



For Immediate Release:

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October 24, 2025

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the officer-involved shooting of Gregory Miles in Broomfield on September 12, 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.

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October 23, 2025

Chief Enea Hempelmann
Broomfield Police Department
7 DesCombes Drive
Broomfield, Colorado 80020

Interim Chief Brian Rosipajla
Lafayette Police Department
451 N. 111th Street
Lafayette, Colorado 80026

Sheriff Curtis Johnson
Boulder County Sheriff's Office
5600 Flatiron Parkway
Boulder, Colorado 80301

RE: The officer-involved shooting on September 12, 2024

Dear Chief Hempelmann, Chief Rosipajla, and Sheriff Johnson:

This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the September 12, 2024 shooting of Gregory Miles by peace officers employed by the City of Broomfield Police Department, the City of Lafayette Police Department, and the Boulder County Sheriff's Office. The 17th Judicial District CIRT conducted the investigation, led by Aurora Police Detectives Andrew Merino and Molly Harris. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Broomfield Police Department, Lafayette Police Department, and the Boulder County Sheriff's Office. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is mandated by Colorado law which requires the public release of a report explaining findings and the basis for a District Attorney's decision relative to the filing of criminal charges when officers are involved in the discharge of a firearm that results in serious bodily injury. As such, 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 to prove 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 any departmental policies, standards, or procedures.

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

The circumstances surrounding this incident resulted in criminal charges against Mr. Miles, which remain pending in Broomfield County District Court. Individuals charged with a crime retain a presumption of innocence until the final resolution of the case. Therefore, despite Colorado law requiring public disclosure of decisions with respect to the filing of charges against an officer, there is substantial interest in preserving the integrity of the pending criminal case. Consequently, and based on limitations set forth in the Colorado Rules of Professional Conduct restricting pretrial publicity, we must limit certain aspects of public disclosure of information to preserve the integrity of the pending criminal case. For that reason, this review is narrowly tailored to the detail necessary to explain the basis for my decision not to file criminal charges.

FACTUAL SUMMARY OF THE INCIDENT

At 6:34 a.m. on September 12, 2024, Broomfield police officers were dispatched to a call reporting a disturbance inside an apartment located at 11332 Central Court in the City of Broomfield. The caller described hearing noises he associated with a domestic disturbance coming from inside unit #209. The responding officers attempted to contact the occupants of the unit by identifying themselves and knocking on the front door. No one responded.

As time passed, the officers became concerned for the safety of a woman who they believed was inside the apartment. The officers unsuccessfully tried to breach the door with physical force. A male voice from inside the apartment threatened that he was armed with an "AR15 with one hundred rounds." A short time later, gunshots were fired from inside the apartment through the front door and into the hallway where the officers were standing. While the officers continued their unsuccessful efforts to breach the apartment door, gunshots continued to come from inside the apartment to the outside, some through the front door into the hallway and others through an apartment window. An officer returned fire at Mr. Miles as he stood in the window. Mr. Miles retreated into the apartment, yet continued to shoot multiple rounds from inside his apartment to the outside. Members of the Boulder County Regional SWAT team arrived and assembled into teams to assume tactical locations for the purpose of addressing the threat presented by Mr. Miles.

Meanwhile, officers trained as crisis negotiators responded and engaged in lengthy negotiations with Mr. Miles to surrender. After many hours of negotiations, Mr. Miles walked onto the balcony of his apartment, at which time several officers forcibly entered through the front door of the apartment by an explosive breach. As Mr. Miles attempted to re-enter the

apartment through the balcony door, officers from inside and outside the apartment fired shots at Mr. Miles to prevent him from re-entering the apartment. Mr. Miles was subsequently arrested and taken to the hospital where he was treated for multiple gunshot wounds. He survived his injuries. A woman was discovered in one of the bedrooms. She was nonresponsive, suffering from an apparent gunshot wound to her forehead and bruises to her face. She was later pronounced dead, and her death was declared a homicide. Mr. Miles was subsequently charged by the District Attorney's Office with that homicide. This case is pending in Broomfield District Court. Mr. Miles is presumed innocent until proven guilty.

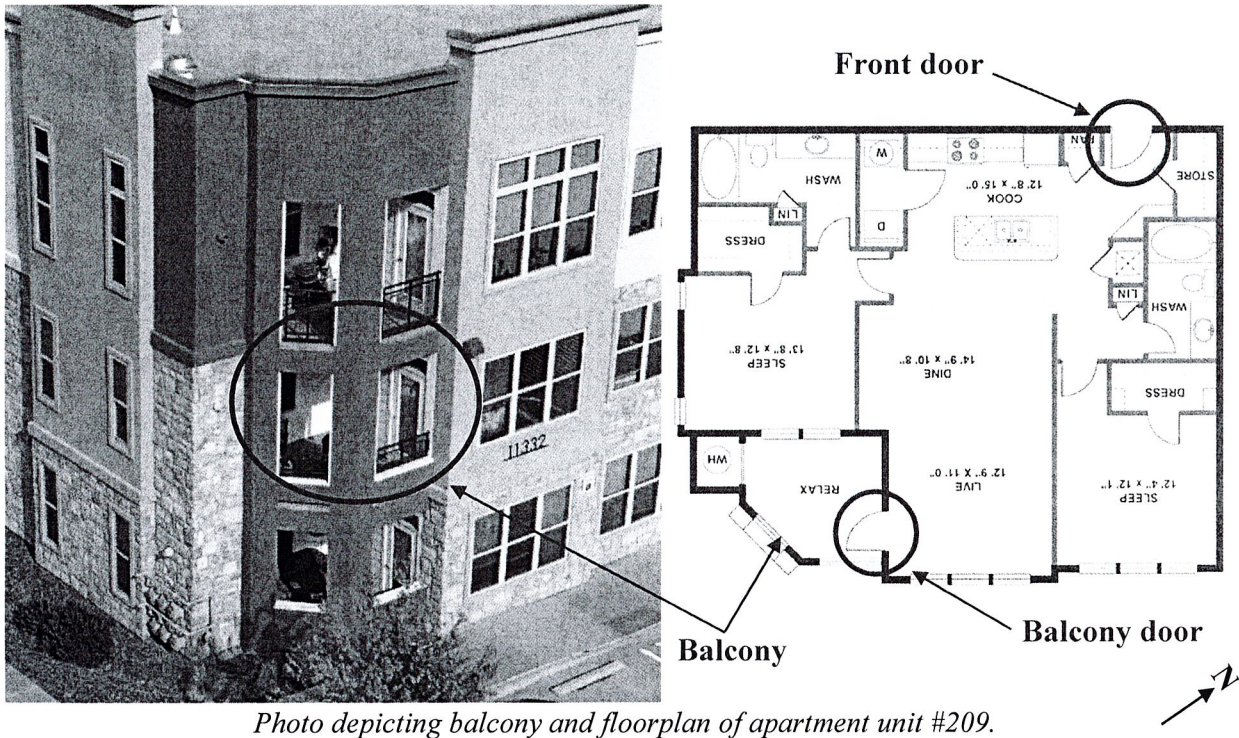


Photo depicting balcony and floorplan of apartment unit #209.

THE INVESTIGATION

The CIRT investigators conducted a comprehensive investigation of entire incident, specifically the use of force by the involved officers. A parallel criminal investigation was conducted by the Broomfield Police Department into the actions of Mr. Miles. This review incorporates findings from both the CIRT investigation and the Broomfield Police Department criminal investigation to better understand the context and circumstances surrounding the shooting incident.

The initial 911 call came in at 6:34 a.m. from a resident of the Arista Flats Apartment Complex. The reporting party identified himself and advised that he heard a woman screaming and what he described as “violent noises” associated with a domestic disturbance within apartment #209. He stated that he initially heard the woman yelling and crying earlier that morning, but as it continued, he became more concerned for her safety. Shortly after the call, two patrol officers from Broomfield Police Department responded to apartment #209, knocked

on the front door and identified themselves as police officers. One of the officers had a prior contact with the apartment and knew Gregory Miles to be a resident. She called out his name and asked him to open the door. There was no response, but the officers heard noises inside the apartment that they attributed to the sound of furniture being moved. The officers also heard a female crying inside the apartment. While the officers continued to knock and announce their presence, they heard the woman scream, which caused them to call for back up and attempt a forced entry.

Just before 7:00 a.m., the officers attempted to breach the door by kicking it open. As the officers alternated kicks at the door, a male voice from inside the apartment yelled “Back up!” and announced that he had an “AR15 with one hundred rounds.” The officers heard the woman scream, “Let me out!” An officer heard sounds she believed to be the chambering of a rifle and an object thrown against the door. The officers reported over the radio that they believed a hostage situation existed in the apartment. At 7:18 a.m., multiple shots were fired from inside the apartment through the front door into the hallway where officers were standing. The officers took cover and none of them were struck by the gunfire. At this time they could no longer hear the woman’s voice from inside the apartment.

The Broomfield Police Department established a command post outside the apartment building where they began to coordinate a plan for negotiations and staging of SWAT officers around the perimeter of the apartment. The Boulder County Regional SWAT assisted with preparation and strategic planning by dividing into teams and evacuating nearby apartment buildings due to the continued gunfire coming from Mr. Miles’s apartment. Broomfield Police Officer Tyler Hendry positioned himself in an apartment on the second floor of an adjacent building to maintain observation of the activities within apartment #209. Between 7:22 a.m. and 7:33 a.m., multiple officers reported numerous shots fired from inside the apartment out of the windows facing south and east.

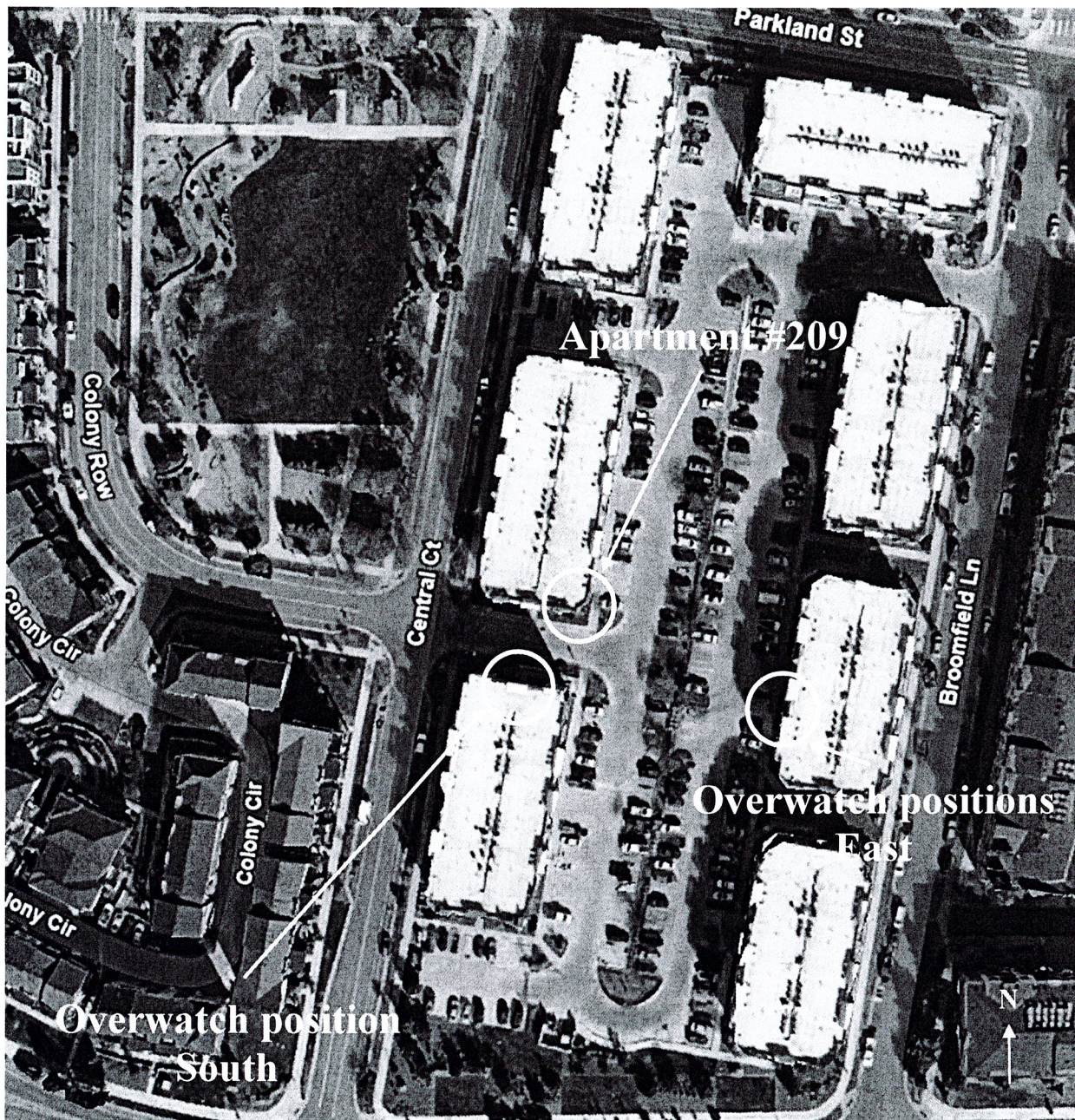
At 7:25 a.m., Mr. Miles’ mother arrived on scene. She advised officers that she was on a video call with her son and that the woman inside the apartment was shot. She further advised that the woman was her son’s girlfriend and that her son expressed to her that he wanted the police to shoot him. Officers trained in crisis negotiation took her phone and began communications with Mr. Miles. Mr. Miles told police that he was wearing body armor.

At 7:33 a.m., Officer Hendry, from his position inside an apartment on the second floor of an adjacent building, observed Mr. Miles standing near a southern-facing window of his apartment. He saw Mr. Miles fire a shot in his direction, striking the building just above the location where he stood. Officer Hendry took cover and repositioned himself. He aimed his rifle at Mr. Miles and fired one round at Mr. Miles through the window of the apartment. Mr. Miles retreated from the window back into the apartment. Officers continued their attempts to breach the front door from the hallway. As the attempts continued, gunshots struck the door from the interior of the apartment. Mr. Miles advised negotiators to have the officers back up or he would fire more shots at the door. Mr. Miles told the officers that he was shot in the arm but that it did not hurt.

For approximately two hours, crisis negotiators communicated with Mr. Miles inquiring

as to the status of his girlfriend and encouraging him to surrender peacefully. Mr. Miles refused to surrender and advised that he put tape over his girlfriend's mouth so she could not scream. The communications included an exchange over "Facetime" video conference, where investigators saw the body of a motionless woman face down on the floor.

While the negotiations with Mr. Miles continued, SWAT designated officers in identified "overwatch positions" in the adjacent buildings with a clear line of sight into Mr. Miles's apartment, two in a building east across the parking lot, and the other in the building south where Officer Hendry was previously positioned. Explosive breaching elements were placed in the hallway near the front door of the apartment, and SWAT developed an entry plan whereby they would coordinate an explosive breach to the front door of apartment #209, while maintaining observation of the apartment from their overwatch positions on the east and south sides of the apartment.



Aerial image depicting sniper positions relative to Mr. Miles's apartment.

At 9:39 a.m., Mr. Miles disconnected the call with the crisis negotiators. At 9:41 a.m., he called back and advised that he was coming out and that he unlocked the front door. Negotiators instructed Mr. Miles to exit onto the balcony of the apartment without a weapon and with his arms raised. At 9:43 a.m., Mr. Miles walked onto the balcony. Using a loudspeaker, officers ordered Mr. Miles to keep his hands up in the air and not to re-enter the apartment. At 9:44 a.m., while Mr. Miles was on the balcony, SWAT officers detonated the explosives on the front door of the apartment. Multiple officers entered the apartment immediately after the door was breached. At the same time, the SWAT officers in the overwatch positions observed Mr. Miles attempting to re-enter the apartment from the balcony

door. Within seconds, multiple officers from both the entry team and observation teams fired their weapons at Mr. Miles. Mr. Miles was taken into custody within minutes of the officers' entry into the apartment. He suffered multiple gunshot wounds and was transported to a hospital where he was treated for his injuries. A deceased woman was discovered on the floor of the apartment with an apparent gunshot wound to the head. She was later identified as Mr. Miles's girlfriend.

Mr. Miles was later charged with murder in the first degree for killing his girlfriend and twenty-two counts of attempted first degree murder for shooting at police officers and civilians in the area. The case is currently pending in Broomfield County District Court. Mr. Miles pled not guilty and is presumed innocent until proven guilty.

CRIME SCENE

Criminalists from multiple agencies documented the expansive scene and collected evidence. The scene consisted of apartment #209 occupied by Mr. Miles, as well as the parking lot and multiple surrounding buildings of the apartment complex. Several fired projectiles and defects associated with gunfire were discovered in the vehicles and buildings surrounding Mr. Miles's apartment. These bullets and bullet strikes were in areas believed to have resulted from gunfire coming out of Mr. Miles's apartment.

A search of the apartment revealed multiple defects believed to be caused by gunfire, as well as seventy 9mm fired cartridge casings and twenty-one 5.56 caliber fired cartridge casings. A 9mm Glock model 43 semi-automatic handgun and associated magazine were collected on a chair in the living room. The chamber of the weapon was empty and the magazine had no rounds in it. This weapon was believed to have been the one used by Mr. Miles, as it was not associated with any of the officers who entered apartment #209. Only one of the SWAT officers on the entry team discharged a 9mm semi-automatic handgun, leading to the conclusion that the overwhelming majority of fired 9mm cartridge casings were fired from the Glock found inside the apartment.

Multiple 5.56 caliber fired cartridge casings were found in the specific locations where the involved officers on the overwatch teams were positioned. Criminalists collected each of the involved officers' firearms and performed an assessment of round accountability, based on an examination of the weapon, capacity of the magazine, loading description, and body-worn camera evidence. An approximation of rounds fired by each involved officer is provided in the section referencing the involved officers' interviews. However, precise determination of round accountability is pending forensic examination of the ballistic evidence.

THE INVOLVED OFFICERS

The CIRT investigators determined that ten officers discharged their firearms during the incident. The involved officers each submitted to an interview regarding what occurred. For purposes of this review, the involved officers are categorized in two groups: those from the overwatch teams who fired their weapons exterior to apartment #209 and those from the entry team who fired their weapons while inside apartment #209.

Involved Officers on the Overwatch Teams

The following involved officers were part of the overwatch teams and were situated in locations adjacent to Mr. Miles's apartment building:

1. Broomfield Police Department Officer Tyler Hendry, 11302 Central Court, apartment #201
2. Boulder County Sheriff's Office Sergeant Asa Merriam, 11331 Broomfield Lane, apartment #205
3. Lafayette Police Department Sergeant David Cohen, 11331 Broomfield Lane, garage
4. Boulder County Sheriff's Office Sergeant Cody Sears, 11331 Broomfield Lane, garage
5. Boulder County Sheriff's Office Deputy Jeff Black, 11331 Broomfield Lane, garage



Google Earth image depicting the apartment complex from the intersection of Colony Row and Central Court, looking east, highlighting involved officers from the overwatch teams designated by number. Mr. Miles's southern-facing bedroom windows are designated by the red circle.

1. Broomfield Police Department Officer Tyler Hendry

At 7:32 a.m., Broomfield Police Officer Tyler Hendry took a position in apartment #201 of 11302 Central Court, the building just south of Mr. Miles's apartment. He was approximately fifty feet south of the southern-facing bedroom windows of Mr. Miles's apartment. From his vantage point, Officer Hendry could see the officers positioned outside of Mr. Miles's front door and the outdoor stairwell. He could also see into the apartment through the bedroom windows.

Officer Hendry heard repeated gunfire coming from Mr. Miles's apartment and was in fear for the lives of the officers standing outside. He believed their lives were in danger because they were at risk of being shot through the wall of Mr. Miles's apartment. Officer Hendry assumed that Mr. Miles was armed with a rifle based on the rate of the gunfire coming from

inside the apartment. At 7:33 a.m., Officer Hendry saw Mr. Miles fire a gun out of his southern-facing window toward Officer Hendry's location, striking the building. Officer Hendry moved to a location where he observed Mr. Miles through the window, aimed at him and fired one round from his 5.56 caliber Daniel Defense DDM4V75 rifle. Mr. Miles immediately retreated away from the window.

2. Boulder County Sheriff's Office Sergeant Asa Merriam

Boulder County Sheriff's Office Sergeant Asa Merriam was located inside apartment #205 on the second floor of 11331 Broomfield Lane. This building is approximately one hundred fifty feet east of Mr. Miles's apartment. Sergeant Merriam had an unobstructed view of Mr. Miles's balcony and eastern-facing windows through the scope mounted to his 5.56 caliber Sig Sauer MCX rifle.

Sergeant Merriam described hearing sporadic gunfire from Mr. Miles's apartment, some of which appeared to be aimed at the buildings east. At approximately 9:40 a.m., as the negotiations continued, Sergeant Merriam heard an officer report over the radio that Mr. Miles advised "you better get in here, she's bleeding out," referring to the female hostage. He also believed that Mr. Miles said that he was going to surrender to the police. Moments later, Sergeant Merriam observed Mr. Miles walk out onto the balcony empty-handed.

Sergeant Merriam was concerned for the safety of the hostage who remained inside the apartment. He was also aware that the entry team planned to breach the front door and enter the apartment. Given the risk of harm that Mr. Miles presented to the hostage and other officers, Sergeant Merriam expressed his thought-process that he could not allow Mr. Miles to re-enter the apartment, but that he intended to allow Mr. Miles the opportunity to surrender peaceably. Sergeant Merriam thought that if Mr. Miles was going to give up, he would have remained stationary. Instead, Mr. Miles continued to walk about and opened the balcony door. Believing that Mr. Miles was about to re-enter the apartment and possibly harm the entry team or the hostage, Sergeant Merriam aimed his weapon at Mr. Miles and fired nine times until he saw Mr. Miles fall to the floor. Sergeant Merriam stopped firing and continued to observe Mr. Miles as he sat on the balcony floor. Knowing the entry team was about to breach the front door, Sergeant Merriam decided not to continue shooting to avoid accidentally striking an officer inside the apartment.

As Sergeant Merriam continued to observe the balcony area, he heard gunfire inside the apartment he believed to be from the SWAT officers on the entry team. Shortly thereafter, he observed officers on the entry team walk out to the balcony and arrest Mr. Miles.

3. Lafayette Police Department Sergeant David Cohen

At approximately 9:40 a.m., Lafayette Police Department Sergeant David Cohen joined other officers in the garage alcove located at 11331 Broomfield Lane, approximately one hundred seventy-five feet from Mr. Miles's balcony. Sergeant Cohen had a clear view of the balcony and balcony door. Sergeant Cohen was in a prone position on the ground, where he observed Mr. Miles exit the balcony and yell at officers in the armored SWAT vehicles below.

From his vantage point, he saw something in Mr. Miles's hand and thought it was a handgun.

Sergeant Cohen saw Mr. Miles reach for the balcony door and, knowing that a female hostage was inside, he was concerned for her safety if Mr. Miles returned inside. He also feared that Mr. Miles would ambush the SWAT officers on the entry team. Based on his concerns, Sergeant Cohen fired one shot from his 5.56 caliber Sig Sauer MCX rifle at Mr. Miles. He observed Mr. Miles fall and then get up and reach for the door, at which point he fired at Mr. Miles again. Mr. Miles fell down again and crawled to the corner of the balcony area. Sergeant Cohen did not shoot again because he did not have a clear shot at Mr. Miles. He observed Mr. Miles on the balcony until SWAT officers on the entry team came out and made the arrest.

4. Boulder County Sheriff's Office Sergeant Cody Sears

Boulder County Sheriff's Office Sergeant Cody Sears was part of the overwatch team that was stationed in the garage alcove. He discussed his thoughts prior to seeing Mr. Miles exit that if Mr. Miles were to come out of the apartment, he could not let him re-enter based on the risk he presented to the hostage inside.

Sergeant Sears observed Mr. Miles walk onto the balcony and pace back and forth. He continued to watch as Mr. Miles yelled and gestured toward the officers in the armored SWAT vehicles down below. Based on Mr. Miles furtive movements, Sergeant Sears did not believe that Mr. Miles would surrender to law enforcement. He could see that Mr. Miles was not holding a rifle, but was unsure if Mr. Miles was armed with a handgun.

Sergeant Sears heard the explosives detonate and knew that the SWAT officers on the entry team were about to enter the apartment. Within moments, Sergeant Sears saw Mr. Miles reach toward the balcony door. Believing that Mr. Miles was about to re-enter the apartment and present a risk to the officers inside the apartment, Sergeant Sears fired one shot from his 5.56 Sig Sauer MCX rifle. Seeing that Mr. Miles was still moving toward the door, Sergeant Sears fired three more shots and stopped shooting when he saw Mr. Miles fall.

5. Boulder County Sheriff's Office Deputy Jeff Black

Boulder County Sheriff's Office Deputy Jeff Black was positioned with the overwatch team in the garage alcove. While in this location, Deputy Black described his perception that Mr. Miles was "indiscriminately" firing rounds at officers and citizens outside. Deputy Black also explained that he heard over the radio that Mr. Miles stated that the woman inside the apartment was "bleeding out," and that the officers needed to get inside the apartment. Deputy Black believed that Mr. Miles was setting up the entry team for an ambush.

Deputy Black saw Mr. Miles walk onto the balcony. He heard a radio report that Mr. Miles did not possess a firearm. When the explosive breaches detonated, Deputy Black observed Mr. Miles drop to the ground, get up, and move toward the balcony door as if he were attempting to get back inside the apartment. Deputy Black expressed his concern that if Mr. Miles re-entered the apartment, he would harm or kill the female as well as the SWAT officers on the entry team. Deputy Black aimed his 5.56 caliber Sig Sauer MCX rifle at Mr. Miles and

fired three rounds. He saw Mr. Miles fall and stopped firing.

Involved Officers on the Entry Team

After multiple failed attempts to breach the front door of Mr. Miles's apartment, the Boulder County Regional SWAT Team established an explosive breaching plan to allow for entry into Mr. Miles's apartment located at 11332 Central Court #209. The plan included two explosive breaches—one affixed to the front door of the apartment and a secondary one affixed to an exterior wall that would allow separate entry through a storage closet. The officers on the SWAT entry team planned to enter apartment #209 if crisis negotiators were successfully able to encourage Mr. Miles to separate himself from the female hostage and surrender himself by walking out to the balcony area.

When officers observing the exterior of the apartment reported over the radio that Mr. Miles walked out of the apartment and onto the balcony, officers detonated the explosives and the SWAT officers entered the apartment. The following officers entered apartment #209, where they ultimately discharged their firearms:

1. Broomfield Police Department Sergeant Josh McCollum
2. Broomfield Police Department Detective Andrew Martinez
3. Broomfield Police Department Officer Nathan Koch
4. Broomfield Police Department Officer Collin Chauncey
5. Broomfield Police Department Officer Ryan Butler

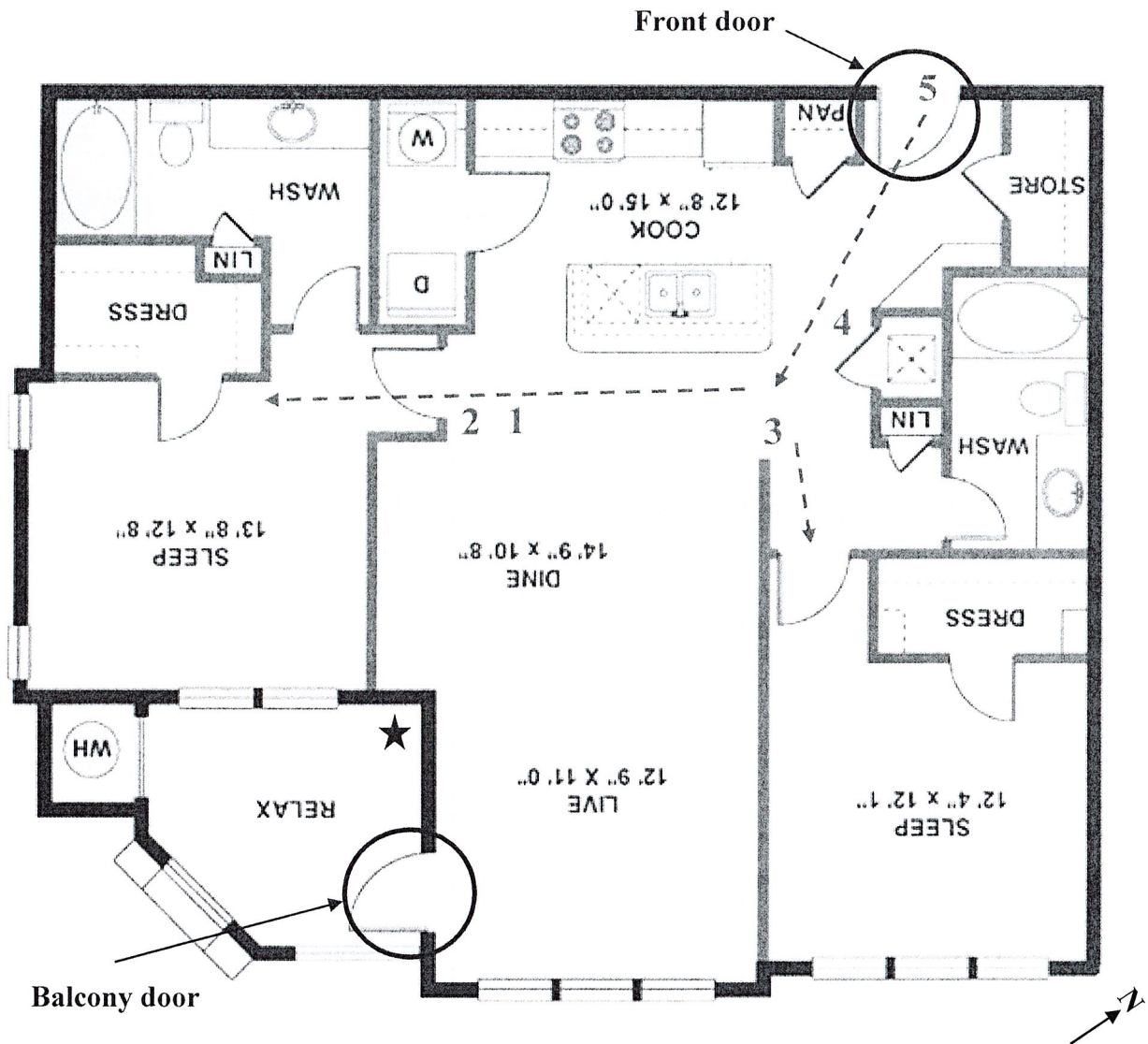


Photo depicting floorplan of unit #209 highlighting involved officers' movements from the entry team. The star designates Mr. Miles's location at the time of entry. The number reflects each officer's approximate location at the time they discharged their firearm. The star reflects Mr. Miles's location when he was arrested.

1. Broomfield Police Department Sergeant Josh McCollum

Broomfield Police Department Sergeant Josh McCollum was the first officer to enter the apartment at 9:44 a.m. He entered the front door, past the kitchen island, across the dining room, and toward the master bedroom with the southern-facing windows. As he approached the bedroom doorway, he noticed the body of a motionless female at the threshold.

As he entered the bedroom, Sergeant McCollum heard gunfire coming from the balcony area. He believed the shots were coming from Mr. Miles toward the officers as they entered the apartment. He quickly cleared the bedroom and returned to the living area, where he observed Detective Martinez shooting his firearm toward the balcony door. He heard another SWAT

officer call out that Mr. Miles had a rifle on the balcony. Believing that he and the other officers were under fire, Sergeant McCollum fired his 5.56 caliber Daniel Defense DDM rifle three times through the wall to the outside balcony where he believed Mr. Miles was located. He stopped firing to “reassess the situation” and approached the balcony area with other officers where he found Mr. Miles holding a cellphone “like a handgun.” He held Mr. Miles at gunpoint while other officers arrested him.

2. Broomfield Police Department Detective Andrew Martinez

Broomfield Police Department Detective Andrew Martinez was the second member of the entry team through the front door after the breach. He followed Sergeant McCollum into the apartment and across the dining area, observing a female on the bedroom floor that he believed was deceased. Within moments of entering, Detective Martinez saw paint chips and drywall debris break off the wall separating the living room area and the balcony and believed that gunfire was coming at him from the balcony. Based on his observations, Detective Martinez thought that Mr. Miles had killed the woman and was trying to kill the officers.

Detective Martinez observed Mr. Miles through the glass balcony door, appearing to duck down below the wall. He aimed his 5.56 caliber Daniel Defense DDM rifle at Mr. Miles and fired two shots, striking the interior wall near the door. He stopped firing as he lost sight of Mr. Miles. Multiple other officers fired their weapons. When the firing stopped, Detective Martinez and other SWAT officers approached the balcony and took Mr. Miles into custody.

3. Broomfield Police Department Officer Nathan Koch

Broomfield Police Department Officer Nathan Koch was the third member to enter the apartment after the explosive breach. As he entered the apartment, he saw debris coming off the walls and believed shots were being fired from the balcony area through the glass balcony door. He saw the two SWAT officers who entered before him duck and thought they had been shot. Officer Koch believed that Mr. Miles was shooting at them as they entered the apartment.

Fearing for his life and that of the other officers, Officer Koch concealed himself at the corner of a wall that separated the living room from the secondary bedroom. From his position, Officer Koch observed Mr. Miles through the balcony door, appearing to lean over the balcony wall. He believed Mr. Miles was shooting at officers on the exterior of the building. Officer Koch fired two shots at Mr. Miles from his 5.56 caliber Daniel Defense DDM rifle. Mr. Miles retreated to the inside corner of the balcony where Officer Koch could no longer see him. Officer Koch fired an additional ten shots into the interior wall to the location he believed Mr. Miles was hiding. Officer Koch stopped firing when he did not hear additional gunfire.

4. Broomfield Police Department Officer Collin Chauncey

Broomfield Police Department Officer Collin Chauncey was on the scene of the initial call at approximately 7:00 a.m. and personally observed the multiple rounds of gunfire from the inside of Mr. Miles’s apartment, appearing to be directed at the police officers stationed outside. Officer Chauncey monitored the police radio and heard updates from the crisis negotiating team

that Mr. Miles stated that the police were going to have to kill him and that he was going to kill the female hostage. Based on Mr. Miles's actions and statements, Officer Chauncey was confident that once police made entry into the apartment, Mr. Miles was going to shoot at them.

Officer Chauncey was the fourth SWAT officer to enter the apartment. Upon entering, he heard gunfire and saw debris and dust in the air while his fellow SWAT officers McCollum and Martinez broke off to the right. Officer Chauncey believed that they were being shot at by Mr. Miles, who he could see standing out on the balcony. From his vantage point just inside the entry of the apartment, Officer Chauncey observed Mr. Miles with his arms extended, pointing to the parking lot. He believed that Mr. Miles had a rifle in his hands and announced, "He's got a rifle!" two times. Thinking that Mr. Miles fired at the SWAT officers on the entry team and was now firing at officers in the parking lot, Officer Chauncey aimed his 9 mm Glock 17 semi-automatic handgun at Mr. Miles and fired two rounds. After firing twice, Officer Chauncey saw Mr. Miles retreat behind the balcony door and fired an additional ten rounds through the drywall toward the location he believed Mr. Miles hid. He stopped firing when he could no longer see Mr. Miles. Officer Chauncey remained in his location and stood cover until other officers went onto the balcony and arrested Mr. Miles.

5. Broomfield Police Department Officer Ryan Butler

Broomfield Police Officer Ryan Butler was one of the first officers to arrive at apartment #209. He was present when the first shots came through the front door of the apartment at 7:18 a.m. While staged in the hallway prior to making entry, Officer Butler heard the crisis negotiators report that Mr. Miles said this was going to end in a "bloody mess," and that he would "die by cops." Officer Butler stated that based on these statements, he was certain that Mr. Miles would shoot at the entry team.

Officer Butler was the fifth person designated to enter the apartment. He did not make it through the doorway before he heard gunfire and saw muzzle flashes. He believed that the SWAT officers entering the apartment were taking fire from Mr. Miles. From the front doorway, Officer Butler could see the silhouette of Mr. Miles on the balcony through the glass balcony door. Believing that Mr. Miles was shooting at the officers entering the apartment, Officer Butler aimed his 5.56 caliber Daniel Defense DDM4 rifle at Mr. Miles and fired it four times. He stopped firing when he could no longer see Mr. Miles. Officer Butler heard Officer Chauncey announce that Mr. Miles had a rifle and he heard another volley of gunfire.

As officers approached Mr. Miles on the balcony, Officer Butler went to the master bedroom where he assisted another officer with a female who appeared to have suffered a gunshot wound to the head. Officer Butler helped move the female out of the apartment for transport to the hospital.

WITNESS OFFICERS

The CIRT investigators interviewed several other law enforcement officers who were present during the incident. Given the number of police officer interviews conducted, this review only highlights reports from the officers who were percipient witnesses to the relevant

events.

There was a large police presence outside of apartment #209. Uniformed officers surrounded the perimeter and marked police vehicles, including a SWAT armored vehicle, surrounded the parking lot of the apartment. Officers gave multiple loud announcements to Mr. Miles through a loudspeaker, identifying the Broomfield Police Department and commanding Mr. Miles to come out with his hands up. The officers who were in the hallway and positioned around the parking lot below apartment #209 reported that they heard gunfire coming from inside the apartment and believed that the shots were directed at the officers. Officers on the crisis entry team made several attempts to forcibly breach the door. Following each attempt, gunfire came from inside the apartment through the front door and adjoining walls into the hallway where the officers were staged. Based on the officer's inability to breach the front door, officers believed that the door was barricaded from the inside.

Officers on the crisis negotiation team explained that they were able to speak with Mr. Miles through his mother, who provided officers with her phone. Through intermittent FaceTime calls, the officers saw Mr. Miles holding a handgun and heard him report that he held his girlfriend hostage. During one call, Mr. Miles told officers that he was shot and displayed a bloody area near his torso and shoulder area. The officer offered medical attention and Mr. Miles responded by saying, "Get back! Get back! Get back! Or she dies!" During another call, Mr. Miles reported that he stabbed the female hostage, and that she was "bleeding out." He also stated that he taped her mouth shut. At one point, the officer saw a woman face down on the floor.

As the negotiations continued, Mr. Miles expressed desperation and mentioned taking his life. Officers observed him fire a round from a gun in an unknown direction. Officers advised Mr. Miles that if he did not put down the firearm, he would be met with deadly force. Once Mr. Miles came out on the balcony, officers observed him pointing and gesturing with his hands as if he were armed with a handgun shooting at the officers. Officers believed Mr. Miles was engaging in this conduct as a ruse to draw gunfire from the officers.

LEGAL ANALYSIS

As was 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, police officers, like any other individual, have the right to defend

themselves or others from the use or imminent use of unlawful physical force when it is reasonable and appropriate under the circumstances. That right includes the use of force, up to and including deadly physical force. However, in this case, because the use of force by involved police officers did not, in fact, cause death, the legal analysis of the circumstances of this case extends only to whether the use of physical force was justified.

A law enforcement officer may use physical force in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person. However, physical force may be used only if nonviolent means would be ineffective and must use only that degree of force consistent with the minimization of injury to others. An officer's right to use physical force in self-defense is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified. The law applicable to the officers' use of physical force at the time of this incident requires that

[w]hen physical force is used, a peace officer shall:

- (a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- (b) Use only a degree of force consistent with the minimization of injury to others;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
- (d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

§18-1-707(2), C.R.S. (2025).

Though not specifically required by the language of the statute applicable here, proper application of the law of self-defense must answer the question of the reasonableness in the use of force. That is, whether an objectively reasonable officer, confronted with the same facts and circumstances, would have reasonably believed that Mr. Miles posed an immediate threat to the safety of the deputies or others, and that the ten involved officers used a degree of force that they reasonably believed to be necessary for the purpose of defending themselves or others.

The United States Supreme Court has set forth a standard of "objective reasonableness" in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer's use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene "in light of the facts and circumstances confronting them, without regard to [his] underlying intent or

motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. 386, 396-97 (1989).

Applying the legal standards in this case, the critical question is whether the involved officers’ use of physical force upon Gregory Miles was appropriate. As to the first statutory criteria, the incident to which the police responded was not a minor offense. The involved officers responded to a volatile and dangerous situation that escalated from a reported domestic disturbance to a man armed with a deadly weapon holding a female hostage in his apartment and firing a gun at responding officers. The involved officers were all part of an apprehension plan focused on negotiating the surrender of the suspect and saving the life of a potential hostage. Each of the involved officers was aware that multiple gunshots were fired from the interior of the apartment toward the officers positioned on the outside. Officers in the hallway were near the rounds that came from the inside through the front door into the hallway. Additionally, the officers in the overwatch positions observed shots fired from the southern-facing bedroom windows to the outside.

The first officer to use physical force upon Mr. Miles was Officer Hendry. He observed Mr. Miles firing a handgun at officers from inside the bedroom out the southern-facing windows. Officer Hendry perceived a shot fired near his location in the building across the street. Officer Hendry repositioned himself and, within moments, saw Mr. Miles through the same bedroom window. Fearing Mr. Miles would again fire upon the officers, Officer Hendry fired one time at Mr. Miles and then saw him retreat further inside the apartment.

As the hours of negotiations continued, the officers became increasingly concerned for the safety of the female hostage inside the apartment. Through FaceTime communications, they had observed her on the floor and heard Mr. Miles make threats to harm her as well as threats to harm himself. These circumstances justified the need for forcible entry into the apartment. The officers on the entry team were well aware that Mr. Miles was armed with a deadly weapon and presented a threat to them as they entered. The officers on the overwatch teams were also aware that Mr. Miles was armed and could potentially harm any individual inside the apartment.

When Mr. Miles exited his apartment and appeared on the balcony, the officers deployed the explosive breach as part of their strategy to intervene and arrest Mr. Miles while he was separated from the female hostage. Within moments of the explosive breach, Mr. Miles attempted to re-enter the apartment through the balcony door. Four of the officers on the overwatch teams, Sergeant Assa Merriam, Sergeant David Cohen, Sergeant Cody Sears, and Deputy Jeff Black, were located in the building directly to the east of the balcony. Each of these officers observed Mr. Miles reach for the balcony door and expressed their fear that if Mr. Miles were to re-enter the apartment, he would harm the officers entering as well as the female hostage inside. As such, each of these SWAT officers discharged their firearms at Mr. Miles to prevent him from going back inside the apartment. Considering the circumstances, this incident was not a minor offense, and it was objectively reasonable for each of the involved officers to believe that they needed to take action by firing their weapons at Mr. Miles to prevent him from

harming anyone inside the apartment.

The officers on the entry team rushed into apartment #209 at the same time the four officers from the overwatch teams fired their weapons at Mr. Miles on the balcony. The trajectory of this gunfire was from the east, across the balcony area and into the apartment. As a result, five of the entry officers, Sergeant Josh McCollum, Detective Andrew Martinez, Officer Nathan Koch, Officer Collin Chauncey, and Officer Ryan Butler each perceived the gunfire coming inside the apartment and thought it was from Mr. Miles out on the balcony. Each of these officers discharged their weapons at Mr. Miles, perceiving him to present a threat to their safety. While the subsequent investigation revealed that Mr. Miles was not actually shooting at the officers who entered the apartment, this fact does not change the legal analysis. Prior to their entry, these officers believed that Mr. Miles presented a danger based on their knowledge that Mr. Miles was armed with a handgun and held a female hostage inside the apartment. In addition, for a period of approximately two hours, Mr. Miles allegedly fired several shots from inside the apartment to the outside. Furthermore, Mr. Miles demonstrated an unwillingness to surrender peaceably. Consequently, each of these officers, as they entered the apartment and then shot at Mr. Miles, was acting upon a belief in that specific moment that, while mistaken, was objectively reasonable under the totality of the circumstances.

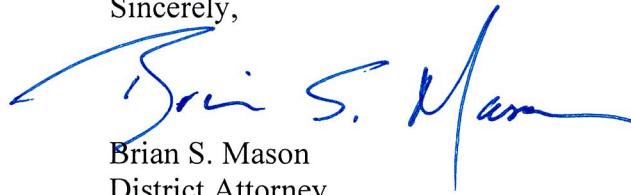
Moving onto the second statutory criteria, the degree of force utilized in this incident was consistent with the minimization of injury to others. This was not a situation that was conducive to de-escalation practices or nonviolent means of apprehension. Through his conduct and statements, Mr. Miles definitively posed a threat to the female inside his apartment and anyone in the vicinity outside. Nevertheless, the officers persisted in their effort to peacefully end the standoff and peacefully arrest Mr. Miles. The involved officers all wore clearly identifiable police uniforms. Additionally, there were several marked police vehicles and an armored SWAT vehicle parked nearby with emergency lights activated. Commands were made over the loudspeaker for Mr. Miles to peaceably surrender. The officers made their presence and authority clear through numerous announcements to Mr. Miles to come out of the apartment. The effort to use nonviolent means to apprehend Mr. Miles also included lengthy communications over the phone with a team of trained crisis negotiators. Mr. Miles was not persuaded by the communications and chose not to surrender to the officers.

The investigation here demonstrates compliance with the remaining provisions of the law—the officers who apprehended Mr. Miles rendered medical aid to him and he was transported to the hospital. Further, his mother was notified of the incident during the ensuing investigation.

Based upon a review of the entirety of this investigation, the evidence does not support a finding that any of the ten involved officers acted unreasonably or were unjustified in their use of physical force. On the contrary, I find that their use of physical force was justified, not only to effect Mr. Miles's arrest, but also to prevent the imminent threat of injury to innocent civilians as well as the imminent threat of injury to the responding officers themselves. These officers acted with bravery and courage, putting their own lives at risk. Their actions were justified and may have prevented further loss of life.

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. (2025). Therefore, applying the facts of this incident to the applicable law, no criminal charges will be filed against Broomfield Police Officer Tyler Hendry, Boulder County Sheriff's Sergeant Asa Merriam, Lafayette Police Department Sergeant David Cohen, Boulder County Sheriff's Office Sergeant Cody Sears, and Boulder County Sheriff's Office Deputy Jeff Black, Broomfield Police Department Sergeant Josh McCollum, Broomfield Police Department Detective Andrew Martinez, Broomfield Police Department Officer Nathan Koch, Broomfield Police Department Officer Collin Chauncey, and Broomfield Police Department Officer Ryan Butler.

Sincerely,

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

Brian S. Mason
District Attorney