



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

January 6, 2023

Chief Ed Brady
Arvada Police Department
8101 Ralston Road
Arvada, Colorado 80002

Dear Chief Brady,

The First Judicial District Critical Incident Response Team has completed its investigation into the fatal shooting of Isiah Proctor by Arvada Police Officers on June 27, 2022, at 7240 West 61st Avenue. This letter will address the actions of the officers who fired their weapons, identified as Officers Matt Raley, Ryan Freeman, Kelley Koch, Jerica Chavez, Dakota Koolmees and Sergeant Ryan Johnson (the Officer's). Wheat Ridge Police Commander Scott Bellomy presented the investigation to the First Judicial District Attorney's Office on September 6, 2022. Additional investigation was conducted by investigators in my office and the file was completed on December 16, 2022, as there were significant delays in obtaining the autopsy report from the Jefferson County Coroner.

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 themselves and others from the threat posed by Isiah Proctor. Given my conclusion, no criminal charges will be filed against the Officers. I am issuing this letter to you pursuant to §20-1-114(1), C.R.S.

As you know, the First Judicial District Critical Incident Response Team (CIRT) investigates any incident in which a law enforcement officer within the First 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. The CIRT team is comprised of highly trained and skilled investigators working under my authority 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 Arvada Police Department ("APD") immediately activated the CIRT team to investigate the use of deadly force by the Officers. Consistent with CIRT policy, APD did not participate in the CIRT investigation. The CIRT team promptly responded to investigate, led by Wheat Ridge Police



Department Commander Scott Bellomy. Under his direction, the CIRT team processed the scene, completed interviews with those who saw or heard the events, and preserved necessary evidence. The Officers provided voluntary statements and submitted to questioning. These interviews were recorded, reviewed as part of the investigation, and included within the file. Commander Bellomy briefed me, my leadership team, and CIRT team members on this investigation and provided the file for my review.

My team reviewed over 1,450 photographs, body worn camera recordings and approximately 535 pages of reports by the Arvada Police Department, Lakewood Police Department, Jefferson County Sheriff's Office, Wheat Ridge Police Department and our other CIRT agencies throughout the First Judicial District. We also reviewed the recorded interviews of the Officers, all 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 Officers 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 Officers.

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. Officers are 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 of receiving serious bodily injury; 2) the officer does in fact believe that the officer or another person is in imminent danger of being killed or of receiving serious bodily injury; and 3) the officer has an objectively reasonable belief that a lesser degree of force is inadequate. *C.R.S. §18-1-707(4.5)*. Acting in self-defense or defense of others is subject to the same analysis. *C.R.S. §18-1-704(1)-(2)*. By law, in deciding whether the Officers were justified in acting in self-defense or defense of others, it does not matter whether Isiah Proctor was actually trying to injure the Officers 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 Officers shot Isiah Proctor, they had objectively reasonable grounds to believe, and did in fact believe, that they or another person were in imminent danger of being killed or suffering great bodily injury, and whether they 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 Isiah Proctor? If so, the shooting is justified under Colorado law and no criminal charges can or should be filed.

Facts Established by Investigation

On Monday, June 27, 2022, shortly after 8:15 p.m. Isiah Proctor parked his Volkswagen sedan in the driveway at 7000 West 61st Avenue. The homeowner watched Mr. Proctor, who she did not know, get out of the car and look over her fence and into her backyard. The homeowner told Mr. Proctor to leave and when he asked to syphon some gas, she told him no. The homeowner's husband came out and told Mr. Proctor to move his vehicle from the driveway. Another neighbor gave Mr. Proctor a gas can and directions to the 7-11 where he could get gas. Mr. Proctor then left, walking west on 61st Avenue with the gas can.

At approximately 8:30 p.m. another neighbor saw Mr. Proctor, walking down his driveway located at 7240 West 61st Avenue. Mr. Proctor said he was trying to get gas and the neighbor directed him toward the 7-11 on Ralston Road.

Shortly after 9:00 p.m. Mr. Proctor walked into the 7-11 located at 7355 Ralston Road. The store's surveillance system showed Mr. Proctor walk in briefly and then leave. Mr. Proctor then walked to the gas pumps and got into a white Ford F-550 with "Redburn Tire Company" decals on it and drove away. The driver of the truck had left the ignition key inside the truck before going into the 7-11. The truck was reported stolen at 9:07 p.m. The driver of the stolen truck contacted his supervisor who was able to provide GPS information on the location of the Ford F-550. The supervisor told APD officers the truck had been stationary for five minutes at 7220 West 61st Avenue. The actual location was later determined to be 7240 West 61st Avenue.

Sergeant Ryan Johnson and Officers Matt Raley, Ryan Freeman, Kelly Koch, Dakota Koolmees and Jerica Chavez responded to the area where the stolen F-550 was reported to be and staged on 61st Avenue near Reed Way. The Officers discussed a response plan and reviewed a map of the area. They were aware that 61st Avenue is a dead end so they decided to leave their patrol vehicles at the staging area and leave an unobstructed exit route should the stolen F-550 attempt to leave the area. Officers then began walking west on 61st Avenue toward 7240 West 61st Avenue.



Sergeant Johnson

Sergeant Johnson is a 16-year veteran of APD working in patrol and has been a firearms instructor for about three years. He has been a sergeant for just over two years. When he and the other Officers were two or three houses from 7240 West 61st Avenue, he saw the F-550 back out of the

driveway and then pull back in. Sergeant Johnson thought the driver, later identified as Mr. Proctor, would get out of the truck and that would give his team an opportunity to contact Mr. Proctor outside of the truck.

Officers moved out of the roadway to the south and continued to approach the truck. Mr. Proctor then started backing up again and other Officers yelled commands, including, “this is the police, stop” and “get out of the vehicle.” Sergeant Johnson described Mr. Proctor gunning the engine and heading straight back toward him and within 5 feet where he was standing. Sergeant Johnson believed Mr. Proctor was going to run him over. Though not seen by his teammates, Sergeant Johnson was able to jump to the north side of the truck on the passenger side to avoid being hit. From his vantage point, Sergeant Johnson believed that other Officers were not able to get out of the way and were run over by Mr. Proctor.

The truck then came to a stop in front of the house, straddling the south side of the street, and Mr. Proctor began revving its engine seemingly to put the truck in drive. Sergeant Johnson saw the only way the truck could move forward was through other Officers so he shot at the passenger side door to stop the truck from going forward and causing serious bodily injury or death to Officers. Sergeant Johnson then had the Officers move to the south of the truck, to the driver’s side, and gave verbal commands to Mr. Proctor but he did not respond. Officers removed Mr. Proctor from the truck and administered first aid until medical arrived.

Officer Raley

Officer Raley joined APD in May 2019 and completed his training in the spring of 2020. As Officer Raley and the other Officers approached the area he saw the F-550 back up from the driveway and then pull back in. Mr. Proctor then turned off the engine and headlights. Officer Raley ran toward the truck to get “eyes on” Mr. Proctor and he and Sergeant Johnson stood behind a tree near the truck. Officer Raley then saw and heard Mr. Proctor then start the truck and rev the engine.

Officer Raley yelled that he was police and told Mr. Proctor to stop but Mr. Proctor began backing the truck up anyway. Officer Raley moved out of the way, but the truck made a hard cut south and seemed to be tracking Officer Raley as it accelerated directly toward him. Officer Raley believed he was going to be run over as the truck came within 5 to 10 feet of hitting him. Officer Raley then saw Sergeant Johnson move between him and the truck and then the truck dipped down twice making Officer Raley believe that it had just run over Sergeant Johnson.

The truck hit a fence and tree but then “jolted” forward while the engine was revving. At this point Officer Raley was in front of the truck on the driver’s side. Believing that Mr. Proctor had just tried to run him over and had actually run over Sergeant Johnson, Officer Raley shot into the front windshield just above the steering wheel in order to stop Mr. Proctor from running over any more Officers. Officer Raley then continued to issue commands to Mr. Proctor until the Officers pulled him out of the truck. Officer Raley administered first aid until he was relieved.

Officer Freeman

Officer Freeman is a 4-year veteran of APD, rifle certified and a Field Training Officer (FTO). He was assigned to train Officer Koch that evening. At the staging area, Officer Freeman deployed his

patrol rifle before the Officers walked to the address where they expected to find the truck. As they approached, Officer Freeman saw a brand-new Ford F-550 back out of the driveway at 7240 West 61st Avenue and then it pulled back in. The Officers were on the south side of the street and just east of the residence when the truck shifted into gear and the engine revved.

Officer Freeman and Officer Koch moved from the road to the yard and Officer Freeman yelled "Arvada Police, stop the truck" about three times. Other Officers were also making verbal commands. Officer Freeman saw the reverse lights come on and the truck started to move and then canted so it was coming straight toward him. The truck came within five feet of Officer Freeman and he believed he and other Officers were going to be hit and run over. As the truck passed him in reverse, he felt a "muzzle blast" across the right side of his face and assumed someone was firing from behind him. He dropped to a prone position and aimed at the driver's side of the truck below the window to avoid hitting any of the houses or Officers on the north side.

Officer Freeman then saw the passenger side of the truck kick up and saw something go under the wheel of the truck. Based on the team's positions, he assumed it was Sergeant Johnson. Officer Freeman wanted to stop the front axle and engine compartment from crushing Sergeant Johnson, so he shot into the driver's side door to stop Mr. Proctor from causing more harm. The truck stopped abruptly and moved slightly forward. Officer Freeman saw Officer Raley covering the truck, so he and Officers Koch and Chavez cleared the southwest portion of the residence.

Officer Koch

Officer Koch was in training at APD and paired with Officer Freeman. She has been POST certified since 2017 with prior law enforcement in the Metro area. Officer Koch and the other Officers began approaching the reported location of the truck. As they got closer, she saw the truck, with a company logo back out of the driveway and then pull back in. The driver's door opened and she could hear "shuffling." Officer Koch saw Sergeant Johnson move toward the truck and Officer Freeman told her to move to the left (south) and watch the front porch area of the residence for threats.

Officer Koch heard verbal commands and turned her attention back to the truck. She heard Officers yelling, "stop the truck, get outta the truck" and "put your hands up." Officer Koch could clearly see Mr. Proctor as he look into his driver's side mirror, "crank" the steering wheel forcing the truck to turn hard and, at the same time, she heard the throttle like it was being pushed down hard. Given the angle of steering wheel, and location of the Officers, Officer Koch believed Mr. Proctor saw the Officers when looking in the driver's side mirror. She and Officer Freeman had been on the rock landscaping in front of the house and along the road but then stepped further into the yard. Mr. Proctor started backing up really fast, presumably flooring the accelerator.

Officer Koch had last seen Sergeant Johnson behind the truck and assumed the truck had run him over and was dragging him because she heard a "thud." Officer Koch was convinced the truck had hit Sergeant Johnson and he was severely hurt or dead. Officer Koch then shot at the driver's window to stop Mr. Proctor from going forward. Officer Freeman stepped into her line of fire, so she moved to her right and saw Mr. Proctor moving around and she was concerned he was trying to get the truck into gear, so she fired two more rounds. Officer Koch believed all the Officers were in imminent threat of death or serious bodily injury.

Officer Chavez

Officer Chavez has been an officer at APD for over five years and is a taser instructor. As she and other Officers were approaching the area, she saw the truck in the driveway at 7240 West 61st Avenue. The truck back-up lights came on and the truck started reversing out of the driveway, so the Officers moved out of the street. The truck then stopped and pulled forward back into the driveway and stopped. Officers started approaching from a diagonal angle. The driver's door started to open and an Officer said, "Please put your hands up." Mr. Proctor immediately put the truck into reverse and Officers split to the north and south side of the street with Officer Chavez going to the south. She thought the truck was going to flee and the Officers' plan was to let it go down the street.

As Mr. Proctor reversed, he was headed at Officer Chavez and the other two Officers on the south side (Freeman and Koch). Officer Chavez observed Mr. Proctor, "very deliberately turn his wheels completely and then floored the gas at us on the south side" traveling "very fast." Officer Chavez ran backwards and feared the truck was going to hit her and was unsure if it had already hit the other two Officers. She believed the only way to stop Mr. Proctor was to shoot.

Officer Chavez began to shoot when the truck was still in motion, and she moved from behind the truck to the driver's side as she fired. She continued to shoot at the driver's door with the intent of hitting the driver's side to avoid crossfire as she didn't know where the other Officers were on the passenger side. She was also concerned that Mr. Proctor would put it drive and pull forward. After the truck stopped, Officer Chavez ran to the house to clear it while other Officers rendered aid to Mr. Proctor.

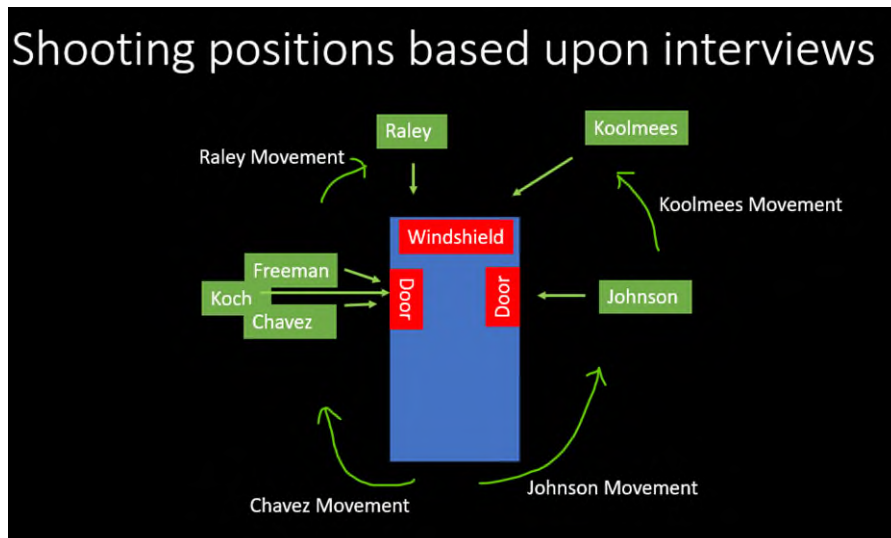
Officer Koolmees

Officer Koolmees is a 6-year veteran of APD, a Field Training Officer and has been a firearms instructor for over a year. Officer Koolmees was wearing a Body Worn Camera (BWC) which was still in the testing phase at APD. After staging at 61st Avenue and Reed Way, Officer Koolmees deployed his rifle and activated his BWC. When they were about one hundred yards away from the reported location of the truck, he observed the truck taillights and headlights come on and the truck backed out of the driveway but then pulled back in. The engine shut off.

The Officers split to the north and south side of the roadway and were positioned so that if the truck pulled out it would have a reasonable path to escape. Officer Koolmees then saw the truck brake and headlights come on and the engine start. Officer Koolmees activated the light on his rifle and saw other Officers do the same. Officer Koolmees made verbal commands and heard Officers saying, "stop the vehicle, get out of the vehicle", and "show us your hands." Mr. Proctor started to back up and then appeared to intentionally swerve toward the Officers' lights on the south side of the street. For Officer Koolmees it appeared intentional because Mr. Proctor had a clear path to go past them. Officer Koolmees described Mr. Proctor as "gunning it backwards." Officer Koolmees said Mr. Proctor would have seen and heard the Officers in his path based on their commands and their lights. Officer Koolmees saw Officers "diving" out of the way of the truck. Sergeant Johnson was to the east of the other Officers and in a "blink of an eye" he was no longer there and the truck was where Sergeant Johnson had just been. The truck bounced up and down and Officer Koolmees

believed he had just watched Sergeant Johnson being killed. He also believed Mr. Proctor was going to kill the other Officers on the south side of the road.

As the truck continued in reverse, Officer Koolmees was on the passenger side and could see Mr. Proctor through the passenger side window. Officer Koolmees then re-positioned himself, so he was closer to the front of the truck but still on the passenger side and about seven to ten yards away. He shot at Mr. Proctor and after his first several shots, Mr. Proctor appeared to duck down while still accelerating in reverse. Officer Koolmees then fired again into the passenger door in order to stop the truck. As soon as the truck stopped, Officer Koolmees stopped firing. Officer Koolmees then moved to the front yard with the other Officers. He gave more verbal commands and then they approached the truck and Officers pulled Mr. Proctor from the driver's seat. They provided medical care until relieved.



Path of the Ford F-550



Based on the statements and corroborating evidence, this represents the path taken by the truck.

The Scene

CIRT detectives processed the scene, coordinated the preservation and analysis of physical evidence, and obtained statements from all community witnesses who saw or heard parts of the event. CIRT investigators interviewed several sight and sound Officers and lay witnesses. The CIRT Team utilized digital documentation to memorialize the scene.

All of the Officers were photographed and relieved of their firearms for processing. During the ammunition count of the Officer's firearms, it was determined that Sergeant Johnson fired nine rounds, Officer Raley fired sixteen rounds, Officer Freeman fired ten rounds, Officer Koch fired four rounds, Officer Chavez fired eleven rounds and Officer Koolmees fired twenty-seven rounds. The firearms were later sent to The Jefferson County Regional Crime Lab and found to be normal functioning firearms.



This FARO scan shows the placards marking each casing and other items of note, found at the scene. Each color represents a different firearm, or Officer. In the foreground, Orange is Johnson and Yellow is Koolmees. The placards on the lawn represent Chavez, Koch, Freeman, and Raley.

Analysis

On the evening of June 27, 2022, all of the Officers responding to the scene were aware that the Ford F-550 had just been stolen from 7-11 and GPS information placed the truck in the area of 7240 West 61st Avenue. The Officers staged approximately 200 yards east of the location and left a clear path for Mr. Proctor to use, should he attempt to flee in the stolen truck.

As documented on Officer Koolmees' BWC, when the Officers were approaching the area, Mr. Proctor backed the truck from the driveway and then pulled back forward into the driveway at 9:28:56 p.m. Officers moved from the roadway to the north and south of the street and continued approaching. At 9:30:04 p.m. Mr. Proctor started the truck and revved the engine. Officers made commands to stop the truck and identified themselves as police, but Mr. Proctor started backing the truck up.

At 9:30:12 p.m. Mr. Proctor made a hard turn out of the driveway and accelerated backwards towards the Officers on the south side of the road, who were near landscaping rocks separating the yard from the road. As the truck continued backing, it bounced up and down and the Officers believed that Sergeant Johnson had been run over.

The truck came to within five feet of Sergeant Johnson who was able to jump out of the way but Sergeant Johnson believed the truck had run over Officers who had been in the path of the truck.

The truck came to a stop with the engine still revving and Officers believed Mr. Proctor was attempting to put the truck in drive and potentially hit Officers in front of the truck. At 9:30:14 p.m. Officers began firing their weapons at Mr. Proctor. The shots ended at 9:30:21 p.m.

Because each of the Officers had objectively reasonable grounds to believe, and did believe, that Mr. Proctor had run over an Officer and that they were in imminent danger of being killed or suffering from serious bodily injury, shooting Mr. Proctor 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. Proctor was shot, would believe that it appeared that deadly physical force was necessary to prevent imminent deadly harm to Officers. 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 Officers Matt Raley, Ryan Freeman, Kelley Koch, Jerica Chavez, Dakota Koolmees and Sergeant Ryan Johnson under Colorado law.

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

Sincerely,



Alexis D. King
District Attorney
First Judicial District

The Autopsy

An autopsy was conducted on Mr. Proctor by Forensic Pathologist Dr. John Carver on June 28, 2022, and attended by CIRT investigators, with results as follows:

1. Gunshot wound from an indeterminate range to the left parietal scalp with a trajectory left to right and slightly front to back and slightly down. A 9 mm bullet was recovered from the right temporal lobe.
2. Gunshot wound from an indeterminate range to the right forehead with a trajectory left to right.
3. Gunshot wound from an indeterminate range to the right lower chest with a downward trajectory, slightly front to back and slightly right to left. A 9 mm bullet was recovered from the pelvis.
4. Cluster of 5 gunshot wounds from an indeterminate range to the left shoulder blade with a trajectory of back to front and slightly left to right.
5. Cluster of 3 gunshot wounds from an indeterminate range to the left buttock with a trajectory back to front and left to right.
6. Superficial wound of right buttock with no trajectory determined.
7. Superficial wound to the left hand between the 4th and 5th fingers.
8. Gunshot wound from an indeterminate range to the right upper arm with a trajectory front to back and slightly right to left.
9. Cluster of 6 gunshot wounds from an indeterminate range to the left thigh with trajectory left to right and back to front.

A blood sample was forwarded to NMS Labs and a toxicology report was completed. Mr. Proctor tested positive for methamphetamine and amphetamine.

Dr. Carver concluded the cause of death was multiple gunshot wounds and ruled the manner of death a homicide.