



For Immediate Release:

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January 22, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of James Houllis on June 21, 2024.

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

*AdamsBroomfieldDA.org, Facebook: [@da17colorado](https://www.facebook.com/da17colorado) Twitter: [@da17colorado](https://twitter.com/da17colorado)
Instagram: [@da17colorado](https://www.instagram.com/da17colorado) YouTube: [ColoradoDA17](https://www.youtube.com/ColoradoDA17)*



January 16, 2025

Chief of Police Matt Domenico
Brighton Police Department
3401 East Bromley Lane
Brighton, CO 80601

Chief of Police Darrel Guadnola
Commerce City Police Department
78878 E. 60th Avenue
Commerce City, CO 80022

RE: The officer-involved shooting of Mr. James Houllis on June 21, 2024

Dear Chief Domenico and Chief Guadnola:

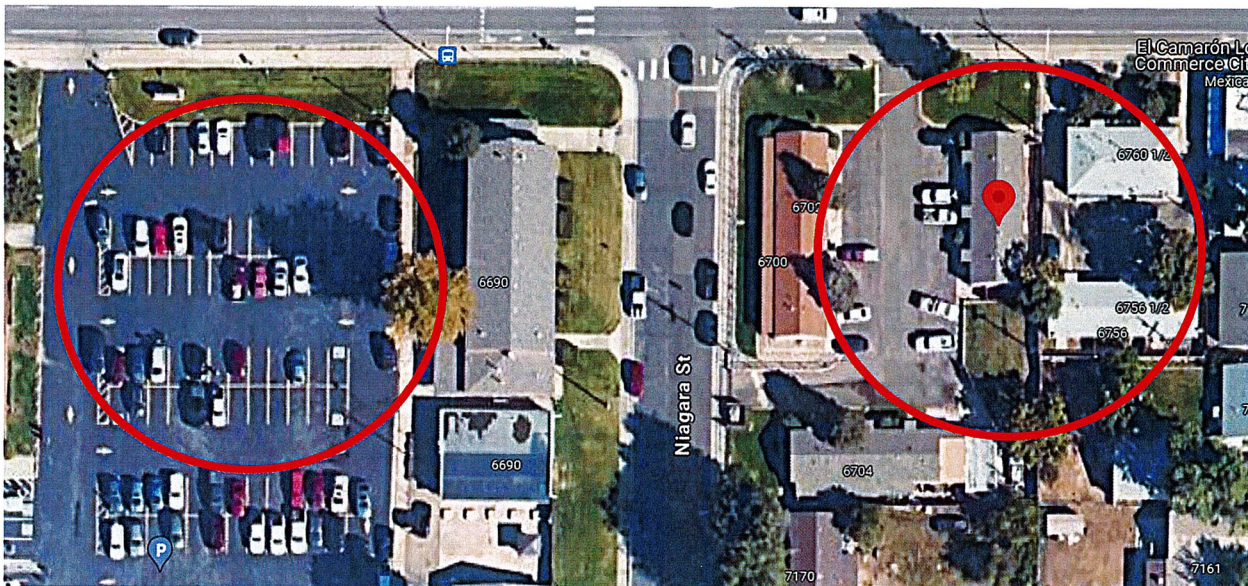
This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the June 21, 2024, officer-involved shooting of James Houllis. The 17th Judicial District Critical Incident Response Team conducted the investigation, led by Thornton Police Department Detectives Fred Longobricco and Kelly Wright. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Commerce City and Brighton Police Departments. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is limited to determining whether any criminal charges should be filed against the involved officers for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all the elements of a crime beyond a reasonable doubt. The prosecution also has the burden of proving beyond a reasonable doubt that the use of force was not legally justified. This independent investigation and review is not intended to take the place of an internal affairs investigation by your agency. The 17th Judicial District Attorney's review does not evaluate compliance with departmental policies, standards, or procedures.

I find the actions of the involved officers to be justified in this incident. Furthermore, based on the evidence presented and applicable law, there is no reasonable likelihood of proving the elements of any crime beyond a reasonable doubt against the involved officers. Therefore, no criminal charges will be filed against the officers involved in this incident.

FACTUAL SUMMARY OF THE INCIDENT

On June 21, 2024, at approximately 12:59 p.m., 911 received a call regarding an assault in progress in a church parking lot located at 6690 E. 72nd Avenue, Commerce City, Colorado. The 911 caller described seeing a male on top of a female banging her head into the concrete. Initially, the caller explained that the male assailant would not allow the female to leave. As the incident developed, the male then began to leave the area headed towards Niagara Street and the female ran away. Commerce City Officer Rosales arrived and made contact with the female who identified the male involved in the assault as James Houllis. The female advised officers that James Houllis had a knife and fake guns. James Houllis had outstanding warrants from Denver and Adams County. Commerce City Officer Combes responded to the same call and was advised by witnesses that James Houllis had fled to nearby apartments. Officers identified James Houllis' address located as 6700 E. 72nd Avenue, Unit 3.



Arial view of 6690 E. 72nd Avenue and 6700 E. 72nd Avenue, Unit 3

At the apartment complex, V.R.¹, the maintenance person, observed James Houllis return to the area. James Houllis approached V.R. and asked V.R. to follow him to his apartment. V.R. entered James Houllis' apartment and was asked to close the door and lock it. James Houllis then brandished a machete and hit V.R. on the arm causing a minor laceration. James Houllis told V.R. to sit on the sofa and not move. James Houllis then pointed a gun at V.R. and told him not to move or he would kill him. V.R. was in the apartment for over an hour as James Houllis continued to threaten to kill V.R.

Officer Combes responded to the suspect's residence and parked his vehicle on the north side of the building. Officer Combes and Sergeant Evans began to order James Houllis out of the residence using the vehicle's speaker system. James Houllis asked V.R. to look out of the back door to see where the police were staged. V.R. took the opportunity, opened the door and ran from the apartment to safety.

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

Commerce City Officer Flores was outside the apartment and observed V. R. run out, followed by James Houllis who was holding a knife and gun. Officer Flores ordered James Houllis to drop the weapons, but he did not comply. Commerce City Seargeant Davis and Officer Garcia joined Officer Flores in efforts challenging James Houllis, as he backed up into his apartment. James Houllis was standing inside the doorway still holding the knife in his right hand and a gun in his left hand, as observed on Officer Flores' body-worn camera (BWC).



Officer Flores BWC with James Houllis holding a gun and knife.

Officer Flores gave repeated commands to James Houllis, trying to convince him to give up. James Houllis advised he was not going back to prison and refused to come out of the apartment and turn himself in. Officer Flores worked to negotiate with James Houllis and de-escalate the situation. While talking with him, James Houllis was waving the gun around, even pointing in the officers' general direction with his finger on the trigger. Officer Flores advised him to stop pointing the gun at them as they did not want to shoot him. Officer Flores did not shoot James Houllis at this time as he did not believe that James Houllis was intentionally pointing the gun at the officers.

Officer Flores continued talking with James Houllis about his family and V.R. who had left the apartment. During this discussion, James Houllis dropped the knife. James Houllis denied knowing V.R. but admitted he had held him hostage. Officer Flores observed the shape of a second gun in James Houllis' hoodie pocket. Officer Flores gave James Houllis another opportunity to turn himself in, but he refused. Commerce City Sergeant Evans, Officer Flores and Officer Garcia then retreated away from the backdoor area.

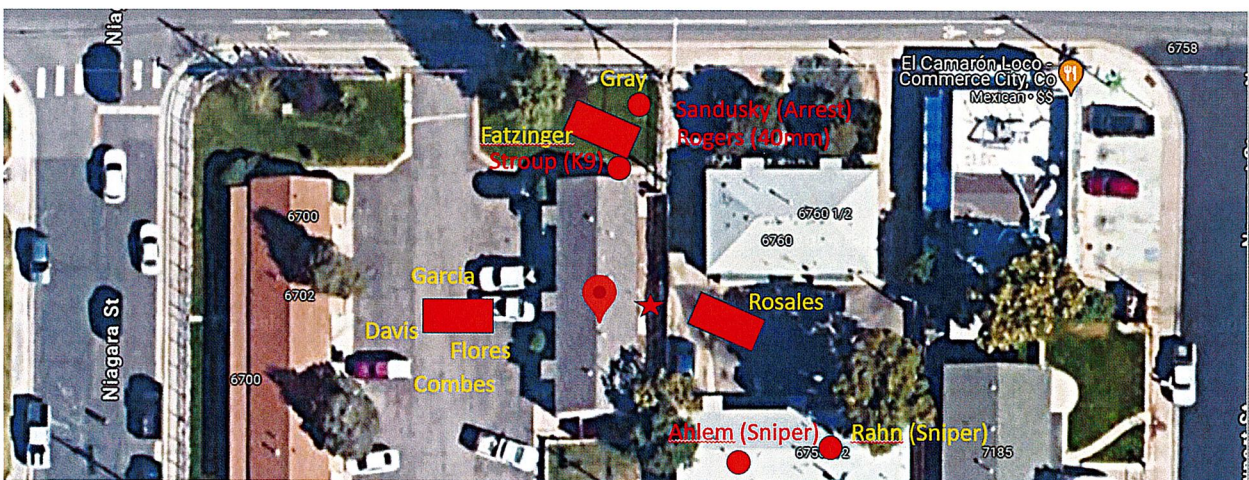
A growing perimeter was established around 6700 E. 72nd Avenue, Unit 3 initially by the Commerce City Police Department and then members of the combined Commerce City and Brighton Police Department SWAT team, the Westminster Police Department and the Adams County Sheriff's Office, who had come to assist. James Houllis was barricaded inside the residence. Crisis negotiators worked

to engage with James Houllis via a throw phone and provided continued commands ordering James Houllis out of the residence. James Houllis advised officers he had guns and threatened to “shoot it out with the police.” James Houllis noted that he had a bomb inside that could be detonated by his cellphone.

At approximately 3:35 p.m., police officers were moved into position on a neighboring rooftop. As ongoing negotiations continued, James Houllis continued to walk in and out of the backdoor of his apartment. Commerce City Sergeant Michael Gray established a positive rapport with James Houllis, working to de-escalate the situation. James Houllis made it clear that he wanted to die by the officers shooting him (“suicide by cop”). While speaking with James Houllis, Sergeant Gray observed something in his front hoodie pocket. James Houllis advised he had a gun in his hoodie, as well as in his residence. James Houllis again advised he had a bomb that he would detonate. James Houllis’ demeanor fluctuated between conversational and agitated.

During this time, Commerce City Police Department was working to secure a search warrant to apprehend James Houllis in the apartment which was approved and signed by a judge. At approximately 6:52 p.m., the SWAT team began to give additional announcements from the loudspeaker system, including, “Commerce City Police Department. You need to exit the residence now, otherwise force will be used against you.” When the announcements began, James Houllis started to reach for his gun and acted like he was setting a timer on his phone. James Houllis exhibited no interest in surrendering on his own.

At this time, Brighton Officers Sandusky and Detective Rogers were positioned on the northside of the apartment complex with Westminster K-9 Officer Stroup and Officer Fatzinger. Commerce City SWAT Snipers Sergeant Ahlem and Officer Rahn were positioned on the rooftop to the south of the complex.



Perimeter of officers surrounding 6700 E. 72nd Avenue, Unit 3.

A tactical plan was developed to engage James Houllis and arrest him. At approximately 6:55 p.m., James Houllis was outside the backdoor of his apartment. Detective Rogers fired one 40mm less lethal round at James Houllis. James Houllis reacted to the impact by hunching over and running inside the apartment for a moment and then quickly running back outside. A K-9 was released and engaged with James Houllis once he was back outside, taking him to the ground.

Once James Houllis was on the ground, Brighton Officer Sandusky, followed by Westminster Officer Stroup, Brighton Detective Rogers and Westminster Officer Fatzinger began to approach him to apprehend him. James Houllis produced a gun and pointed it in the direction of Officer Sandusky and the apprehension team. Officer Sandusky fired four rounds from his rifle. At this same time, Commerce City SWAT sniper Sergeant Ahlem fired two rounds from his rifle. James Houllis was incapacitated by the rounds. Officers then provided life-saving measures at the scene. James Houllis died because of his injuries. Two airsoft guns were found around James Houllis at the scene.

CRIME SCENE INVESTIGATION AND AUTOPSY

Crime scene investigators located four .223 shell casings from the sidewalk at the west of the residence which were consistent with the rounds fired by Officer Sandusky. Two 5.56 shell casings were collected from the south side of 6756 E. 72nd Avenue which were consistent with the rounds fired by Sergeant Ahlem. A search warrant for the residence was authorized and no explosives were located inside.

One Phantom Airsoft gun and one BBTAC airsoft pistol were collected at the scene near the James Houllis. Neither airsoft gun was outfitted with any identification to differentiate them from a real handgun. As an example, a new BBTAC airsoft pistol normally has an orange tip for identification, but the airsoft pistols collected from the scene did not have this identification.

On June 24, 2024, an autopsy was conducted by forensic pathologist, Dr. Stephen Cina, with the Adams County Coroner's Office. James Houllis sustained four gunshot wounds. There was no evidence of close-range firing. The cause of death was identified as multiple gunshot wounds, and the manner of death was homicide.

INVOLVED BRIGHTON POLICE OFFICER TYLER SANDUSKY INTERVIEW

Thornton Police Department Detectives Fred Longobricco and Detective Kelly Wright interviewed Brighton Police Officer Tyler Sandusky on June 25, 2024. The interview was audio and video recorded. Officer Sandusky was interviewed prior to viewing his body-worn camera (BWC) footage or other materials related to the investigation. Officer Sandusky has prior law enforcement experience and has worked at the Brighton Police Department for two and a half years. He is currently assigned to the Brighton and Commerce City combined SWAT unit.

On June 21, 2024, Officer Sandusky was off duty and received a SWAT call out to respond to Commerce City command post. Prior to his arrival, Officer Sandusky was advised over the radio that the incident involved a barricaded subject and an associated domestic violence assault. Upon arrival at the scene, Officer Sandusky was positioned on the eastside of the apartment complex. Officer Sandusky observed James Houllis going in and out of the rear door and was able to positively identify him. James Houllis waved at Officer Sandusky several times and tried to engage him in conversation.

After about an hour, Officer Sandusky was transitioned to the contact team on the north side of the complex. Officer Sandusky positioned himself behind a marked patrol vehicle and was able to see James Houllis continue to walk in and out of his apartment. Officer Sandusky observed an L-shaped

object in James Houllis' front hoodie pocket. Officer Sandusky was aware that during the negotiations that James Houllis had advised officers that he had two guns. Negotiations with the team proved unsuccessful. James Houllis began to communicate directly with Sergeant Evans who had a positive rapport with James Houllis, but Sergeant Evans was unable to negotiate his surrender.

Negotiations lasted for hours. Officer Sandusky recalls James Houllis stating, "he didn't want to go to prison, you're going to have to kill me, you're going to have to shoot me." During one exchange, Officer Sandusky advised James Houllis they did not want to shoot him, but were there to help him. Prior to the use of the less lethal rounds, James Houllis put his hands in his pockets attempting to remove a gun. Officer Sandusky told him not to do that and advised him to take his hands out of his pockets. James Houllis complied.

Since the negotiations were unsuccessful, additional announcements over the loudspeaker demanding that James Houllis surrender began. James Houllis became extremely agitated. He began screaming and grabbed his phone, stating if they did not stop the commands he would "blow the place up." Officer Sandusky was positioned with the contact team along with Brighton Detective Rogers, and Westminster K-9 Officer Stroup, and Westminster Officer Fatzinger.

Detective Rogers deployed a less lethal 40 mm round, hitting James Houllis in the torso area. James Houllis ran inside and then came flying back out of the apartment. Then the K-9 was released and contacted James Houllis and took him to the ground. Officer Sandusky began to approach down the narrow sidewalk in the rear of the complex followed by Westminster Officer Stroup, Brighton Detective Rogers and Westminster Officer Fatzinger. Officer Sandusky was armed with a rifle, carried in the low ready position. As Officer Sandusky approached, he observed a black gun in James Houllis' hand pointed at the dog's throat. James Houllis then took the gun and pointed it directly at Officer Sandusky. Officer Sandusky's BWC shows James Houllis on the ground pointing a gun in the direction of officers.



At this time, Officer Sandusky was within eight to ten feet of James Houllis. Officer Sandusky fired four times as he observed the gun in James Houllis' hand. Officer Sandusky fired as he was in fear for his life and the lives of his fellow officers. Officer Sandusky explained in his interview, "the only reason I shot was because I was in fear for my life. I thought if I didn't get the draw on him, that he was going to kill me and my partners." Officer Sandusky then moved toward James Houllis to take control of him as he heard one shot from the sniper team. Officer Sandusky stopped firing as there was no longer a threat from his vantage point.

INVOLVED COMMERCE CITY SERGEANT TYLER AHLEM INTERVIEW

Thornton Police Department Detectives Fred Longobricco and Detective Kely Wright interviewed Commerce City Sergeant Tyler Ahlem on June 27, 2024. The interview was audio and video recorded. Sergeant Tyler Ahlem was interviewed prior to viewing his body-worn camera (BWC) footage or other materials related to the investigation. Sergeant Ahlem has been with the Commerce City Police Department since 2013 and is currently the sniper team leader.

Sergeant Ahlem received a SWAT page regarding a barricaded party in Commerce City. Sergeant Ahlem responded to the command post in the area to receive a briefing on the situation. He was provided with a photograph of James Houllis and received information about possible felony charges related to domestic violence and assault. Sergeant Ahlem was also advised that officers had seen James Houllis with a gun in his hand earlier.

Sergeant Ahlem and Officer Rahn were positioned as SWAT snipers on the southeast building rooftop adjacent to James Houllis' apartment. Sergeant Ahlem's responsibility was lethal cover and was armed with a rifle. Sergeant Ahlem observed James Houllis walking in and out of his apartment and negotiating with an individual on the phone and also negotiating with Sergeant Gray. James Houllis observed the snipers on the roof and waived at Sergeant Ahlem.

Officers communicated they observed an object in James Houllis' hoodie pocket. Sergeant Ahlem's rifle is outfitted with a limited power variable optic- a magnifying device. Sergeant Ahlem utilized this device and was able to see an L-shaped object consistent with a handgun in James Houllis' hoodie pocket.

At times, James Houllis, while outside, would raise his phone and make comments like, "why aren't you shooting me when I do this?" He kept telling officers to shoot him. He claimed to have a bomb strapped to the water heater and could detonate it from his cellphone. Sergeant Gray worked to negotiate with him and encouraged James Houllis to put the guns down and to come out with his hands up. Ultimately, the police made loud commands, for example, "Commerce City Police Department, you're under arrest, come out." The commands appeared to agitate James Houllis and he began to scream outside for them stop. James Houllis did not comply with any commands.

Sergeant Ahlem was still positioned on the neighboring rooftop as lethal cover when the engagement team worked to arrest James Houllis. From his vantage point, Sergeant Ahlem observed the less lethal 40mm round impact James Houllis on the right side of the chest. James Houllis screamed and immediately ran inside and quickly ran back outside. Then the K-9 engaged James Houllis; biting his arm and taking him to the ground. James Houllis was then facing away from Sergeant Ahlem's vantage

point.

Sergeant Ahlem observed James Houllis' left arm flare out like he was reaching into his hoodie pocket where he had previously observed what he thought was a gun. Sergeant Ahlem observed James Houllis present a gun straight towards the officers with an extended arm. Sergeant Ahlem thought James Houllis was going to shoot or kill one of the officers. Sergeant Ahlem fired one round into James Houllis' upper back and then observed James Houllis lurch to his left, maneuvering to present the gun back towards the officers. Sergeant Ahlem fired one additional shot incapacitating James Houllis and eliminating the threat. Sergeant Ahlem explained he was in fear for his life and the lives of his fellow officers.

Sergeant Ahlem was outfitted with a body-worn camera that was activated during this incident. Due to his position on the rooftop, the video does not capture the scene as it unfolded.

LEGAL ANALYSIS

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

Under Colorado law, a law enforcement officer may use an amount of force – including deadly physical force – that is necessary and reasonable. Additionally, under Colorado law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force. An officer's right to use reasonable force is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified. The affirmative defenses applicable to the officers' use of force at the time of this incident are found at §18-1-707, C.R.S. (2023), and the relevant portions of that subsection provide:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.

...

(2) When physical force is used, a peace officer shall:

(a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;

(b) Use only a degree of force consistent with the minimization of injury to others....

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provisions in this section, a peace officer is justified in using deadly physical force if the peace officers has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

The U.S. Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989) a seminal case, the Court has forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer’s use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. at 396-97.

Accordingly, applying the proper legal standard in this case, the critical inquiry is whether an objectively reasonable officer, confronted with the same facts and circumstances, would have concluded that James Houllis posed an immediate threat to the safety of the officers or another person such that the use of force, including deadly physical force, was necessary. Here, the involved officers responded to assist with the apprehension and arrest of James Houllis. Law enforcement made

continued efforts to communicate with James Houllis for hours in an effort to peacefully take him into custody. Several officers worked to negotiate with James Houllis, while repeated announcements were made outside of the apartment. The entire incident lasted nearly six hours.

Although law enforcement officers worked to establish a rapport with James Houllis, he refused to engage with law enforcement in a peaceful manner, instead brandishing a gun and knife at officers. Even after officers observed James Houllis initially pointing the gun in their direction, they did not fire their weapons and, instead, worked to communicate with him to surrender peacefully.

Ultimately, the decision was made to take Mr. Houllis into custody. Brighton Detective Rogers fired one 40mm less lethal round, which made contact with James Houllis in the upper body. James Houllis reacted to the impact and ran inside to his apartment briefly and then returned outside. The K-9 then engaged with James Houllis once he was outside and took him to the ground. Officer Sandusky began to approach James Houllis, followed by Westminster Officer Stroup, Brighton Detective Rogers and Westminster Officer Fatzinger. James Houllis produced a gun and pointed it in the direction of Officer Sandusky and the other officers on the apprehension team. Officer Sandusky immediately felt concern for his safety and the safety of the other officers. Officer Sandusky believed that someone could have been killed or seriously injured if he did not use deadly force against James Houllis.

During this time, Sergeant Ahlem was positioned as a SWAT sniper on a neighboring rooftop. Sergeant Ahlem observed James Houllis extend his arm and present a gun towards the officers. Sergeant Ahlem also believed that someone could have been killed or seriously injured if he did not use deadly force against James Houllis. Based upon the observations of the officers, nonlethal means of apprehension proved unreasonable under the circumstances. Officer Sandusky and Sergeant Ahlem both proceeded to shoot at James Houllis, leading to his death.

Officer Tyler Sandusky's body-worn camera captured a portion of the incident as it rapidly unfolded. At 6:55:44 p.m., Officer Sandusky begins to approach James Houllis followed by Officer Stroup, Detective Rogers, and Officer Fatzinger to take him into custody. The body-worn camera clearly shows Mr. Houllis pointing a firearm at the officers.

I find the actions of the involved officers in this incident to be justified. There is no evidence to suggest that an objectively reasonable officer would have acted differently than Officer Sandusky and Sergeant Ahlem in this incident. Although it was later determined that the gun James Houllis presented was an airsoft pistol, the officers' perception at the time was that he presented a real firearm. The airsoft pistol was not outfitted with any identification that would have identified to the officers that it was anything other than a firearm. Moreover, James Houllis repeatedly advised officers that he had multiple guns and had been seen with a gun in his hand earlier in the day when speaking with Officer Flores. He had also made remarks indicating he wished that the officers would shoot him and his behavior during the incident showed aggressive actions that seemed almost to invite the officers to shoot at him.

Law enforcement attempted verbal commands and crisis negotiators to apprehend James Houllis peacefully, all without success. This situation was dynamic and lasted hours until the decision was made to apprehend James Houllis. A reasonable person would have perceived James Houllis' conduct with the weapon as a threat to safety. James Houllis' conduct led Officer Sandusky and Sergeant



Ahlem to exercise split-second, and indeed, reasonable judgment in a tense and quickly evolving situation. This conclusion is confirmed by the body-worn camera footage. The evidence presented in this investigation supports the conclusion that Officer Sandusky and Sergeant Ahlem had objectively reasonable grounds to use deadly force against James Houllis.

CONCLUSION

Given the totality of the circumstances and evidence, the prosecution cannot prove that the involved officers were not justified in using reasonable force under §18-1-707, C.R.S. (2024). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against Brighton Police Officer Tyler Sandusky and Commerce City Sergeant Tyler Ahlem.

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

Sincerely,

A handwritten signature in blue ink that reads "Brian S. Mason".

Brian S. Mason
District Attorney