



**OFFICE OF THE DISTRICT ATTORNEY  
Jefferson and Gilpin Counties  
Peter A. Weir, District Attorney**

November 9, 2018

Chief James May Jr.  
Northglenn Police Department  
11701 Community Center Dr.  
Northglenn, CO 80233

**Re: Officer Involved Shooting of Brandon Vieweg June 10, 2018**

Dear Chief May:

The Critical Incident Team (CIT) for the Seventeenth Judicial District was activated pursuant to protocol on June 10, 2018 to investigate the fatal shooting of Brandon Vieweg by a city of Northglenn Police Officer. The CIT was formed to investigate incidents in which any law enforcement officer within the Seventeenth Judicial District uses deadly force, or attempts to use deadly force, against a human being while acting under the color of official law enforcement duties. A CIT investigation was completed for the purpose of determining whether criminal charges are warranted for the shooting and death of Brandon Vieweg.

The shooting occurred as officers with the Northglenn and Federal Heights Police Departments were pursuing and attempting to arrest Brandon Vieweg. The pursuit, commenced in the city of Northglenn and concluded in the city of Westminster, Jefferson County. By agreement among the agencies, officer involved shootings that occur in Westminster, Jefferson County, Colorado are investigated by the CIT for the Seventeenth Judicial District and legal analysis and review is conducted by the Office of the First Judicial District Attorney.

At the time of CIT activation in this case, I dispatched the Assistant District Attorney to respond and work in coordination with CIT investigators and lend legal assistance as necessary. He observed interviews of key witnesses, including the officer who shot Brandon Vieweg.

CIT investigators conducted a thorough investigation into this shooting incident. The investigators interviewed all witnesses, law enforcement and civilian, processed the scene of the shooting, and completed a background investigation of Brandon Vieweg. The electronic investigative file is voluminous and includes transcripts of witness interviews, numerous reports, diagrams, and media containing recorded interviews, police communications, and photographs, related to the incident.

A review of the investigative file, including all CIT reports and documentation has been completed by my office and I, along with members of my staff, have been fully briefed regarding this incident by CIT Commanders in charge of the investigation.

My findings, analysis, and conclusions of law with respect to the use of deadly force in this incident by Officer Young are as follows:

### **Applicable Law**

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

#### **§ 18-1-704, C.R.S. 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 grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or
  - (b) N/A
  - (c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203.

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

- (1) Except as provided in subsections (2) and (2.5) 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.

### **§18-1-901, C.R.S. 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.

### **§ 18-1-710, C.R.S. Affirmative defense**

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

### **§ 18-1-407, C.R.S. 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.

### **§ 18-3-302, C.R.S. Kidnapping**

(1) Any person who knowingly seizes and carries any person from one place to another, without his consent and without lawful justification, commits second degree kidnapping.

### **Summary of Opinion**

Applying these statutes to the facts presented in this investigation, I find that Officer Preston Young is not subject to criminal prosecution for his actions on June 10, 2018.

In all cases, the law and ethical rules require that there is a reasonable probability of proving each and every element of an offense beyond a reasonable doubt in order to lodge criminal charges. Moreover, in cases where the evidence supports an affirmative defense of self-defense there must also be a reasonable probability of disproving the affirmative defense beyond a reasonable doubt before criminal charges will be brought against an individual.

The evidence in this case establishes that at the time Officer Young shot Brandon Vieweg, it was reasonable to believe that Vieweg posed an imminent threat of death or serious bodily injury to

officers and citizens that were in the immediate area. The evidence also establishes that Officer Young was justified in using deadly physical force to apprehend a person he knew was armed with a deadly weapon and evading arrest for a felony.

Therefore, there is no reasonable probability of disproving the affirmative defenses available to Officer Young in the shooting of Brandon Vieweg and criminal charges against Officer Young are not warranted.

### **Summary of Facts**

The following summary of facts was derived from CIT reports, interviews of witnesses, transcripts, and a briefing by CIT command staff regarding the events of June 9, 2018 and June 10, 2018.

#### **June 9, 2018**

On June 9, 2018 at approximately 7:30 p.m., Officer Brown of the Federal Heights Police Department was dispatched to the Thornton Police Department. Officer Brown was to meet with, and speak to, Deborah Vieweg concerning crimes that had been perpetrated upon her within the city of Federal Heights. Upon arrival at the Thornton Police Department, and prior to meeting with Deborah Vieweg, Officer Brown was provided information that a person identified as Brandon Vieweg might be on the way to kill his ex-girlfriend, Carmena Cruz, and that Mr. Vieweg made statements about wanting to commit "suicide by cop."

Officer Brown then met with and interviewed Deborah Vieweg. Officer Brown reported the following information from his interview of Ms. Vieweg:

Deborah Vieweg was at home with her son Brandon Vieweg on June 9, 2018. At approximately 5:45 p.m., Brandon was upset over an argument with his ex-girlfriend Carmena and Deborah was attempting to console him. Brandon demanded Deborah give him a cigarette, but when Deborah refused to provide Brandon with a cigarette he grabbed the pack of cigarettes from her. Brandon removed a few cigarettes from the pack and then threw the cigarettes back at Deborah. Brandon then went outside of the residence. Deborah exited the residence approximately 15 minutes later to smoke a cigarette and observed Brandon arguing with Carmena on the phone. Brandon became upset and started throwing metal lawn furniture around and dropped his pocket knife on the ground. When Brandon noticed Deborah he said, "You are going to fucking take me somewhere." Deborah said something along the lines of "the vehicle doesn't have any gas and I can't afford to fill it right now." Deborah then reached to pick up the pocket knife and Brandon used his right forearm to hit Deborah in the face connecting with the right cheek area just below the eye socket. Deborah stated when this occurred Brandon called her a "Fucking bitch" multiple times and stated, "Give me my fucking knife. Do not even try and take my shit or I will fucking kill you." Deborah went inside the residence after this incident and went to her room to be away from Brandon. Deborah then began texting her other son Zachary Vieweg.

Shortly after Deborah Vieweg had gone back inside the residence Brandon entered the residence as well. Deborah stated, she could hear Brandon saying he was going to "fucking kill all the bitches and whores in his life," and that he was going to "fucking cut off Carmena's head" with his pocket knife. Brandon then entered Deborah's bedroom and began yelling at her indiscernibly. Brandon then stated, "fucking drive me where I want to go or I



am going to cut your throat" while brandishing the pocket knife. Deborah stated she sent a text message to her son Zack asking him to contact the police for help and then hid her phone from Brandon. Brandon then walked behind Deborah with the knife until they reached Deborah's vehicle, a teal 1993 Dodge Intrepid. While exiting the residence, Ms. Vieweg's roommate, Ann Walsh, asked if everything was ok. Deborah stated she was too afraid for her life and Ann's safety to say anything and exited the residence after only saying "no." Deborah stated she attempted to stall by fumbling with her keys, hoping officers would arrive in time. This only agitated Brandon and he began screaming at her again calling her a "bitch."

Deborah described Brandon's behavior as erratic and that he was shouting directions for her to drive into areas she was not familiar with. When they came close to Huron, Brandon Vieweg began yelling at Deborah Vieweg to go around existing traffic and to use the sidewalk or median to get around other cars. Deborah stated, she told Brandon, "There is a police car a few rows back and I don't want to draw additional attention." Brandon initially accepted this response, but after driving around Thornton for an unknown amount of time Brandon became increasingly upset barking orders of where to drive and finally yelled at Deborah to exit the vehicle so he could drive. Deborah stated that Brandon had the knife on his lap the entire time she was driving. Just before demanding her to exit the vehicle Brandon stabbed the passenger door with the knife. When Brandon got into the driver's seat of the vehicle, Deborah escaped from Brandon and refused to re-enter the vehicle despite Brandon's attempts to persuade her to do so. Brandon claimed to be worried about her walking in an unknown area. Brandon then abandoned Deborah at the crossroads of Thornton Parkway and Race St. and Deborah called 911.

In addition to contacting the Federal Heights Police Department concerning the report from Deborah Vieweg, the Thornton Police Department also contacted the Westminster Police Department regarding Brandon Vieweg's threats to his ex-girlfriend, Carmena Cruz. Ms. Cruz resided in the city of Westminster. The Thornton Police Department related that Brandon Vieweg was possibly en route to the residence of his ex-girlfriend and may have a syringe loaded with enough heroin to kill someone. At approximately 6:00 p.m. Officers with the Westminster Police Department responded to the residence of Carmena Cruz. Officers attempted to contact Carmena, both at her residence and over the phone, but they were unsuccessful.

At approximately 7:39 p.m., Westminster Officer Cressman was patrolling the area near Carmena Cruz's residence and parking lot. Officer Cressman observed a blue vehicle. As the officer opened his door to investigate he heard a female, later identified as Carmena Cruz, yelling for help. Officer Cressman started moving in the direction of the yelling and saw Brandon Vieweg step into view. Vieweg was concealing his right hand in his pants pocket and began yelling "fuck you" at the officer. Officer Cressman ordered Brandon Vieweg, at gunpoint, to show his hands. Vieweg quickly removed his right hand from his pocket, made an obscene gesture toward the officer and yelled "fuck you nigger." Brandon Vieweg then got into the driver's seat of a Dodge Intrepid, his mother's car, and began to drive north through the parking lot. Officer Cressman activated his police car's emergency lights and sirens, and pursued Mr. Vieweg for a distance. Mr. Vieweg would not pull over and when the pursuit became unsafe Officer Cressman ended the pursuit. Brandon Vieweg successfully evaded apprehension at that time.

Officer Thwaitts, of the Westminster Police Department, contacted Carmena Cruz for the purpose of interviewing her regarding her contact with Brandon Vieweg. Ms. Cruz described that as she



was traveling home the evening of June 9th, she observed Brandon following her in the area 112th Ave and Pecos Street. Ms. Cruz continued home and parked next to her building. Upon parking, Ms. Cruz advised that Brandon Vieweg approached her driver side window as she was still in the car listening to music. He asked her to talk to him, but she ignored him and continued listening to her music. At that time, Vieweg struck the driver side window and called Ms. Cruz a "bitch" and "cunt" and several other derogatory names before he fled. Officer Thwaitts discovered that there was an active protection order in place, naming Ms. Cruz as the protected party. Vieweg was prohibited from communicating with Carmena Cruz or being at her residence.

While Officer Thwaitts was in contact with Carmena Cruz, Brandon Vieweg called Ms. Cruz using Facebook. Officer Thwaitts answered the call and advised Vieweg he needed to turn himself in. Vieweg told Officer Thwaitts, "fuck you, you are going to have to kill me."

### June 10, 2018

In the early morning hours of June 10, 2018 Deborah Vieweg's vehicle, the Dodge Intrepid, was located. It was parked outside of her residence. Ms. Vieweg's roommate, Ann Walsh, discovered the car at approximately 6:30 a.m. Officers Brown and Geerdes, of the Federal Heights Police Department, responded to Ms. Vieweg's residence. The car was examined and the car keys were located inside the vehicle. Brandon Vieweg was not on the property and his whereabouts were unknown.

While on scene, Officer Geerdes was informed by Deborah Vieweg that Brandon Vieweg previously made several alarming statements. Brandon Vieweg told Ms. Vieweg that he wanted to commit "suicide by cop," that he would kill any cop that he came into contact with because he did not want to go back to jail, and if he came into contact with police he was going to inject himself with an illegal narcotic and overdose.

Prior to the end of his shift on June 10<sup>th</sup>, Officer Brown prepared an affidavit in support of warrantless arrest for Brandon Vieweg. The affidavit in support of warrantless arrest stated there was probable cause to believe that on June 9, 2018 Brandon Vieweg committed; Second Degree Kidnapping, a class 3 felony; Menacing, a class 5 felony; and two misdemeanor offenses.

Later on June 10, 2018, Deborah Vieweg was contacted by Brandon Vieweg. Brandon Vieweg first sent a text message to Deborah Vieweg stating he was "sorry." Brandon Vieweg then called Deborah Vieweg and told her he was at a McDonald's restaurant located at 104<sup>th</sup> Ave. and Huron and wanted to be picked up. Deborah Vieweg agreed to get Brandon Vieweg, but before leaving her residence she asked her roommate, Ms. Walsh, to call the police. Ms. Walsh called the Federal Heights Police Department at approximately 8:07 p.m. to inform them of Brandon Vieweg's location, and Deborah Vieweg's plan to meet him at the McDonald's restaurant. A Federal Heights dispatcher then in turn contacted the Northglenn Police Department to enlist their assistance in locating and apprehending Brandon Vieweg.

Several officers from the Federal Heights and Northglenn Police Departments responded to an area near the McDonald's restaurant at 104<sup>th</sup> and Huron, in the city of Northglenn, to meet and plan the apprehension of Brandon Vieweg for the violations of law committed on June 9, 2018. The officers (Young, Moreau, Crawford, Guzman, Lauck, Danielson, and Mason) discussed with one another that Brandon Vieweg was wanted for felony offenses committed against his mother, including First or Second-Degree Assault and Kidnapping, and that an affidavit in support of warrantless arrest had



been prepared. They further discussed that Vieweg had eluded the Westminster police the previous day and that he was armed and dangerous. The officers decided to take positions around the McDonald's restaurant and apprehend Brandon Vieweg while seated in his mother's vehicle and as part of a vehicle stop. The officers wanted to avoid any contact with Brandon Vieweg inside of the McDonald's restaurant due to safety concerns for customers and citizens.

The officers received a description of Deborah Vieweg's vehicle and viewed a photograph of Brandon Vieweg. After the briefing the officers moved to positions around the McDonald's restaurant. Deborah Vieweg's vehicle, a Dodge Intrepid, was spotted in the parking lot at approximately 8:26 p.m.

As the operation to arrest Brandon Vieweg continued, Northglenn police dispatcher incident notes were disseminated to the officers. They stated, in part, that Brandon Vieweg was "threatening suicide by cop," wanted for kidnapping, and was armed with a knife the day prior. The notes also indicated that Vieweg was considered armed and dangerous.

### Pursuit and Vehicle Stop

While officers were watching the vehicle, a male approached and entered the car on the passenger side. The Dodge Intrepid was observed leaving the parking lot and head westbound on 104<sup>th</sup> Avenue. Officer Moreau, who was driving the patrol car occupied by himself and Officer Young, pulled onto 104<sup>th</sup> Avenue, immediately behind the Dodge Intrepid. Officer Moreau activated his patrol car's emergency lights and siren to conduct a traffic stop. Officer Moreau said the vehicle stopped at the traffic light at 104<sup>th</sup> Avenue and Huron and he and Officer Young got out of their vehicle to approach Deborah and Brandon Vieweg. Before reaching the vehicle, being driven by Deborah Vieweg, she accelerated through the intersection and continued westbound. Officer Lauck, who was positioned nearby, maneuvered to a position directly behind the Dodge Intrepid and attempted to stop the car. As Officer Lauck pursued the vehicle he recognized Brandon Vieweg from the photograph shown during the briefing. Brandon Vieweg was seated in the passenger seat of the Dodge Intrepid.

Officer Lauck attempted to stop the Dodge Intrepid several times with a "Pursuit Intervention Technique" (PIT) maneuver. A PIT maneuver is a pursuit tactic by which a pursuing police car can force a fleeing car to abruptly turn sideways, causing the driver to lose control and stop. Officer Lauck reported his first attempts with a PIT maneuver were unsuccessful because when he got close to the vehicle the driver would slam on the brakes. At 104<sup>th</sup> Avenue and Federal Boulevard the Dodge Intrepid turned left and headed southbound on Federal. The pursuit continued southbound on Federal to 92<sup>nd</sup> Avenue at which time Deborah Vieweg turned westbound on 92<sup>nd</sup> Avenue. Officer Lauck reported that as he continued to pursue the vehicle on 92<sup>nd</sup> Avenue Brandon Vieweg began to point something at him. Officer Lauck described his observations during his interview as follows:

"Sometime during the pursuit on 92<sup>nd</sup>, I can't remember exactly where it was, um, male started pointing something at me. Um, he'd put his hands up like this and then put 'em down and I could see something was in his hands. Um, at first I thought it was a gun. Uh, I honestly don't know exactly what it was. But he, he turned around in his seat just like this and pointed at me. Um, I was assuming it was a gun. Um, and then I saw couple of flashes of light inside the vehicle. Couldn't tell if it was muzzle flash, if it was a flashlight or, or exactly what he was doing. Um, the back windshield of their car wasn't blowing out

at me so I'm assuming he wasn't shooting at me at that time. Um, but he continued to point it at, at me and I, I aired it on the radio that he was pointing something at me and I, I didn't know if it was a gun or a flashlight or um, etcetera."

Officer Lauck continued to pursue Deborah and Brandon Vieweg westbound towards Wadsworth Boulevard. Officer Lauck observed them slow for the turn northbound on Wadsworth and as they did so he performed a PIT maneuver by placing his front left bumper into the back-passenger side of the Dodge Intrepid causing the car to spin out and come to a stop. The Dodge Intrepid traveled over the embankment on the east side of Wadsworth Boulevard and came to rest facing southbound. Officer Lauck noticed other officers in the area.

#### Events Following the Vehicle Stop

All officers that were in the immediate vicinity of 92<sup>nd</sup> Avenue and Wadsworth Boulevard were interviewed concerning their observations.

#### Officer Lauck (NGPD)

Officer Lauck was interviewed regarding his observations after he brought the Dodge Intrepid to a stop. He said:

"I pulled forward a little bit. Um, I think I was in the number one lane at this point. Slammed on my brakes, put it in park. Um, I noticed several other officers coming towards me, so I was very cautious of when I was gonna cross the street over there. Um, saw one officer pass me um, and went to, directly to the car. Continue watching, started making my way over. Um, pulled my, my duty pistol, um, pointed it at the car. My, my visual at this point was the backend of a police car and the very front of the teal sedan. Um, teal sedan started rolling again. Um, my assumption was that they were gonna continue running at that point. I still continued crossing the street, pistol in my hand, saw the passenger door open. Um, the male, I can't remember if he shut the door behind him or anything like that. I just remember being almost square to me and almost looked like he's gonna advance on me. Um, then he turned left which um, after the fact, I realized that all the other officers were right there. Um, and knowing that there was tons of lethal coverage I was, if he was gonna take off running, I was gonna tase him so I holster my weapon, pull out my Taser, immediately fired. Um, I don't think it was a good hit. Um, I heard so, and I can't remember exactly if the first shot or shots were prior to me deploying, pulling a trigger on my Taser or if it was after. Um, but I do remember hearing gunshots. I holstered my Taser, pulled back out my pistol. Um, and at that point, I think maybe one more shot went off and, and he was down. Um, so he fell down the embankment. Um, we, me and I can't even remember who was next to me, but we walked up on him. Um, the other officers handcuffed him. Um, I looked back and saw that the female driver was being uh, taken into custody as well. Um, Sergeant Danielson came on scene um, and I think one of the off, other officers put gloves on, started rendering aid. I ran back to my police car. We have a med bag attached to our, our passenger seat. I grabbed that, threw some gloves on, pulled some gauze out and we applied pressure to his back until um, Westminster came on scene and they pretty much took control over there."



"I honestly can't remember exactly when I fired. Um, and, and I believe it was when he turned is when I did the transition cause he wasn't directly at me at that point. Um, and I, it was, it was either, (inaudible) milliseconds at, at that point but pointed my Taser and fired."

Officer Guzman (NGPD)

Officer Guzman made the following statements, regarding the events as the pursuit ended:

"Um, so I'm thinking alright, well this might be a hostage situation now so, uh, so yeah we, we get up to Wads, Wadsworth so, the vehicle turns right um, we follow and we turn right and the roads uh, completely clear there's no other traffic and um, Officer Lauck is able to move up and he pits the vehicle um, so the vehicle spins around and then Officer Young and his trainee so, now the vehicle is essentially uh, facing southeast after the pit kind of goes into the grass a little bit, so officer Young and his trainee now come up and they um, bump the passenger door cause we know the suspect is on the passenger's side and they want to pin him in there so they bump the passenger door um, to keep him in and uh, after they bump the door then the car starts rolling forward a little bit down the hill so as soon as the car rolls forward a little bit um, I'm jumping out of my car and two other patrol cars pull to the right of me um, I parked right next to this, I think it was like a street light or a big post I remember, I was just to the left of it and I was basically right on the shoulder and then two patrol cars pull right to the right of me and, and then I remember as I was getting out and I still had my rifle on my lap um, so I jumped out and then I saw the passenger door open and the suspect jumps out and he has a black knife in his hand and he starts running towards the two patrol cars that just pulled up to my right and I don't, I couldn't tell if they were getting out or if they were out of their car yet um, so my first thought is he's going after these officers with the knife so I'm getting my rifle up and I was going to take a shot but I didn't have a clear line of sight because of that pole in the front of my car that I'm trying to get around um, I just didn't have a good line of sight and then I heard, it was like two or three shots and um, and then I remember seeing uh, I remember seeing the suspect kind of like jerk or like flinch and then he like changed his direction from going towards those officers to going down this grass hill and then I heard um, two or three more shots so like five or six shots in total and then um, he fell onto the concrete and I remember thinking when he, when he jerked or flinched like that I remember thinking that he may have gotten grazed or something and then I was thinking like if he gets to another car he's going to, he's going to hijack someone if he gets away, he's like going to run up to one of the, cause there was a parking lot, there was cars, there was people getting in and out of their cars in the parking lot so I thought he was going to hijack someone else or something like that so then he hit the, he hit the sidewalk and he was laying faced down but he still had the knife in his hand..."

"Still to this moment, I don't know who was on my right side but I remember seeing the two patrol cars come up and then they were getting out as the suspect was getting out and he had a knife and he, I know he did look at, I remember he like looked, he like looked around like I don't know if he was trying to process or he was just going to like go crazy or what, I don't know what he was thinking but he looked and saw Officer Young and then he saw those other officers I don't remember him looking my way but then he just started running and the knife wasn't like down, like at his hip, I mean it was out, like I mean he had it in a menacing you know fashion it wasn't just uh."

"I remember hearing drop, drop the knife and police and I don't know who said it or where it came from but I remember hearing police and I heard someone yell drop the knife and I heard the gunshots immediately after and then that's when he changed his course ran down the hill a little bit more there's just a, a short pause and then a couple more uh, shots and that's when he fell on the sidewalk down at the bottom of the grass."

Officer Guzman was asked whether he thought deadly force was necessary based upon the actions of Brandon Vieweg. He stated that he believed Vieweg was a threat to other officers that arrived on scene because he was armed with a knife. Officer Guzman said, "The fact that he had the knife in his hand and was advancing towards these officers that were to my right." Officer Guzman also believed Vieweg was a threat to the citizens who were in the parking lot.

#### Officer Crawford (NGPD)

Officer Crawford, a Northglenn police officer, participated in the pursuit of Brandon Vieweg. She observed Officer Lauck successfully end the pursuit by performing a PIT maneuver with the Dodge Intrepid. She described what happened from that moment as follows:

"I see the car go into the ditch kind of on the east side and keep spinning. Guzman is in front of me so he pulls to the shoulder- the right hand shoulder. I pull actually into the grass. So I'm about maybe fifteen feet- this is just an approximation in terms of the distance -from the nose of the car, my nose and nose. I get out and have my weapon out, and I see the suspect exit or leaving - exiting the passenger side. I see something black in his hand and as he's exiting the vehicle, I hear gunshots and also I see Officer Lauck deploy his taser. I don't know if the taser is successful. I just -- The only reason I hear it is because it's like - he's right next to me as I'm coming out of my car. So I think he walked behind or in between Guzman and Officer Young's vehicle."

Officer Crawford was asked to further describe when she heard gunshots relative to her position. She said that as she was getting out of her car and approaching on foot she saw something black in Brandon Vieweg's hand and he was holding the object "out to the side." Officer Crawford said as Vieweg was getting out of the Dodge Intrepid and as he was coming around the car door and facing her, she heard gunshots.

Officer Crawford believed Vieweg's actions were menacing and she was concerned for her personal safety.

#### Officer Moreau (NGPD)

Officer Moreau observed Officer Lauck conduct the vehicle stop and described the events from that point forward in his interview as follows:

"Um, PIT the vehicle, it spins out, um comes out on the east side of Wadsworth and I have a perfect view, broadside passenger of the vehicle. I take my patrol car and I attempt to ram and actually successfully do ram the passenger side of the vehicle in order to contain the suspect as I'm knowin' he's in the passenger side. So I use my bumper guard, slam into the passenger side of the vehicle uh in order for him to not escape. Um, at which time uh I observed the vehicle accelerate and it actually manages to get away and then it spins out, loses control 'cause it's on softer ... Um, Officer Young is on the side could



observe passenger side, I see a male, the male, um attempt to exit the vehicle, he then reaches in and I'm now throwing my vehicle in park, 'cause I didn't know if the vehicle was gonna get away. Um, suspect hops out, I hear Officer Young say he's got a knife, he then yells drop it. I observe suspect say something along the lines of you motherfuckers, somethin', somethin', somethin'. Um, I could observe something in his hand, uh I couldn't tell what it was at the time of me uh attempting to exit my patrol vehicle. I disengaged my seatbelt, threw the vehicle in park, un-holstered, went to get out of my patrol vehicle and I could still hear Officer Young yelling commands of some sort. I'm coming around now the back of my patrol vehicle. That's when I observed, or rather heard um a single shot that I can recall, um being fired. Uh and as I'm making my way around my patrol car, I observe the suspect attempting to flee um down still having something in his hand. Um, another shot I believe goes off and suspect falls, as I observe officers advance on him. I didn't want to break the plane of the vehicle um as the mother exit the vehicle, the driver and I immediately um begin to command her. Uh, I order to uh show me her hands, to not move, um and then that's when I advance on mom, um prone her out at gunpoint, managing to keep her and the vehicle in my sight. Uh Officer Crawford comes over um and I managed to get to her, mom into custody. Uh I give her a quick cursory search and I'm still at this time uh at gun point with the vehicle because I have no idea what's in there. Uh Officer Crawford does a safety sweep of the vehicle and then a Westminster female officer, I don't know her name, she arrives and, and basically helps me roll mom up um and I take her away from the scene in between two of our patrol vehicles to actually get a good pat search on mom and then I placed mom into a patrol vehicle. I holstered and then um go back to Officer Young.”

#### Officer Mason (FHPD)

Officer Mason, of the Federal Heights Police Department was involved in the operation to arrest Brandon Vieweg. Officer Mason participated in the pursuit of the Dodge Intrepid and observed it come to a stop to the east of Wadsworth Boulevard. He stated that he had pulled up and was in the process of getting out of his patrol car when he observed Brandon Vieweg get out of the Dodge. Officer Mason's perception of the events were that Vieweg “got out of the car, he turned around, and whatever item was in his hand, it looked like he pulled it up, as if to maybe threaten the other officers with it. He pulled it up and then he turned around and started running into the shopping center parking lot, and that's when I heard the shots, there were 6 of them from what I can tell. I don't know for sure but that's I heard what I believe 6 shots.”

#### Officer Involved in Shooting/Officer Young (NGPD)

Officer Young was interviewed as the officer involved in the shooting of Brandon Vieweg. Officer Young was questioned about his background, and specifically the events of June 10, 2018 leading up to and during the shooting. Officer Young described the information he had concerning Brandon Vieweg and the reasons he was wanted by the Federal Heights Police Department. Officer Young described the vehicle pursuit, his observations following the vehicle stop, and his state of mind leading up to and during the shooting of Brandon Vieweg.

Officer Young has been a police officer for the city of Northglenn for approximately 5 ½ years. On June 10, 2018 Officer Young was working as a Field Training Officer (FTO) for Officer Moreau. While on routine patrol, Officer Young recalled being dispatched to meet at 104<sup>th</sup> Avenue and Melody to assist the Federal Heights Police Department. Officers Moreau and Young were advised



by the dispatcher that Federal Heights needed assistance in locating and apprehending a suspect for First Degree Assault and Kidnapping, and that the suspect was threatening suicide by cop.

When Officer Young arrived at 104<sup>th</sup> Avenue and Melody he met with a Federal Heights police officer. Officer Young stated the following during the interview:

“Um we met up with the Fed Heights officer. He came over, uh asked him what the charges were again and he said Kidnapping, First Degree Assault, Auto Theft. Uh we asked how credible the intel was for him being at McDonalds. He said it was really good intel. Uh we asked about him being armed. He said he's at least armed with a knife, really good intel on that. The Federal Heights Officer put on his Tac helmet which obviously made it you know more serious you know that this isn't you know just normal, sometimes you get calls but this one he's putting on his Tac, you know he was taking it very seriously so we obviously are gonna take it extremely serious just like we would anyways, but. You know seeing that um we uh, we discussed you know going into the McDonald's at first uh but due to the threats and due to the crimes and due to the potential weapons being involved we decided not to put anybody at McDonald's at risk um so we decided that we would try to do a traffic stop because the Federal Heights officer told us that he believed the mom would be cooperate with police. It sounded it like she had been cooperative with the Federal Heights Police Department. So we assumed that she would be um so we decided that the best uh approach would be to do a traffic stop on the vehicle and do a felony- felony stop on vehicle to try to keep the citizens away from the situation. Um so we- we set up kind of a, not a perimeter, but just kind of different spots with where we were gonna be staged um if he was there and if the vehicle showed up. They also told us, sorry I know I'm going back and forth. Federal Heights said that his mom was on her way from 92<sup>nd</sup> Taejon (sic) and was on her way to the McDonald's so it was a time sensitive call um they really wanted to take him into custody.”

“No, we- we were told he was at McDonald's. We were told that the car was on the way to pick him up so it kind of made it a little bit more time sensitive. Um so we set up. Uh Officer Guzman observed the vehicle in the McDonald's parking lot um I think he aired that there was a male and female occupant in the vehicle which matched what the Federal Heights officer has been tell-telling us with mom and her son. Um so he kind of kept eyes on it. Uh we decided again to wait for it to leave so we could do the felony stop uh since we believed the mom would be cooperative and pull the car over.”

Officers Young and Moreau were advised the Dodge Intrepid, driven by Deborah Vieweg, left the McDonald's parking lot and headed westbound on 104<sup>th</sup> Avenue. Officer Moreau drove their patrol car onto 104<sup>th</sup> Avenue and behind the Dodge Intrepid.

Officer Young described the efforts to stop the Dodge Intrepid:

“Um the vehicle exits the McDonald's, starts heading westbound on 104<sup>th</sup> approaching Huron. Um we, Officer Moreau came out of the dealership that we were parked in uh just west of the McDonald's once he aired the vehicles leaving. As soon as we come out to get onto 104<sup>th</sup> it's the only vehicle on the road. It matches to a "T" it's the exact vehicle that we're looking for, the Dodge Intrepid. Um so we get behind the vehicle, um turn on our lights trying to initiate a traffic stop. Um I believe we were directly behind the vehicle and Officer Lauck was to the left of us getting ready to do a felony stop on the vehicle. Um when this happened I observed like a very aggressive verbal argument taking place in the car



it looked like. It looked like he was kind of leaning over to her and was, it almost looked like he was threatening her to me um but there was definitely a good verbal argument that took place when we're lighting up the car and it had stopped so that's why we were stopped and we could see this. I could see this taking place... 104<sup>th</sup> and Huron, right there, right, just before um Huron, just before the light. We were in like the #2 lane I think, the middle lane, and all I saw all this happening um cause I had took my seatbelt off, started to get out of the vehicle um and was watching it happen and then that's when they started to elude us. Um so they started driving westbound on 1041h. Um it was really weird because I've had cars run from me all the time and this one was like – like stopping. It looked like it was pulling over at one point um just like you know it was pulling over into the curb, slowing down, so we thought they were pulling over again and then it would take off again at a high rate of speed and then it was kind of like dropping back, going, pulling, like getting ready to like you know pull over but then it would go again so it was just really odd um because when I've had cars run they just run and this one was different because of all the stopping and going so I wasn't sure what was going on.”

“I just saw the initial contact like I told you guys with the initial confrontation inside the vehicle. Um so we tried to, Officer Lauck tried to PIT the vehicle a few times uh because it would slow down significantly and then he would start trying to PIT it, he would take off again, uh real weird. Um and then we uh, Officer Lauck, we were further along in the pursuit, I can't tell you exactly where, but Officer Lauck was trying to PIT the vehicle again and at which point he aired, "Hey, he's pointing something at me. I'm not sure if it's a gun or what but he is pointing something at me" just kind of head's up for all of us who (inaudible) you know potentially now we've got the knife and now a gun involved. Um so he aired that information. I then aired that it might possibly be another hostage situation, I mean he's wanted on the kidnapping, the First Degree Assault and Auto Theft so I don't know based on the driving that I saw like them initially stopping, the verbal, you know the confrontation that took place in the car and then her pulling over, stopping. I didn't know if we were dealing with another hostage situation like if he was holding mom hostage or had a knife to her and was like, "You better drive" I don't know. So, but based on previous experience, based on the driving, based on the confrontation I believed that there was a pretty good chance that mom was now potentially a hostage inside the vehicle. Um so we continued uh chasing the vehicle. We got to Wadsworth and 92<sup>nd</sup> um went down Wadsworth. Um at that point Officer Lauck was able to do a successful PIT, pitted out the vehicle. Um Officer Moreau drove um into the passenger side of the vehicle um made impact, you know made contact with the passenger side of the car, um could see him in the passenger seat. Um she was able to sorry, she was able to kind of get out of the -the push and was able to get out, gave just enough room, stopped the car, he jumped out of the passenger side of the vehicle.

Officer Young described seeing an opened knife in Brandon Vieweg's hand as he got out of the car and the reasons he shot Brandon Vieweg:

“Um when he jumped out of the car um he had an opened blade knife, not sure how big it was. I would probably guess like four inches maybe, jumps out of the car with an open knife. Um at this point I got officers coming up to my right hand side, I don't know if you saw where my vehicle was at, but they were all coming up it looked like on the grass and then I had open businesses uh with people walking around um down low to where we were at. Um when he got out, I mean I've been in a lot of foot pursuits and this was not a foot, this wasn't like him trying to flee. He jumped out with a knife and had like a fighting stance and

was kind of like heading towards what I believed either to be the officers or the people in the business, um the open businesses down in the parking lot, um and due, and then he started, he just started moving in their direction. I couldn't tell you which one exactly he was going to cause there was, he had enough time to go either way if that makes sense. Um and so based on the open knife, other officers showing up you know not exactly, not seeing what I'm seeing, I don't know if they're seeing it, and then I've got all the innocent citizens below me that he could potentially go, I mean he's already kidnapped these other, you know he's already obviously done all this other stuff, um I believe that he was either gonna kill officers or kill citizens or try to take hostages so that's when I opened fire on him. Um when I started shooting he started heading towards the businesses um and then I stopped shooting, as soon as he went down, I stopped firing, so."

"Yeah, uh I mean, so I'm, we're, I'm trying to think of how to, we're facing um like, I'm trying to think, we're more straight on with the road I think, um and then the Intrepid is over here at this point and that's when he exits and he gets out right in front of me when I'm sitting in the passenger and that's why I could see him with the open blade and see him really well and I could just see his demeanor was, you know I've had, like I said I've had a lot of foot pursuits and people when they're running they're just running, this guy was not, this was like he was gonna fucking kill somebody. Sorry for my language."

Officer Young was asked where the blade of the knife was when he observed it. Officer Young stated, "He had it like, he had it down, like right here so he had it open, he had it open, full grasp on it and had it like in a, like a fighting stance."

Officer Young was asked about Brandon Vieweg's movements and concerns for the safety of other officers and citizens. He responded that Vieweg, "gets out of the vehicle and he starts heading it looks like towards the police officers but where he was at he could have gone into the businesses or he could have gone straight at the cops that are coming... And I don't know you know they're pulling up on scene, getting out of their cars, I don't know if they, obviously this guy just, we were just nose to nose with this guy and I'm looking at him so I don't know if they see this knife so it wouldn't take much for him to just dart over to them and start trying to stab them or potentially run down to these businesses and take hostages or kill other people."

Officer Young was questioned by the interviewers about his knowledge of Brandon Vieweg and any concerns he may have had. Officer Young stated:

"... I mean there's a lot of things, yeah, so obviously the crimes that he's committed, I mean you know Kidnapping, First Degree Assault, Auto Theft and I know that those are some of the, that's about as serious as you get for a lot of stuff even behind murder. Um I was concerned because of the- the chase, due to the way that she was running from us I couldn't tell if she was being held hostage in the vehicle ... so if he's gonna hold his mom hostage and all of these other previous crimes and then with him, with the fighting stance and his demeanor, the aggressive demeanor and having the knife out ready to go, I mean it wasn't like you know when people run you know you just run, like this guy jumps out of the car, has the knife open and is ready to go. So that's why I was concerned for officer safety because I was afraid he would stab an officer or and I still don't know if this guy is armed with a gun just because of what the previous officer told me and then I was concerned about the citizens down in the parking lot because if he would have b-lined for the parking lot and



tried to stab somebody or take hostages and create a hostage situation I was worried about that as well.”

Officer Young was asked about his distance from Brandon Vieweg at the time he got out of his mother’s car. Officer Young estimated, “It was pretty close, I would probably say four or five feet when he first got out of the vehicle if I had to guess.”

Officer Young discussed why he shot out of the window of the patrol car from the passenger seat. He stated, “Yes, because I didn’t even have time, based on the way that I saw this thing going down and his demeanor I didn’t even have time to get out of the car because I was gonna get out of the car and engage in a foot pursuit just like we always do, but based on the way he got out of his car, the knife and everything I was, there was, I didn’t have, I didn’t feel like I had enough time to even do that so that’s when I shot out through my- through my window.”

### Lay Witnesses

#### Deborah Vieweg

Ms. Vieweg was interviewed by CIT investigators on June 10, 2018 following the pursuit and shooting of Brandon Vieweg. The officers conducting the interview spent considerable time revisiting much of what Deborah Vieweg previously reported to police concerning the events of June 9, 2018. During the interview, her statements were largely consistent with what she previously provided to law enforcement, however she added some details.

Deborah Vieweg also described in considerable detail her contact Brandon Vieweg and the police on June 10<sup>th</sup>. In the early afternoon of June 10<sup>th</sup> Deborah Vieweg and Brandon Vieweg exchanged text messages. Deborah Vieweg was concerned for Brandon’s well-being and suggested that he turn himself in to his probation officer.

After the exchange of text messages, Brandon Vieweg called his mother. He told her he was located at the McDonald’s restaurant at 104<sup>th</sup> Avenue and Huron and that he wanted her to come pick him up. Deborah Vieweg communicated with her ex-husband and her roommate and asked them to contact the police with this information.

Deborah Vieweg drove to the McDonald’s restaurant and Brandon Vieweg got into her vehicle. They went through the drive-through and ordered food. At that time, Brandon Vieweg described being with Carmena Cruz the prior evening. According to Deborah, he discussed being confronted by the police and fleeing. After getting their food at the drive-through window they observed a police officer drive by. Deborah Vieweg stated that Brandon Vieweg began to “freak” out and almost “hyperventilate.” She stated:

“...so we get our food and we see this cop, this SUV drive by. And he starts freaking out. I mean almost hyperventilating. And um, he was asking in the drive thru if I, what I had said. Uh, did I, did I tell anybody that he was going to kill anyone and I said no. Um, just to keep him calm. And so then we’re pulling away with the food. And he sees the cop. And he says just, just pull into the parking spot right here. Just stop right here. And I said um, and he’s asking me did you call them? And I said no. And uh, ..and he’s, he’s like really upset, um, trying to get me to admit that I ww, it, that I lead them here. And, and I, and I yelled at him no, I did not. And uh, ..and I tell him if there’s a problem, then go. And he jumps outta the

car and he walks down the edge of the fence to the back of the restaurant. Um, I don't know where he went. I couldn't see. And then I'm, I'm looking around to see if there's anybody that was pulling in and um, ..he's all the way at the other end of the parking lot. And then I see him coming back to the car. I'm like oh, God in heaven, please, somebody. Please just show up. And um, I thought about rolling up the windows, locking the car and driving away. But I couldn't do that to him. I just couldn't. And um, he gets back into the car. He says okay, drive. And I pull out of the driveway and he says use your turning signal. You always doing that. And I said yeah, and you're always telling me and not to attract attention.”

Deborah Vieweg informed the investigators what occurred as she drove away from the McDonald's restaurant. Ms. Vieweg recounted:

“And then all of a sudden all these squad cars start rolling up and they're, they're, um, they put the siren on like once or twice. And then um, and then the lights start flashing and he, his face turned this purplish red and he starts screaming. He starts screaming um, go, just go, just go. And the gr, lights, if I remember right, they were green so it's so we could go. And I tried to stop. I tried to get over into the right lane. And I was going to have him jump out of the car just, just run, just go. And um, he says no, just go. And he's, he's just sss, screaming and pounding on the dash. And um, screaming that they're going to kill him, they're going to, they're gonna kill me, they're gonna kill me.”

“And he says, Mom, they're gonna kill me. They're gonna kill me. And it, this, this went on the whole time. Nonstop. The screaming. And telling me to get over here, do this, do that. And I tried to find traffic that was clogged and um, trying to flatten a tire by going around a corner. Um, I would signal to show of, of course all the times that I'm shooting the turning signal, it's, you know, um, and he kept on screaming. Says no, no, no, just go around 'em, just go around 'ern. And my leg is shaking so bad that I didn't think that I could keep it on the pedal. And I would try and slow down to find some place. There was a church or some business that was a left-hand turn. I was going to go in there so that it was like a dead end. And he's like no, go over this way. And he's, he's just flailing like you would not believe. I mean he, he didn't even have his seatbelt on. I kept on yelling at him put your seatbelt on, put your seatbelt on. And they're bumping my car and I'm almost ..uhh, ..going to the bathroom in my pants because it was just so scary. And he just kept on screaming they're going to fucking kill me, they're gonna kill me. And he got his flashlight out. And he's shining it back and forth in the window. And at first he's like yeah, yeah, see this, see this. And I said don't taunt, don't do that. And then there was another one, let's see, there was the ones directly behind but then there was another one over here and um, he was begging them, he was trying to gesture please don't, don't, don't, don't, you know, don't do it, don't do it. And uh, ..(inaudible) there was some more bumping. And I tried to tell him they're going to do a PIT maneuver, they're going to do this. And um, ..he just, he was crying and screaming. And ..he kept on saying that they're going to kill me. And I was begging him. They don't want to, babe. They don't want to. (Inaudible) he tells me to get into the far ..right corner on the last street that we were on and take that. Telling me to slow down, now speed up, now slow down, now speed up. And uh, ..and then we got that big bump. And I thought that they were going to try and get him out of the car. Okay. Because when he tried to open the door they rammed his door to keep it shut. But for some reason they backed up. I don't get that. And it gave him just enough room to open his door and I'm telling him ..go ahead and wait. Because I knew that if he did not get out of the car, they would just drag him out and take him in but he got, he got out.”



Deborah Vieweg described the events after her vehicle was stopped by a tactical vehicle intervention. She stated in part:

“he just started running. And then all of a sudden and I'm looking over this way and I'm looking at him running and it, there was like a wall of them. And ..it sounded like they were four different people shooting because of the, the succession of sound. And one or two was louder than the other. Uh, the sound of the pop was 11 (sic), there was some that were like almost larger, hollower and others that sounded smaller and sharper. And I get out of the car and I start screaming and I said don't, don't shoot. And um, he didn't have, he didn't have his knife And then I see him go down. And it seemed like it took too long for them to get to him. It just seems as though ..they took their time to check on him. Nobody really rushed. Um, and by this time I'm standing with one foot in, in the car and yelling. And I see him go down. I start screaming. And the officers come around and they've got me compointed (sic) and they're telling me to get down on the ground. And of course I comply. And then they handcuffed me. And um, ..and I tell them I'm the one that called. I'm the one. And um, and that he had a knife. And ..but he didn't pull it on them. He didn't. He just ran. Uh, oh, god. Okay.”

The investigators explored Deborah Vieweg’s comments about Brandon’s knife in the following question and answer exchange.

Calhoon: Why do you, what makes you think that he didn't have his knife?  
Vieweg: I didn't see it in his hands as he was running.  
Gordanier: Okay.  
Vieweg: So I don't know ..if the PIT maneuver knocked it...  
Gordanier: Okay.  
Vieweg: ...or what happened.  
Calhoon: But it, would you actually be able to see his hands when he's...  
Vieweg: I tried.  
Calhoon: ...when it's happening?  
Vieweg: I tried.  
Calhoon: Why were you focusing on that?  
Vieweg: Because I knew, because...  
Calhoon: Okay.  
Vieweg: ...of the dialogue from the, from the officers prior.  
Calhoon: Cause you're thinking he might be trying to do the suicide by a cop thing?  
Vieweg: Yeah.  
Calhoon: Okay.  
Vieweg: I was looking.  
Calhoon: Yeah, okay.  
Gordanier: When, when you guys were vv, going down the road and the police were chasing you?  
Vieweg: Uh-huh.  
Gordanier: Did he have the knife out?  
Vieweg: I didn't see it.  
Gordanier: He...  
Vieweg: But he kept on fumbling in his pocket.

The investigators attempted to clarify why Deborah Vieweg did not stop the car when she knew the police were pursuing her. Ms. Vieweg responded to those questions in the following manner.

Gordnier: And, and I, why didn't you just stop the car?  
Vieweg: I tried.  
Gordnier: Okay.  
Vieweg: I tried.  
Gordnier: And what was he saying when you do that?  
Vieweg: Don't you fucking bitch. Yeah.  
Calhoon: So were you trying to calm him down? Were you trying to, were you scared?  
Vieweg: I was deathly, deathly...  
Calhoon: Okay.  
Vieweg: ...scared.  
Calhoon: Okay.  
Vieweg: I mean my leg was like this literally.  
Calhoon: Sure.  
Vieweg: I wasn't..  
Calhoon: Yeah, we don't have, that's fine.  
Vieweg: Uh, especially after what happened yesterday.  
Gordnier: Yeah.  
Vieweg: And he had the knife out yesterday.  
Gordnier: Yeah. Do, were you, did you actually leave for a little bit yesterday, you had actually...  
Vieweg: No, I...  
Gordnier: ...(inaudible)...  
Vieweg: ...oh, yeah.  
Gordnier: Okay.  
Vieweg: I ..I could see that.  
Gordnier: Okay.  
Calhoon: Especially based on his erratic behavior and...  
Vieweg: And how it had been escalating.  
Calhoon: Yeah, sure.  
Vieweg: The behavior.

Deborah Vieweg provided background information about Brandon Vieweg. She stated that he had a methamphetamine addiction since High School and that based upon his behavior it appeared that Brandon Vieweg may be under the influence of methamphetamine on June 9<sup>th</sup> and 10<sup>th</sup>. She also noted that Brandon talked frequently about dying. After the interview was concluded on June 10, 2018, Deborah Vieweg was taken to Victim Services and then left the police department.

#### Off Duty Law Enforcement Officers/Citizens

Two off-duty police officers, Bullock and May, from the Suffolk, Virginia Police Department were in a vehicle traveling northbound on Wadsworth Boulevard and crossing the intersection at 92<sup>nd</sup> Avenue when they observed three police vehicles pursuing a "small green vehicle."

According to Officer Bullock, as they went through the intersection Sergeant May began to pull over to the side of the road. Officer Bullock looked into the passenger side mirror and saw an officer perform a PIT maneuver with the green car. She saw the green car travel off the road into the



grass. Officer Bullock wrote in her statement, "As I turned to look out from my window, Greg said "he's running." I heard what seemed to be four gun shots and turned to see a white male in shorts fall forward onto the ground. I did not hear any verbal commands over the sounds of the police sirens. After the subject was on the ground, I observed four or five officers walking towards the subject with their firearms drawn down on him. They checked the subject to render aid, placed him in handcuffs, and then backed away from him until rescue arrived on scene."

Sergeant May also described travelling northbound on Wadsworth Boulevard and crossing through the intersection at 92<sup>nd</sup> Avenue. Sergeant May reported that Officer Bullock commented that she saw police cars with lights and sirens coming in their direction and it appeared that they were in pursuit of another car. He said that after crossing through the intersection he began to pull over to the right. Sergeant May stated in writing, "I looked in my driver's side mirror and observed a small dark green car with several police vehicles following, operating emergency gear, heading directly towards us from the rear. I then observed the suspect vehicle attempt to take the left lane in front of one of the police SUV's. Approximately 200 feet behind me, I observed the police SUV administer a tactical pitting maneuver to the rear side of the suspect vehicle causing it to lose control and veer off to the right shoulder into grassy ravine where the vehicle came to rest. As I looked over my right shoulder out of the back window, I saw what appeared to be a white male with shorts running from the suspect vehicle down the ravine towards a parking lot. As I turned to open my door and get a better view, I heard approximately 4 gun shots in succession and saw the white male subject face down on the grass at the bottom of the small ravine approximately 10 yards from the suspect vehicle. I then observed an arrest team of 4 officers with their weapons pointed at the suspect, three with handguns and one with a carbine, slowly move towards the suspect and place him in handcuffs. After Fire/Rescue responded, a white blanket was placed over the suspect's body. Due to the distance from the incident and the sirens, I was unable to hear any communication between the officers and the suspect."

Several civilian witnesses were near the intersection of 92<sup>nd</sup> and Wadsworth Boulevard and nearby businesses. Some observed the pursuit and police cars and heard gunshots. None reported seeing Brandon Vieweg get out of the Dodge Intrepid or the actual shooting.

### Scene Processing

Following the shooting the night of June 10, 2018, criminalists with the Westminster Police Department were requested to respond to the scene for processing and documentation. They received a briefing about the police pursuit and shooting of Brandon Vieweg prior to beginning their work. The criminalists walked the scene, visibly inspecting the roadway and grassy area to the east of Wadsworth. The scene was diagrammed, measured, and photographed. All evidence was marked and collected. A total of 8, 9mm cartridge casings were located at the scene. A knife, approximately 8 inches in length, was located in close proximity to Brandon Vieweg. The precise locations of these items are documented in the reports.

The Vieweg vehicle was towed from the scene and thoroughly photographed and searched on June 11, 2018.

Officer Young was contacted by criminalists at the Westminster Police Department. In accordance with CIT procedures, he was photographed, and his Glock 43 (9mm) was collected for inspection and a round count.

With respect to the knife, reports reflect it was moved away from Mr. Vieweg for safety reasons by responding officers. The knife was also picked up at one point by an officer and then placed back on the grass, so that it could be collected by criminalists once they arrived. At the time, the knife was collected by criminalists, the knife blade was closed. Subsequent interviews with officers who observed the knife were conducted to see if they could recall whether the knife was open or closed when they first observed it. Some officers recalled that the knife was closed. Sergeant Danielson indicated that when he saw the knife on the grass he could only see the handle and the blade may have been obscured.

An analysis was conducted, in part, to determine if Brandon Vieweg's DNA was present on the knife. The Colorado Bureau of Investigation did the analysis and concluded that Brandon Vieweg's DNA was present on the knife.

### Autopsy

An autopsy was performed June 12, 2018 by a forensic pathologist and it was determined that Brandon Vieweg died as result of multiple gunshot wounds. The locations of all gunshot wounds to Brandon Vieweg are documented in the autopsy report. Gunshot wounds were noted to the upper left back (2), left midback, right back, and posterior right upper arm.

Toxicology results for Brandon Vieweg were positive for 94 ng/mL of amphetamine, 1200 ng/mL of methamphetamine, and 6.4 ng/mL morphine-free.

### Background

Brandon Vieweg's criminal history shows that he was contacted by law enforcement for Harassment and Criminal Mischief in September 2016, and Harassment and Disorderly Conduct in October 2017. As a result of the October 2017 offenses, Brandon Vieweg was under a Mandatory Protection Order, naming Carmena Cruz as the protected party.

On June 10, 2018, the Federal Heights Police Department was attempting to take Brandon Vieweg into custody for felony charges including First Degree Assault and Kidnapping.

### Legal Analysis

This office's review of the shooting of Brandon Vieweg is limited to an analysis of applicable criminal statutes and affirmative defenses which apply to the facts.

As is frequently the case and as documented in scientific literature, individuals involved in high-stress events such as a shooting may experience wide-ranging emotions and perceptual distortions. It is not unusual for those involved to have incomplete recollections and for witness accounts to have some inconsistencies. Often, recall of particular details will differ from witness to witness, and those interviewed may not recall all of the same events in the same chronological order. Witnesses have different perspectives to an event and their statements will so reflect. In this case, each of the witnesses offered versions of the event from their perspective and some minor inconsistencies are apparent. While there are some inconsistencies regarding some recollections of this incident, there are no inconsistencies which are relevant to my determination of criminal culpability. The inconsistencies here are not consequential in the analysis.



Based upon the investigation conducted by investigators and detectives assigned to the CIT, there is no question that Officer Young intentionally shot Brandon Vieweg. Officer Young's statements and the evidence support that conclusion. The legal analysis then shifts to a consideration of Colorado law regarding the affirmative defenses and self-defense.

In Colorado, all citizens including police officers have the right to self-defense pursuant to §18-1-704 C.R.S., including the right to use "deadly physical force" under certain circumstances. A person may use deadly physical force in self-defense only if he believes a lesser degree of force is inadequate, and he has reasonable grounds to believe, and does believe, that he, or another, is in imminent danger of being killed or of receiving great bodily injury; or the other person is committing, or reasonably appears about to commit, kidnapping as defined in section 18-3-301 or 18-3-302. A critical issue in self-defense is whether, from the standpoint of the person exercising the right to self-defense, the belief that he or another person was in imminent danger of being killed or receiving great bodily injury was reasonable. Absolute certainty is not required under the law and what is reasonable is based upon all known information and circumstances. Importantly, in *Graham v. Connor*, 109 S.Ct. 1865 (1989), the United States Supreme Court stated that "the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

A peace officer is also justified in using deadly physical force upon another person as specified in §18-1-707, C.R.S (2). Under this statute, a peace officer may use deadly physical force upon another person only when he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or to effect an arrest of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or is attempting to escape by the use of a deadly weapon.

When the police attempted to conduct a vehicle stop and take Brandon Vieweg into custody on June 10, 2018, they had been advised he had committed felonies with the use, or threatened use of a deadly weapon on June 9, 2018. Rather than cooperate and surrender, Brandon Vieweg forced his mother to flee from police. As the pursuit continued, officers could have reasonably believed that Deborah Vieweg was again being kidnapped, and forced to flee from the police by Brandon Vieweg. When his mother's car was stopped by Officer Lauck at 92<sup>nd</sup> Avenue and Wadsworth Boulevard, Brandon Vieweg aggressively confronted the police. He was armed with a deadly weapon, a knife, and gave every indication to Officer Young that he was not going to surrender peacefully. According to one officer, Officer Young issued a command to Vieweg to drop the knife. Vieweg disregarded the command. Brandon Vieweg instead brandished his weapon in a threatening manner, and was a serious threat to nearby officers and citizens who were in the shopping center parking lot. It is, of course, impossible to know with certainty what Vieweg intended, but all of his actions were consistent with one intending to seriously hurt or kill another person. It is reasonable for Officer Young to assume that had Vieweg not intended to attack an officer or citizen, he would not have brandished a deadly weapon in the manner in which he did.

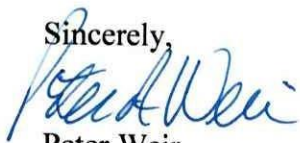
Another possibility exists in this case given the statements that Brandon Vieweg made to others about committing "suicide by cop." It is plausible that Brandon Vieweg brandished the knife to deliberately elicit the exercise of deadly force from one or more of the officers. Of course, there is no reasonable means for any officer, including Officer Young, to discern in a matter of seconds, or fractions of seconds, under circumstances such as these, whether Vieweg was in fact committing "suicide by cop." Importantly, even if Vieweg was committing "suicide by cop," that act would not

abrogate Officer Young's right to self-defense or perform in the manner in which he did under the circumstances. The fact remains that Vieweg was a serious threat throughout this incident, and at no time demonstrated a willingness to peacefully surrender. Officer Young was reasonably in fear for the safety and lives of other officers and citizens.

Furthermore, Officer Young was attempting to effect the arrest of a person, Brandon Vieweg, whom he reasonably believed had committed or attempted to commit a felony involving the use or threatened use of a deadly weapon. Brandon Vieweg was also attempting to escape by the use of a deadly weapon at the time deadly force was used by Officer Young.

I find in the review of this shooting, based upon the facts as determined in the investigation and the applicable law, that the actions taken by Officer Young during this incident meet the legal requirements of the affirmative defenses as contained in §18-1-704 C.R.S and §18-1-707 C.R.S. I am certain there is not a reasonable likelihood that the District Attorney's office could disprove the affirmative defenses available to Officer Young beyond a reasonable doubt. Therefore, I conclude that the conduct by Officer Young did not violate any criminal statutes nor involve criminal conduct.

Sincerely,



Peter Weir  
District Attorney  
First Judicial District Attorney