



OFFICE OF THE DISTRICT ATTORNEY

Jefferson and Gilpin Counties

Alexis D. King, District Attorney

June 18, 2021

Chief Link Strate
Arvada Police Department
8108 Ralston Road
Arvada, Colorado 80002

Re: Lasoro Aguilar, 20-04, multi-agency death investigation

Dear Chief Strate,

I write regarding a multi-agency investigation that began with a 911 call on August 10, 2020, from 6700 Wadsworth Blvd., Apt. 111, in the City of Arvada. This event happened before my administration and upon taking office, I authorized additional investigatory steps, including seeking an opinion from a second medical examiner. The situation presented several issues that were best served by a multi-agency response, and my office and the Lakewood Police Department led the investigation. In preparing this letter, I have reviewed the results of that investigation and information provided by LPD Commander Mark Reeves. After careful consideration of the facts, law, and policy of the First Judicial District, I find that these circumstances fall under our Questionable Death protocol and do not reveal any criminal acts by the Arvada Police Department.

As you know, Colorado Revised Statute 16-2.5-301, Peace Officer-Involved Shooting Investigations - Protocol, requires each law enforcement agency to have protocols for a multi-agency response, "in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death." In the First Judicial District, the multi-agency response team is known as the Critical Incident Response Team (CIRT). By statute, a CIRT response is only required where a firearm is used, but the First Judicial District CIRT protocol provides broader options for independent investigation than those required by statute. A CIRT response is authorized for "critical incidents in which any 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."

Here, no firearm was used, and therefore the multi-agency CIRT response was not required by statute. Additionally, upon review of the facts presented, including multiple eyewitness statements and experts, the officers in this case did not use or attempt to use deadly force so a CIRT response was not required by policy. Therefore, the evaluation of this incident is plainly within the First Judicial District Attorney's Questionable Death Policy, separate and distinct from our CIRT protocol, which applies to situations when there is a fatality, and it is unclear whether a criminal offense occurred.

On August 10, 2020, two APD officers responded to a 911 call from the sister-in-law of Lasoro Aguilar, who reported that Mr. Aguilar seemed high on methamphetamines, was nonsensical, and was engaged in a physical battle with the father of her children in their living room. The 911 operator received the call at 6:14 a.m. APD and the Arvada Fire Protection District - Emergency Medical Services (EMS) responded shortly thereafter. EMS personnel staged until the situation was stabilized by officers from APD.

The first officer found the female caller outside, upset, and still on the line with dispatch. She suggested APD use a taser because of Mr. Aguilar's mental health issues as the family believed he was an untreated schizophrenic. When the first officer entered the dimly lit apartment, he found Mr. Aguilar in a physical fight with his brother. Mr. Aguilar was prone on the floor with his brother on top of him, struggling to shake him off. The first officer, with the brother's help, tried to get control of Mr. Aguilar's arm to handcuff him but was not able to until a second officer had control of Mr. Aguilar's other arm. The brother tried to control Mr. Aguilar's head, and one officer delivered a punch to the lower back to divert Mr. Aguilar's attention while they ultimately handcuffed Mr. Aguilar. Throughout the contact, officers used their hands to control Mr. Aguilar's arms and their knees to try to control Mr. Aguilar's legs. There is no evidence that either officer put their weight on Mr. Aguilar's buttocks, torso, neck, or head.

EMS responded to the apartment from the staging location at the request of APD. EMS decided to inject Mr. Aguilar with Versed after ruling out the use of ketamine, as they lacked sufficient information to administer the latter drug safely. According to EMS, their decision to use Versed was solely within the discretion of the medical service providers. The Versed was delivered inter-muscularly and seemed to take effect surprisingly fast. The administering EMT briefly returned to her truck, but while she was out of the apartment, the officers noticed Mr. Aguilar calm and at one point, were concerned that his breathing stopped. The officers alerted the other EMS worker in the apartment and all agreed to reposition Mr. Aguilar on his back with his head elevated. The change in position resulted in a big breath by Mr. Aguilar and EMS then worked to get Mr. Aguilar out of the apartment, into the ambulance, and over to Lutheran Hospital where he ultimately died.

An autopsy report by Dr. John Carver found a number of contributing factors in the death of Mr. Aguilar, including: methamphetamine intoxication, physical altercation, and subsequent restraint. The physical injuries were consistent with the punching described by Mr. Aguilar's brother during the fight and the single punch delivered by the officer in order to handcuff him. The autopsy did not show any external or internal injuries to Mr. Aguilar's neck and noted that petechial hemorrhages may be due simply to the weight of Mr. Aguilar's brother on his back. There were no other findings indicating pressure on the neck or positional restraint asphyxia.

Given the number of factors at play, my office sought a second opinion from Dr. Dean Havlik to see if a more direct cause of Mr. Aguilar's death could be pinpointed. Dr. Havlik did not find that the restraint by either Mr. Aguilar's brother or the officers contributed to his death. Further, he found the symptoms exhibited after the administration of Versed were likely coincidental rather than a factor because the "main, and possibly only, factor in the death of Mr. Aguilar" was methamphetamine intoxication.

As with all investigations, this is a truth-seeking endeavor and should be held to the highest standard, particularly when a life is lost. Pursuant to our Questionable Death protocol and upon review of the efforts of the multi-agency investigation, I find that the actions of law enforcement in this case did not cause Mr. Aguilar's death and are not criminal conduct. Please contact me with any questions or concerns regarding this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexis D. King", with a long horizontal flourish extending to the right.

Alexis D. King
District Attorney
First Judicial District