



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

January 21, 2014

Sheriff Joe Pelle  
Boulder County Sheriff's Office  
5600 Flatiron Ave.  
Boulder, CO 80301

Dear Sheriff Pelle,

This office has completed its review of the circumstances surrounding the shooting of Christopher George in Boulder County, Colorado on December 29, 2013. In that incident, Boulder County Sheriff's Deputy Brandon Bussard shot Mr. George after Mr. George produced a handgun, pointed it at him, and manipulated it as if attempting to fire. Mr. George did not survive his wounds; the Deputy's actions were therefore reviewed with regard to whether the use of deadly force was justified.

As part of the analysis, we have reviewed the complete file provided by the Boulder County Investigation Team (BCIT). Additionally, representatives of my office have worked closely with the BCIT since the day of the shooting, advising investigators, approving warrants, and participating in briefings. The case file made available for review includes reports of the investigators assigned to the investigation, transcripts and video recordings of witness interviews, diagrams and photographs of the scene, the Use of Force Policy for the Boulder County Sheriff's Office, and Deputy Bussard's training records. It is our conclusion that the use of force was justified.

The facts as determined by the Boulder County Investigation Team are as follows:

In December of 2013, Christopher George lived in the home of his mother in Boulder County, Colorado. In recent months, there had been some tension in the family regarding the fact that Mr. George did not have a job, or any plans to move out of the home. On Thursday, December 26, Mr. George told his mother that he had "made a decision" to be out of her house by December 31. Ms. George asked her son if he had any plans with regard to where he was going to live or work, and he said he did not. Shortly after this conversation, Mr. George went into his bedroom, where he stayed until the morning of December 29, leaving only to use the restroom.

On the morning of December 27, Ms. George tried to speak with her son, but he refused, making only comments such as "I'm a failure. Go away. Don't bother me." Ms. George tried again on the morning of December 29, asking him how he was going to solve "this problem." Mr. George told her that he was "not worried about solving anything." A subsequent search of Mr. George's computer revealed that he had recently been researching suicide by starvation and dehydration.

Ms. George called Mr. George's sister, Karen, for help. Karen is a trained paramedic who has experience dealing with suicidal people. Karen arrived at the home and tried to talk with Mr. George. She asked him about some recent job leads she had sent him, to which he responded "No. Not going to apply. . . Not going that route." While Mr. George did not make any overtly suicidal statements, he did say things like "we both know where this is going."

Karen encouraged her mother to call for mental health intervention, which she did. The first facility Ms. George attempted to call transferred her to another. She was then told to call a different facility. Finally, she was connected with someone she understood to be a doctor doing rounds. That person told Ms. George to call the Sheriff's department, and to have Mr. George evaluated by law enforcement. After discussing this with her daughter, the two decided that it might be in Mr. George's best interest to be evaluated, and possibly taken for a 72 hour mental health hold for his own safety.

At 8:31 a.m., Ms. George called the Boulder County Sheriff's Office. Ms. George reported being very concerned about Mr. George's welfare because he had recently been very depressed and anxious. She further reported that he had gone into his room on Thursday, and had not been eating or drinking. She told dispatch about a conversation during which Mr. George had said "it's not about dealing with problems anymore." She also reported that she believed this might be a "suicidal action." Ms. George also reported to dispatch that Mr. George had a history of mental health concerns and suicidal behavior, and that to her knowledge, Mr. George had no access to weapons.

Karen didn't want Mr. George to be surprised when deputies arrived, and told him they were on their way. While waiting for deputies to arrive, Mr. George initially refused to let Karen back into his room, where he was alone for a short period of time. He then opened the door, directed Karen to a chair, and closed the door behind her. Mr. George then got back into the bed, where he sat up against the headboard, and covered himself with a blanket up to the chest. He told her that all the answers were in a note left on a nearby table. He told her that he hadn't eaten or drank anything in 3 days, and while he knew "it" might take 7 to 10 days, he had a "redundancy plan" if other plans failed. He did not say what that plan was. Again here, Mr. George never specifically said that he was attempting to kill himself, despite Karen's attempts to get him to verbalize exactly what his intentions were.

In the note he left on the table, Mr. George discussed being disappointed with his life, and his failure to become the person he wanted to be. While it did not expressly mention suicide, the note leaves the impression that Mr. George was extremely depressed:

Every year gets a little harder, as the years show me  
I'm just a bit farther away than the year before.  
I can't whip myself up into believing anymore.  
I don't believe that "I will."  
There's lots of stuff I could do, in theory, but I'm  
not gonna.

[Emphasis in original]

The note goes on to thank those who "tried to help," mentioning "Karen and mom in particular." It closes with the words "I'm done with this battle."

Deputy Bussard was dispatched to the residence and given the information provided over the telephone by Ms. George. Upon arrival, he parked one house away and waited for a second deputy to arrive. Once both were present, they knocked on the door and spoke with Ms. George, who again expressed her concerns for her son. She then escorted them to Mr. George's room, where his sister was still speaking with him. Deputies knocked on the door and heard Mr. George say "go away." Karen had already gotten up to let the deputies in when they asked "ma'am, can you let us in?" After opening the door, Karen left the room.

Based on the information Deputy Bussard had received, he hoped to be able to evaluate whether Mr. George needed to be taken into custody for his own safety. Deputy Bussard moved into the room to talk to Mr. George, and the second deputy followed. Deputy Bussard first tried to get Mr. George to leave the room to talk with him. Mr. George refused. The deputy then asked Mr. George if he would at least move out of the bed into a chair. Mr. George again refused.

As they were speaking, Deputy Bussard noticed Mr. George's hand slowly reaching toward his back, almost as if he were reaching back to scratch an itch. When Mr. George's hand came back around, it was holding a black semi-automatic handgun, which Mr. George pointed directly at Deputy Bussard's torso. Deputy Bussard shouted "gun" to let the other deputy know what was happening. Both drew weapons and the second deputy began moving around Deputy Bussard. Both deputies noticed Mr. George to be manipulating the weapon. Deputy Bussard fired three times, striking Mr. George twice. The second deputy was beginning to pull the trigger of his own weapon when Mr. George's hand dropped, allowing that deputy to take Mr. George's pistol away from him. Because he no longer perceived a threat, the second deputy did not fire.

The deputies called for medical assistance and a helicopter to transport Mr. George to the hospital. Immediately following the shooting, Deputy Bussard was described by responding officers as "visibly shaken and very pale."

On his way to the hospital, Mr. George indicated to medical personnel that he had shot himself.

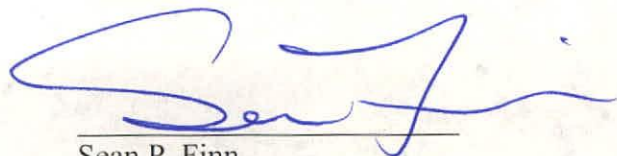
Deputy Bussard's use of deadly force was justified pursuant to §18-1-704, C.R.S. and §18-1-707, C.R.S. A peace officer is justified in using deadly physical force upon another when he reasonably believes that it is necessary to defend himself from what he reasonably believes to be the use or imminent use of deadly physical force. *See* §18-1-707(2)(a) C.R.S. Here, Mr. George had produced a handgun, pointed it at the deputy, and was manipulating it in a way that reasonably led Deputy Bussard to believe he intended to fire. It should be noted that when interviewed, Deputy Bussard reported being surprised he was not shot, due to the fact that Mr. George was able to retrieve his weapon and point it at Deputy Bussard before Deputy Bussard was able to fire. A subsequent inspection of Mr. George's weapon revealed that a live round was jammed in the ejection port, in what is often referred to as a "stovepipe" jam. This type of malfunction would have temporarily prevented the weapon from firing.

Because Deputy Bussard's use of force was legally justified, no charges will be filed in this matter.

Sincerely,



Stanley L. Garnett  
District Attorney  
Twentieth Judicial District



Sean P. Finn  
Chief Trial Deputy  
Twentieth Judicial District