



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT
Michael T. Dougherty, District Attorney

July 7, 2020

Re: Investigation of the death of Mason Farnsworth on April 23, 2020, involving Colorado State Patrol Trooper Tim Kridel, in the area near the intersection of 21st Avenue and Francis Street in Longmont, Colorado.

Dear Colonel Matthew C. Packard:

The investigation and legal analysis of the fatal traffic crash that resulted in the death of Mason Farnsworth involving Colorado State Patrol Trooper Tim Kridel has been completed.

The Critical Incident Team for the 20th Judicial District investigated this case. This multi-agency team is designated to investigate fatalities in which any law enforcement officer within the 20th Judicial District uses physical or deadly force against a person while acting under the color of official law enforcement duties. This definition and team protocol are broader than that required by state law. I want to acknowledge the Colorado State Patrol (CSP) for immediately contacting local law enforcement following the crash. By doing so, CSP allowed the Boulder County Critical Incident Team to quickly respond and conduct an extremely thorough investigation. Consistent with the Boulder County protocol, the Colorado State Patrol did not participate in the investigation.

The investigation in this instance was conducted for the purpose of determining whether criminal charges are warranted in connection with the fatal traffic crash that resulted in the death of Mason Farnsworth (DOB: 06/02/2003). The investigation and review of this incident does not evaluate nor review the appropriateness of police tactics, or whether policies and procedures were followed.

My decision, based on criminal law standards, does not limit administrative action by the Colorado State Patrol or any civil actions where less-stringent laws, rules, and levels of proof would apply. The authority and role of the District Attorney's Office is to determine whether Trooper Kridel committed a criminal offense that can be proven beyond a reasonable doubt.

BACKGROUND

The Critical Incident Team completed a thorough investigation into this incident and generated detailed reports and documentation. The file is voluminous and includes transcripts of witness interviews, numerous reports, diagrams, and media files. The media files contain recorded interviews, police communications, photographs, and video recordings related to the incident.

A review of the reports and documentation filed with my office has been completed and I, along with members of my staff, have been fully briefed regarding this incident by Team Commanders in charge of the investigation. I conclude that, under the applicable Colorado law, no criminal charges can or should be filed against Trooper Kridel.

My findings, analysis, and conclusions of law with respect to Trooper Kridel's use of force in this incident are as follows:

SUMMARY OF DECISION

Applying the applicable statutes to the facts presented through this investigation, I find that Trooper Kridel is not subject to criminal prosecution for his actions. In all cases, including those involving law enforcement officers, the District Attorney's Office criminal filing standard requires that there be a reasonable likelihood of conviction in order to bring criminal charges against an individual(s). As in other cases prosecuted by this office, this legal and ethical requirement guides our analysis.

The evidence establishes that, at the time Trooper Kridel initiated a Tactical Vehicle Intervention (TVI) on the stolen car driven by Mason Farnsworth, it was reasonable for Trooper Kridel to believe that weapons were in the stolen car and that the use of physical force was necessary to effectuate the stop and arrest of the driver. Additionally, based on Colorado law, the physical force that Trooper Kridel used was both reasonable and appropriate under the circumstances.

Therefore, the District Attorney's Office would not be able to prove beyond a reasonable doubt that the use of force by Trooper Kridel was unjustified.

Mr. Farnsworth was sixteen (16) years old at the time of the incident, and his death was tragic. Having met with his family, I know that this loss has caused them unimaginable grief and sorrow. Although they shared with me that Mr. Farnsworth was struggling with some significant challenges, including involvement with the justice system, they believe that he should not have died on this day. It is tragic to lose someone as young as Mr. Farnsworth, especially under these circumstances.

However, I note Trooper Kridel was unaware of the identity or age of the driver of the stolen car at the time of the pursuit. Trooper Kridel acted in accordance with his training, CSP policy, his experience with TVIs, and did not violate the criminal laws of Colorado. The age of the individual does not change the legal analysis that is conducted in a criminal investigation of

this nature.

It is worth noting at the outset that Mr. Farnsworth was driving at a minimum speed range of 38 mph to 40 mph before impact by the CSP vehicle. A crush analysis showed that the minimum speed at which the Saturn then impacted the tree was between 19 mph and 24 mph. The Saturn crashed into the tree at the worst possible angle.

Under an objective legal analysis, Trooper Kridel's use of force was reasonably necessary to effectuate a felony arrest of a fleeing suspect and did not violate the criminal laws of Colorado.

DETAILED STATEMENT OF FACTS

On April 23, 2020, around 7:20 am, Trooper Tim Kridel was conducting routine patrol in the area of the Walmart store located at Highway 287 and Highway 66 in Longmont. Traveling in a marked Colorado State Patrol vehicle, Trooper Kridel observed a white Saturn sedan located in the Walmart parking lot. The Trooper knew from prior experience that this type of Saturn sedan is a common target of car thefts in Adams County, where he had previously been assigned.

Trooper Kridel began a routine computer check on the license plate numbers he believed to be displayed on the white Saturn sedan. The computer check of the license plate initially returned to a BMW. As the Trooper waited for the results of the computer check, the white Saturn sedan left the parking lot, turned onto Park Ridge Avenue, and traveled westbound toward Highway 287. To confirm that he had the correct license plate number for the white Saturn sedan, Trooper Kridel followed in his vehicle to get another visual of the sedan. At that time, the Trooper ran an additional computer check of the license plate number displayed on the sedan and observed the driver of the sedan. The driver was a white male with a thin build, straight brown hair, and was wearing sunglasses. He was later identified as Mason Farnsworth. At the time, Trooper Kridel estimated that the driver was in his early to mid-20s.

Mr. Farnsworth turned the Saturn southbound onto Highway 287, while Trooper Kridel waited for the results of the second clearance that he had run. The Trooper lost sight of the Saturn at this time. As Trooper Kridel continued with his routine patrol, he reviewed the results of the second clearance. The mobile data terminal in his police vehicle indicated that the license plate number he had run was registered to a white Saturn. The vehicle was listed as stolen and the computer check noted that there were weapons in the vehicle at the time it was stolen.

By this time, Trooper Kridel had driven to the parking lot of the King Soopers located near 17th Avenue and Pace Street in Longmont. He requested that law enforcement dispatchers communicate to the Longmont Police Department and the Boulder County Sheriff's Office that he had observed a stolen Saturn, that there was information about weapons in the vehicle, and that the last known location was southbound Highway 287 near Highway 66. This radio communication, as well as all others, was recorded and reviewed as part of the investigation.

Based on information later obtained from video surveillance cameras, Mr. Farnsworth drove to the King Soopers located at 2255 Main Street in Longmont and exited the stolen Saturn.

He is shown on camera entering the King Soopers and using the Coinstar machine located inside. Once he finished using the machine, Mr. Farnsworth exited the store and returned to the stolen Saturn.

Continuing with his routine patrol while also attempting to locate the stolen Saturn, Trooper Kridel saw the stolen car parked in the King Soopers parking lot. The Trooper turned his vehicle into the parking lot and drove toward the Saturn. Unable to see anyone inside, Trooper Kridel initially believed that it may have been abandoned and requested that another law enforcement officer join him at the King Soopers so that he could safely investigate the vehicle. Colorado State Patrol Sergeant Michael Hill communicated that he was patrolling in the south part of Longmont and would begin making his way to Trooper Kridel's location. Trooper Kridel continued to drive through the parking lot and positioned his vehicle behind the stolen Saturn. As he did so, the Trooper noticed that there actually was a male in the driver's seat and believed it to be the same male that he had observed previously in the vehicle.

Mr. Farnsworth turned the stolen Saturn on and Trooper Kridel communicated with Sergeant Hill about attempting to stop the vehicle or box it in before it left the parking lot. Based on the potential danger of conducting a felony traffic stop in a parking lot with other civilians present, Sergeant Hill told Trooper Kridel not to attempt to box in the Saturn and instead allow it to leave the parking lot. Trooper Kridel watched as Mr. Farnsworth drove the stolen car through the parking lot and turned westbound onto 21st Avenue. Trooper Kridel turned onto 21st Avenue and advised dispatch that he was now following the vehicle.

While Trooper Kridel communicated his location as he followed the stolen Saturn, Sergeant Hill drove through Longmont and was able to catch up to Trooper Kridel's location on 21st Avenue. Trooper Kridel had followed the stolen car as it traveled westbound and observed Mr. Farnsworth fail to stop at the stop sign located at 21st Avenue and Gay Street. As the vehicles approached Francis Street, a white pickup truck moved into the lane behind Mr. Farnsworth and ahead of Trooper Kridel, obstructing the Trooper's view of the stolen Saturn. The traffic light at Francis Street was red and was stopping traffic traveling on 21st Avenue. Traveling in the left lane, Mr. Farnsworth stopped the stolen Saturn at the red light. The white truck, Trooper Kridel, and Sergeant Hill brought their vehicles to a stop behind the stolen car. From his position, Sergeant Hill observed the driver of the stolen car pull a hood up over his head.

Once the vehicles were stopped at the red light, Trooper Kridel told Sergeant Hill that he was going to move his vehicle into the right lane and attempt to block in the stolen Saturn. As the Trooper moved to the right, Mr. Farnsworth suddenly and illegally turned left onto Francis Street by running the red light. Trooper Kridel turned left to contact the stolen Saturn and saw the driver looking in the rear-view mirror of the Saturn. The Trooper activated his emergency lights and attempted to initiate a traffic stop on Francis Street just south of 21st Avenue. Sergeant Hill followed in his vehicle and, also, activated his emergency lights. With two law enforcement vehicles behind him, Mr. Farnsworth immediately accelerated the stolen Saturn and gained speed.

At this location, Francis Street is a three-lane road, with one lane of traffic heading north,

one heading south, and a multi-use lane in between the two lanes of travel. This area is also the beginning of a residential neighborhood. Trooper Kridel noted that there were no other vehicles on the road and observed no pedestrians in the surrounding area. He quickly decided to execute a Tactical Vehicle Intervention (TVI) to stop the stolen Saturn instead of risking a pursuit through a more residential neighborhood in the City of Longmont.

As the driver continued to accelerate in the stolen Saturn, Trooper Kridel followed and moved his vehicle into the center multi-use lane. The Trooper used the front passenger side of his patrol vehicle and made contact with rear driver's side of the stolen Saturn. Shortly after making contact, the Saturn began to spin counterclockwise. Trooper Kridel attempted to maintain contact between the two vehicles and cause the stolen vehicle to spin 180 degrees during the TVI. However, the Trooper lost contact with the Saturn during the maneuver, as Mr. Farnsworth continued to engage the accelerator. Mason Farnsworth accelerated out of contact with Trooper Kridel's vehicle, corrected the counterclockwise rotation of the stolen Saturn, and maneuvered the car to continue traveling southbound down Francis Street. Trooper Kridel and Sergeant Hill watched as the stolen Saturn, instead, slid sideways across the road into the northbound lane, struck the curb on the east side of Francis Street, and collided with a tree on the driver's side door. An analysis of the Saturn's Event Data Recorder later determined that Mr. Farnsworth engaged the throttle at a consistent 96 percent from the time he first accelerated until the stolen Saturn struck the tree.¹ This means that the driver of the stolen car was pushing the accelerator down towards the floor.

Trooper Kridel and Sergeant Hill pulled their patrol vehicles into the northbound lane on Francis Street, with Trooper Kridel stopping his vehicle south of the tree and Sergeant Hill parking his vehicle just north of the tree. The Trooper exited his vehicle, quickly made his way toward the stolen Saturn, and began issuing commands to the person seated in the passenger seat. At the direction of Sergeant Hill, he drew his weapon. From his vehicle, Sergeant Hill quickly called for medical personnel to respond to the scene before exiting, drawing his firearm, and assisting Trooper Kridel. The front windshield of the stolen Saturn was broken, and the airbags had deployed on impact with the tree, filling the passenger compartment of the vehicle with a cloud of powder and making it difficult to see inside. Both the Trooper and the Sergeant gave repeated commands to the person in the passenger seat to show them his hands and the individual complied. As they assessed the scene, Trooper Kridel and Sergeant Hill realized that the individual that they gave commands to was not the driver of the stolen Saturn but was instead a passenger, later identified as [REDACTED]. They had incorrectly thought that the force of the crash had caused the driver to be pushed into the passenger seat. Unable to open the passenger side door, Trooper Kridel told [REDACTED] to cover up and then broke the passenger-side window with a baton. Sergeant Hill removed [REDACTED] from the stolen car through the smashed window and placed him into custody.

Trooper Kridel attempted to reach the driver, Mr. Farnsworth, through the shattered window on the driver's side of the vehicle but could not. The Trooper saw that Mr. Farnsworth was bleeding from his forehead. After coming back around to the passenger-side window,

¹ Based on the analysis, Crash Reconstruction Experts with the Longmont Police Department believe that this number indicates the throttle on the Saturn was fully engaged despite the fact that the percentage did not register at 100 percent.

Trooper Kridel twice reached through the vehicle in an attempt to find a pulse on Mason Farnsworth but found none. Mason Farnsworth was pronounced dead on scene a short time later.

At autopsy, the cause of death was determined to be blunt force head trauma as a result of the motor vehicle crash. The Boulder County Coroner's Office concluded that the manner of death was accident.

Interviews with Trooper Kridel and Sergeant Hill:

Following the incident, Trooper Kridel consented to an interview conducted by Detective Heather Frey of the Boulder Police Department and Detective Steve Ainsworth of the Boulder County Sheriff's Office. Along with the other evidence in the case, his interview was summarized by and encompassed in the above Statement of Facts. This interview was recorded using a body worn camera.

In addition to the details provided above, Trooper Kridel described his experience utilizing a TVI throughout the course of his career and his decision to employ one in this incident. The Trooper told detectives that he believed he had previously executed between ten-to-twenty TVIs. He has been employed by the Colorado State Patrol since 2003 and receives on-going yearly trainings, including training on TVIs. According to Trooper Kridel, the TVI trainings are conducted every other year in the form of both practical and classroom training. He believed that his most recent training on TVIs occurred in 2019. Records indicate that Trooper Kridel received a certificate for TVI training on May 18, 2018.

According to Trooper Kridel, he made the decision to use a TVI when he did in order to prevent a pursuit through the City of Longmont which would have caused safety risks to drivers and pedestrians. Before using the maneuver, he observed that there were no other vehicles around and saw no pedestrians in the surrounding area. The roadway was clear, dry, and provided three lanes in which to conduct the maneuver. Trooper Kridel told detectives that, in his experience, a TVI will usually take up two lanes as long as the speeds of the vehicles involved are not excessive. He told detectives that, based on the totality of the circumstances, he determined that it was the appropriate moment to use a TVI and end the pursuit while the area was clear of cars and pedestrians. Trooper Kridel recounted that as he initiated contact with the stolen vehicle, the driver pulled away from his patrol car and the Trooper was not able to complete the TVI. Trooper Kridel described observing that the driver was attempting to drive out of the maneuver.

Sergeant Hill also consented to an interview following the incident by Detective Jason Shatek with the Boulder County Sheriff's Office and Detective Sarah Cantu with the Boulder Police Department. As with the interview of Trooper Kridel, his interview is summarized by and encompassed in the above Statement of Facts. This interview was recorded using a body worn camera.

Interview with Longmont Police Department Officer Alan Baldivia:

Officer Alan Baldivia was the first law enforcement officer to arrive on scene following the crash. He was interviewed by Detective Jon High of the Longmont Police Department and Detective JoAnn Compton of the Boulder County Sheriff's Office. This interview was recorded using a body worn camera.

During the interview, Officer Baldivia recounted that he was dispatched at 7:20 am to assist members of the Colorado State Patrol that were following a vehicle through Longmont. Based on the information he received, Officer Baldivia traveled westbound on 17th Street in order to parallel the movement of the vehicle being pursued by the State Patrol. Officer Baldivia told the Detectives that as he arrived at the intersection of 17th Street and Francis Street he observed emergency lights to the north of his location, and he turned northbound onto Francis. As he approached the scene, he observed two Colorado State Patrol vehicles parked facing southbound on Francis Street and a white vehicle that had collided with a tree. Officer Baldivia watched as Sergeant Hill pulled [REDACTED] from the car through the passenger-side window and place him into custody.

Officer Baldivia told the Detectives that he then went to the driver's side of the crashed vehicle and saw that the tree was "embedded" in the driver's side door. He could see a white male slumped forward in the driver's seat with severe bleeding coming from a wound on his forehead. To Officer Baldivia, it did not appear that the male was breathing. Due to the damage to the vehicle, Officer Baldivia believed that the male would need to be extricated and radioed for medical personnel. He waited for medical and fire personnel to arrive and was informed that the male was deceased.

Additional Witness Statements:

The Boulder County Critical Incident Team attempted to interview the juvenile passenger, [REDACTED] but [REDACTED] declined an interview on advice of his attorney. Since receiving the investigation from the Critical Incident Team, the District Attorney's Office also has attempted to interview [REDACTED]. These interviews were sought in order to determine what conversations took place in the car and to further explain the actions of Mr. Farnsworth. In an effort to develop a full understanding of Mr. Farnsworth's actions, the District Attorney's Office offered [REDACTED] immunity from criminal prosecution for any acts related to this incident. The attorney for [REDACTED] has informed the District Attorney's Office that [REDACTED] refuses to be interviewed, despite the offer of immunity from prosecution.

The Boulder County Critical Incident Team canvassed the area to find additional witnesses, but found no additional witnesses.

Additional investigation revealed that the car that Mr. Farnsworth drove was originally reported stolen to the Greeley Police Department on April 4, 2020. A review conducted by the Longmont Police Department noted that the stolen vehicle had been seen on April 11th and 14th parked in an area north of Highway 66 and East of US 287 in Longmont. Based on the location

of this vehicle, it is believed that Mr. Farnsworth may have had access to, and used, the stolen car on multiple occasions prior to the day of the incident.

To develop a better understanding of Mr. Farnsworth's actions in driving the stolen car and subsequently fleeing from the Colorado State Patrol, the Critical Incident Team investigated his background. In addition to his age, the following may have played a role in Mr. Farnsworth's decisions on that day.

Mr. Farnsworth had a history of contacts with the Longmont Police Department in both criminal cases as a juvenile offender and as a runaway/missing person. His offenses include

[REDACTED] At the time of this crash, Mr. Farnsworth was a resident of the Shiloh House in Longmont and had been reported as a runaway. The Shiloh House provides supervision and services to at-risk youth and help those young people safely and successfully reintegrate into the community. It is reasonable to believe that Mr. Farnsworth, as a runaway from the Shiloh House, wanted to avoid apprehension especially since he was driving a stolen car.

Dash Camera and Body Worn Camera Videos:

The Colorado State Patrol does not wear body worn cameras, but the patrol vehicles that they utilize are equipped with dash cameras that capture video from the perspective of looking out the front windshield. In order to capture audio, members of the Colorado State Patrol wear microphones as part of their uniforms. The vehicles driven by Trooper Kridel and Sergeant Hill were both equipped with dash cameras and both men wore lapel microphones on the morning of April 23, 2020. Much of the event recounted in this letter was captured on video and/or audio from the dash cameras.

Officer Alan Baldivia wore a body camera when he responded to the scene of the crash. His body worn camera was activated after he arrived at the scene of the crash and begins capturing video as he stands next to the driver's side of the stolen Saturn. No video of the crash was captured by Officer Baldivia.

In addition, and as noted above, the interviews of Trooper Kridel, Sergeant Hill, and Officer Baldivia were all recorded using body worn cameras.

Trooper Kridel's Dash Camera

The dash camera in Trooper Kridel's patrol vehicle began recording as the Trooper was following the stolen Saturn westbound on 21st Avenue just east of Francis Street. The video starts by showing the white pickup truck directly ahead of the Trooper's vehicle. The stolen Saturn is not visible initially but comes into view of the camera as Trooper Kridel moves his vehicle into the right lane around the white pickup truck. As he does so, the Saturn can be seen making the left turn while the traffic light is red at Francis. The Trooper continues around the white pickup truck and follows the Saturn left onto Francis and initiates his emergency lights. The audio for

Trooper Kridel's camera begins at this point.

The Saturn accelerates and the Trooper pursues down Francis Street. Trooper Kridel moves his vehicle into the center multi-use lane and travels closely to the rear driver-side bumper of the Saturn. The Trooper makes contact with the bumper of the Saturn using the front passenger side of his vehicle. The Saturn passes in front of the camera heading to the east side of the road as the Trooper's vehicle continues down Francis. The Saturn is no longer in view of the camera when Trooper Kridel parks his vehicle near the eastside curb to the north of the crash.

The remainder of this dash camera does not show the crash scene but does record the audio of the contact with the Saturn. Trooper Kridel can be heard telling [REDACTED] to put his hands up, communicating that the driver is badly injured, and making a request for medical personnel to respond to the scene. The Trooper also attempts to speak with the driver and states that he cannot find a pulse. This contact is captured visually by Sergeant Hill's Dash Camera.

Sergeant Hill's Dash Camera

The dash camera in Sergeant Hill's patrol vehicle started recording as the Sergeant began his drive across Longmont to provide cover for Trooper Kridel. The recording captured the communications between Sergeant Hill and Trooper Kridel while they followed the stolen Saturn. Sergeant Hill can be heard talking with Trooper Kridel about his location and his observations of the stolen Saturn as they travel down 21st Avenue. When the vehicles approach the intersection of 21st avenue and Francis Street, Trooper Kridel can be heard telling the Sergeant, "Sarge if you want, I can, if he comes up to the stop sign, I can try to go up parallel with him or let me know what you want." Sergeant Hill responds, "Okay." Trooper Kridel moves his vehicle into the right lane around a white pickup truck and tells Sergeant Hill that the Saturn is going to be turning left and running a red light. Sergeant Hill follows as both the Saturn and Trooper Kridel turn left onto Francis Street.

Trooper Kridel's emergency lights are activated and the vehicles accelerate away from Sergeant Hill. The camera captures the scene as the Trooper initiates the TVI maneuver. The Saturn begins to spin counterclockwise but then separates from Trooper Kridel's vehicle in the middle of the maneuver. The driver of the Saturn corrects the counterclockwise spin as the vehicle travels across the roadway and goes over the curb on the east side of the road. The Saturn strikes a tree with the driver's side door area.

Sergeant Hill pulls his vehicle to the east side of the road and parks on the roadway just north of the crash. The crashed Saturn is directly in view of the dash camera. The audio captures Sergeant Hill radio for medical personnel to respond to the scene as Trooper Kridel comes into view of the camera approaching the Saturn. Sergeant Hill tells Trooper Kridel to "take some cover" and the Trooper draws his firearm. Together, both men shout for the person in the passenger seat to show his hands. Trooper Kridel walks to the driver's side of the car and looks inside the vehicle while Sergeant Hill attempts to open the passenger door. Sergeant Hill informs the passenger that he is going to break the passenger window as Trooper Hill communicates that "the driver is injured bad." Trooper Kridel is shown smashing the passenger window with a baton and [REDACTED] is pulled from the car by Sergeant Hill.

Once [REDACTED] is removed from the car and placed in handcuffs, he is asked by Sergeant Hill who was in the car with him. [REDACTED] responds “um, Mason.” While this conversation is happening, Trooper Kridel can be seen reaching throughout the passenger window toward the driver’s side.² Moments later the Sergeant can be seen returning to the white Saturn calling out the name “Mason” to see if the driver will respond.

The remainder of the video shows medical, fire, and other law enforcement personnel respond to the scene. The vehicle’s dash camera remains on for over an hour following the events described.

In summary, the video footage related to the incident was consistent with the witness statements. The relevant portion of the video footage as provided to the District Attorney’s Office will be made available on the District Attorney’s website. Although not required by state law, it is our protocol to make this letter and the accompanying materials available to the public.

Crash Scene Analysis and Reconstruction:

After the scene of the crash was secured, Sergeant Eric Lewis and members of the Longmont Police Department Traffic Unit processed the scene and gathered data and information to aid in the crash reconstruction. Two crash reconstruction experts investigated the scene and performed data analysis separate and apart from one another to establish their opinions and useable crash data for analysis of the event. Ultimately, those two independent reconstructions were used in the analysis of this crash, and provided the data and information analyzed below. Members of the Traffic Unit have been court-certified as expert witnesses in accident reconstruction in past criminal cases in this jurisdiction.

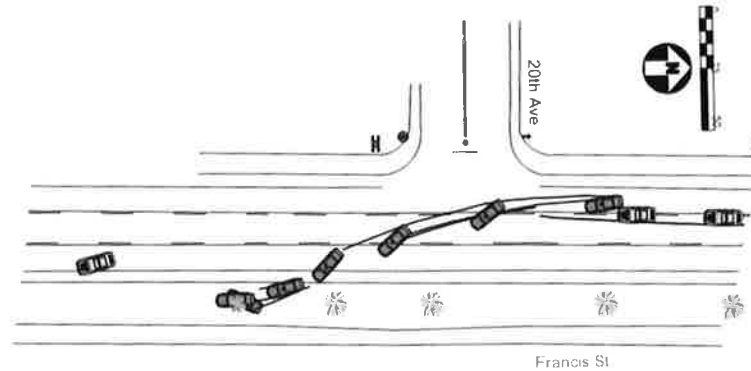
The reconstruction of the crash took into account information gathered at the scene, the dash camera videos from the State Patrol vehicles, and the Event Data Recorder (EDR)³ from the Saturn. The results of these reconstructions were reviewed at the Critical Incident Team’s presentation to my office.

Based on the available data, 2.439 seconds passed from when the TVI was initiated to when the Saturn struck the tree. At the time the TVI was initiated, the Saturn was traveling at a minimum speed range of 38 mph to 40 mph in a posted 35 mph zone. A crash analysis showed that the minimum speed at which the Saturn impacted the tree was between 19 mph and 24 mph. This loss of speed was not attributed to any use of the brake in the Saturn as there was no indication from the data that the brakes were used during the 8 seconds prior to the crash. The brakes were not used during this time period. Instead, the data shows that the throttle percentage of the Saturn registered at a consistent 96 percent for at least the five seconds prior to the collision with the tree.

² This appears to be the moment when Trooper Kridel is checking for a pulse, but there is no video that provides a better view of this action by the Trooper.

³ An EDR is a device located in some vehicles that will record certain data when a vehicle is involved in a triggering event, such as a vehicle crash. The data that is recorded and stored covers approximately 5 seconds of time prior to the triggering event.

The reconstructions were consistent with the video evidence from Sergeant Hill's Dash Camera. The following diagram was created to show the path that the Saturn took following the TVI:



Ultimately, the reconstruction determined that Trooper Kridel attempted to stop the stolen vehicle using a TVI. The TVI caused the vehicle to spin counterclockwise until it began to rotate in a clockwise direction as a result of the driver's acceleration and steering. The vehicle continued the clockwise rotation until it struck the curb on Francis Street and collided with a tree.

Autopsy Findings:

On April 24, 2020, Board Certified Forensic Pathologist Dr. Daniel Lingamfelter performed the autopsy on Mason Farnsworth.

Dr. Lingamfelter concluded that Mason Farnsworth died of blunt force head trauma from the motor vehicle crash. Numerous injuries to the head, neck, trunk and extremities were noted in the autopsy report. The most significant and fatal injuries were those documented to the head, which included fractures to the skull and significant damage to the brain. Dr. Lingamfelter explained the results of the autopsy at the Critical Incident Team presentation.

Dr. Lingamfelter's ultimate opinion was that Mason Farnsworth died as the result of multiple blunt force injuries and determined the manner of death to be an accident.

LEGAL AUTHORITY

Criminal liability is established in Colorado only if it can be proven beyond a reasonable doubt that an individual committed all of the elements of a criminal offense defined by Colorado statute, and it is proved beyond a reasonable doubt that the offense was committed without any

statutorily-recognized justification or excuse. While intentionally or recklessly causing a motor vehicle crash is prohibited by statute in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force is justified. One of these specific circumstances is the use of physical force by a peace officer.

The evidence establishes that Trooper Kridel initiated a TVI by using his patrol vehicle to contact the rear bumper of the Saturn driven by Mason Farnsworth. Trooper Kridel indicated that he intentionally made contact with the Saturn in an effort to end the pursuit of a stolen vehicle that he had reason to believe contained weapons at the time that it was stolen, while the three-lane roadway was clear of other cars and no pedestrians were nearby. The determination of whether Trooper Kridel's conduct was criminal is, therefore, primarily a question of legal justification.

The legal framework for the analysis in this case is found in the following sections of the Colorado Revised Statutes:

C.R.S. § 18-1-707 Use of physical force in making an arrest or in preventing an escape

(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized, or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to

another unless apprehended without delay

C.R.S. § 18-1-901 Definitions

(3)(d) "Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

Pursuant to C.R.S. 18-1-707, there are two issues in determining whether Trooper's Kridel's use of a Tactical Vehicle Intervention was justified under Colorado law. The first issue is determining whether the use of the TVI was reasonable and appropriate physical force or deadly physical force. The second issue is whether at the time that Trooper Kridel used physical force, he reasonably believed that the use of such force was necessary to accomplish one of the statutorily permitted objectives. To put in more simple terms, would a reasonable officer, confronted with the same facts and circumstances, have concluded that it was necessary to use physical force to make an arrest or prevent an escape. Here, the Trooper was confronted with a stolen car, possibly containing weapons, that was fleeing from the police.

LEGAL ANALYSIS

In determining whether Trooper Kridel's actions were reasonable and appropriate physical force or deadly physical force, the statutory definition of deadly physical force is critical to the analysis. As noted above, deadly physical force does not simply mean that force was used and that a death occurred as a result of that force. Instead, deadly physical force requires that the deadly consequence of the force used was actually an intended, natural, and probable consequence. Under this definition, Trooper Kridel's actions did not constitute deadly physical force.

While in pursuit of a stolen vehicle, Trooper Kridel initiated a Tactical Vehicle Intervention in an effort to end the vehicle pursuit. According to Colorado State Patrol policy, a TVI is a technique used "to disrupt the current path of travel of a suspect's vehicle by deliberately making contact with the rear of the suspect's vehicle, using a properly equipped patrol vehicle."⁴ As described by Trooper Kridel, his objective was to spin the stolen vehicle 180 degrees counterclockwise, force the vehicle to come to a stop, and utilize the help of Sergeant Hill to prevent the vehicle from fleeing any further. It is important to note that the Trooper observed that the roadway that the vehicles were traveling on was clear and dry, no other vehicles were in sight, and there were no pedestrians in the area. Trooper Kridel noted in his interview that he observed that the trees on the east side of the roadway were further south of the area where he began the TVI. Additionally, that area of 21st Avenue has three lanes and the vehicles were not traveling at high rates of speed. Each of these observations played into the Trooper's decision to initiate a TVI at the moment that he did and minimized the risks involved in performing such a maneuver. What Trooper Kridel could not control was the decision of Mr. Farnsworth to continue accelerating out of the TVI, which forced the vehicles further down Francis Street and in range of the trees on the east side of the street. While the natural and probable consequence of causing a motor vehicle crash can sometimes be a death, it is the intended consequence that is critical to this analysis. It is clear from all the evidence in this

⁴ Vehicle Pursuits, Policy Number 4.04.0201, Colorado State Patrol.

investigation that the intended consequence of the TVI was to end the vehicle pursuit by forcing the stolen vehicle to come to a stop in the roadway, as opposed to intending the death of Mr. Farnsworth. Trooper Kridel did not intend for the TVI to result in the death of the driver and as a result, his actions did not meet the criteria for deadly physical force.

Additionally, it is significant that Trooper Kridel's actions are consistent with his training and CSP protocol, in assessing whether his actions were criminal as "reckless" or "criminally negligent" actions. CSP policy dictates that troopers will consider several factors in choosing to pursue a vehicle, including:

1. Seriousness of the incident, including information given to the trooper by another law enforcement agency
2. Weather conditions
3. Geographic location of the pursuit
4. Roadway design including width, lanes, condition, and surface material
5. Time of day
6. Age, physical ability, and mental state of the suspect (if known)
7. Additional occupants of the vehicle (if known)
8. Other potential hazards (e.g., weapons, etc.).

Troopers are told to "continuously weigh the seriousness of the incident against public safety considerations" and "continually evaluate all circumstances surrounding the incident[.]"⁵ They are permitted to use tactical intervention methods, such as TVIs, to assist in stopping a pursuit. CSP Policy makes clear that a preference should be given to terminating a pursuit as soon as practical.

I must emphasize that the review of the CSP policy is only relevant to the extent it informs the analysis of whether Trooper Kridel engaged in criminally reckless or criminally negligent conduct. Since this TVI maneuver was in accordance with CSP training and policy, as well as Trooper Kridel's prior experience in using a TVI, it is inconsistent with individual conduct that could be proven in a criminal trial to have been "reckless" or "negligent." I would note that, as you are likely aware, CSP's use of a TVI as a tactical maneuver is far less common amongst local law enforcement agencies.

Next, whether the Trooper's actions constituted reasonable and appropriate force requires a discussion of traffic stops. Often, the purpose of a traffic stop is to bring a suspect vehicle to a stop and allow law enforcement to further investigate a crime or apprehend a suspect. Typically, a traffic stop begins with law enforcement activating emergency lights and sirens, positioning their vehicle behind a suspect vehicle, and both vehicles coming to a stop after pulling to the side of the road. In some instances, like in this case, an individual that is being pulled over does not come to a stop but instead tries to evade law enforcement. The decision to evade is often followed by the suspect vehicle traveling at high rates of speed, disregarding traffic signals, and engaging in other dangerous conduct behind the wheel. This behavior can quickly pose a great danger to any number of people that may find themselves caught in the middle of a vehicle chase, whether they are also driving on the road or are simply walking on a nearby sidewalk.

⁵ Vehicle Pursuits, Policy Number 4.04.0201, Colorado State Patrol.

Trooper Kridel's actions did constitute an objectively reasonable and appropriate use of physical force. Trooper Kridel was following a stolen vehicle through the City of Longmont. The pursuit brought the vehicles to the intersection of 21st Avenue and Francis Street, and following an illegal left-hand turn by the stolen vehicle Trooper Kridel initiated a traffic stop. Instead of pulling over, Mr. Farnsworth engaged the accelerator and began picking up speed as he traveled through the beginning of a residential neighborhood. Trooper Kridel followed and initiated a TVI before the vehicles reached a high rate of speed. Though it was discussed above, it is important to note again that there were no other vehicles on the road at the time and there were no pedestrians in sight. Trooper Kridel saw that the three lanes of travel on Francis Street were open and the road conditions were clear and dry. At the moment that Trooper Kridel started the TVI, the risk to himself, Mr. Farnsworth, and any potential bystanders was minimal. The use of the TVI was reasonable and appropriate physical force under the circumstances, although the ultimate outcome was unforeseeable and tragic.

Having determined that Trooper Kridel's actions were reasonable and appropriate physical force, his actions must be scrutinized under C.R.S. 18-1-707(1). Pursuant to that statute, a law enforcement officer is justified in using reasonable and appropriate physical force if they reasonably believe that the use of such force was necessary to accomplish one of the statutorily permitted objectives. This statute allows law enforcement to use this type of force to effect an arrest or to prevent an escape from custody of an arrested person. C.R.S. 18-1-707(1)(a). Alternatively, a peace officer can use reasonable and appropriate force to defend "himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape." C.R.S. 18-1-707(1)(b). Based on the evidence, it is clear that Trooper Kridel's actions fall under the justification outlined in subsection (a) of the statute.

Trooper Kridel was pursuing a stolen vehicle. The information provided to Trooper Kridel indicated the vehicle contained weapons at the time it was stolen, although the Team's investigation later concluded that no firearms were reported as stolen at the time of the auto theft. However, the information regarding weapons was contained in the computer check conducted by Trooper Kridel.

Furthermore, Trooper Kridel observed the stolen car fail to stop at a stop sign, make an illegal left turn at a red light, and accelerate instead of pulling over once a traffic stop was initiated. He was prepared to make a felony arrest of the driver of the vehicle and he knew that the driver was beginning to accelerate through a residential neighborhood. Under an objective analysis, Trooper Kridel's use of force was reasonably necessary to effectuate a felony arrest of a fleeing suspect. The danger posed by the quickly developing situation dictated that the Trooper bring an end to the pursuit quickly and at a time and place when it posed the least amount of risk to all involved. The TVI was a necessary use of reasonable and appropriate force under the totality of the circumstances presented.

After viewing the evidence in the case as a whole, Trooper Kridel's actions were legally justified under the applicable statutory provisions and not subject to criminal prosecution.

CONCLUSION

We find in our review of this incident that no conduct by Trooper Kridel rises to the level of a criminal offense. It is the conclusion of my office that, based on the applicable law and the facts and circumstances of this case, that law enforcement's actions during this incident were legally justified under the requirements set forth in C.R.S. 18-1-707(1)(a). Therefore, because Trooper Kridel was legally justified in his use of reasonable and appropriate physical force while attempting to effectuate the felony arrest of Mason Farnsworth, his conduct did not violate any criminal statutes. As a result, my office will not be filing criminal charges against Trooper Kridel.

I will be releasing this letter to the public, along with the video presentation prepared by the Critical Incident Team. Pursuant to our policy, the Colorado State Patrol will be the custodian of records related to this case. Any other records inquiries will be directed to the Colorado State Patrol. Please contact me if you require further information.

Sincerely,



Michael Dougherty
District Attorney
20th Judicial District