

OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

May 14, 2015

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

Dear Sheriff Pelle,

This office has completed its review of the circumstances surrounding the shooting of Lue Vang ("Vang") in Boulder County, Colorado on April 22, 2015. During that incident, Deputy Sheriff Jeffrey Brunkow fired a single shot from his rifle, killing Mr. Vang. The Deputy's actions were reviewed with regard to whether his use of force was legally justified.

Representatives from my office have participated in this investigation since the day of the shooting, and have worked closely with the Boulder County Investigation Team (BCIT). We were present for the on-scene investigation, and have reviewed reports associated with this 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 the Deputy's training records. It is our conclusion that the use of force was justified.

The following is a brief synopsis of the facts as investigated by the BCIT:

Lue Vang met his wife approximately 10 years prior to the events that are the subject of this letter. Vang's wife reported that their relationship became abusive around 2010. She reported several instances of physical abuse. Family members also reported seeing her with bruises. Vang had also repeatedly threatened that he would kill her if she left him. On one occasion, Vang held a knife to her throat and said "if you don't want to be with me anymore, I'll just kill you." On another occasion, Vang drove her to the Dowdy Draw trailhead in Boulder County, and threatened to kill her there.

After years of abuse, Vang's wife left him in April of 2015, taking her three children with her. She reported sleeping in her car on the night she left because there was nowhere else she felt she could go. On April 19, she went to her father William's house.

5/14/15
by regional
& email (BSP)

On April 20, Vang purchased a .357 caliber revolver. That same day, Vang called William's house and said he was coming over to work things out with his wife and take her home. Vang's wife immediately took the children and left the house. Vang arrived shortly thereafter and began pounding on the front door. He angrily demanded to see his wife, and upon being told she was not there, demanded to search the home. Vang threatened to kill William if he was not allowed inside, but William did not see any weapons. When Vang was satisfied his wife was not there, he left.

Shortly thereafter, a family member helped Vang's wife buy airline tickets to St. Paul, Minnesota. During this time, Vang would frequently call his wife to tell her he had accepted the fact that she did not want to be with him, but that he wanted the couple's white car. Before leaving town, the car was left in a parking lot with the keys and a signed title inside. Vang was not aware she had left the state.

On the morning of the 22nd, Vang called his wife and told her that he was at her parents' house. Vang demanded that she bring the car to him. He told her he had a gun, and that "you give me the car, I set you free." His wife told him where the car was, and told him he could go and pick it up. Vang then sent her a picture of a handgun and told her that if she did not show up, if she called police, or if she told her parents what was happening, he would kill her parents. His wife told him to meet her at the location of the car, not wanting to tell him she was out of state, and hoping to get him away from her parents' home. Vang told her he would meet her at the car's location, but that he was bringing "someone" to exchange for her. After hanging up the phone, Vang's wife called 911 and asked that officers check on the welfare of her family.

Vang approached the home, where he asked William for help picking up the car and getting the title put in his name. Vang appeared agitated, and William was concerned for his family, so he and his son agreed to accompany Vang to pick up the car and go to the Department of Motor Vehicles ("DMV"). While they were concerned about what might happen, it was their intention to get Vang away from the other people in the home.

After first picking up the car, then going to the DMV to complete the title transfer, they got back into the car. Vang locked the doors and produced a handgun. He told William that he would die today, and began driving west. Vang became increasingly agitated, and at one point told his father-in-law that he had quit his job, and that he was going to kill him. Both hostages reported Vang saying that after he killed the two of them, he was going to return to their home and kill the rest of the family.

At this time, William also reported noticing text messages from his daughter warning him about Vang, and indicating that he had a gun. Vang also allowed William to speak on the telephone, but said "no location, or you die." Also during this time, William called 911 twice and hung up. In the background, dispatchers heard Vang say "why'd you call the cops?" Dispatchers called back, but William did not feel it was safe to answer.

Officers responded to William's home and spoke with other members of his family who were still unaware of Vang's plans. The deputies learned the make and model of the car, as well as its license plate number. Officers were told that Vang had been acting suspiciously, but that William and his son had left with Vang voluntarily. Shortly after leaving the residence, officers received another call from Vang's wife. She told them what Vang had been saying, and that she feared for her family. She also emailed officers the photo of a gun that Vang had sent to her. Shortly thereafter, she received a picture of a gun from Vang, with the message "tic, tic, tic."

Officers called Vang's phone. Vang was hesitant to answer questions, and said he was going to work. Also during this time, family members were receiving calls from William and his son. At one point, William told a family member "I can't tell you where we're at, he will kill us." Another family member reported hearing William say "please don't kill us, please don't kill us."

Officers began searching the area surrounding DMV locations near William's home. They also began attempting to "ping" Vang's cell phone in an attempt to discover its location. One ping showed that Vang's phone was near 120th and Lowell. At that same time, a witness called 911 reporting that he saw two Asian males fighting in a car, then heard one yell "help, call 911" before the car sped off. William also reported reaching his arm out an open passenger side window and waving for help. He stopped waving and brought his arm back in when Vang asked "you want to die right here?"

William's son was able to have the following conversation via text messages with a family member, which was later observed on his phone:

"Where does it seem his [sic] taking you?
"Somewhere we don't know."
"What are the street signs?"
"What's going on now?"
"We're going towards the mountain."
"2076-3298 S Foothills hwy Boulder, CO 80303 United States."

At around 1:11 PM, repeated cell phone pings placed Vang's cell phone at the Dowdy Draw trailhead. Shortly before Deputies arrived, Vang made statements to William and his son indicating that they should look around and enjoy the scenery since this was the last time they'd see it. From 1:16 to 1:18 PM, Sheriff's Deputies, including Deputy Brunkow, arrived and saw Vang's vehicle in the parking lot. Deputy Brunkow parked his marked Chevy Tahoe approximately 40 yards from Vang's car and retrieved his department-issued rifle from the back. Vang moved from the driver's seat to the rear, where he sat behind William. Vang then opened the back passenger door, waved a handgun in the air and yelled for them to stay back. In response to commands from the deputies, Vang yelled that he was not coming out of the car. Deputies and observers also heard Vang yell "you're not going to get me this way" or "I'm not

Sheriff Joe Pelle

Boulder County Sheriff's Office

May 14, 2015

Page 4

going out like this." Vang also sent a text message to his wife around this time saying she had "fucked up" and she would have to "live with this."

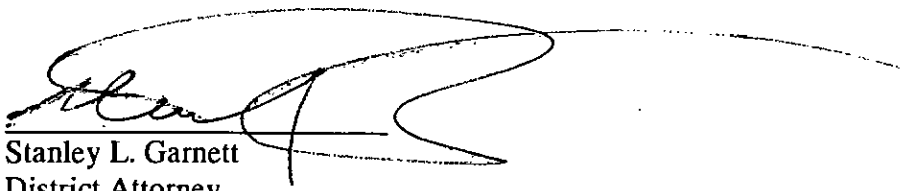
Deputy Brunkow had a view of Vang through a 3x magnified scope on his rifle. When he saw Vang raise the handgun to the back of William's head, he fired a single shot, which struck Vang in the head, killing him instantly. Deputies approached, took the weapon from Vang's hand, and set it on the roof of the car. Also found in the car were 50 rounds of .357 ammunition. Another 50 rounds were found on Vang's person.

William and his son reported feeling very grateful to the deputies that they credit with saving their lives. They were certain that, if it were not for the actions of Deputy Brunkow and the other members of the Sheriff's Office, Vang would have murdered them, and possibly others.

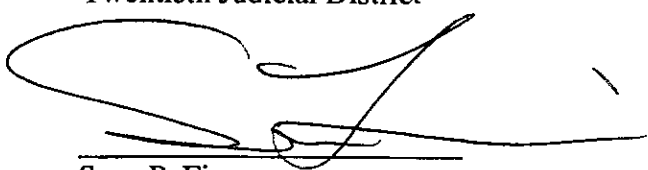
The use of force by Deputy Brunkow was justified pursuant to §18-1-704, C.R.S. and §18-1-707, C.R.S. Those sections provide that a peace officer is justified in using reasonable and appropriate physical force upon another person when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force. Here, Deputy Brunkow responded to a very dangerous situation, attempted, along with his fellow deputies to convince Vang to get out of the car, and only resorted to lethal force when Vang placed another person in imminent and mortal danger.

Because the use of force by Deputy Brunkow was legally justified, no criminal 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