



**OFFICE OF THE FIRST JUDICIAL
DISTRICT ATTORNEY OF COLORADO
District Attorney Alexis King**

May 23, 2022

Chief of Police Norm Haubert
Westminster Police Department
9110 Yates Street
Westminster, CO 80031

Dear Chief Haubert,

The First Judicial District Critical Incident Response Team has completed its investigation into the fatal shooting of Raul Horacio Caraveo, by Westminster Police Officer Pettee (the “Officer”) on December 5, 2021, just north of Standley Lake High School. Detective Jai Rogers from the Adams County Sheriff’s Office and Detective Garret Dyrud from the Thornton Police Department presented the investigation to my office on February 16, 2022.

After a thorough review and analysis of the evidence, I find that the Officer’s use of deadly physical force was legally justified to defend himself and others from the threat posed by Mr. Caraveo. Given my conclusion, no criminal charges will be filed against the officer. I am issuing this letter to you pursuant to § 20-1-114(1), C.R.S.

The Seventeenth Judicial District Critical Incident Response Team (CIRT) investigates any incident in which a law enforcement officer within the City of Westminster uses deadly force, or attempts to use deadly force, against a person while acting under the color of official law enforcement duties. The CIRT team is comprised of highly trained and skilled investigators and appointed from multiple law enforcement agencies, including my office. This multi-jurisdictional team of objective, dispassionate professionals protect the integrity of the investigation by exercising independent judgment in conducting a thorough investigation. To maintain transparency and reduce conflict of interest, officers from the involved agency do not perform critical duties related to the investigation.



Here, the Westminster Police Department (“WPD”) immediately activated the CIRT team to investigate the use of deadly force by the Officer. Consistent with CIRT policy, WPD did not participate in the substantive portion of the CIRT investigation. The CIRT team promptly responded to investigate, led by Detective Jai Rogers. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. The involved officers provided voluntary statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and included within the file. Detective Jai Rogers from the Adams County Sheriff’s Office and Detective Garret Dyrud from the Thornton Police Department briefed me, my leadership team, community oversight members, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 600 photographs and approximately 275 pages of reports by CIRT agencies throughout the 17th Judicial District. I reviewed the recorded interviews of the officers and witnesses who heard or saw the events, and evidence collected from the scene and evaluated by independent examiners.

As District Attorney, my role is to determine whether the Officer committed a criminal offense. No charges may be legally or ethically brought unless a crime can be proven beyond a reasonable doubt, a standard that applies to officers and civilians alike. Because this shooting was justified under Colorado law, no criminal charges can or should be filed against the Officer.

A person may be held criminally liable under Colorado law only when the evidence proves beyond a reasonable doubt that they committed every element of an offense defined by Colorado statute. When a person intentionally shoots another person, resulting in that person’s death, they commit the crime of murder, unless a legally recognized justification exists. If a justification exists, the shooter is not criminally liable. Generally, acting in self-defense or defense of others is one such justification. These defenses are available to all Coloradoans, including officers. An officer is also specifically authorized to use deadly physical force under certain circumstances.

As relevant here, a peace officer is justified in using deadly force if: 1) the officer has objectively reasonable grounds to believe that the officer or another person is in imminent danger of being killed or suffering serious bodily injury; 2) the officer does in fact believe that the officer or another person is in imminent danger of being killed or suffering serious bodily injury; and 3) the officer has an objectively reasonable belief that a lesser degree of force is inadequate. § 18-1-707(4.5), C.R.S. Acting in self-defense or defense of others is subject to the same analysis. § 18-1-704(1)-(2), C.R.S. By law, in deciding whether the Officer was justified in acting in self-defense or defense of others, it does not matter whether Mr. Caraveo, was actually trying to injure the Officer or another person, so long as a reasonable person, under like conditions and circumstances, would believe that it appeared that deadly physical force was necessary to prevent imminent harm. The facts must be viewed as they appeared to the Officer at the time; future developments are irrelevant to the legal analysis.

Therefore, I must determine whether, at the time the Officer shot Mr. Caraveo, he had objectively reasonable grounds to believe, and did in fact believe, that he or another person was in imminent danger of being killed or suffering great bodily injury, and whether he reasonably believed a lesser degree of force was inadequate. In other words, would a reasonable person, confronted with the

same facts and circumstances, believe that it was necessary to use deadly physical force to defend himself or others from Mr. Caraveo? If so, the shooting is justified under Colorado law, and no criminal charges can or should be filed.

Facts Established by Investigation

On the afternoon of Saturday, December 5, 2021, at 2:31 p.m., Senior Police Officer Pettee responded to the area of Standley Lake High School, to look for a man who had jumped from a moving Land Rover and abandoned the SUV in a ditch on Wadsworth Parkway, just south of 104th Avenue. The man was last seen on foot, moving towards Standley Lake High School. Officer Pettee is a veteran officer with over 29 years of experience. That afternoon Officer Pettee was less than two hours into his shift, dressed in full uniform, wearing a functioning body-worn camera, and driving a fully marked WPD vehicle.

Approximately two blocks west of the abandoned Land Rover, Officer Pettee pulled into the north parking lot of Standley Lake High School. While in the parking lot, Officer Pettee observed a man matching the description of the person seen leaving from the abandoned Land Rover, walking in a drainage ditch overgrown with cattails and brush. The drainage ditch is located between 104th Ave. and Standley Lake High School. Officer Pettee watched the man determine what he was doing. Eventually the man noticed Officer Pettee in the police vehicle, so Officer Pettee approached the drainage ditch. Officer Pettee drove from the parking lot to 104th Avenue and parked his car on 104th Ave., just west of Garrison St. At 2:36 p.m., Officer Pettee turned on the red and blue emergency lights on top of his car and got out.

Officer Pettee immediately began to talk to the man, who was later identified as 49-year-old, Raul Horacio Caraveo. Officer Pettee said, "Get your hands up" and "Come on up here." Mr. Caraveo replied, "Why?" Officer Pettee said, "Get your hands up here." Mr. Caraveo began to back into the waist high cattails, further into the ditch, which concealed his hands. Officer Pettee unholstered his duty gun and pointed it at Mr. Caraveo. Mr. Caraveo ducked down into the cattails, concealing his entire body from Officer Pettee.

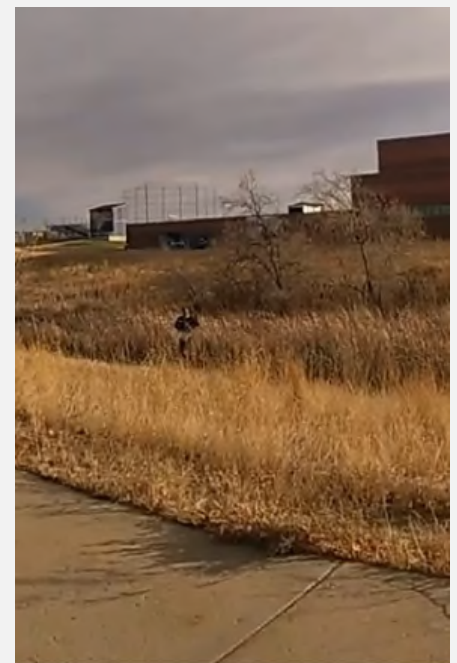
Officer Pettee cautiously walked towards the cattails, about 25 yards away from where he last saw Mr. Caraveo. At 2:37 p.m., Officer Pettee suddenly heard a single gunshot come from the



Land Rover in ditch



Drainage ditch near Standley Lake HS



Mr. Caraveo in drainage ditch

area where he last saw Mr. Caraveo. Officer Pettee did not shoot his gun in response. Officer Pettee was unsure what was happening, and he could not see Mr. Caraveo in the brush. Officer Pettee aired over the police radio, "Shots fired, shots fired." Officer Pettee was standing on the edge of the cattails, his patrol car behind him, leaving him no cover. Officer Pettee retreated to the sidewalk to create distance and gain an elevated vantage point of the ditch.

Mr. Caraveo then began to yell, "I give, I give, I'm givin." Officer Pettee warned Mr. Caraveo and said, "I will shoot you." Mr. Caraveo responded and said, "I give, I give, I give." Officer Pettee told Mr. Caraveo to "Crawl out here." Mr. Caraveo said, "Here's the gun, here's the gun." Mr. Caraveo threw something towards Officer Pettee while saying, "There it is." Officer Pettee aired on the police radio, "The party fired a round, he's now dropped the gun, I got him at gun point."

Officer Pettee stayed on the sidewalk, looking down into the ditch, and continued to watch for Mr. Caraveo who had not responded to his command to crawl out of the cattails. Rather, Officer Pettee saw Mr. Caraveo crawling south in the ditch, away from him. Officer Pettee did not have full vision of Mr. Caraveo but could see dark clothing through the brush as Mr. Caraveo's movement pushed the cattails aside. Officer Pettee yelled, "Stay there man." Suddenly, another gunshot comes from Mr. Caraveo's location. Officer Pettee believed Mr. Caraveo shot at him and returned gunfire.

Officer Pettee again backed up, airing on the police radio the suspect shot at him. Officer Pettee yelled the command, "Let me see your hands." Officer Pettee saw Mr. Caraveo crawling again through the brush. Officer Pettee saw Mr. Caraveo perch himself up on his knees, then Mr. Caraveo pointed a gun directly at Officer Pettee. Officer Pettee shot at Mr. Caraveo. At 2:38 p.m., Mr. Caraveo fell, said he was shot, and that he needed help.

Officer Pettee stayed on the sidewalk and waited for additional officers to arrive. Officers from WPD, Arvada Police Department and Broomfield Police Department responded to the scene. Officers gave verbal commands over a PA system for Mr. Caraveo to surrender. Mr. Caraveo did not respond. An APD K9 unit was deployed into the brush and located Mr. Caraveo. The K9 bit Mr. Caraveo but Mr. Caraveo did not respond. A team of officers with ballistic shields walked into the brush and located Mr. Caraveo. Mr. Caraveo was not breathing and did not have a pulse. Officers immediately began CPR and directed paramedics into the scene. Mr. Caraveo was transported to the hospital and later pronounced deceased.



Mr. Caraveo's magazine with four unfired 380 bullets



Mr. Caraveo's Bryco 38 handgun



Mr. Caraveo's Glock 23 .40mm

The Scene

CIRT detectives and analysts from the 17th Judicial District processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from all witnesses who saw or heard parts of the event.

CIRT investigators went through the area of 104th Ave. and Garrison St. to include in and around the drainage ditch and found an unloaded silver Bryco 38 handgun with no magazine inserted, a magazine with four unfired 380 bullets, an unloaded black Glock 23 .40mm with the slide locked back and an empty magazine inserted, one fired bullet (on the south berm of the ditch), and five .40mm casings. During scene processing, three of Officer Pettee's fired casings were not located. In addition, due to the dense wetlands, the two casings fired by Mr. Caraveo were also not found. The CIRT team utilized digital documentation to memorialize the scene.

At WPD, Officer Pettee was relieved of his firearm, photographed, and processed. During the ammunition count of Officer Pettee's handgun, it was determined he fired eight rounds. Officer Pettee's encounter with Mr. Caraveo was captured on body worn camera. Review of BWC footage confirms Mr. Caraveo fired two gunshots, and Officer Pettee fired eight.

Further investigation revealed the Land Rover was stolen on December 5, 2021, from Pueblo, CO., but the information had not been posted on law enforcement databases. Test firing of Mr. Caraveo's handguns concluded both weapons were operational. However, due to not locating Mr. Caraveo's fired shell casings, it cannot be determined which gun Mr. Caraveo used to fire the first shot.

Analysis

The afternoon of December 5, 2021, Officer Pettee responded to a crashed car on Wadsworth where the driver left on foot towards Standley Lake High School. Officer Pettee wanted to find the driver of the crashed car and eventually found Mr. Caraveo in a drainage ditch, hiding in cattails. When Officer Pettee called for Mr. Caraveo to come out, he did not respond, rather, Mr. Caraveo fired a gun in response and disappeared further into the brush. As Officer Pettee called for Mr. Caraveo to at least show his hands, he threw a gun out of the brush but did not show himself. Mr. Caraveo continued to crawl through the brush and then, Mr. Caraveo fired another round directly at Officer Pettee before dropping back down. Only then did Officer Pettee fire his gun toward the brush where he believed Mr. Caraveo was hiding. After many ignored commands and two gunshots from Mr. Caraveo, Officer Pettee saw Mr. Caraveo perch himself

The Autopsy

An autopsy was conducted on Mr. Caraveo by Forensic Pathologist Dr. Dawn Holmes on December 7, 2022, and attended by CIRT investigators, with results as follows:

1. Single through and through indeterminate range gunshot wound to the right abdomen. The wound course is slightly back to front, right to left, and slightly upward.

A blood sample was forwarded to the NMS labs, which completed a toxicology report. Mr. Caraveo was positive for delta-9 THC, methamphetamine, delta-9 Carboxy THC (metabolite for marijuana), and amphetamine (metabolite for methamphetamine).

Dr. Holmes found the cause of death was gunshot wound and ruled manner of death a homicide.

up on his knees and point a gun directly at Officer Pettee, at which point Officer Pettee fired his weapon again.

Officer Pettee had an objectively reasonable belief that a lesser degree of force was inadequate to resolve the threat posed by Mr. Caraveo, given his willingness to fire a weapon at Officer Pettee, then give up a firearm, only to shoot at him again with another firearm. Because the Officer had objectively reasonable grounds to believe, and did believe, that he was in imminent danger of being killed or suffering serious bodily injury, shooting Mr. Caraveo was legally justified. No lesser use of force could reasonably ameliorate that danger. Moreover, a reasonable person, under like conditions and circumstances, at the time Mr. Caraveo was shot, would believe that it appeared that deadly physical force was necessary to prevent imminent deadly harm to other persons. As there is no evidence proving, beyond a reasonable doubt, that a legally unjustified homicide occurred, no criminal charges can or should be brought against Officer Pettee under Colorado law.

Please do not hesitate to contact me with questions or concerns regarding my determination of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alexis D. King". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Alexis D. King
District Attorney
First Judicial District