



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

July 8, 2026

VIA ELECTRONIC MAIL

Todd Norris, Chief of Police
Frederick Police Department

David Moore, Chief of Police
Longmont Police Department

RE: Investigation into the fatal shooting of Ashlyn Renee Brownell on March 19, 2026 involving Sergeant Tyler Farson in the area of 1572 E. Third Avenue, Longmont, Colorado

Dear Chief Norris and Chief Moore,

The Boulder County Critical Incident Team and the Office of the District Attorney for the 20th Judicial District have completed their investigation and review of Frederick Police Sergeant Tyler Farson's tragic, fatal shooting of Ashlyn Renee Brownell. Based upon my review of this investigation and after a thorough legal analysis, I have determined that the shooting was legally justified and, as such, there are no crimes that can be proven against a reasonable doubt.

The Boulder County Investigation Team, also known as the Boulder Critical Incident Team (the "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 Longmont Police Department ("LPD") for immediately notifying the BCIT following this incident. By doing so, LPD enabled the BCIT to quickly respond and conduct an extremely thorough investigation. Consistent with Boulder County protocol, LPD and the Frederick Police Department did not participate in this use-of-force investigation involving Sgt. Farson.

The BCIT investigation was conducted for the purpose of determining whether criminal charges are warranted against Sgt. Farson for the tragic, fatal shooting of Ashlyn Brownell (DOB: 1/31/1995) on March 19, 2026, within the City of Longmont. The investigation and review of this incident does not evaluate or review the appropriateness of police tactics or whether policies and procedures were followed. While every death is tragic, my role and authority in these reviews is solely to determine whether criminal charges are warranted.

My decision, based on criminal law standards, does not limit administrative action by LPD SWAT, the Frederick Police Department, or any civil action where less-stringent laws, rules, and levels of proof would apply. Rather, the authority and role of the District Attorney is to determine whether Sgt. Farson committed criminal offenses 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 BCIT file includes recorded witness interviews, diagrams, police communications and reports, photographs, a 3D laser scan of the scene, and video recordings related to the incident.

A review of the reports and documentation provided to 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 this investigation.

I conclude that, under the applicable Colorado law, no criminal charges can or should be filed against Sgt. Farson. My findings, analysis, and conclusions of law with respect to Sgt. Farson'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 16-2.5-302, 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."

The discharge of firearms in this case did result in Ms. Brownell's death, and therefore, this report is mandated by Section 20-1-114(1). Additionally, as District Attorney, I believe this report is necessary to inform the public of the nature and reasons for my decision. I will release

this report in the interest of transparency and to explain the circumstances under which the law enforcement officer fired his weapon and why he is not criminally liable. Also, as you are aware, our office conducts a Community Town Hall after every officer-involved shooting to fully address any questions from community members. I will do so in this case, consistent with our normal protocol.

On the date of this incident, the Longmont Police Department responded to a welfare check for Ashlyn Brownell. Ms. Brownell's mother had called 911 and reported that Ms. Brownell was on the front porch of their home and was suicidal. Officers responded to the residence. As no one else was home and officers believed Ms. Brownell was not endangering anyone else, they decided to leave the residence. However, prior to leaving, officers heard a gunshot from inside Ms. Brownell's home. When officers called Ms. Brownell, they informed her that she would be placed under arrest for discharging the firearm. Ms. Brownell made suicidal statements. Longmont SWAT was then paged to respond. Ms. Brownell displayed a firearm from a window, showing officers that it was loaded. The SWAT team was positioned at the garage of the home. Ms. Brownell opened the garage, pointed a handgun at the officers, and was shot twice and killed.

Applying the applicable statutes to the facts presented through this investigation, Sgt. Farson 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 to bring criminal charges against an individual. As in other cases prosecuted by this office, this legal and ethical requirement guides our analysis. It is the same ethical standard in every investigation and prosecution in Colorado.

DETAILED STATEMENT OF FACTS

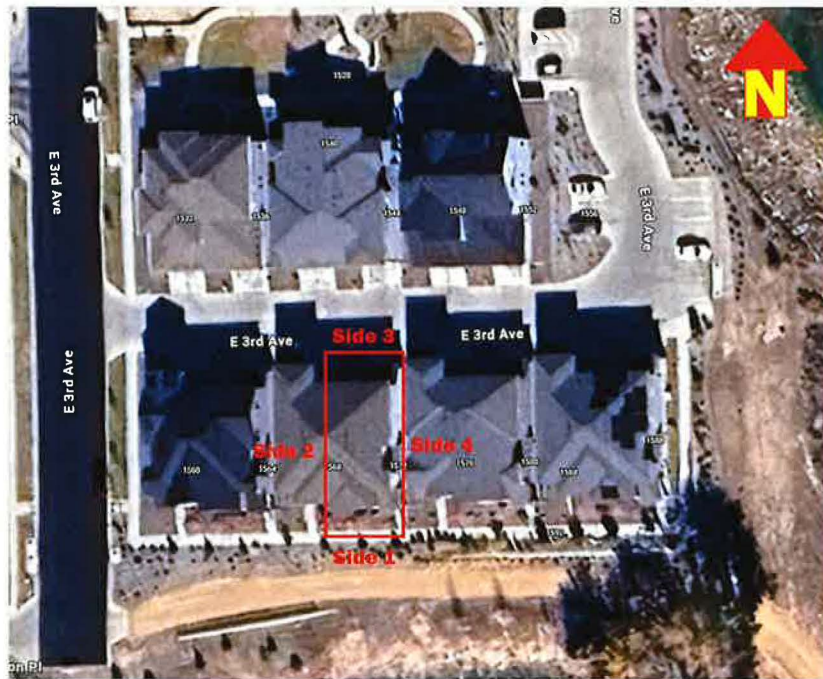
On March 19, 2026, around 4:00 p.m., Longmont Police Department (LPD) dispatch received a call from Ashlyn Brownell's mother, who was in Loveland, to report that Ms. Brownell was on the front porch of their home in Longmont, holding a gun to her own neck. Around 4:16 p.m., officers from LPD responded to Ms. Brownell's home located at 1572 E. 3rd Ave., Longmont, Colorado.

LPD officers determined they would leave because Ms. Brownell was home alone and not endangering any other people. As they were preparing to leave, at 4:43 p.m., officers heard what they believed was the sound of a gunshot from Ms. Brownell's home. Investigation confirmed that she fired from inside of her residence and that the bullet struck her neighbor's garage door.

When officers contacted Ms. Brownell by phone, she stated she was not injured. Officers determined that they would arrest Ms. Brownell for discharging the firearm, as the projectile

struck another residence. Despite the requests and commands of law enforcement, Ms. Brownell refused to exit the home.

The officers on scene contacted Longmont SWAT¹ to respond and set up a command center. Once SWAT arrived, members were assigned to different sides of the residence. Negotiators contacted Ms. Brownell through phone calls and FaceTime. Her parents also attempted to communicate with her.



This satellite image of the residence shows Ms. Brownell's home outlined in red.

The above image shows the scene - a residential area which contained several duplex town homes. The front door of the subject address faced south, with a garage on the north side (on E. 3rd Ave.).

As SWAT continued trying to negotiate with Ms. Brownell, she repeatedly came to the front door, sometimes with the gun and sometimes without the gun. Multiple announcements were made from the front of the house on a loudspeaker, telling Ms. Brownell that she was under arrest and to come out. Officers believed she was intoxicated. Sgt. Roberts, SWAT leader for the entry team at the front of the home, observed Ms. Brownell open the blinds on a window, and show the officers a tan handgun. She made a point to show loading the gun and making it ready to fire, then closed the window.

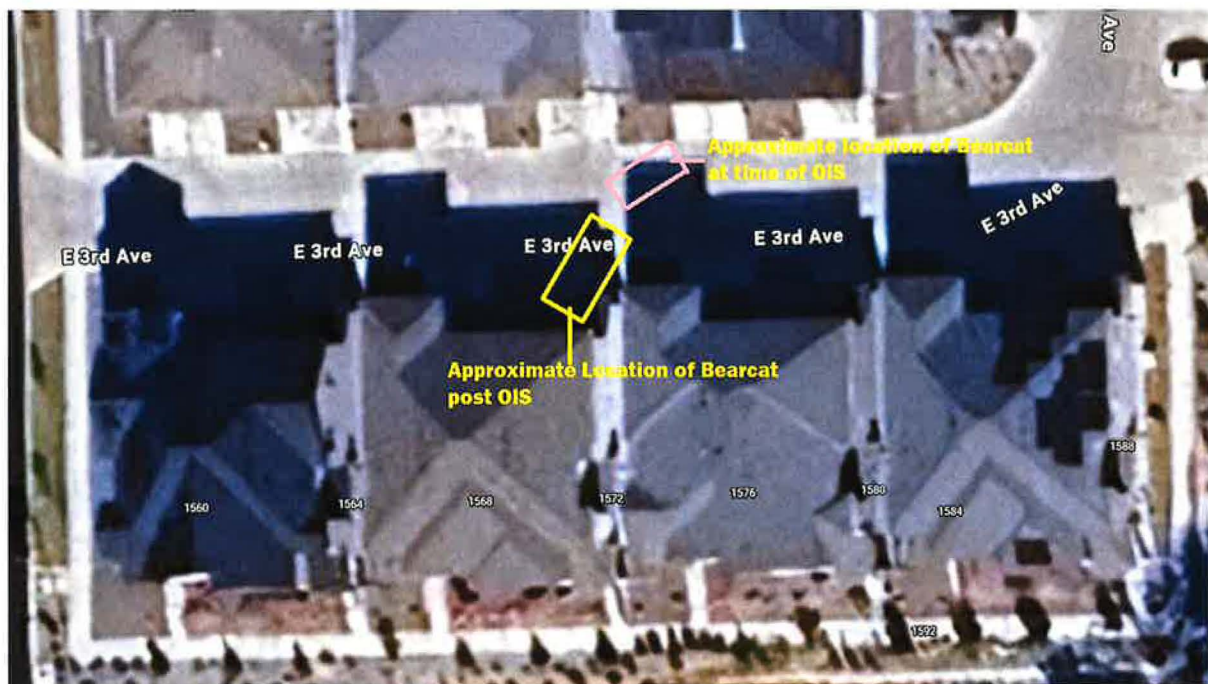
¹ Longmont SWAT has members from the Longmont Police Department, as well as members from neighboring jurisdictions on the team. They operate under a memorandum of understanding to train together and provide reciprocal aid to neighboring jurisdictions. The Frederick and Mead Police Departments have officers assigned to the team.

A team was assigned to the north garage side of the residence. Initially, Sgt. Farson and Sgt. Laundry were there and took cover behind police vehicles. Additional SWAT members joined. They were all wearing clearly marked uniforms.

At one point, Ms. Brownell opened the garage door. Sgt. Cory Ellis of the Mead Police Department and SWAT member gave her commands to drop the gun and she turned around and walked back into the garage, closing the door.

Once the Bearcat, an armored SWAT vehicle arrived, the team created a plan on what they would do if Ms. Brownell exited the residence again. Deputy Grant Keith was driving the Bearcat and Deputy Eric Blandford was the navigator. Knowing that she was armed with a loaded firearm, Sgt. Farson was assigned as lethal cover with his rifle, Sgt. Ellis was assigned less lethal coverage. Longmont Police Department Master Police Officer Kurtis Hampton was present with his canine partner. The contact team planned to fire the less lethal impact munition and then deploy the canine if Ms. Brownell came back outside.

The Bearcat was positioned at an angle, as shown in the diagram below in the pink outline. The Bearcat had red and blue lights on and SWAT markings. The contact team repositioned behind the Bearcat for better cover.



The information about Ms. Brownell loading her gun in the front window was aired over police radio, and within minutes, the garage door opened. The driver or navigator of the Bearcat yelled that the garage door was opening. Sgt. Farson stepped to the left of the Bearcat's armored rear doors and saw Ms. Brownell holding the gun.

Due to the tactical positions of the contact team behind the Bearcat, no clear body-worn camera showed the shooting. The Bearcat did not have a dashcam system.

As the garage door opened, Sgt. Farson saw Ms. Brownell clearly about halfway into the garage. He saw her holding a tan handgun, initially hanging down in her right hand, and that she took a bladed stance with her left side slightly forward. Ms. Brownell then raised the handgun using both hands and pointed it directly at Sgt. Farson and the other officers. Deputy Blanford and Deputy Keith also saw Ms. Brownell pointing the gun at the officers. Commands were given to drop the gun. Deputy Keith observed that Ms. Brownell's finger was inside the trigger guard of the gun and announced to his teammates that she had a gun. Sgt. Farson recalled seeing the gun, and staring down the barrel of it, as Ms. Brownell pointed it at him. Sgt. Farson believed that she was going to shoot and kill him or his teammates. He then fired one round, saw Ms. Brownell flinch, but she remained standing and he thought he missed. He then fired a second round and she fell to the ground.

When Ms. Brownell fell, she fell on top of the gun and was still moving. Officers yelled that they were here to help, and to show her hands. Deputy Keith moved the Bearcat forward, the SWAT members advanced and gave commands to Ms. Brownell to show her hands. As depicted in the above diagram, the Bearcat came closer to the garage during this portion of the incident. Officers were not able to see the gun and believed it was in Ms. Brownell's possession. The canine was sent in to pull Ms. Brownell away from the gun. The canine bit her leg, causing a deep injury to her calf. When the canine bit and pulled Ms. Brownell away, her hand came off and away from the gun.

Officers then rushed in to provide medical aid and carried her to an ambulance. Tragically, Ms. Brownell died because of the gunshot wounds.

Autopsy Findings

Board-certified Forensic Pathologist Dr. Daniel Lingamfelter completed the autopsy of Ashlyn Brownell on March 20, 2026 at the Boulder County Coroner's Office. Dr. Lingamfelter's postmortem examination included a thorough external and internal examination and the taking of radiographs, toxicology samples, and photographs. Ms. Brownell was shot with two rounds. One round was a grazing gunshot wound on her face and the second was a gunshot wound to the chest.

Dr. Lingamfelter documented two gunshot wounds. One was to Ms. Brownell's left chest (under the arm pit) and the second was on her right cheek. Dr. Lingamfelter also noted a surgical incision across the mid chest and an apparent deep canine bite wound on her left calf.

A postmortem blood sample was collected and tested. Ms. Brownell's blood alcohol concentration was 0.195 – more than twice the legal limit for driving a car or handling a firearm. Dr. Lingamfelter opined that Ms. Brownell died as a result of multiple gunshot wounds and that the manner of death was homicide. "Homicide," as used in the context of a forensic

pathologist's opinion on the manner of death, means that Ms. Brownell was killed by another person. It does not reflect the statutory definition of criminal homicide.

Scene Preservation and Firearms

After the location was secured, members of the BCIT took steps to preserve and document the scene. Photographs were taken before evidence was collected. BCIT obtained a search warrant to search Ms. Brownell's residence. The BCIT conducted a thorough search of the scene and collected several pieces of evidence.

The BCIT recovered a tan and black 9 mm handgun from the garage floor, which was located by Ms. Brownell's hand immediately after this incident. That weapon had a 10 round magazine and there was a 9 mm Luger round chambered in the handgun. The magazine had three rounds. Mounted on top of the handgun was a damaged red dot optic.



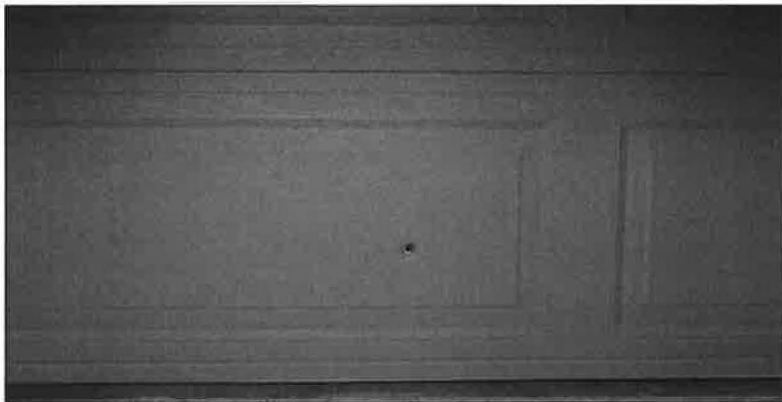
Handgun recovered from Ms. Brownell

During a search of the garage, a 9mm Luger cartridge was found on the garage floor and the team noticed damage to an interior door, the ceiling and the garage door.

Across the alleyway of the townhome complex was the south facing garage door for address 1544 which had an apparent projectile strike perforating the lower, east side of the garage door. The strike appeared to travel from exterior to interior.

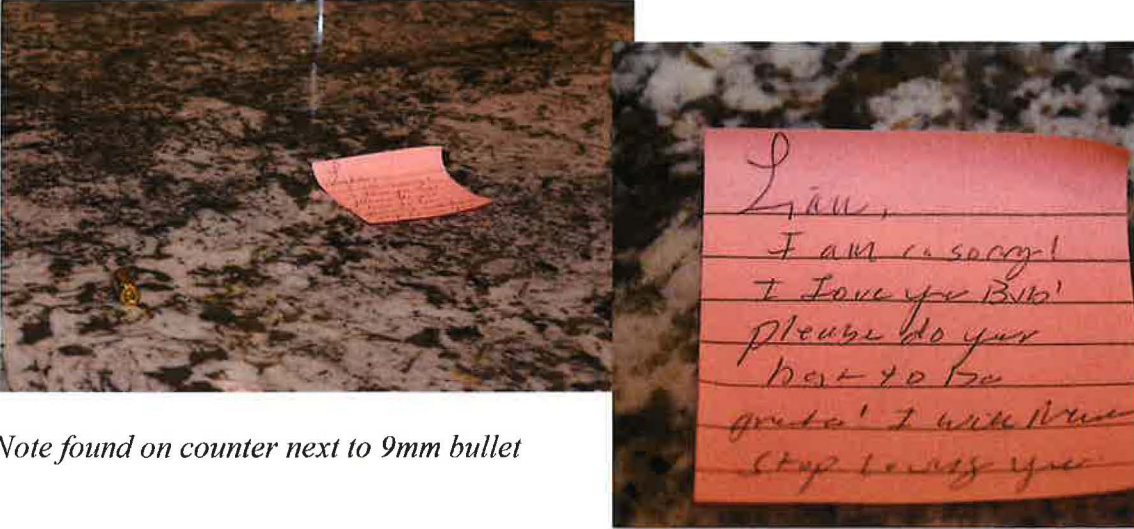


Bullet hole in exterior garage of Ms. Brownell's home



Bullet hole in garage of 1544 E. 3rd Ave – across the alleyway from Ms. Brownell's apartment

The BCIT also located a note from Ms. Brownell to her son apologizing and saying goodbye to him. They also located multiple alcohol bottles. There were 9 mm cartridges found in the kitchen, dining room, and Ms. Brownell's room. In the upstairs bathroom (Ms. Brownell's parents' room), the crime scene team noticed defects in the floor and cabinets consistent with damage from projectiles such as bullets. They also collected spent casings from the bathroom and bedroom.



Note found on counter next to 9mm bullet

A gun safe was located in the upstairs bedroom closet. It was open and had ammunition boxes inside. A gun case, magazine and cartridges were on the floor.

Detective Soole conducted a function test of the 9mm handgun and determined it functioned normally. Casings from this test fire were collected and compared with the 9mm casings recovered on scene. The comparison concluded that one firearm was used.

Crime scene analyst Urdangaray examined the damaged optic on the 9mm gun. She observed that the glass in the optic was nearly all gone and a portion of the metal on the optic was missing. Analyst Urdangaray determined that the damage was caused by a bullet hitting the optic. She made this determination based on the damage to the optic and a bullet-hole test kit, which showed the presence of copper and lead on the damaged area (consistent with the materials in a bullet).

The BCIT also collected Officer Farson's duty weapons. Officer Farson carried and deployed a Seekins Precision SP223 rifle. The rifle was loaded with one .223 cartridge in the chamber and 25 .223 cartridges in the magazine. Officer Farson carried two extra rifle magazines; each contained 28 cartridges. Each magazine was capable of holding 30 cartridges, but it is the standard operating procedure of Longmont SWAT that rifles are loaded with 28 cartridges. Officer Farson also carried a handgun, which was not fired. Two rounds were missing from Sgt. Farson's rifle magazine, consistent with him firing two shots.

Video from Pole Camera

BCDA Investigator Kevin Brough reviewed video from a pole camera at a construction site.² The video did not capture the shooting, but showed police vehicles arriving in the area. Notably, the camera picked up audio. At 4:41 p.m. (video timestamp 15:41:12), a loud popping

² The timestamps on the pole camera video are off by approximately an hour. The original time stamps and a corrected time is included.

noise is heard. At 5:11 p.m. (video timestamp 16:11:25) additional Longmont Police Department marked and unmarked units are now seen, and commands can be heard coming from a loudspeaker saying "Ashlyn Brownell this is the Longmont Police Department outside of 1572 E 3rd Avenue. You are under arrest."

At 8:42 p.m., two gunshots can be heard. There is muffled audio of officers yelling commands.

Interview with Sgt. Tyler Farson

Sgt. Farson submitted to a voluntary interview at the Boulder County Sheriff's Office ("BCSO") Headquarters. BCSO Detective JoAnna Compton and Boulder County District Attorney Investigator Kevin Brough conducted the interview. The interview was audio and video recorded. Sgt. Farson had worked for Frederick Police Department for four years and ten months. Prior to working for Frederick, he worked for the Westminster Police Department for five years and at the Adams County Sherriff's Office for three years. He has been a SWAT member for three years. Sgt. Farson is also a U.S. Air Force Veteran.

Sgt. Farson was in compliance with required firearms training and had completed firearms qualifications for Frederick PD and Longmont SWAT.

Sgt. Farson responded to the SWAT page when he was off duty. He was wearing his full SWAT gear including a body-worn camera. When he arrived at the command post, he learned that Longmont patrol officers contacted Ms. Brownell for a welfare check, determined to leave, but then they heard a single gunshot. Sgt. Farson was initially assigned to scout the residence and he heard over police radio that Ms. Brownell had exited the front door, then re-entered the home. He was then reassigned to the north side of the residence with Longmont PD Sgt. Laundry. He and Sgt. Laundry took cover behind two police trucks and waited for the Bearcat to arrive.

Once the Bearcat was in position, he and the other officers developed a plan of how they would contact Ms. Brownell if she came back outside. As detailed above, Sgt. Farson's role was to provide lethal cover if needed. When the garage door started to open, he stepped to the left of the Bearcat's armored doors and got a sight picture on the garage door. As the garage door opened, he saw Ms. Brownell clearly about halfway into the garage. He saw her holding a tan handgun, initially hanging down in her right hand, and then she took a bladed stance with her left side slightly forward. Ms. Brownell then raised the handgun using both hands and pointed it directly at Sgt. Farson and the other officers. He recalled seeing the gun, and staring down the barrel of it as Ms. Brownell pointed it at him and believed that she was going to shoot and kill him or his teammates. He then fired one round, saw Ms. Brownell flinch, but she remained standing and he thought he missed. He then fired a second round and she fell to the ground.

Sgt. Farson was pulled from the scene and taken back to the staging area.

Interview with Deputy Eric Blanford

Deputy Eric Blanford was interviewed by Detective Scott Arpin and Detective Scott Farrell. Deputy Blanford was the navigator inside the Bearcat.

During his interview, he explained the Bearcat was positioned at an angle in case Ms. Brownell attempted to flee in a vehicle. He saw the garage door opening and saw Ms. Brownell standing in the center of the garage. As the door continued opening, he saw the gun in her right hand. Deputy Blanford aired over the radio, "gun in hand, gun in hand."

Interview with Deputy Grant Keith

Deputy Grant Keith was interviewed by Boulder Police Department Detective Taylor Hickam and Boulder County District Attorney Investigator Mark Husmann.

Deputy Keith was operating the Bearcat and drove it to the scene. He confirmed that the emergency lights were activated the entire time. Deputy Keith stated for the majority of the time when he was on North side, the garage door was closed. When the garage opened, Deputy Keith remembered the light being on and he could see very well into the garage.

Deputy Keith stated once the garage door was above the women's height he could see her standing there pointing a pistol at him. Deputy Keith was still in the driver's seat, looking through the windshield. Deputy Keith did not believe that the woman was making eye contact with him, but he felt that she was looking right at him. Deputy Keith described the woman as holding the pistol with two hands right above her waistline. He remembered that at first the gun was pointed down, but then she pointed the gun at him and he saw her finger in the trigger guard. He stated that the woman turned slightly and pointed the gun towards the officers behind the Bearcat.

Interview with Sgt. Ellis

Sgt. Ellis was interviewed by Sgt. Ben Redard from the Louisville Police Department and Detective Scott Farrell.

Sgt. Ellis described the first time he saw the garage door at the incident address begin to open. He saw a female party inside the garage wearing black leggings and what he believed was a blue top with a tan handgun pointed towards the ground. Sgt. Ellis said he immediately drew his pistol, challenged the suspect, and gave two loud verbal commands of "Drop the gun", to which he received no response from. He said he was accompanied by Sgt. Laundry, Sgt. Pitts, Longmont Fire Department Medic Real, an unidentified K9 Officer, and Sgt. Farson at this time.

Sgt. Ellis said the Bearcat arrived on scene and was positioned to the north of the housing unit. Sgt. Ellis said he repositioned behind the Bearcat on the rear driver's side. He was aware that Sgt. McDonnell and his team were working on evacuating nearby residents to the east of his location.

While Sgt. Ellis was positioned at this location, he said he heard radio traffic that the suspect had again exited the front door of the housing unit, loaded a magazine into the pistol, and racked the slide, loading a round into the firing chamber before again retreating back into the residence.

Sgt. Ellis was assigned to handle the less lethal weapon. Sgt. Ellis said he saw the same garage door that had opened previously begin to open again. As the garage door raised, he saw the same suspect inside standing next to an SUV that was parked on the west side of the garage. The suspect was holding the same tan pistol, but now she was pointing the pistol with a raised arm directly in the direction of Sgt. Ellis and other officers.

Sgt. Ellis said he could see that the pistol had a black barrel, and appeared to him to be an FN model. He stated that he immediately felt ill-equipped to confront a lethal threat as he was holding the 40 mm launcher and did not have a shield. Sgt. Ellis said due to the way the female was holding the pistol pointed directly at him, he believed he could have been shot and was concerned for himself and the area directly behind him. Sgt. Ellis said he moved behind Sgt. Farson's lethal cover and heard two shots from Sgt. Farson's suppressed rifle.

Interview with Sgt. Pitts

Sergeant Jason Pitts has been employed with Longmont Police Department for 29 years and has served as a patrol sergeant since 2005. He has been a member of the SWAT team since 1999, serving in various roles including operator, sniper team leader, assistant team commander, and currently as an entry team leader. University of Colorado Boulder Police Department Detective David Arpin and BSCO Detective Luevano interviewed Sgt. Pitts.

Sgt. Pitts was assigned to be a team leader during this incident. He observed the first time the garage door opened and Ms. Brownell ignored commands to exit the residence.

After Sgt. Farson fired the shots, Sgt. Pitts could not see where Ms. Brownell's gun was and he did not feel comfortable sending in officers to render medical aid. Sgt. Pitts devised a plan with canine Officer Guerrero to deploy the dog to latch onto Ms. Brownell and bring her back to their position so they could separate her from the gun. The initial plan was to pull her all the way back to their position. The dog was deployed and latched onto Ms. Brownell. As they started pulling her back, she became separated from the gun. At that point, Sgt. Pitts felt comfortable not pulling her all the way back because she was far enough separated from the gun. The gun remained approximately where she had fallen in the garage near her car.

Interview with Civilian Witnesses

Investigators made attempts to contact over 30 residents in the surrounding streets. William Dempster heard police using a bullhorn and commands like "you're under arrest please come outside with hands visible." He heard two gunshots. He had video of officers walking by, but did not have video of the incident.

Michael and Jennifer Grieco were both home during the event. They've lived there for almost a year. They heard the announcements from the police to include, "please come out with your hands up," "we're going to have to use force," and "Ashlyn you're doing very good, now put the gun down."

Home surveillance video was collected from a few neighbors who had cameras on their property. None of the video footage had an angle that showed a video of the shooting. The surrounding neighborhood was canvassed for witnesses and home security footage. Various neighbors reported hearing a gunshot or gunshots, but did not observe the incident as they were sheltering in place or unaware of the incident.

Interview with Ms. Brownell's Parents

Ms. Brownell's parents were interviewed on March 31, 2026. Her father, Michael Wilson, confirmed that the tan handgun was his and had been secured in a safe. Her parents stated that Ms. Brownell was familiar with firearms and had completed a Hunter Safety course. They confirmed that the bullet holes in the upstairs bathroom were not previously there and that no one had fired a gun inside the home before.

Jennifer Wilson, Ms. Brownell's mother, provided a timeline of Ms. Brownell's movements and their communication on March 19th. She said Ms. Brownell left the house around 8:00 AM on March 19th and returned home around 9:30 AM. Ms. Brownell tried to call Mrs. Wilson and then sent a text saying it was an emergency. Ms. Brownell then said if she was too busy it was "no problem" but that she wanted to tell Mrs. Wilson she loved her and goodbye. She then sent a picture of the firearm and texted saying, "I'm done".

Mrs. Wilson spoke with Ms. Brownell on the phone around 2:15 PM and Ms. Brownell sounded sad, frustrated and defeated. Both parents attempted to get Ms. Brownell to come outside of the residence. Mrs. Wilson called the police, which initiated the welfare check.

Mrs. Wilson also shared that Ms. Brownell had a history of alcoholism, depression, bipolar disorder, anxiety, and borderline personality disorder. She had been previously hospitalized for suicide attempts as a teenager.

The parents have indicated they are in possession of a video recording of part of the incident. To date, that video has not been provided to investigators.

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 proven beyond a reasonable doubt that the offense was committed without any statutorily recognized justification or excuse. While knowingly or intentionally shooting and killing another human being is, generally, prohibited by statute as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly force is justified. One

of these specific circumstances is the use of deadly force to defend oneself or a third person. A second specific circumstance is the use of deadly force by a peace officer in making an arrest.

The evidence establishes that Sgt. Farson intentionally fired his weapon resulting in fatal wounds to Ashlyn Brownell. Sgt. Farson stated that he fired his weapon believing he was in imminent danger of being killed and/or that others were in imminent danger of being killed. The determination of whether the officer'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.8. 18-1-407 Affirmative defense

(1) "Affirmative defense" means that unless the state's evidence raises the issue involving the alleged defense, the defendant, to raise the issue, shall present some credible evidence on that issue.

(2) If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense.

C.R.S. 18-1-710 Affirmative defense

The issues of justification or exemption from criminal liability under sections 18-1-701 to 18-1-709 are affirmative defenses.

C.R.S. 18-1 -704 Use of physical force in defense of a person

(1) Except as provided in subsections (2) and (3) of this section, 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.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

C.R.S. 18-1-707 Use of force by peace officers

(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.

...

(3) A peace officer is justified in using deadly physical force 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 of death or serious bodily injury to the peace officer or another person;

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

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or 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. 18-1-901 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.

Accordingly, the issue is whether at the time Sgt. Farson used deadly physical force, he reasonably believed that he, or another person, were in imminent danger of being killed or suffering serious bodily injury.

LEGAL ANALYSIS

In this case, the actions of Sgt. Farson were legally justified under Colorado law. At the time he discharged his rifle, he was justified in using deadly physical force pursuant to C.R.S. 18-1-704(2)(a) and C.R.S. 18-1-707. 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 Ashlyn Brownell presented, and if so, whether that use of force was reasonable and appropriate in response to the threat. The answer to those questions is yes.

Both statutory provisions provide an affirmative defense to the taking of human life if done in order to protect oneself, or another, from the imminent use of deadly physical force. C.R.S. 18-1-704 is an affirmative defense applicable to all persons defending themselves or a third party. C.R.S. 18-1-707 is an affirmative defense limited in application to law enforcement officers making an arrest. C.R.S. 18-1-707 is applicable in this case because Sgt. Farson was carrying out his duties and responded to an imminent threat of death or injury to himself and other officers.

At the time Sgt. Farson discharged his service weapon, his actions were objectively reasonable. He knew that Ms. Brownell was carrying a loaded handgun, as she displayed the gun and the act of loading it and making it ready to fire to officers. Ms. Brownell had engaged in a prolonged encounter with officers in a residential area. She repeatedly refused to comply with commands to exit her residence, even after being informed that she was under arrest and force could be used against her. Ms. Brownell opened the garage door and pointed her handgun at multiple police officers.

The damage to the red dot optic on Ms. Brownell's handgun, forensic testing, and injury to her face indicates that one of the rounds Sgt. Farson fired went through the optic before striking her face. This is consistent with the officer's statements that she had the gun raised to fire and that it was at her eye level.

The suicide note where Ms. Brownell says goodbye to her son, her texts to her mother saying "I'm done" and saying goodbye, and firing multiple rounds inside the house suggest that Ms. Brownell likely intended to end her life. This may explain why she showed officers that she was loading the handgun and why she pointed the gun at the Bearcat and officers.

Ms. Brownell was given commands to drop the gun and she did not. Sgt. Farson believed she would shoot him and his belief that she posed an imminent risk of injury to himself or other officers was reasonable. Sgt. Farson was also aware that no one else was in the garage or inside the home.

CONCLUSION

It is the conclusion of my office that, based on the applicable law and the facts and circumstances of this case, Sgt. Farson's actions during this incident were legally justified as set forth in C.R.S. section 18-1-704 and 18-1-707. As a result, my office will not be filing criminal charges against Sgt. Farson.

I appreciate the cooperation provided by LPD as well as the extremely thorough investigation conducted by the BCIT. These cases are important to the officers and civilians involved, as well as to our community.

In the interests of transparency and per our Boulder County protocol, I will be releasing this letter to the public. These materials will, also, be posted on the District Attorney's website. As you are aware, our office also hosts a Community Town Hall after any officer-involved incident to present the findings surrounding my decision and to answer any questions. Our jurisdiction is one of the only ones in Colorado to host Town Halls following an officer-involved incident. It allows us the opportunity to play the video and audio recordings from the incident if there are any questions or concerns from those involved and/or community members.

Pursuant to our policy, following the Town Hall, the Longmont Police Department will become the custodian of records related to this case, and any future records inquiries will be directed to your agency. Please contact me if you require further information.

Sincerely,



Michael T. Dougherty
District Attorney
20th Judicial District