



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

June 8, 2022

VIA ELECTRONIC MAIL

Rick Bashor, Chief of Police
Lafayette Police Department
City of Lafayette
Lafayette, Colorado

Re: Investigation into the shooting of Elijah Mueller on April 16, 2022, involving Police Officer Austin Iverson, of the Lafayette Police Department, in the area of 750 South Lafayette Drive in Lafayette, Colorado

Dear Chief Bashor:

The investigation and legal analysis of the non-fatal shooting of Elijah Mueller involving Lafayette Police Department Officer Austin Iverson has been completed.

The Boulder County Investigation Team, also known as the Boulder Critical Incident Team (“BCIT”), investigated this case. The multi-agency team is designated to investigate use-of-force incidents in which any law enforcement officer within the 20th Judicial District uses deadly, or potentially deadly, physical 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, which is limited to incidents involving the discharge of a firearm by a peace officer that results in injury or death.

I want to acknowledge the Lafayette Police Department (“LPD”) for immediately notifying the BCIT following the incident. By doing so, LPD enabled the BCIT to quickly respond and conduct an extremely thorough investigation. Consistent with Boulder County protocol, LPD did not participate in the use-of-force investigation involving Officer Iverson.¹

¹ LPD Detectives remained involved only in the investigation into potential domestic violence, eluding, or menacing charges for his actions prior to law enforcement’s use of force. Consistent with protocol and statute, LPD remains legally responsible for enforcing any criminal violations which took place prior to the officers using force against the individual.

The BCIT investigation was conducted for the purpose of determining whether criminal charges are warranted against Officer Iverson for the non-fatal shooting of Elijah Mueller (DOB: 03/08/1981) on April 16, 2022, within the City of Lafayette. 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 Lafayette Police Department or any civil action where less-stringent laws, rules, and levels of proof would apply. The authority and role of the District Attorney is to determine whether Officer Iverson committed a criminal offense that can be proven beyond a reasonable doubt.

BACKGROUND

The BCIT completed a very thorough investigation into this incident and generated detailed reports and documentation. The file is voluminous and includes recorded witness interviews, diagrams, department policies, police communications and reports, 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 Officer Iverson.

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

SUMMARY OF DECISION

Under Section 20-1-114(1), C.R.S., "The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request."

As District Attorney, I am required to comply with this statutory obligation. There is no exception for cases in which there is, also, an active prosecution. In addition, this report is necessary to inform the public of the nature and reasons for my decision.

This report is not, however, to be construed as commentary on the criminal charges pending against Mr. Mueller. Those charges are merely accusations. Mr. Mueller remains innocent of all the charges against him unless and until a jury finds him guilty beyond a reasonable doubt.

Applying the applicable statutes to the facts presented through this investigation, Officer Iverson 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. As in other cases prosecuted by this office, this legal and ethical requirement guides our analysis.

In the twenty-four hours leading up to the shooting, Officer Iverson became aware that Mr. Mueller had engaged in numerous violent acts. Mr. Mueller had fled from law enforcement officers on two separate occasions, possibly attempted to commit a carjacking, and two individuals had reported seeing Mr. Mueller in possession of a firearm. In addition, Mr. Mueller had made statements that he would not go back to prison and that he would get into a shootout with police. At the time of this incident, Officer Iverson was attempting to effect an arrest of Mr. Mueller for domestic violence related offenses. Finally, during the foot pursuit with Officer Iverson and other officers, Mr. Mueller threw a knife towards them and repeatedly yelled, "I have a gun" while making movements toward his waistline.

Officer Iverson fired his weapon at Mr. Mueller after turning a corner and seeing Mr. Mueller seated with both arms extended straight out in front of him toward Officer Iverson while brandishing a cylindrical black object that Officer Iverson believed to be a firearm. Officer Iverson made a split-second decision in order to protect himself and his fellow officers. Mr. Mueller later admitted that he attempted to commit "suicide by cop."

Under the circumstances, it was reasonable for Officer Iverson to believe that Mr. Mueller was armed with a firearm and that Officer Iverson or his fellow officers were in imminent danger of being killed or seriously injured. Based on Colorado law, the physical force that Officer Iverson used in response to Mr. Mueller was both reasonable and appropriate under the circumstances.

DETAILED STATEMENT OF FACTS

On the evening of April 15, 2022, officers were investigating a domestic violence call at the Copper Stone apartments located at 750 South Lafayette Drive within the City of Lafayette. Officer Iverson served as a Field Training Officer that day. He and his trainee, Officer Cashion, were handling the domestic violence call. The call involved Mr. Mueller and his wife. His wife's parents called police to report that Mr. Mueller had just struck her in the face.

Mr. Mueller lived with his wife in building A of the complex. When officers arrived at the apartment, both Mr. Mueller and his wife were gone and there were signs of a disturbance within the apartment. Officers were able to contact Mr. Mueller's wife. She clarified that Mr. Mueller had not struck her in the face that day but had done so the last time she called police. Rather, on this occasion, Mr. Mueller had threatened to kill her, her parents and her children, had broken a frame containing their marriage license, and had shoved her down and screamed into her face while holding her down by her ribs, causing intense pain and possible bruising. Over the past couple of days, he had also called her approximately ninety (90) times and left her more than two dozen voicemails.

At the direction of police officers, his wife encouraged Mr. Mueller to meet her at a business by the apartment complex. Mr. Mueller refused because he observed police cars at the business. Officers believed Mr. Mueller was watching them from a nearby location and moved their patrol cars in hopes that Mr. Mueller would think they had left the area. Mr. Mueller eventually agreed to meet his wife at a nearby gas station, but fled in his car before officers were able to make contact.

Shortly after he left that gas station, Mr. Mueller was pulled over by the Colorado State Patrol ("CSP") while travelling westbound on Highway 36 at 108 miles per hour. The CSP trooper initiated a traffic stop and contacted Mr. Mueller from the passenger side of the vehicle. The trooper saw a taser in the front of the vehicle and let Mr. Mueller know that he was going to open the door to grab the taser. As the trooper was grabbing the taser, he saw what appeared to be the butt of an assault rifle protruding from the backseat of the vehicle. At the same time, the trooper saw Mr. Mueller's hand move to the gearshift. Mr. Mueller put the vehicle into drive and pulled away while the trooper was still partially in the vehicle. The trooper retained the taser and Mr. Mueller's driver's license after he fled the scene. The trooper briefly attempted to follow Mr. Mueller but lost sight of him as Mr. Mueller was exiting Highway 36 and did not pursue him further.

On April 16, 2022, LPD put out a department-wide alert about Mr. Mueller's interaction with CSP the prior night and warned officers that Mr. Mueller likely had a firearm. In addition, officers were informed of the threatening statements Mr. Mueller had made to the victim from the domestic violence offense. Officers were also alerted that Mr. Mueller had stated that he would shoot officers after taking their guns. All the information in the department-wide alert was known to Officer Iverson before the shooting on April 16, 2022.

In the afternoon of April 16, 2022, Officer Iverson spoke to the trooper who had stopped Mr. Mueller the night before to learn more information about Mr. Mueller's actions. Officer Iverson was also in contact with Mr. Mueller's wife several times on April 15 and 16, 2022. During one phone call, Mr. Mueller's wife told Officer Iverson that the item the CSP trooper had seen in Mr. Mueller's vehicle was likely a Pepper Ball gun and not an actual firearm.

During their shift on April 16, 2022, Officer Cashion was preparing an arrest warrant for Mr. Mueller for harassment and third-degree assault and attempting to establish whether there was probable cause for felony stalking. Meanwhile, Officer Iverson and Officer Diaz planned to conduct surveillance outside the apartment complex to see if Mr. Mueller would return. Since Mr. Mueller had fled from uniformed officers the day before, Officer Iverson secured permission to conduct the surveillance in plain clothes.

Around 8:30 p.m., Officers Iverson and Diaz returned to the police department because Officer Diaz needed to leave for the night. Sgt. Kelly Coehlo agreed to return to the complex with Officer Iverson in order to continue surveillance efforts. Officer Iverson had again been in contact with Mr. Mueller's wife who reported that Mr. Mueller would be travelling to the apartment in order to obtain his medication and get some rest.

While Officer Iverson and Sgt. Coehlo were conducting surveillance, they heard a call come over police dispatch regarding a felony menacing and an attempted carjacking that took place near the apartment complex. The suspect, who had pulled a handgun on a motorist, matched Mr. Mueller's description. Shortly after the carjacking call, Mr. Mueller called his wife and she alerted Officer Iverson to the phone call. She reported that Mr. Mueller was not making much sense and thought he was being chased by the mafia.

Around 10:30 p.m., Mr. Mueller pulled into the apartment complex and drove out of sight. A few moments later, Mr. Mueller walked toward the mailboxes near the clubhouse. Officers Crownover and Rangel, who had been waiting in a marked patrol car at Good Samaritan Hospital in case Officer Iverson needed backup, responded to the area.² As the marked police unit pulled into a roundabout at the edge of the apartment complex, Officer Iverson and Sgt. Coehlo began approaching Mr. Mueller on foot. They called Mr. Mueller's name and began issuing commands.

Mr. Mueller looked at the officers and immediately fled through the mailbox area into a grassy section behind some garage units. Officer Iverson was closest to Mr. Mueller, followed by Sgt. Coehlo. Officer Crownover and Officer Rangel were behind the two of them. As officers pursued Mr. Mueller into the grassy area, he pulled a 7-inch fixed blade knife out of a sheath, paused momentarily, and stared back at officers with the knife in his hand. He then threw the knife towards the officers and ran south around the garages. The knife bounced near Sgt. Coehlo and she had to step out of its path.

As Mr. Mueller passed the garages, he turned and ran north across the parking lot before passing through a fenced-in area with some dumpsters and continuing westbound into a breezeway between buildings A and B. As he ran, Mr. Mueller reached for his waistline and began to yell, "I have a gun." In response, Sgt. Coehlo and Officer Crownover both began issuing commands for Mr. Mueller to drop the gun. Mr. Mueller's statements can be heard on body-worn camera, as can at least one female officer issuing commands related to the gun.

Mr. Mueller turned the corner around the north side of building B, running through some landscaping rocks and into a very dark, grassy area near South Lafayette Drive. Officer Iverson lost sight of Mr. Mueller as he went around the building corner. So, Officer Iverson took a wider angle through the rocks and around the building. As Officer Iverson turned the corner around Building B, he saw Mr. Mueller sitting or crouching on the ground with both arms raised and extended out toward Officer Iverson. Mr. Mueller had something black and cylindrical in his hands, which Officer Iverson believed to be a gun. In that moment, Officer Iverson feared for his life, because Officer Iverson knew that he was in Mr. Mueller's line of sight as soon as he came around the building's corner. In response, Officer Iverson discharged three rounds from his service weapon, striking Mr. Mueller twice in the right leg.

² Although not yet required by law, uniformed officers with LPD utilize body-worn cameras. Plainclothes officers conducting undercover operations are not required to utilize body cameras. Pursuant to this policy, only Corporal Crownover and Officer Rangel had their body cameras activated throughout the encounter. Officer Iverson and Sergeant Coehlo were not wearing body cameras because they were working in a plainclothes capacity.

Once Mr. Mueller was struck, he fell over onto his right side. Officer Iverson saw that Mr. Mueller no longer presented a threat and did not fire any additional shots. Officer Iverson and Sgt. Coelho approached Mr. Iverson and immediately began rendering aid. Officer Iverson saw Sgt. Coelho kick something aside. It was at that point that Officer Iverson could see that the item Mr. Mueller had been holding in his outstretched hands was, in fact, a black flashlight.

Officers conducted a pat down and realized Mr. Mueller's right leg was injured. Officer Crownover called for medical assistance and Officer Iverson applied a tourniquet to Mr. Mueller's right thigh. Sgt. Coelho held Mr. Mueller's head in her lap and gave him sternum rubs to keep him conscious. He screamed when Officer Iverson tightened the tourniquet but did not speak with officers. Mr. Mueller was taken by ambulance to Good Samaritan Hospital where he underwent treatment.

Officer Rangel can be seen on body-worn camera collecting Mr. Mueller's flashlight from the ground near his body. At the time, she initially assumed it belonged to another officer, not Mr. Mueller.

Medical Diagnosis:

Mr. Mueller signed an authorization to release his medical records. Mr. Mueller had three gunshot wounds to his right leg: one to the back of his upper right thigh and two to his right calf. Mr. Mueller had a projectile lodged in his right thigh. The two injuries to Mr. Mueller's calf appeared to be a through-and-through wound from a single gunshot. None of the injuries required surgery. Mr. Mueller was intubated when he was arrived at the hospital because of an apparent self-induced drug intoxication from prior to his arrest.

Scene Preservation and Search Warrants:

After the scene was secured and Mr. Mueller had been transported to the hospital for treatment, members of the BCIT took steps to preserve and document the scene. Photographs and video were taken before evidence was collected or disturbed. Members of the team also generated diagrams and maps showing where the officers, Mr. Mueller, and relevant pieces of evidence were located before, during, and after the shooting. The BCIT conducted a thorough search of the scene and collected several pieces of evidence.

The BCIT recovered the 7-inch fixed blade knife on the sidewalk between the mailboxes and garages. There were also miscellaneous grocery items, a partially consumed energy drink, and an empty knife sheath strewn about the area behind the garages. An unopened can of the same brand of energy drink was in the breezeway near Building B.

The BCIT located and collected three 9mm luger cartridge cases in the rocky area between buildings A and B. This location is consistent with Officer Iverson's statement that he discharged his service weapon while rounding the corner near building B after seeing Mr. Mueller point a black, cylindrical object at him.

The location of the items recovered by BCIT is depicted below:



Item 1: knife; Item 2: knife sheath; Items 3, 4: grocery items; Items 5, 6, 7: shell casings; Item 8: Mr. Mueller

Police obtained a search warrant to search Mr. Mueller's car. The assault-style rifle reported by CSP was located inside the vehicle and confirmed to be a Pepper Ball gun. No other items relevant to the BCIT investigation were located inside the vehicle.

Interviews with Officer Austin Iverson, Corporal Jamie Crossover, Sergeant Kelly Coehlo and Officer Sandra Rangel:

BCIT investigators interviewed the four law enforcement officers who were present at the time of the shooting on April 16, 2022. Under the law, the officers were not required to provide statements to the BCIT. However, all the officers involved provided voluntary statements following the incident. Relevant portions of those statements have been incorporated throughout this decision letter.

Interviews with Elijah Mueller and the other civilian witnesses:

In every BCIT investigation, the Team seeks to interview all witnesses in order to ensure that the investigation is complete. As part of this investigation, investigators sought to interview Mr. Mueller. The purpose of the interview would be to develop more information about his earlier interactions with law enforcement and community members, his statements to officers about having a gun, the immediate lead-up to the shooting, and the actions of the officers in response.

The BCIT and the District Attorney's Office sought to interview Mr. Mueller. As is his constitutional right, he declined to be interviewed in connection with this incident. No inferences are to be drawn from his decision. This information is contained herein as it relates to the thoroughness of the investigation and the attempts to secure any and all information about the officers' conduct.

However, on May 16, 2022, Mr. Mueller sent a letter to the Lafayette Police Department inquiring about the return of his personal property. In his letter to the Lafayette Police Department, Mr. Mueller wrote, "I was in the incident where I was shot in the leg, attempting to suicide by cop."

The BCIT also interviewed several additional witnesses, including neighbors, lay witnesses, and Mr. Mueller's wife. Two lay witnesses provided video footage showing the aftermath of the shooting and the medical intervention. Other than the LPD officers' body-worn camera footage, there was no video footage capturing the time of the shooting itself.

In her interview, Mr. Mueller's wife confirmed that following the initial incident on April 15, 2022, Mr. Mueller stated that he was never going to go back to prison and that police would have to shoot him instead. Mrs. Mueller further stated that Mr. Mueller had made statements about how life is "way too hard." She further explained that Mr. Mueller was schizophrenic and had recently stopped taking his medication.

Members of the BCIT canvassed the apartment complex and neighboring complexes for any witnesses or home security footage covering the parking lot. Multiple people heard rocks moving as if there was a foot pursuit, individuals yelling, police issuing commands, gunshots, and sirens. A resident in building B reported hearing a male voice say, "I have a gun" followed by a female voice yelling, "drop the gun, drop the gun."

A witness from the apartment complex north of the Copper Stone apartments was on her balcony when she heard two males yelling and running toward her. She heard a male in a plaid shirt yell, "drop the gun, drop the fucking gun." Officer Iverson was wearing a plaid shirt at the time of the incident. She described seeing a male in lighter jeans then turn toward the male in the plaid shirt before seeing muzzle flashes. She was scared following the shooting and returned to her apartment. She came back outside a few minutes later and recorded the aftermath of the shooting, as officers were rendering medical aid.

LEGAL AUTHORITY

Criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and further proven beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being is generally prohibited by statute as an assault or attempted homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force by a peace officer is justified.

C.R.S. § 18-1-707 defines the circumstances under which a peace officer can justifiably use physical force in Colorado. In pertinent part, the statute reads as follows:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

(2) When 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 injuries 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.

(3) A peace officer is justified in using deadly physical force³ to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat to the peace officer or another person;

³ C.R.S. 18-1-901(1)(d) defines deadly physical force as “force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. Thankfully, Mr. Mueller survived the incident. Thus, the force used in this case does not meet the definition for deadly force.

(c) The force employed does not create a substantial risk of injury to other persons.

...

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

C.R.S. § 18-1-707.

Independent of the analysis under C.R.S. 18-1-707, an officer can also be justified in using force pursuant to C.R.S. § 18-1-704, which provides in relevant part:

[A] person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

C.R.S. 18-1-704(1).

The analysis under C.R.S. 18-1-704 is the same for law enforcement officers as for any other individual. Officers are entitled to rely on the doctrine of “apparent necessity” so long as the conditions and circumstances are such that a person would reasonably believe, erroneously or not, that action was necessary. See People v. La Voie, 155 Colo. 551, 395 P.2d 1001 (1964); People v. Silva, 987 P.2d 909 (Colo. App. 1999). It is immaterial whether the suspect was actually trying to injure the officers or another, so long as a reasonable person, under like conditions and circumstances, would believe the appearances were sufficient to require the action taken. Silva, 987 P.2d at 909; see also Sanchez v. People, 820 P.2d 1103 (Colo. 1991) (person asserting self-defense may act on appearances rather than reality; question is whether the person's conduct was reasonable under the circumstances as he or she perceived them to be). It has long been held by the Colorado Supreme Court that:

It is fundamental that the law of self-defense, which is emphatically a law of necessity, involves the question of one's right to act upon appearances, even though such appearances may prove to have been deceptive; also the question of whether the danger is actual or only apparent, and as well the fact that danger is not necessary, in order to justify one in acting in self-defense. Apparent necessity, if well-grounded and of such a character as to appeal to a reasonable person, under like conditions and circumstances, as being sufficient to require action, justifies the application of the doctrine of self-defense to the same extent as actual or real necessity.

Young v. People, 107 P. 274 (Colo. 1910).

LEGAL ANALYSIS

The investigation establishes that two rounds from Officer Iverson's 9mm handgun struck Mr. Mueller in the right shin, calf, and thigh. Officer Iverson knowingly fired his weapon at Mr. Mueller after seeing him brandish what appeared to be a firearm and point it at Officer Iverson. Officer Iverson feared that he or his fellow officers could be shot by Mr. Mueller, causing serious injury or death. The determination of whether the officer's conduct was criminal is primarily a question of legal justification.

The question of legal justification is whether a reasonable officer, confronted with the same facts and circumstances, could have concluded that it was necessary to use physical force to defend himself or another and stop the threat that Mr. Mueller presented, and if so, whether that use of force was reasonable and appropriate in response to the threat. In this case, the answer to those questions is yes. The investigation revealed that, at the time he discharged his service weapon, Officer Iverson's actions were objectively reasonable to prevent the imminent threat of injury to himself or his fellow officers. Thus, Officer Iverson was legally justified in using physical force by both C.R.S. § 18-1-707 and C.R.S. § 18-1-704(1).

Before Officer Iverson discharged his service weapon, he had heard Mr. Mueller yelling that he had a gun and rounded a corner to find Mr. Mueller sitting or squatting on the ground with his legs bent in front of him, and his arms fully extended, pointing what appeared to be a firearm at Officer Iverson. Officer Iverson had to make a split-second decision in order to protect himself and his fellow officers.

Consistent with C.R.S. § 18-1-707, Officer Iverson ensured that he had a clear backdrop, in this case parked cars and grass, before discharging his firearm. As such, his decision did not pose a risk of harm to bystanders. Officer Iverson fired three shots and stopped firing as soon as he saw Mr. Mueller slump over. Officer Iverson, also, took steps to render immediate medical aid after the shooting, applying a tourniquet while his fellow officers called for medical assistance.

In his voluntary interview, Officer Iverson explained that he was already in Mr. Mueller's line of sight as he rounded the corner behind building B and did not have time to issue additional commands. Officer Iverson further expressed a fear that if he hesitated, he or another officer would be shot and potentially killed by Mr. Mueller. Such a reaction was entirely reasonable under the circumstances and justified under C.R.S. § 18-1-707(4.5).

Similarly, C.R.S. § 18-1-704(1) provides that an officer may use physical force where he reasonably believes that such force is necessary to protect himself or another from imminent death or serious bodily injury. Under Colorado case law, the facts must be viewed as they appeared to the officer at the time; future developments are irrelevant to the legal analysis. Specifically, whether it was later revealed that a suspect possessed a firearm or some other object, the legal analysis is required to focus on what was known to the officers at the time of the incident. Given Mr. Mueller's statements, prior reports that he had a firearm, and his posture toward Officer Iverson, it was completely rational and reasonable for Officer Iverson to believe Mr. Mueller was pointing a firearm at him.

After viewing the evidence in the case as a whole, Officer Iverson'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 Officer Iverson 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, law enforcement's actions during this incident were legally justified as set forth in C.R.S. § 18-1-707 and C.R.S. § 18-1-704. Officer Iverson was legally justified in his use of reasonable and appropriate physical force in response to an imminent risk of death or great bodily injury to himself and his fellow officers. As a result, my office will not be filing criminal charges against Officer Iverson.

These cases are important to the officers and civilians involved, as well as to our community. Mr. Mueller has stated his intention to commit suicide by cop; it is fortunate that he survived without more serious injuries and that no officers were wounded or killed. I appreciate the cooperation provided by the Lafayette Police Department and the extremely thorough investigation conducted by the BCIT.

As required, I will be releasing this letter to the public. These materials will also be posted on the District Attorney's website. Pursuant to our policy, the Lafayette Police Department will become the custodian of records related to this case. Any future records inquiries will be directed to the Lafayette Police Department. Please contact me if you require further information.

Sincerely,



Michael T. Dougherty
District Attorney
20th Judicial District