who still lie on the floor of the living room. A male voice says, "We have a baby in-, supposedly, we have a baby inside."

Officer Limbaugh says he is going inside. At **01:39:31**, Officer Limbaugh yells, "Anybody else in the building make yourself known! Who else is inside?" Mr. Black states, "My son and my grandson are in the bathroom with the perpetrator." At **01:39:39**, Officer Limbaugh steps across the threshold and enters the living room. As Officer Limbaugh enters the house, a child's voice can be heard yelling from a back room.

Officers appear to discuss the logistics of clearing the house, knowing that there are additional people inside. At **01:40:02**, Officer Limbaugh proceeds toward the hallway and the area of the child's voice. His gun is still drawn. He yells, "Aurora Police!" The child continues to yell back. At **01:40:13**, Officer Limbaugh rounds the corner to the bathroom, where a child, later identified as K.H., and the child's father, Chad Hayashi, are both standing in the bathtub. A male, later identified as Dajon Harper, lay on the bathroom floor. C.H. says, "My grandpa's been shot." Officer Limbaugh reports his observations to the other officers.

Officer Limbaugh proceeds to walk through and clear the remainder of the rooms of the house. At **01:42:55**, an officer instructs Officer Limbaugh to walk out. At **01:43:01**, Officer Limbaugh walks out of the residence through the front door.

Officer Jacob Tubbs

Officer Tubbs activates his camera at **01:37:25**, when he is driving his patrol car with Officer Limbaugh as his passenger. He parks and gets out of the patrol car at **01:37:47**. Officer Tubbs then appears to follow Officer Limbaugh on foot toward the incident location. At **01:38:00**, Officer Tubbs approaches the driveway as a number of people are walking in the street. An unknown female says, "there's blood everywhere." A female later identified as Shanelle Mayfield states, "Hurry, he's on some kind of drugs, he kicked in their door. We tried to grab him."

At **01:38:18**, two gunshots are heard as Officer Tubbs walks up the driveway of the residence at 10609 Montview Blvd. At **01:38:21**, Officer Tubbs encounters a male, later identified as David Lovelace, walking toward him in the driveway with his hands above his head. Officer Tubbs tells him to stop and he responds, "It's not me." Officer Tubbs orders the man to the ground and remains with him in the driveway. At **01:38:29**, the camera turns to the open front door of the residence where other officers are standing. At **01:38:32**, a male voice yells, "drop the gun!" Officer Tubbs moves closer toward the front door with his weapon drawn. Two fellow officers are on the front porch near the front door giving orders: "Drop the gun! Let me see your hands! Hey, get your hands in the air." At **01:38:39**, a male voice states, "guy in a robe's got a gun." The camera view is largely dark and obstructed by the officers in front of him.

Three gunshots are fired in succession at **01:38:41**. Officer Tubbs raises his weapon with the flashlight activated. The camera is obstructed by vegetation, but appears to show officers standing on the porch near the front door. A male voice asks, "you got it?" The other male voice says, "yes," and at **01:38:44** an additional shot is fired. The two voices yell commands, "drop the gun!" One of the males asks, "is he down?" The other male responds, "he's down." A male's voice can be heard yelling in the background.

The camera is facing the front door. At **01:38:58**, the officers yell, "Don't reach for that gun. Do not touch the gun." Officer Tubbs appears to turn his attention back to the driveway and then makes his way to the front porch, where the officers prepare to make entry into the front door to the residence. At **01:39:08**, Officer Tubbs asks, "Who's bleeding, check yourselves." A male voice responds, "nobody's hit." At **01:39:21**, a male voice advises that there is supposed to be a baby inside. An officer appears to be standing at the front door holding his gun aimed inside the home toward the ground. The officers give commands to any individual inside to make themselves known. At **01:39:38**, the officers make entry into the home. Officers appear to tend to an individual who is down on the living room floor. Officer Tubbs stands cover to the right of the front door entrance while other officers secure the home. He later assists.

At **01:42:55**, an unidentified officer appears to instruct another officer to walk out of the front door of the home. Emergency medical personnel enter the residence at **01:45:07** and tend to the individual on the living room floor. At **01:47:16**, Officer Tubbs advises an officer standing nearby that he had to leave because "I was right next to Limbaugh." Officer Tubbs walks out of the residence at **01:47:33**.

Witness Interviews

Detectives from the Aurora Police Department and the Denver Police Department conducted interviews of the necessary witnesses. The following are summaries of the interviews of the involved officers and material witnesses.

Officer Drew Limbaugh

Officer Drew Limbaugh is a patrol officer for the Aurora Police Department, where he has worked since 2015. Aurora Police Detectives Randy Hansen and Jamie Krieger conducted his interview on August 2, 2018 with his attorney present.

On July 30, 2018, Officer Limbaugh was on a two-person patrol with Officer Jacob Tubbs. He wore a standard-issue police uniform. Officer Tubbs drove the marked patrol car as Officer Limbaugh rode in the passenger seat. Together, their call sign was "Unit 301." Officer Limbaugh recalled being dispatched to an "unknown problem" only a few blocks away from his location. The call was confusing, as the nature of the problem was not clear. Just before getting out of the patrol car, he recalled reading the dispatch notes that read something about an intruder inside the house, a "child being hurt," and "blood everywhere." Officer Tubbs parked the car near the corner of Montview Blvd. and Iola Street and they walked to the location of the dispatch call.

Two sergeants were already on scene as Officer Limbaugh approached the residence. He described the scene as "complete chaos" with eight to ten people running toward the street screaming. People appeared to be "terrified." He recalled a woman in the driveway yelling, "he's killing him!" and "there's blood everywhere!" He proceeded on toward the residence, where he saw the two sergeants. He believed Officer Tubbs was behind him. He had no description of a suspect and no information about weapons being involved. However, he believed that based on the circumstances, someone must have been on "a killing spree inside the house."

Sergeant Serrant was at the front door where Officer Limbaugh saw a young black male walk out of the house with his hands in the air. Officer Limbaugh was thinking that they should detain the male when suddenly, he heard gunshots from inside the house. He estimated hearing three shots as he stood a few feet from the front door. Officer Limbaugh lost sight of the two sergeants as they took cover. Officer Limbaugh approached the front door with his gun drawn. Standing a few feet from the door opening, Officer Limbaugh tried to see inside the house as much as possible without exposing himself. He could see into the living room area, as there were lights on. He saw no movement. Suddenly, Officer Limbaugh saw a man slowly walk toward the living room, emerging from a back hallway. He noticed the man was wearing a robe and held a silver semi-automatic handgun just above his waistline. Officer Limbaugh made eye contact with the man and thought that the man looked like he "had just checked out and was killing people inside the house."

Officer Limbaugh recalled yelling, "Drop the gun!" and "Show me your hands!" multiple times. He felt like time slowed down. The man was completely unresponsive. Officer Limbaugh recalled thinking that he did not want to shoot the man. He continued to give verbal commands for approximately ten seconds as the man walked closer to him. Officer Limbaugh did not want to lose sight on the man, but also did not want to expose himself, as he had no cover. He had no idea who the man was, as he had no suspect description. He was scared that the man would turn and shoot at him or

his fellow officers. He also did not know who else was inside the house, and thought that there may have been someone killed inside.

The man continued to come closer to Officer Limbaugh and was not responding to any of the verbal commands. Officer Limbaugh recalled seeing the man turn towards him and make an additional movement with his hands. The man still possessed the gun. Officer Limbaugh could not recall the specific movement, other than to say that it made him fear for his life at the moment. Believing that "the threat was imminent," Officer Limbaugh fired his weapon at the man. Officer Limbaugh estimated that the man was a distance of fifteen feet away. The man dropped to the floor and Officer Limbaugh saw the gun next to the man's body. He estimated that he shot at the man three times. The man fell down and was not moving. He stopped shooting when there was no longer a threat.

Officer Limbaugh stated that he felt like he had to shoot at the man, because it was not an option to "wait and see what happens." He could not recall whether the man pointed the gun at him. He had no idea who the man was, as he had no description of a suspect.

Officer Limbaugh held the man at gunpoint until Sergeant Serrant could get his gloves on and secure the man. Officer Limbaugh recalled entering the living room and kicking the gun away from the man. He then focused on the hallway and proceeded to clear the residence. He walked to the bathroom, where he saw a naked black male on the floor surrounded by blood and water. The male appeared to be deceased. He saw an adult male and a child standing in the bathtub. They stared at Officer Limbaugh and appeared to be in shock. He searched the remainder of the rooms in the residence looking for other people. He remained terrified as he cleared the rooms, thinking that there might be someone hiding in the house.

Officer Drew Limbaugh was equipped with a body-worn camera. He did not recall when he activated it. At the time of the interview, he had not yet viewed the recording from his body-worn camera.

Sergeant Patricio Serrant

Sergeant Patricio Serrant is a patrol supervisor employed by the Aurora Police Department since 2006. Prior to that, he worked five years as a Trooper for the Colorado State Patrol and was a military police officer in the U.S. Army. Aurora Police Detectives Heath Graw and Alton Reed interviewed Sergeant Serrant at the Aurora Police Department hours after the incident.

On July 30, 2018, Sergeant Serrant was wearing a standard issue Aurora Police Department police uniform and driving a marked patrol vehicle. His call sign was "Cruiser 13." He was at the 7-eleven on Montview Blvd. and Galena Street when he heard a dispatch call on the radio. He could not recall the nature of the call, but dispatch advised that a lot of screaming could be heard in the background. Dispatch also advised that the call was possibly related to another call recently aired in the same area. He responded to the address. When he added himself to the call he saw that Unit 301, Officers Limbaugh and Tubbs, were also in route to the same area.

Once Sergeant Serrant arrived at the location, he was immediately contacted by three unidentified people waving at him. Sergeant Serrant attempted to get clarification of the situation, but the witnesses were frantic and gave vague statements about "someone in the house." He recalled a female say, "Someone is in the house. He is trying to drown my grandson!" He asked, "who? What's

his name?" He thought someone identified the perpetrator as a black male. No one advised him that anyone had a gun inside.

Sergeant Serrant approached the location of the incident on foot. Officer Limbaugh was close behind. He noticed the front door to the house was knocked off the hinges and leaned into the home. The angle of the door obstructed his line of sight into the home, leaving only a gap to see inside. As he got close enough to see inside through a gap, a black male walked through the living room toward the front door. Sergeant Serrant held him at gunpoint and ordered the male to show his hands. Sergeant Serrant recalled asking, "who is this? Is this the guy?" The male held up his hands and said, "its not me. I'm not involved."

As the male came outside, Sergeant Serrant heard three to four gunshots from inside the house. He drew his weapon and moved to the right of the front door, while Officer Limbaugh moved to the left. He called out shots fired. Officer Limbaugh moved back to the doorway with his weapon drawn. Sergeant Serrant believed Officer Limbaugh saw someone, as he gave commands, "put the gun down, let me see your hands, drop the gun," or something to that effect. From his positioning, Sergeant Serrant could not see what Officer Limbaugh could see, but he echoed the commands given by Officer Limbaugh. He did not recall whether anyone announced, "Police."

As Officer Limbaugh gave commands, he opened fire into the house an estimated three to five rounds. Sergeant Serrant did not fire his weapon. Officer Limbaugh stated that there was a lot of blood. Officer Limbaugh held the door at gunpoint while Sergeant Serrant put on gloves. Sergeant Serrant looked in the doorway and was able to see a man on the ground and a black semi-automatic handgun near the man's head. Officer Jacob Tubbs and Sergeant Lance Dyer also stood nearby.

The officers prepared to go into the residence. Sergeant Serrant followed Officer Limbaugh inside and went directly to the male on the ground. The male was wearing a bathrobe. Officer Limbaugh kicked the gun away from the male. Sergeant Serrant stood by while the other officers walked through and secured the residence. He did not recall the male saying anything. The officers located two children—one was sleeping in a bedroom, and the other was naked in the bathroom. Sergeant Serrant walked to the bathroom and saw a black male down on the floor lying in a lot of blood. The male was naked and unresponsive. Other officers stated that the male came from across the street and was on some kind of drug.

The child walked out in a towel and stated that the black male in the bathroom tried to drown him and the male on the ground was his grandfather. At that point, Sergeant Serrant realized that the male in the robe was likely the homeowner. Upon being notified that the house was secure, Sergeant Serrant requested medical rescue to enter the home.

Sergeant Serrant was equipped with a body-worn camera. He recalled activating his camera a couple seconds after getting out of his patrol car. At the time of the interview, he had not yet viewed the recording from his body-worn camera.

Officer Jacob Tubbs

Officer Jacob Tubbs is a patrol officer with the Aurora Police Department. He has worked on patrol since 2015. He has two and one-half years prior experience as a police officer. Aurora Police Detectives Randy Hansen and Jamie Krieger interviewed Officer Tubbs at the Aurora Police Department on July 31, 2018 with his attorney present.

During the early morning of July 30, 2018, Officer Tubbs was assigned to a two-person patrol unit with Officer Drew Limbaugh, together assigned as "Unit 301." He drove a marked patrol vehicle with Officer Limbaugh riding as the passenger. Officer Tubbs recalled a radio dispatch to an unknown problem that involved two addresses. Sergeant Serrant responded to the same call. An ambulance was staged nearby due to the report of possible injuries.

Officer Tubbs described a chaotic scene. Officer Limbaugh walked up the driveway to the residence ahead of Officer Tubbs. There were several people in the front yard of the residence yelling. The officers were having trouble figuring out what occurred or who was involved. Officer Tubbs recalled someone yelling about someone being "killed" or "hurt" inside. The front door to the residence appeared to be kicked in. Officer Tubbs stood near a red truck in the driveway. He recalled Officer Limbaugh, Sergeant Serrant, and Sergeant Dyer, standing near the front porch, closer to the front door. Officer Tubbs ordered three males to lie on the ground. He could not recall any description of the three, but recalled the male closest to him was a black male.

Officer Tubbs heard gunshots from inside the residence. He did not know whether the shots were directed at the officers or someone else in the residence. He drew his weapon. He did not know whether the other officers had their weapons drawn. Sergeant Serrant aired "shots fired" on the radio. Officer Tubbs focused his attention inside the residence, where he could see lights on. Officer Limbaugh stood in front of Officer Tubbs. As he looked into the residence, Officer Tubbs saw a male round the corner of a hallway inside. He saw a silver semi-automatic handgun in the male's right hand. Officer Limbaugh gave commands, "Drop the gun!" multiple times. Officer Tubbs could not recall if he gave any commands. He could not recall if anyone announced "police."

The male walked toward the open door of the residence. As the male closed the distance, Officer Tubbs was scared that he would get shot. At some point, Officer Tubbs lost visual sight into the residence, either due to a large plant on the porch or Officer Limbaugh stepping in front of him. He recalled that he had to "come down from gunpoint," but remembered thinking to himself, "if he keeps coming at us, I'll have to shoot." He saw Officer Limbaugh standing in an "isosceles position" and saw Officer Limbaugh fire his weapon into the residence. He heard the gunshots and saw the muzzle flash, but did not know how many times Officer Limbaugh fired.

Recalling the situation, Officer Tubbs had difficulty remembering the sequence and timing of events. He did, however, recall a person yell, "someone is being injured or killed," causing him to be concerned over what was happening inside the house. He reiterated that the officers did not know what was happening when they arrived on the scene. They did not know whether the people outside were associated with the residence, they did not know who was being injured or killed inside, or who was even making those statements. Officer Tubbs expressed the opinion that the police simply "had to stop whatever was going on" inside the residence.

Officer Tubbs explained that he, Officer Limbaugh and Sergeant Serrant went inside the house after they "stopped the threat." Officer Tubbs saw blood on the outside of the door, so he told the other officers to check themselves. As they went inside, he recalled someone kicking gun away from the male on the floor. He stood cover as Officer Limbaugh checked the other areas of the home and Sergeant Serrant tended to the male. He heard another officer state that someone was dead in the bathroom. Another officer came in and relieved Officer Tubbs.

Sergeant Lance Dyer

Sergeant Lance Dyer is a patrol sergeant with the Aurora Police Department, where he has worked since 2001. He was promoted to patrol sergeant in early July 2018. He has three years of prior experience with the Los Angeles Police Department. Aurora Police Detectives Jamie Kreiger and Todd Fredericksen interviewed Sergeant Dyer at the Aurora Police Department hours after the incident.

On July 30, 2018, Sergeant Dyer heard an odd dispatch call involving someone drowning or being drown. Sergeant Dyer was in the area at the time of the call for service and responded in his marked patrol vehicle. He was assigned "Cruiser 7." He was dressed in his standard issue Aurora Police Department uniform.

Sergeant Dyer followed Sergeant Serrant as the two walked up to the residence. There were a number of people outside who had already contacted Sergeant Serrant. Sergeant Dyer could see that the situation was quickly unfolding. Sergeant Dyer described hearing a hysteric female state, "he's crazy, he's drowning a baby inside." He saw the front door to the residence was knocked down and plant soil on the ground. He could see a young black male standing in the living room come toward them. He was unsure if this was the suspect. Sergeant Serrant asked the female, "is this the guy?" Sergeant Dyer heard the female respond, "no, they're inside." The male exited and was detained by other officers in the front yard.

An unknown officer joined Sergeant Dyer and Sergeant Serrant at the front door. Sergeant Dyer heard four to five gunshots in rapid succession from inside the residence. He moved out of the way and took cover behind a vehicle. Sergeant Serrant called out shots fired. Sergeant Dyer was concerned for his safety and the safety of others. He did not know whether the shots were targeted at the officers or someone else. The other officer nearby moved up to the door and was looking into the living room. Sergeant Dyer had a minimal view into the residence. There were lights on in the living room. The officer called out, "let me see your hands" and "drop the gun" three or four times. Sergeant Dyer could not see the person. The officer discharged his weapon four or five times through the doorway into the residence. Sergeant Dyer did not shoot.

The officers gave several more commands with no response from inside. Sergeant Dyer, Sergeant Serrant, and the shooting officer entered the residence. Sergeant Serrant tended to a male in a robe on the floor. Sergeant Dyer saw a gun on the floor near the male. He kicked the gun across the floor so it was out of the male's reach. Other officers started walking through the residence. Sergeant Dyer observed a black male down on the bathroom floor with blood all around him. Sergeant Dyer assisted clearing the residence to see if there were any other individuals inside. The shooting officer was with him. He later assisted with getting the shooting officer out of the house and in a patrol vehicle.

Sergeant Dyer was equipped with a body-worn camera, but neglected to activate it until after the incident occurred. At the time of the interview, he had not yet viewed the video recording.

Chad Hayashi

Aurora Police Detective Todd Fredericksen interviewed Chad Hayashi at the Aurora Police Department hours after the incident. Mr. Hayashi lives at 10609 E. Montview Blvd. He lives with his mother, Jeannette Black and her husband, his step-father, Richard "Gary" Black. Throughout the interview, Mr. Hayashi referred to Mr. Black as his "dad." Mr. Hayashi has two children, C.H. and K.H., both of whom were staying with him the night of the incident. Mr. Hayashi recalled everyone

going to bed around 11:00 p.m. He went to sleep in a bedroom with his daughter, C.H., while his son, K.H., slept on the living room couch. Mr. and Mrs. Black went to sleep in their bedroom.

Mr. Hayashi awoke to a commotion in the living room. He came out of the bedroom and saw a black female and black male that he had never seen before. He noticed the front door was broken down. Based on what the two were saying, he believed they followed someone into the residence. He recalled the female saying, "My son is on drugs and has your baby." Mr. Hayashi pushed past them and went to the bathroom, where he saw Mr. Black trying to get into the bathroom. As he looked inside the bathroom, Mr. Hayashi could see a "naked dude" holding K.H. in a chokehold in the bathtub. Mr. Hayashi had never seen this man before. K.H. was naked, with the man behind him "chewing" on his left ear.

Mr. Hayashi had no weapons, but got into the bathtub and tried to defend his son by grabbing at the black male's neck and face. He stuck his right thumb deep into the male's left eye socket. During the struggle, the male would release K.H., but then grab him again. The male was wet and slippery. Mr. Hayashi recalled others involved in the struggle as well. Mr. Black was pulling on the male's leg trying to get him away from K.H., and an unknown person wearing black pants and shoes was stomping on the male. Mr. Hayashi thought this person was the male's friend. As the fight continued, the female screamed, "He's got the baby."

The fight with the male continued for 60 to 90 seconds, after which the male released his chokehold on K.H. and Mr. Hayashi pushed him out of the bathtub. Mr. Hayashi remained in the tub with K.H. Mr. Black was also in the bathroom. The other individuals disappeared. The male picked up a glass vase and hit Mr. Black in the head, causing Mr. Black to fall into the shower door. Mr. Black then fired a handgun two times at the male. Mr. Hayashi did not see the gun but saw the muzzle flashes near the male's midsection. The male slumped and fell to the floor with his head toward the bathtub.

Mr. Black walked out of the bathroom, presumably, to chase the others out of the house. While still inside the bathroom, Mr. Hayashi heard three gunshots. A few seconds later, Mr. Hayashi heard someone yell, "Police!" At that point, Mr. Hayashi knew the police shot his step-father. K.H. yelled that he was in the bathroom with his dad. About ten seconds later, a police officer appeared at the bathroom door. Other officers walked through the house while he got a towel for K.H. and got him out of the wet and bloody bathroom. Mr. Hayashi walked into the living room and saw Mr. Black on the floor unresponsive.

Police officers escorted Mr. Hayashi outside, where he saw his children and Mrs. Black. Mr. Hayashi had not seen Mrs. Black during the incident, but thought that she called 911. Mr. Hayashi noticed a female screaming from outside the house on Iola Street, diagonal and to the southwest from his residence. The house he referenced appeared to be 1995 Iola Street. Mr. Hayashi thought the female was the same one who was in his residence, but could not be sure. Mr. Hayashi estimated a total of three to four minutes between the time he awoke and the time police were inside the residence.

Mr. Hayashi stated that the naked male never said a word and appeared to have his eyes closed during most of the incident. He described Mr. Black as being in "combat mode" during the incident and referenced Mr. Black's history of military service in Vietnam. While he did not see the gun used by Mr. Black, Mr. Hayashi knew that Mr. Black owned several handguns. He also knew that Mr. Black had a concealed weapons permit.

Jeannette Black

Denver Police Detective Aaron Lopez interviewed Jeannette Black at the Aurora Police Department hours after the incident. Mrs. Black is married to Richard Black, Jr. and they live together at 10609 E. Montview Blvd. with their son, Chad Hayashi. Every other weekend, Mr. Hayashi's two children stay with them. Mr. Hayashi's son is eleven years old and his daughter is ten years old. Mr. Hayashi and his daughter sleep in the spare bedroom and the eleven year old sleeps on the couch in the living room. On July 29, 2018, all five of them were inside the home.

Mrs. Black recalled going to bed around 11:00 p.m. She also recalled the new renters in the house diagonal to them were having a big party all day. Mrs. Black awoke to the sound of what she described as a car "knocking down" the front of her house. The noise continued. She reached over to Mr. Black and told him to get his gun because someone was breaking into the house. Mr. Black keeps several guns in his locked office. Mrs. Black ran to the living room, where K.H. was sleeping on the couch. K.H. was gone. She could hear K.H. screaming, "he's killing me!" Mrs. Black ran to the bathroom, but found that the door was locked and there was blood on it.

Mrs. Black ran to find a telephone to call the police. When she returned to the bathroom, she encountered two black males inside her living room. She also saw a "fat lady and two other girls" in the house. One of the males said that he was there to get the guy out of the bathroom. Both males were screaming at the person in the bathroom. She went outside so she could hear the 911 dispatcher. She recalled telling the 911 dispatcher that she sent her husband to get a gun and that all the people inside her house were black.

Once outside, she encountered even more people in her driveway talking about trying to get the person out of her house. She saw several police officers arrive with their guns drawn. A minute or so later, she heard yelling and a lot of gunshots from inside the house. She estimated hearing about ten gunshots. She found K.H. outside naked wrapped in a towel. K.H. told her that a naked man took his clothes off and was trying to kill him. She also found K.H.'s sister, C.H., outside. Mrs. Black did not see her husband.

She did not know the people in her house, but assumed they came from the house where the big party was located. She also thought she saw the two males who were inside her living room at the Aurora Police Department waiting to be interviewed.

K.H.

A forensic interview was conducted on K.H., the eleven year-old child of Chad Hayashi. Richard "Gary" Black is K.H.'s grandfather. The interview was conducted on August 3, 2018 at the Ralston House Child Advocacy Center.

K.H. knew that he was at Ralston to discuss "an incident that happened on Monday that involved a man breaking into my grandparent's house." He recalled sleeping on the couch in the living room, where he woke up to a cold breeze and his grandpa using a flashlight. He noticed the front door broken down and off the hinges. His grandpa went outside to see if anyone was outside. K.H. walked toward his dad's bedroom and realized the shower was on in the bathroom. He thought it was his dad getting ready for work, but checked his phone and saw that it was 1:33 a.m. He then saw his dad asleep in his bedroom.

The door to the bathroom opened and K.H. saw a "random black guy" with a "delusional look." The guy was naked. The guy grabbed K.H. and locked the bathroom door. The guy took K.H.'s clothes off and threw him in the shower with the water running. The guy tried to strangle K.H. and pushed him under the water in the tub. K.H. fought back. He heard his dad and grandpa trying to break down the bathroom door. There was blood all over the bathroom walls.

K.H.'s dad broke down the door and started fighting with the guy. K.H.'s grandpa came into the bathroom and hit the guy with a flashlight. K.H. saw another "black guy" come in and hit the guy. Something hit K.H. in the left ear, causing him to bleed. He could not hear out of his left ear. K.H. heard sirens and thought that was when the "other black guy" left. K.H.'s grandpa also left the bathroom. While his grandpa was gone, K.H.'s dad was able to drag the guy out of the bathtub. K.H.'s grandpa came back in the bathroom. The guy hit K.H.'s grandpa in the head with a vase and his grandpa hit the guy with the flashlight. The guy fell down and K.H.'s grandpa shot the guy twice.

K.H. saw his grandpa walk out of the bathroom and then heard more gunfire. K.H. thought there were more people in the house. K.H. heard police yelling, "police!" He and his father waited in the shower until the police came in the bathroom. When the police arrived, they gave him a towel and he walked out. He saw his grandfather on the living room floor. He went outside and talked to his sister and grandma before he was taken away in an ambulance.

Paul Mayfield

Aurora Police Detectives Heath Graw and Denver Police Department Detective Aaron Lopez interviewed Paul Mayfield at the Aurora Police Department hours after the incident. Mr. Mayfield identified Dajon Harper as his nephew.

On Sunday evening, July 29, 2018, Mr. Mayfield attended a dinner at 1995 Iola Street to celebrate Mr. Harper's release from prison earlier in the day. Mr. Mayfield saw Mr. Harper at the house earlier in the evening, and Mr. Harper appeared to be acting normal. Mr. Mayfield left the house around 7:00 p.m. At 12:47 a.m. the following morning of July 30, 2018, Mr. Mayfield received a phone call from his daughter, Ashley Mayfield, requesting him to come to her house to help calm Mr. Harper, who was "acting crazy" and "tripping." Both Ms. Mayfield and her brother, Paul Mayfield Jr., live at 1995 Iola Street. Mr. Mayfield called his sister, Shanelle Mayfield, who is Dajon Harper's mother, and told her that they needed to go to Ashley Mayfield's house immediately.

Mr. Mayfield and Shanelle Mayfield arrived at the 1995 Iola Street residence and found Dajon Harper acting "crazy, like a demon." It was clear to Mr. Mayfield that Mr. Harper was on some kind of drug. Mr. Mayfield and his sister tried to calm Mr. Harper and hold him down, but were unable to control him. Mr. Harper got away from them and ran into Mr. Mayfield's son's bedroom, where he barricaded himself inside. Mr. Harper broke out the bedroom window and jumped out of the residence. He removed most of his clothing and was almost naked. He then went to Shanelle Mayfield's car and broke the window. Mr. Mayfield followed Mr. Harper, but lost him in the darkness as he walked across Montview Blvd.

Mr. Mayfield and his sister ran across the street, where they saw an older male wearing a bathrobe standing in the front yard of a residence. The male was holding a flashlight in one hand, and what appeared to be a handgun in the other. Mr. Mayfield did not actually see the handgun, but assumed it was based on the way in which the male held the object. Mr. Mayfield pleaded with the male not to shoot Mr. Harper. Mr. Mayfield noticed the door to the residence was knocked over.

Mr. Mayfield and his sister entered the residence with the male in the robe and a female who appeared to be irate, yelling about people in her house. Shanelle Mayfield yelled, "That's my son!" and begged the homeowners to let her collect Mr. Harper. Mr. Harper was in the bathroom with the door locked. Mr. Mayfield was unable to open the door to the bathroom. Mr. Mayfield yelled to his nephew, David Lovelace, to come help open the bathroom door. Mr. Lovelace came inside the residence and was able to open the door. The male in the robe and another male homeowner were present at the bathroom door when Mr. Lovelace forced it open. Mr. Mayfield looked inside the bathroom and saw that the shower was on. He also saw Mr. Harper leaning over the tub, but did not see anyone else. Shanelle Mayfield and Mr. Lovelace yelled that there was a child in the bathroom with Mr. Harper. Mr. Mayfield grabbed his sister and ran outside of the residence. Mr. Lovelace stayed inside with Mr. Harper.

As Mr. Mayfield reached the driveway, he saw a police car. Mr. Mayfield told a police officer that his nephew was "tripping" inside the house. He also advised the officer that his nephew did not have a gun. The officer told him to calm down. Police officers entered the house. Mr. Mayfield heard two successive gunshots followed a few seconds later by approximately five gunshots. After the shots were fired, he and his sister ran across the street to the corner of Montview Blvd. and Iola Street.

Given the nature of the sequence of shots fired, Mr. Mayfield believed that the two sets of shots were fired by two different people. Mr. Mayfield did not know what happened inside the residence after he went outside. He had not spoken to Mr. Lovelace, but believed that Mr. Lovelace was still inside when the shots were fired.

David Lovelace

Aurora Police Detectives Randy Hansen and Todd Fredericksen interviewed David Lovelace at the Aurora Police Department hours after the incident.

On July 30, 2018, Mr. Lovelace went to his "Aunti Keidra's house" on "Iola" for a party to celebrate his biological cousin Dajon Harper's release from jail. Mr. Lovelace said that as soon as he got out of the car, someone told him, "your cousin is over there tripping." Mr. Lovelace identified "over there" as the house diagonally across the street from 1995 Iola Street. He recognized the term "tripping" to mean "not normal." Mr. Lovelace had no knowledge of what occurred prior to his arrival and did not go inside 1995 Iola Street.

Mr. Lovelace ran over to the other house and found the door "busted down" and off the hinges. He went inside the house and asked for "Dajon." He went to the bathroom and broke in, where he saw Mr. Harper holding a "little boy" in the bathtub. He could not tell what Mr. Harper was doing to the boy or how he was holding him, other than to simply state that they were "rolling around." Mr. Lovelace had difficulty grabbing Mr. Harper, but was able to drag him out of the bathtub by his foot. Mr. Lovelace was not sure if there was anyone else in the bathroom at the time.

During the struggle, Mr. Harper looked at him like he did not know who he was and did not say anything. Mr. Lovelace told Mr. Harper to "get out of here" "they're going to kill you," referencing the fact that Mr. Harper broke into someone's home not knowing "what they had." According to Mr. Lovelace, as he dragged Mr. Harper, he turned and saw a police officer coming in the front door to the residence. The officer pointed his handgun at Mr. Lovelace and told Mr. Lovelace to stop. Mr. Lovelace reported that he walked out the front door with his hands up and said, "it's not me." As he

exited the residence, he heard at least two gunshots. He did not see what happened inside the house that led to the shooting.

Mr. Lovelace claimed that he did not see anyone else inside the home. Neither did he see anyone with a gun other than the police.

Ashley Mayfield

On August 3, 2018, Aurora Police Detectives Randy Hansen and Warren Miller interviewed Ashley Mayfield. Ms. Mayfield lives at 1995 Iola Street.

On July 29, 2018, Ms. Mayfield hosted a birthday party at her residence with her family. They were also celebrating her cousin Dajon Harper's release from prison. At around midnight, Mr. Harper "flaked out." He had a tree branch and was banging it against things. Ms. Mayfield called her dad, Paul Mayfield, and told him to come help. Mr. Mayfield arrived and Mr. Harper calmed down. David Lovelace also arrived. Shortly thereafter, Mr. Harper started "tripping out" again. The family was able to lock him in a room. Evidently, Mr. Harper broke out of the room and ran outside. She did not see where Mr. Harper went, but someone told her that he ran across the street. She advised that her dad and Mr. Harper's mother went over to the house to get him.

The detectives played the 911 calls for Ms. Mayfield. She acknowledged that her phone was used to make the initial 911 calls about the altercation with Dajon Harper. She identified Maylani Johnson as the unidentified person who answered the reverse 911 calls. Ms. Mayfield also recognized the other previously unidentified 911 caller as "V.," later identified as V.B., the 12-year old brother of Dajon Harper. The detectives also showed Ms. Mayfield the first seconds of the body-camera footage in an effort to identify the people outside the residence. Ms. Mayfield had difficulty identifying anyone, but recognized Mr. Harper's mother as the woman saying, "he's on drugs."

Ms. Mayfield claimed that there were no drugs or alcohol at the party. She also stated that Mr. Harper had never been to her house before that night.

Frances Shanelle Mayfield, Eddie Bunch, and V.B.

Shanelle Mayfield was initially contacted by Aurora Police Detectives Randy Hansen and Heath Graw at approximately 5:00 a.m. outside the residence of 1995 Iola Street. Ms. Mayfield was extremely upset and claimed that the police killed her son, Dajon Harper, who was inside the residence at 10609 Montview Blvd.

Ms. Mayfield and her husband, Eddie Bunch, declined an invitation to meet at the Aurora Police Department to conduct separate interviews. On August 14, 2018, Ms. Mayfield agreed to a joint interview together at her home with her husband, Eddie Bunch, and their fourteen year old son, V.B. Aurora Police Detectives Randy Hansen and Todd Fredericksen conducted the interviews.

Mr. Bunch advised that at approximately 11:45 p.m. on July 29, 2018, he received a call from Paul Mayfield, Shanelle Mayfield's brother. Mr. Mayfield advised that there was an incident at 1995 Iola Street and that they needed to go pick up Dajon Harper. Mr. Mayfield said that he was on his way to the location, but was not there yet.

Mr. Bunch drove a white Honda Accord over to 1995 Iola Street. Ms. Mayfield drove separately. Once there, Mr. Harper initially agreed to go home with Ms. Mayfield. Mr. Harper started pacing around and talking “devilish,” as if he was “on something.” He ran over to V.B. and punched V.B. They tried to contain Mr. Harper, but he was strong. Ms. Mayfield and Mr. Bunch were able to get Mr. Harper under control and locked him in a bedroom. Mr. Bunch took V.B. out of the house to get away from the situation. Mr. Harper broke out the bedroom window and ran to the Honda parked outside. They did not see Mr. Harper break into the Honda, but heard that people were trying to get him out of it. V.B. called the police for help as Mr. Harper ran across the street.

As family members started to come out of the house, Ms. Mayfield saw Mr. Harper run down the street. Ms. Mayfield followed, and ended up in the front yard of 10609 E. Montview Blvd., where she called 911. An older white man wearing a blue robe stood out front. Ms. Mayfield assumed he was the home owner. The front door to the home was broken off the hinges. Ms. Mayfield asked the man if her son was inside his house. He did not respond. She described his look to be one of shock. She did not see anything in his hands. There was a woman outside as well. Ms. Mayfield assumed this was the man’s wife. She told them that she thought her son was “on something” and that he had no weapons.

Ms. Mayfield heard the man tell the woman “he’s in the bathroom.” Ms. Mayfield called 911 and went inside the house with the man in the robe to get her son out. The door was locked and they could not get it open. Ms. Mayfield described seeing a man come out of a room while she and the man in the robe were trying to open the bathroom door. She told this man that her son was with his son inside the bathroom.

Ms. Mayfield recalled David Lovelace going inside the residence as she was leaving. She thought one of Mr. Lovelace’s friends might also have been inside trying to help. She was in the front yard of the residence on the phone with the 911 dispatcher when the police arrived. She heard four gunshots, a pause, and then another five gunshots. She screamed, “they killed my son!”

Ms. Mayfield denied seeing her son ingest any substances when she was with him earlier in the day. When she talked to her son on the phone earlier, he said that he was “thizzing,” which she understood to mean that he was high on ecstasy or some other pill.

V.B. was asked about the events that occurred earlier in the day. V.B. went with Mr. Harper to a store on Colfax Avenue and later went over to the party at 1995 Iola Street. V.B. saw Mr. Harper smoke marijuana earlier in the evening, but did not see him take any other drugs. He saw one of Mr. Harper’s friends known to him as “Keon” hand Mr. Harper something during the party. He did not see Mr. Harper ingest it, but noticed Mr. Harper’s demeanor change a short time after. Mr. Harper started chanting and hitting a stick on the floor. Mr. Harper was talking about his brother, who was murdered a couple years ago, having been “sacrificed.” Mr. Harper was sweating and started to fight with people in the house who were trying to calm him down. V.B. recalled that he and his father were walking away from the residence at 1995 Iola Street when he heard approximately two gunshots, a pause, and then about five more.

Keon Nixon

Aurora Police Detectives Randy Hansen and Mike Prince interviewed Keon Nixon at the Federal Detention Center in Englewood, Colorado on August 30, 2018. Mr. Nixon was in custody on a parole violation.

Mr. Nixon acknowledged being at the party on 1995 Iola Street the evening prior to the incident. He stated that he grew up with Mr. Harper, but had not seen him in about a year. He also knew some of the other people at the party. He denied seeing anyone drinking or using drugs. Mr. Nixon claimed that he left at approximately 7:00 p.m., as he had to be home as a condition of his parole. He said that he received a call later that evening about Mr. Harper "tripping," but did not think much of it as Mr. Harper was known to have a temper. Mr. Nixon received another call that Mr. Harper was dead.

Mr. Nixon stated that since Mr. Harper's death, the family has accused him of providing Mr. Harper with drugs. He denied providing any substances to Mr. Harper. He said that he overheard Mr. Harper had been using drugs such as "mamba" and ecstasy. He claimed that the person who gave drugs to Mr. Harper that night has since come forward and admitted it. However, Mr. Nixon refused to provide that person's name, simply claiming that the person was a member of Mr. Harper's family.

Crime Scene Investigation

Police Criminalist Amanda Kelsey processed the scenes and collected the evidence. The scene of 1995 Iola Street was described as a ranch style home facing east. The northeast front window was broken and glass was found on the ground outside the home. Possible blood was discovered on the sidewalk in front of the residence. There was also broken glass in the street in front of the residence near possible blood droplets. A white Honda Accord parked on the street in front of the residence was towed for later examination. An intermittent trail of suspected blood led from the Iola Street address to 10609 E. Montview Blvd. The front doors to the respective residences are approximately three hundred feet apart.

The location of 10609 E. Montview Blvd. is a ranch-style home that faces south. Suspected blood was found in the circular driveway, as well as on two of the three vehicles that were parked in the driveway leading to the front of the residence. There is a front porch surrounded by potted plants and a water feature. Criminalist Kelsey discovered four fired 9mm "WIN Luger" bullet casings on the sidewalk and steps leading up to the front porch. She also observed an overturned table, broken flower pot and dirt on the front porch just outside the door. Suspected bloodstains were on the mail slot beside the door, along with apparent blood smear and transfer on the screen door, door frame, and front door. Criminalist Kelsey discovered that the front door was off the hinges and appeared to have been placed just inside the doorway to the living room of the residence. A diamond-shaped window at the top of the door was broken. There were blood stains near the broken window, on the deadbolt, and on the outside door knob.

Inside the living room, Criminalist Kelsey found suspected bloodstains in front of a couch. Near the blood, she found a small black flashlight. She collected a Kahr Arms CW9 model 9 millimeter Luger pistol in the southeast corner of the living room. There was suspected blood on the gun. A fired 9mm "Hornady" brand cartridge casing was discovered inside the chamber of the gun. The magazine housed six live cartridges of the same caliber and brand. Apparent blood stains from the living room continued into a hallway that led to two bedrooms and a bathroom.

Criminalist Kelsey observed a possible bullet hole on the north wall of the living room just outside the hallway. The bullet path appeared to travel in a northwest direction, through the hallway and into another room. Two more possible bullet holes were located on the west hallway wall, both bullet pathways appeared to enter the same room as the other bullet. Two bullet projectiles were recovered inside the west wall between the hall and the room.

In the hallway bathroom, Criminalist Kelsey observed a deceased naked black male, later identified as Dajon Harper, lying on the floor amidst blood and water that had pooled around him. She also found broken pieces of a material believed to be porcelain and a fired "Hornady" 9mm cartridge casing on the floor. In addition, various articles of adult and children's clothing appeared strewn about the bathroom floor and in the bathtub. Criminalist Kelsey observed blood spatter on the cabinet, bathtub, shower doors, toilet, sink, and on all four walls.

A few days after the incident, Criminalist Kelsey examined the white Honda Accord that was parked outside the residence at 1995 Iola Street. The driver's door window was broken. Possible blood spatter, drips, smears and transfers were observed on the roof, exterior/interior of the driver's door, exterior rear driver's side door, steering wheel, wiper lever, driver and passenger seats and the center console. Papers with suspected blood were found inside the vehicle on the driver's seat.

Further investigation of the Kahr 9 millimeter handgun showed that Richard Black purchased the handgun in Aurora on December 11, 2009. Firearms analysis performed on the handgun led to the conclusion that it fired both the "Hornady" brand 9mm cartridge casing located in the chamber of the gun, as well as the "Hornady" casing collected from the bathroom floor. In addition, the firearms examiner concluded that Kahr handgun fired the two bullet projectiles collected from the body of Dajon Harper. The bullet projectiles collected from inside the hall wall of the residence were eliminated from having been fired from the Kahr handgun.

An Aurora Police Department sergeant and detective collected and examined the firearm reported to have been used by Officer Limbaugh. The weapon was identified as a Glock 17 9 millimeter semi-automatic handgun. The magazine capacity is seventeen rounds. Officer Limbaugh reported to carry a full magazine and one bullet in the chamber of the gun for a total of eighteen rounds loaded in the weapon. Upon examination, the magazine was seated in the well of the handgun. The magazine contained a total of thirteen "WIN Luger" rounds. There was one additional live bullet in the chamber of the weapon. The firearm and magazine contained a total of fourteen bullets, leading to the conclusion that Officer Limbaugh fired his weapon four times.

Medical Examination Analysis—Dajon Harper

On August 1, 2018, Dr. Stephen Cina conducted an autopsy of the male identified as Dajon Harper, date of birth, 4/17/1992. Examination of the body revealed two gunshot wounds to the chest. The bullet pathways for both injuries was front-to-back. Two bullet projectiles were recovered from the body. There was evidence of stippling present, leading to the conclusion that the shooting was within close range. Other evidence of injury included multiple non-fatal injuries, such as abrasions, contusions, and superficial lacerations. These injuries were categorized as sharp-force and blunt force; appearing on the face, head, neck, chest, back, shoulders, arms, hands, and fingers of the decedent's body. These injuries were of unknown origin. The decedent's toxicology report revealed positive levels of marijuana and methamphetamine. Despite a thorough toxicology screening, there was no other evidence of a psychoactive substance within the body. Dr. Cina determined the cause of death to be multiple gunshot wounds and the manner of death to be homicide.

Medical Examination Analysis—Richard Black, Jr.

On August 1, 2018, Dr. Stephen Cina conducted an autopsy of the male identified as Richard Black Jr., date of birth, 1/20/1945. This autopsy revealed evidence of three gunshot wounds with entrances to the right shoulder, right lower chest, and upper back. The gunshot wound to the right

shoulder showed a bullet pathway that exited the right triceps region. The gunshot wounds to the chest and back caused catastrophic injuries to the thoracic spinal cord and internal organs. Dr. Cina recovered bullet fragments from these wounds. The bullet trajectory of the gunshot wounds to the right chest and right shoulder was front-to-back; the trajectory of the gunshot wound to the back was back-to-front. There was no evidence of close range of fire. There was also evidence of blunt-force trauma. There were abrasions and lacerations on the decedent's scalp, abrasions on the upper back, and a laceration on the left wrist. Dr. Cina determined the cause of death to be multiple gunshot wounds and the manner of death to be homicide.

Criminal History Information

Dajon Harper, dob 04/17/1992, appears to have a significant history of arrests and convictions, both as a juvenile and an adult. On November 22, 2016, Mr. Harper was arrested for robbery. On April 28, 2017, Mr. Harper pled guilty to a misdemeanor and was sentenced to jail for a period of 18 months. On October 24, 2017, Mr. Harper was transferred to the Department of Corrections for a parole violation. On February 14, 2018, after fulfilling his time in DOC, Mr. Harper was transferred back to the Denver County Jail to complete his misdemeanor sentence. Mr. Harper was released from jail on July 29, 2018 at 12:38 a.m.

Legal Analysis

The early stages of the investigation of this incident revealed a harrowing tragedy: that a police officer shot and killed an innocent man who was defending his home and family from a violent intruder. This incident serves as a reminder that we must continue to enhance our focus and training on law enforcement practices as it relates to encounters with armed citizens. Naturally, this incident invites a debate about police use of force from two perspectives—that of the lawfully armed citizen and that of the encountering officer. This debate involves difficult questions from the citizen's perspective, such as: what if the armed citizen does not hear or understand the officers' commands, or what if the armed citizen identifies the officer not as police, but as someone using unlawful force? From the officer's perspective, there are questions such as: at what moment does an armed citizen become an imminent threat? Under what circumstances is lethal force the only alternative? These are questions ripe for consideration and assessment in community forums and the training programs within police agencies. These issues should also be incorporated into educational programs for our community members who lawfully possess weapons. Additionally, the body-worn camera evidence in this case invites an opportunity for critical judgment and split-second assessment of each of the actions of Officer Limbaugh against those of Mr. Black. Although these may be matters of important public interest and create an opportunity for us to improve police practices, they are far beyond the narrow scope of this review.

As was previously noted, this review is limited to a determination of whether criminal charges should be filed against the involved officer. 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 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 Officer Limbaugh shot and killed Richard “Gary” Black, Jr. At the time of the shooting, Officer Limbaugh was engaged in the course of his duties to investigate what was reported as an “unknown problem” inside the residence at 10609 E. Montview Blvd. Therefore, the legal question presented to the Office of the District Attorney is whether, at the time the officer fired his weapon, the prosecution can prove beyond a reasonable doubt that the officers’ actions were criminal and 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. (2018), 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. (2018).

The “reasonable belief” standard is the touchstone of the justified use of force. As such, the critical question is whether there is sufficient evidence to disprove, beyond a reasonable doubt, that Officer Limbaugh reasonably believed it was necessary to use deadly force to defend himself or other officers from what he reasonably believed to be the use or imminent use of deadly physical force.

The standard of reasonableness requires consideration of whether, under all of the circumstances, an objective person situated as the officer would have maintained the same belief. Although we now know the tragic reality that Mr. Black lawfully possessed a weapon and justifiably used it against an intruder, the investigation proved that the police officers who responded to this incident did not know those critical details. Consequently, the evaluation of Officer Limbaugh’s reasonable belief must be based not upon what we now know, but the circumstances as he perceived them at the time: hearing gunshots and then seeing an armed man emerge from a back room who refused commands to drop the weapon.

Here, as with many calls for service, a degree of uncertainty surrounded the dispatch. The recorded voice dispatch reported an “unknown problem” that was repeated in the CAD notes. There were additional CAD reports of a possible intruder and someone “bleeding everywhere” inside the residence. The uncertainty remained even after police officers arrived at the location. People were running away from the residence and the officers heard a woman say something about someone “killing” and “blood everywhere.” They had little to no information about what had occurred, who was involved, or who needed help. Based on the dispatch information and the statements of the people outside, the officers believed that the situation involved an intruder drowning a child. A disturbance appeared to have occurred near the front door of the residence, as the door was broken off the hinges and leaning to the inside of the home.

The chaos surrounding the scene placed officers on a heightened alert to identify a potential suspect inside the residence. Almost immediately after arriving at the front porch, the officers were confronted with a male party walking out of the residence. The officers directed their attention to the man and tried to identify him. Simultaneously, officers heard gunshots from inside the residence. The officers shifted their focus to the interior of the residence. Although they had a potential suspect in custody outside the residence, the sound of multiple gunshots gave them reason to believe that there was a continuing threat inside. The officers stood at the front door with their weapons drawn trying to look inside to assess the situation. Several seconds later, a man emerged from a hallway armed with a semi-automatic handgun in his right hand. Officer Limbaugh immediately yelled, “Gun!”

The period following the officers’ observation of an armed man involved a critical assessment of the situation to determine how to respond. Officers repeatedly ordered the man to drop the gun and show his hands. The man ignored the commands and continued to advance toward the officers while armed with a handgun. From Officer Limbaugh’s perspective, he believed that an armed man advancing toward officers refusing commands to drop the weapon created an “imminent threat” to the officers’ safety. In his words, he did not know who the man was. He did not know whether he was the suspect who had harmed others or whether he would harm the officers. Officer Limbaugh further explained that

the officers had no cover; if the man were to turn the gun and shoot at the officers, they would not have time to react.

The body-worn camera evidence corroborates the notion of uncertainty surrounding the dispatch call. Officers rush to the residence amidst the commotion and disorder of the many people who are shouting at them. As the black male, later identified as David Lovelace, walks out of the door opening, officers are trying to identify him. The officers take cover immediately upon hearing the sound of gunshots inside. Officer Limbaugh takes a position at the door opening, while Sergeant Serrant asks him what he sees. According to the timestamp on Officer Limbaugh's camera, thirteen seconds transpire between the time the gunshots are heard and the time Mr. Black is first seen in the hallway holding a handgun. Officer Limbaugh announces "Gun!" one second later.

Officer Limbaugh's body-worn camera reveals a period of ten seconds between the time Officer Limbaugh announces "Gun!" to the time he fires his weapon. During that time, the officers give multiple commands to Mr. Black to drop the gun. It appears that Mr. Black perceived the officers at the front door, as he looks in their direction and even tries to conceal himself from view. Mr. Black then fully emerges from the hallway and appears to turn toward the front door while still holding the handgun.

Perhaps Mr. Black did not know that it was the police standing at his front door. Perhaps Mr. Black did not hear the police commands to drop the weapon. Either way, there is no evidence to contradict Officer Limbaugh's reasonable belief that Mr. Black presented a threat to the officers because he did not drop the weapon and could shoot at any moment. Although Officer Limbaugh could not recall the specific movement that caused him to be more in fear of Mr. Black, the video recording shows Mr. Black raise the flashlight directly at the officers a split-second before Officer Limbaugh fired his weapon. This sudden act, combined with the other circumstances, supports Officer Limbaugh's reasonable belief that the threat persisted. Therefore, given all the facts and circumstances, the prosecution cannot prove that Officer Limbaugh was not justified in using force to protect himself from what he reasonably perceived to be the use of deadly physical force under §18-1-707(1).

Furthermore, there is no evidence to support a conclusion that Officer Limbaugh engaged in reckless or criminally negligent conduct in firing his weapon at Mr. Black. As noted, Officer Limbaugh made a split-second decision based upon his assessment of the circumstances surrounding the scene. His observations led him to believe that Mr. Black had "killed people inside the house" and presented a threat to the officers exposed at the front door. Accordingly, at the time he fired his weapon, Officer Limbaugh engaged in conduct that was consciously focused on minimizing the risk to public safety. The corroborating evidence of the interviews of other officers, as well as his body-worn camera support this conclusion.

During the course of this investigation, it was discovered that Officer Limbaugh was involved in a previous shooting of a civilian that occurred on June 27, 2018. The investigation of that case disclosed that a man pointed a handgun at Officer Limbaugh and attempted to fire it, but was unable due to a weapon malfunction. Officer Limbaugh shot and killed the man. The Aurora Police Department reported that Officer Limbaugh was placed on administrative leave immediately following the incident and returned to duty on July 15, 2018. During his period of leave, Officer Limbaugh went through the Department's "reintegration process," which includes a psychological assessment, ongoing post-incident counseling and peer support, a critical incident stress management debrief led by certified clinicians, and firearms qualification. The factual findings and conclusions of that incident were made public by the Office of the District Attorney for the 18th Judicial District on August 28, 2018.

Here, the facts of the prior incident are considered relevant to the issue of whether Officer Limbaugh's use of force was reasonable under the circumstances of this incident. The most critical piece of evidence to this issue is the video footage from Officer Limbaugh's body-worn camera in this incident. As reviewed in detail herein, the video depicts the incident from Officer Limbaugh's perspective. In addition, the video provides the timeline of Officer Limbaugh's actions while recording his perspective. In short, the video recording corroborates Officer Limbaugh's statements regarding his state of mind and judgment as it relates to this incident. Given that evidence, there are no factual findings from the prior incident that change the legal conclusions with respect to Officer Limbaugh's use of force in this incident.

Conclusion

Applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against Officer Limbaugh for the shooting death of Mr. Richard "Gary" Black Jr. on July 30, 2018. I sincerely hope that this incident creates an opportunity for us to learn and improve upon incidents involving police encounters with armed citizens. 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 "D. Young", written in a cursive style.

Dave Young
District Attorney