



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

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Press Release

The District Attorney's Office announced that the investigation and legal analysis of the non-fatal shooting of Antoinio Armstrong involving Longmont Police Department Officers Nathan Miller and Brian Macchione has been completed.

The Critical Incident Team for the 20th Judicial District, also known as the Boulder County Investigation Team ("BCIT"), investigated this case. This multi-agency team was formed to investigate use-of-force incidents 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. Following this incident, the Longmont Police Department ("LPD") immediately notified the BCIT. The BCIT quickly responded and conducted an extremely thorough investigation. Consistent with the Boulder County protocol, LPD did not participate in the investigation involving the officer-involved shooting.

The evidence established that police officers responded to a harassment call at 600 Martin Street, Longmont. The reporting party informed police dispatchers that Mr. Armstrong had "a 9mm in his back pocket" and that he would not leave the victim's residence. The victim later informed police that Mr. Armstrong regularly carried a handgun in his pocket and a silver revolver in his duffle bag.

When police arrived at the location, Mr. Armstrong refused to comply with their requests. Instead, Mr. Armstrong pulled a gun from his waistband and pointed it at the police officers. The gun appeared to be a 9mm handgun, consistent with the earlier information relayed to police dispatchers. None of the police officers had their service weapons unholstered prior to Mr. Armstrong pulling and pointing his gun in their direction. Officer Miller made a split-second decision and fired his weapon in defense of himself and others. Then, Mr. Armstrong crouched between two cars. Officer Macchione observed Mr. Armstrong still holding what appeared to be the semi-automatic firearm with the gun pointed toward several officers. Officer Macchione fired two rounds from his rifle. Upon hearing the gunshots, the victim believed Mr. Armstrong was firing his weapon(s) into her residence.

At several points during this incident, officers heard a clicking noise from Mr. Armstrong's direction, but did not know whether his gun was empty or malfunctioning. At one point, Mr. Armstrong placed the gun to his head and several more clicks could be heard. Many of these events were captured on video and/or audio from body-worn cameras.

The weapon in Mr. Armstrong's possession was later revealed to be a BB gun. However, the BB gun was all black, did not have a colored plastic tip, and was modeled after a Beretta semi-automatic handgun. Additionally, police recovered another BB gun inside Mr. Armstrong's bag, this one modeled to look like a revolver. Both were designed to look like actual guns. Certainly, that is how these were used by Mr. Armstrong – both in his earlier interactions with the victim, as well as in his encounter with the police officers. In response to his actions, the officers fired their weapons and Mr. Armstrong was hit by several rounds. Also, five BBs were later recovered from Mr. Armstrong's head. These were self-inflicted.

In all cases, including those involving law enforcement officers, the District Attorney's Office's criminal filing standard requires that there be a reasonable likelihood of conviction in order to bring criminal charges against an individual(s). This legal and ethical requirement guides the analysis in every criminal case. Under applicable Colorado law, no criminal charges can or should be filed against these police officers. Officers Miller and Macchione were both legally justified in their use of reasonable and appropriate physical force in response to Mr. Armstrong's actions. Both officers responded as authorized by the laws of Colorado and consistent with the reasonable defense of themselves and others. As a result, the District Attorney's Office will not be filing criminal charges against either Officer Miller or Officer Macchione.

District Attorney Michael Dougherty stated, "Mr. Armstrong's actions that night impacted everyone involved, including those community members who live in the apartment complex. The investigation into this incident was important to the civilians and police officers, as well as to our community as a whole. For that reason, I appreciate the thorough work and expertise of the multi-agency Critical Incident Team. Their exhaustive efforts allowed us to reach the right result."

The District Attorney's detailed report and the video presentation prepared by the Critical Incident Team can be found here: <https://www.bouldercounty.org/district-attorney/officer-involved-shooting-decision-letters/>.

Mr. Armstrong is charged with 4 Counts of Menacing (F5), one count of First-Degree Criminal Trespass – Domestic Violence (F5) and one count of Harassment - Domestic Violence (M3). He is set for a Status Conference on 8/17/2020 at 1:30 p.m. As in every case, these criminal charges are an accusation and the defendant is presumed innocent unless or until proven guilty.

For community members interested in discussing the process and the detailed findings, District Attorney Michael Dougherty will be available at 11:00 am on August 18, 2020. You can submit questions in advance through boulder.da@bouldercounty.org. The link to join the meeting is <https://tinyurl.com/y543y7j9>. Community members are, also, welcome to call into the meeting by using Phone Number: [+1 720-400-7859](tel:+17204007859), Conference ID: 485 581 792#.