



## OFFICE OF THE DISTRICT ATTORNEY

### TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

**For Immediate Release**

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## **Press Release – District Attorney has completed OIS review involving Officer Nathan Miller, Longmont Police Department**

The District Attorney has completed the review of the investigation into Longmont Police Officer Nathan Miller for an officer-involved incident that took place on June 15, 2023. Based upon the review of this investigation and a thorough legal analysis, the District Attorney has determined that Officer Miller's discharge of his weapon was legally justified and, therefore, does not constitute a criminal offense.

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 is designated to investigate use-of-force incidents in which any law enforcement officer used 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. **The investigation and review of this incident is not required by statute.** Rather, the BCIT and District Attorney's Office initiated this investigation and review because of the protocol for our jurisdiction. Boulder County is one of the only jurisdictions in the state with this broader protocol.

The following is a summary of the investigative findings contained in the detailed, public report:

This incident started with a car being stolen. Inside the stolen car, the owner had left an unsecured handgun. Based on the information from the car's owner, law enforcement knew that the gun was accessible to the person(s) who stole the car. LPD tracked the car with help from Toyota and eventually disabled the tires using stop sticks. The person who stole the car then fled on foot through a residential neighborhood.

LPD received a 911 call from a homeowner that the individual was hiding in their garage. Patrol vehicles, uniformed officers, and uniformed SWAT officers gathered directly in front of this home. The police repeatedly announced themselves outside the home.

As police officers gathered by the front door, they heard screams from inside the home and moved to enter the home because they believed the homeowners were in danger. The homeowner believed the police officers to be the intruder and opened fire with a pellet gun. Officer Miller believed the pellet gun to be a real firearm and he returned fire. In approximately five (5) seconds, Officer Miller fired seven (7) shots. Those shots barely missed the homeowner.

The pellet gun, which looked like a real gun, was recovered. The suspect who stole the Highlander and initially hid in the homeowners' garage was later found hiding in the backyard of a neighboring house and arrested. The District Attorney's Office is currently prosecuting that individual.

Under the circumstances and based on the legal analysis, it was reasonable for Officer Miller to believe that the individual who confronted him was armed with a firearm and that he presented an imminent threat of deadly harm to him, his fellow officers, and the homeowners. As defined by Colorado law, the physical force used by Officer Miller was reasonable because he fired after he perceived correctly that a gun was pointed at him. Consequently, there are no criminal charges that can be proven beyond a reasonable doubt.

District Attorney Michael Dougherty stated, "Bad decisions and miscommunication almost resulted in a tragedy. What started as a stolen car quickly escalated because an unsecured gun had been left inside the car. A homeowner fired a pellet gun at the police and a police officer returned fire because each of them believed the other to be an armed intruder. It is incredibly fortunate that no one was injured or killed in this confusing sequence of events. However, the legal analysis is clear because there is no indication or evidence that the officer committed a crime. I appreciate the independent and thorough investigation by the Critical Incident Team because it allowed me to reach the right decision."

The District Attorney's detailed report can be found at <https://bouldercounty.gov/district-attorney/officer-involved-shooting-decision-letter>. For individuals interested in the process and findings, District Attorney Michael Dougherty will conduct a virtual Town Hall via Microsoft Teams at 130 p.m. on August 9, 2023. Questions can be submitted in advance at [boulderda@bouldercounly.org](mailto:boulderda@bouldercounly.org). Community members can join the Town Hall at this link: <http://bit.ly/LPDOISTownHall>.

(If someone needs to phone into the Town Hall, please send an email to the above-referenced email address.)