



CITY AND COUNTY OF DENVER

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PUBLIC STATEMENT OF THE MANAGER OF SAFETY REGARDING AN OFFICER INVOLVED SHOOTING BY OFFICER DAVID TIMMERMAN RESULTING IN THE DEATH OF ZAK EDWARD ROBERT REEVES ON APRIL 14, 2010

I. OVERVIEW

On April 14, 2010, just before 2:00 a.m., the wife of Zak Edward Robert Reeves (“Reeves”) called the police from her residence at 2707 N. Ulster St. reporting, among other things, that her husband was “delusional” and armed with two knives.

The events leading up to this phone call started the day before. Reeves’ wife, HR,¹ talked to him by phone around 3:00 p.m. on the 13th. At that point Reeves was with his father, RR, and they were on the way to pick up Reeves’ children from school. The children were going to be picked up and returned to Reeves’ house to stay with the nanny while Reeves and his father returned to the office. HR let Reeves know that she was on her way to the office since her father-in-law RR, HR, and Reeves all worked together. When RR and Reeves went to the house, Reeves stayed home and his father returned to the office alone.

When HR arrived at the office, she spoke to RR who questioned whether she had talked to her husband that day because he (Reeves) was acting very odd and thought people were out to get him. When he was later asked how Reeves was behaving at work that day, RR responded, “bad” ... “he was concerned that everybody was after him” and “he started talking nonsensical.” Reeves’ mother had also commented that she was concerned about Reeves’ “erratic behavior.”

After HR arrived home later that day, everything appeared to be back to the normal routine. She and Reeves got the kids ready for bed. Around 9:00 p.m. Reeves and HR were watching TV in bed when Reeves began asking her some “odd questions.” At this point Reeves also began telling his wife that he thought someone was after him. From approximately 10:00 p.m. until 1:30 a.m. Reeves’ behavior became more and more bizarre. He thought people were outside and that someone was out to get him. He would jump out of bed and peer out the windows and tell his wife that people were outside despite the fact that no one was there. HR tried to de-escalate the situation while she took out her cell phone in case she needed to call someone to assist her.

¹ For the purposes of this public statement, civilian witnesses are identified by initials only. The full identities of these witnesses are contained in the Denver Police Department files related to this case.

When Reeves saw the light on the phone, he accused her of trying to “signal” someone. She asked him what he was talking about but he continued to accuse her of signaling someone.

Around this time, Reeves told HR that he was going to “kiss the kids and say goodbye” and began to go upstairs. HR stopped him before he was able to wake up their children.

Reeves then began a pattern of going outside to the porch, coming back inside, lying down, getting up again, and then going back outside. This behavior continued for a while. He stated that he believed that the fire detector in the house was really a camera. HR, getting more concerned, told Reeves that she needed to call 9-1-1. Reeves then announced that he was going to sleep in the living room. HR told him that was fine and she was going to try to get some sleep. Before she could go to sleep, she heard “scuffling” in the kitchen so she turned on the lights. When the lights came on, she found Reeves sitting on a pillow in the living room holding a long kitchen knife in one hand and a meat cleaver in the other. HR asked him what he was doing; Reeves responded that he was “praying.”

At that point HR told Reeves she needed to call 9-1-1 and she followed through on making that call. While she was on the phone with the 9-1-1 call taker, Reeves got up and went out to the porch; he came back inside and stood in the entranceway of the front door. While he was standing there, his wife asked him to put the knives down. He responded with something along the lines of “I’m speaking to the owl.” According to HR, “He started babbling some stuff, something about they’re not taking me alive.”

On this night, Officer David Timmerman was working as a patrol officer in District 2. He received the call to 2707 N. Ulster on “a domestic.” Officer Stacy Schantz, who was also working in District 2, responded to the scene as well when he heard officers dispatched to a “possible domestic” on Ulster Street involving “a party with knives.” In addition to his regulation side arm, Officer Schantz had available to him a 40 mm less lethal² weapon, with which he had been trained and certified.

Because of the nature of the incident, several officers responded to the call. In addition to Officers Timmerman and Schantz, these included Officers R. Hild, W. Murray, C. Wilcox, and Sergeants G. West and J. Mohr. After briefly staging about two blocks away from 2707 N. Ulster to ensure there was a sufficient number of officers and less lethal weapons available, officers approached the residence on foot.

Upon reaching the front of the residence, officers shined a light on Reeves, who was leaning against the front door archway. Officer Timmerman noted that as they were going to the front and coming around the corner, he could see that somebody was in the front door. Around this time the officers also heard from dispatch that “[Reeves] wasn’t going alive or something to that effect.”

² Forty millimeter less lethal is a weapon that fires a projectile designed to assist officers in subduing a suspect without the use of deadly force. This weapon is discussed in more detail on page 26 of this Public Statement.

As they approached, officers observed that Reeves was holding a knife in each hand. They remained in the grassy area in front of the house outside of a short fence and gate at a distance of approximately twenty-five to thirty feet from Reeves. Officer Timmerman began trying to communicate with Reeves saying, "Zak...why don't you put down the knives so we can talk," to which Reeves responded, "No" or "Never." At that point, Reeves began yelling and started running towards the officers. He ran off the porch and through the gate. At this same time, according to HR, she saw Reeves "take off, off the front porch." She was still in the kitchen on the phone with the 9-1-1 call taker when she saw him running frantically and heard him let out an angry scream. She heard several officers yelling, "Zak, Zak, Zak, Zak" and stated that there were other communications that the officers were trying to have with Reeves. She could not tell what was being said but believed the officers were trying to calm him down.

As Reeves charged at the officers with the knives, Officer Schantz prepared his forty millimeter less lethal weapon and fired at Reeves, hitting him in what he believed was the chest. Reeves, undeterred, continued running at the officers. According to the officers, when Reeves was hit with the 40 mm, he appeared to react briefly but did not stop or even slow down.

According to some officers, after being struck, Reeves appeared to fixate on Officer Schantz who began to retreat with other officers while attempting to reload the 40 mm. As officers retreated at various angles and Reeves continued to pursue them, it created a situation which Sergeant West recognized as additionally dangerous to the officers. Realizing that the use of lethal force was likely necessary, Sergeant West yelled to officers to "watch out for crossfire."

As Reeves continued to pursue officers into the adjacent street (Ulster Street), he had run past Officer Timmerman who was still in the grassy area in front of the residence. Timmerman observed Reeves chase officers into the street, causing some officers to "circle back" to the grassy area. Reeves continued to pursue these officers and was now headed back toward officer Timmerman. At one point, as Reeves got closer to Officer Schantz, Timmerman heard Schantz yell, "Shoot him!"

Timmerman realized that deadly force needed to be used but was concerned about hitting other officers, especially since Reeves was running at an angle which made him a difficult target to hit. Timmerman contemplated retreating further but was concerned that Reeves would catch up to him. As Reeves got closer to Timmerman and Schantz, Timmerman yelled for him to stop and drop the knives. When Reeves did not comply, Timmerman fired one shot causing Reeves to fall to the ground.

The officers all stated that upon the one shot being fired, Reeves fell forward releasing the knife in his right hand and falling on top of his left hand, which was still holding the meat cleaver. Technician Wilcox gained control of Reeves' right hand and assisted in gaining control of his left hand. Both the knife and the meat cleaver were removed from Reeves' reach. An ambulance was immediately requested and Reeves was transported to the University of Colorado Hospital. Resuscitation efforts were unsuccessful and he was pronounced deceased at 2:40 a.m. on the morning of April 14, 2010 by Dr. Christopher Hoyte.

After carefully reviewing the entirety of this investigation and all surrounding circumstances, and after considering all applicable law, as well as Denver Police Department policy and training, the Manager of Safety's Office has concluded that the officers involved in this incident used appropriate tactics in confronting Zak Reeves. Additionally, officers reasonably attempted to de-escalate the situation and took reasonable steps under the circumstances to attempt to resolve the confrontation without resorting to the use of deadly force. This Office has also concluded that Officer David Timmerman acted reasonably in his belief that deadly force was necessary to defend himself and his fellow officers against the threat of deadly force by Zak Reeves. Consequently, no disciplinary action against any of the involved officers is warranted.

The purpose of this public statement is to provide a more detailed explanation of the basis of this decision.

II. THE INVESTIGATIVE PROCESS IN THIS CASE

As with all officer-involved shootings, this case was jointly investigated by the Denver Police Department Homicide Unit and the Denver District Attorney's Office. The Office of the Independent Monitor (OIM) was on hand to observe the investigation and provide input, as were members of the Internal Affairs Bureau. Interviews were observed by the OIM, as required by Ordinance and permitted by the protocol of the District Attorney's Office. The criminal investigation was completed and the District Attorney's decision letter was released on April 27, 2010. In the language of the statutory requirements, the District Attorney declined to file charges against Officer Timmerman, concluding:

Officer Timmerman and his fellow officers responded to Mrs. Reeves call to 9-1-1 for assistance in controlling her husband who was exhibiting delusional behavior while armed with a 12" meat cleaver and a 13" knife. The couple's 3 young children were in the residence. As the officers approached the residence to make contact with Reeves, rather than complying with the officers' commands to drop the knives and talk with them, he attacked them with a weapon in each hand. Officer Schantz attempted to neutralize and control Reeves by shooting him with the less lethal Forty (40)mm "sponge" projectile, which had no affect on him. The officers retreated from his armed attack in an effort to create separation from the charging Reeves and avoid having to use deadly force. While doing so, they also needed to contain him and prevent him from re-entering his house or endangering any other residents in the area. Reeves focused on and chased Officer Schantz and other officers east into Ulster Street. As Officer Schantz circled back to the west side of Ulster Street, Reeves was closing distance on him. All of the officers were attempting to maintain a separation from Reeves and in so doing were in cross-fire positions. With Reeves closing to within ten feet, Officer Timmerman fired a single shot that stopped the armed attack.

Reeves' conduct before the officers arrived and during their contact with him suggest an intention on his part to force them to shoot him. Prior to police arrival, Reeves told his wife he was going to "kiss his kids

goodbye.” His wife said he knelt and prayed. And, he told her he would not be taken alive. His actions did not indicate an intent to cause harm to his wife and children. These actions, combined with aggressively attacking six armed Denver police officers, and continuing to assail them after being struck by the Forty (40)mm sponge projectile, suggests a clear intent to force the officers to shoot him. Why he sought this result is left to speculation. Had Reeves simply complied with the officers’ commands to stop and drop the weapons, the confrontation would have ended peacefully at that time.

Based on a review of the totality of facts developed in this investigation, Officer Timmerman was clearly justified in firing the single shot that caused Reeves’ death. Therefore, this is a justifiable homicide. Officer Timmerman is commended for his weapon control in firing a single shot under circumstances of extreme danger to himself and other officers. The facts suggest a clear intent on the part of Officer Timmerman, Officer Schantz and the other officers to attempt to avoid having to use deadly force.

Once the District Attorney’s Office rendered its decision that no criminal laws were violated during this incident, the case was turned over to the Denver Police Department for its consideration of whether any Department policies were violated. This process consisted of a thorough review of the case by the Internal Affairs Bureau, the Use of Force Review Board, and Chief of Police, Gerald Whitman. The various steps in this administrative process were monitored by the Office of the Independent Monitor and ultimately resulted in Chief Whitman’s conclusion that no Department policies were violated. The Independent Monitor also provided input to Chief Whitman.

In order to meet its goal of timely preparation of this public statement, this Office simultaneously began its comprehensive analysis of this case. That analysis and review began with response to the shooting scene and observation of all officer and civilian interviews at the time of the incident. Since that time, this Office has reviewed the entirety of the investigation files prepared by the Homicide Unit and Internal Affairs Bureau, including officer statements, witness statements, diagrams, photographs, videos and physical evidence reports. Additionally, this Office studied the policies in effect on the date of the shooting and is aware of relevant training materials and academy training practices. Consideration was also given to the findings of the Denver District Attorney, as well as to the input, recommendations and conclusions of the Independent Monitor, the Chief of Police, and the Use of Force Review Board.

III. DETAILED FACTUAL BACKGROUND

The following is a detailed recitation of the facts of this case. These facts were drawn from the following: a video interview of the subject officer, David Timmerman; a video interview of the officer who fired the less lethal projectile, Stacy Schantz; video interviews of all officers who witnessed the event; statements of officers who responded after the event; interviews with family members including Zak Reeves’ wife, mother and

father; interviews of neighbors and other civilian witnesses; a study of the crime scene, physical evidence recovered and all scientific testing conducted; a review of 9-1-1 computer aided dispatch records and a recording of the original 9-1-1 emergency call; and a review of other records and reports including the autopsy of Zak Reeves. Relevant portions of these interviews and reports are referenced or quoted throughout this public statement.

Criminal History of Zak Reeves

Although none of the officers who arrived on scene that night recognized Reeves from previous encounters, Reeves did have a criminal history with the Denver Police Department. Reeves' arrest record showed felony arrests for burglary, larceny, trespassing and parole violations. Misdemeanor arrests included criminal mischief, disturbance, assault, flourishing a weapon, and driving under the influence.

Zak Reeves' History of Mental Health Issues and Alcohol and Drug Use

According to Zak Reeves' family, he had a history of mental health issues, including bipolar disorder. His parents readily informed investigating officers that he had been to psychiatrists over the years and that the family had previously tried to get him committed believing he had mental illness. Coincidentally, earlier during the day on April 13, 2010, Reeves' mother tried to convince him to go to an emergency room for an evaluation because he appeared "paranoid" and was saying things like, "the cops are out to get me" and that "everybody is after me" and his "wife is in on it." However, Reeves refused to seek any treatment.

Both of Reeves' parents as well as his wife stated that, in addition to mental illness, Reeves had a long history battling alcoholism; he had been to alcohol rehabilitation several times and had participated in Alcoholics Anonymous. They also informed officers that Reeves had spent time incarcerated for alcohol related offenses. According to his parents, Reeves' drinking problem was "as bad as it gets" indicating that he had once "chugged" an entire bottle of vodka before passing out and that he had been picked up in New Jersey just two months earlier with a blood alcohol level of .68.³ From available information, it appears that Reeves had not been drinking on the night of the incident, but he likely had been drinking a day or two prior. According to his wife, Reeves had been drinking the day before and was also on antabuse for his alcohol issues.

When questioned about Reeves' use of drugs, Reeves' wife told investigators that Reeves did not use "drugs" but that he smoked marijuana "to keep him away from the booze."

³ The information was not verified but if factual, would indicate an extreme level of alcohol consumption equivalent to eight (8) times the intoxication level required for "driving under the influence."

Investigators also questioned Reeves' wife about "any suicidal type thoughts." She responded:

I've heard it when I'm working with him – like when he's trying – when he's been really down in the dumps of the alcoholism, he said, you know 'I just want to – I just want to kill myself. This sucks.' But I never took it real literally because he struggled so, so badly with alcohol. I mean it looked like even to the physical effects where it would physically hurt him if he wasn't drinking. But has he ever had like a knife or threatened to kill himself because of other issues? No, not that I'm aware of.

The Events of April 13th and 14th, 2010

On April 13th, Reeves' wife, HR, had just finished completing jury duty when she called her husband around 3:00 p.m. At that point in the day Reeves was with his father, RR, and they were on the way to pick up the Reeves children at school and return them to Reeves house to stay with the nanny while Reeves and his father returned to their office. HR let him know that she was on her way to the office since her father-in-law RR, HR, and Reeves all worked together. When RR and Reeves arrived at the house, Reeves decided that he was going to stay home, so his father returned to the office alone.

When HR arrived at the office, she spoke to RR who questioned whether she had talked to her husband because he (Reeves) was acting "a little funny," "really erratic" and "nonsensical," and thought someone "was after him" or "out to get him." When he was later asked by investigators how Reeves was behaving at work that day, RR responded "bad" ... "he was concerned that everybody was after him" ... "he started talking nonsensical."

After getting home from work that evening, HR thought that things with her husband appeared back to normal. The two of them got the kids ready for bed. Around 9:00 p.m. HR and Reeves were watching TV in bed with their youngest child when, according to HR, "slowly some weird questions started coming out." Reeves began telling his wife that he thought someone was after him. From approximately 10:00 p.m. until 1:30 a.m. Reeves' behavior became more and more bizarre. He thought people were outside, and that someone was out to get him. He would jump out of bed and peer out the windows and state people were outside despite the fact that no one was there. HR tried to de-escalate the situation while she took out her cell phone in case she might need to call someone to assist her. When Reeves saw the light on the phone he accused her of trying to "signal" someone. She asked him what he was talking about, but he didn't answer; instead he continued to accuse her of signaling someone. Reeves requested that his wife come look out the window to see two people "drilling in between the houses, trying to drill into the basement." HR looked out the window and there was no one there.

Around this time, Reeves told HR that he was going to "kiss the kids and say goodbye" and began to go upstairs. HR stopped him before he could wake up the children.

Reeves then began a pattern of going outside to the porch, coming back inside, lying down and then going back outside. This pattern continued for a while. He stated that he believed the fire detector in the house was really a camera. HR, getting more concerned, told Reeves that she needed to call 9-1-1. Reeves then suddenly announced that he was going to sleep in the living room. HR told him that was fine and she was going to try to get some sleep and went back towards the bedroom. HR heard "scuffling" in the kitchen so she went into the kitchen and turned on the lights. With the lights on, she saw Reeves sitting on a pillow on his knees in the living room holding two knives. She stated that he was sitting there "and he's sweating, and he's red, and his eyes are big, and he's just looking at me." HR asked him what he was doing; Reeves responded that he was "praying."

At that point HR told Reeves that the situation had escalated to become dangerous and she needed to call 9-1-1. Initially Reeves had no reaction to his wife stating she was going to call for help; he just maintained a "blank stare." However, while she was on the phone with the 9-1-1 call taker, Reeves got up and put on a green sweatshirt and went out to the porch. He came back inside and then stood in the entranceway of the front door. While he was standing there she asked him to put the knives down. He responded with something along the lines of, "I'm speaking to the owl." According to HR, "he started babbling some stuff; something about they're not taking me alive."

The officers began to arrive. On this night, Officer David Timmerman was working as a patrol officer in District 2, driving car 232 which is a marked DPD vehicle, meaning it is equipped with overhead lights, sirens, and a DPD badge logo on the doors. He was also dressed in regulation DPD attire including a jacket with the word "Police" on the back. He was called to 2707 N. Ulster Street on a "domestic." Officer Stacy Schantz, who was working in District 2, was also wearing a regulation police uniform. He was on another call at the time he heard officers dispatched to a "possible domestic" on Ulster Street with "a party with knives."

Because of the nature of the incident, several officers responded to the call. In addition to Officers Timmerman and Schantz, these included Officers R. Hild, W. Murray, C. Wilcox, and Sergeants G. West and J. Mohr. There was a request by officers to make sure someone who had a less lethal weapon also respond to the scene. According to Officer Timmerman, who is C.I.T. trained:⁴

So, then there were four of us and I know Wilcox, who was one of the initial cars, two-thirty, two twenty-three, got dispatched ... because the guy with the knives and everything, he requested that two twenty-one respond, because he had a forty millimeter less lethal.

The responding officers were instructed by Sergeant West to meet with him near 26th and Tamarac before proceeding to the residence. According to Officer Timmerman:

⁴ C.I.T. (Crisis Intervention Team) officers are trained to respond and assist on calls of this nature. They are specifically trained to recognize persons in mental or emotional distress and in methods to "de-escalate" potentially violent or dangerous situations.

When I met up with him [a reference to Sergeant West] ... he asked how, what kind of less lethal stuff we had. I told him ... after less lethal was asked for, another Officer, two thirty-three, Schantz ... he said he was coming over. So, I told the Sergeant that we had him with forty millimeter. ... So, we, we found we had, you know, we had less lethal, we had enough guys at that point. There were probably like five or six of us at that point.

Under the direction of Sergeant West, the responding officers parked their vehicles near 28th and Ulster so that their approach to the residence would go undetected. They then proceeded to approach the residence on foot from the rear. According to Officer Timmerman:

As we were going to the front, as I was coming around the corner, I could see that somebody was in the front door and dispatch told us a couple of times that he was still in the front door ... it was in very close sequence, I'm not sure if it was said over the radio first or if it was said when I contacted him that *he wasn't going alive or something to that effect. I don't remember the exact quote, but...he wasn't going to go alive.* So, I don't remember the exact words that were said, but it was something along the lines, I said, you know, 'Zak, you know what, why don't you put down the knives so we can talk,' because I saw he had two knives in his hands ... And I don't remember if he said, 'No' or 'Never'... he gave some kind of negative response ... (Emphasis added)

According to Officer Schantz, who is also C.I.T. trained, upon approaching the house:

... I want to say it was West, that posted either himself or Sergeant Mohr on the back with another Officer to kind of watch the back for us. And then myself, along with other Officers, approached the front. As we approached the front, start coming around the corner, started hearing more and more kind of arguing or confrontation as we kind of curve around the corner to see, actually get a visual in front of the location, observed a, you know, a White male that kind of matches, that matched the description of the party that was there, uh, holding two knives in the middle, in the center of the doorway; the front entrance.

Officer Timmerman went on to state:

... you know, I asked him, you know, 'Zak, drop the knives. Why don't we have a talk' and immediately he said something; 'No' or whatever he said and he started to just yelling and running towards us and *from my C.I.T. training, from my Police Academy training, from any training, it just didn't seem like a normal situation and I definitely felt that he was not in his normal state of mind ...* it came over the radio that he made a statement how he wasn't coming, going alive and anything like that and that's just not something a normal person in their normal state of mind would say ... (Emphasis added)

At that point, according to HR, she saw Reeves “takeoff, off the front porch.” She stated that she was still in the kitchen on the phone with the call taker, when she saw him “running frantically” and heard him let out an “angry scream.” She heard several officers yelling “Zak, Zak, Zak, Zak” and stated that there was other communication that the officers were trying to have with Reeves but she could not tell what was being said; but it sounded like the officers were trying to “detain him and calm him down.”

Officer Schantz stated: “... upon seeing him myself, along, I believe with one or two other Officers, started to addressing him and telling him, you know, ‘Denver Police. Put the knives down. Put the knives down.’”

As Officers Timmerman and Schantz attempted to engage Reeves, they were standing in a grassy area in front of the residence near a small tree. They were also outside of a three foot high gated white picket fence which runs along the front of the house. Reeves was standing at the top of the porch in the front doorway clutching the knives. At that time Schantz was about 25 to 30 feet away from Reeves.

According to Schantz:

At that point, he leaves from his location. I kind of go back to concealment a little bit, towards a tree and pull out the forty millimeter and at this time, I feel is necessary to discharge a round, as he’s jumping off the patio towards the Officers with knives in his hand, kind of in a striking, you know, aggravated aggression towards Police Officers. So, I choose to fire a round and I believe I do I hit him once in the chest ... the round basically bounces off; it doesn’t stop him, slow him down, or do anything. There was kind of, you know, I believe kind of took everybody off guard. I think everybody was kind of expecting the forty millimeter to do something or at least kind of slow him down to set everybody else up. Um, it didn’t stop him at all, slow him down at all. He continued towards, uh, my direction.

As Reeves continued to move quickly toward the officers, still holding the knives, they begin to retreat in order to distance themselves from Reeves’ attack.

According to Timmerman:

I believe I saw the guy kind of ... make a motion and I don’t know if it was because he was running through the gate ... he just continued running at us. At that point, well, originally I just had my flashlight out, and as soon as I saw that he wasn’t, you know, as soon as he started approaching, I took out my handgun, and, uh, but I still had my flashlight in my hand. Um, he started running at us and Stacy fired at him with his less lethal. It didn’t affect him really at that point. I couldn’t really do anything; he was getting too close to us, so rather than try and do something that would have just been a bad situation, I opted to move out of the way and he ran right past me.

Next, according to Officer Timmerman, Reeves continued running at the officers, screaming unintelligibly.

... I do remember hearing him screaming ... as I said, he was just chasing after Officers and Officers were running. I believe it was Sergeant West ... but somebody yells, 'Watch out for crossfire.' ... I remember seeing a bunch of Officers running and him running towards them. I remember looking, because I didn't, I knew something might have to be done, but I didn't want to hit any other Officers, especially since he was running sideways and things like that; I knew he was a hard target to hit ... I wanted to make sure that there was no one behind him ... because I don't want a guy like that running and me missing him running and hit somebody standing behind him. So, he kind of ran in a circle and then he circled back in towards my direction and at some point when he was running towards me, *I recall someone yelling, 'Shoot him,'* ... (Emphasis added)

This statement is directly supported by the statement given by Officer Schantz who stated:

So, I continue basically running backwards into the roadway ... and, like I said, almost to the point where I'm turning sideways and sprinting away. I'm not running backwards 'cause he's going that fast, I just feel like I just needed to run and, hopefully, my cover Officers will be able to take care of it ... he continued on to the middle of the roadway, almost reached probably the other side of Ulster here, on the east side of it and then make a loop, and then run back towards the park over in this direction ... He continues to follow; he's getting closer, and closer, and closer. As I'm running, you know, I really, I'm getting scared, I'm fear, you know, fearing that this guy's getting really close, *I'm fearing for my life. I'm actually telling other officers, you know, 'Shoot him.'* (Emphasis added)

As Officer Schantz is retreating he is considering trying to reload the 40 mm for another shot. However, he realizes that Reeves is getting too close. Schantz then discards the 40 mm to the ground and attempts to draw his handgun from his holster. As explained by him:

I think it was just kind of first instinct to, just to reload the weapon, and at this point, you know, the forty mills I've done ... you know, I look up and he's probably a good five to seven feet away at this point. I realize that's he's too close to reload my weapon and start kind of retreating backwards in a running manner, 'cause he's running full strength towards me. I start running backwards and ... at this point, you know, fearing that ... I need to go to more options; I need to use ... either lethal option and wanted to transition from my less lethal to the lethal option from my handgun, and retreating backwards at this point. And in doing so, bringing the forty millimeter down, I had it strapped up and it actually blocked my handgun, so I couldn't get it as I was moving backwards ... at one point I finally get

the forty millimeter off and begin to withdraw my firearm and as I'm withdrawing my firearm here, one of the shots go off and I see the suspect go down on the ground.

During the course of Officer Schantz attempting to access his handgun, according to Officer Timmerman, Reeves was getting very close to officers, stating:

And [Reeves] was getting pretty close ... maybe ten, fifteen feet ... He was getting pretty close. I thought about it momentarily in my mind, you know, should I turn and run, but at this point, I mean every Officer was running and scattering. He was just going from one to the next ... it looked like he was going to catch a couple of them and he had two knives in his hands, and the way he was acting, it wasn't good. So, then he was running towards me and I didn't know if I could out run him or not, and even if I did out run him, he would have just went towards another Officer. So at that point, I had my gun out, was pointed at him, I was yelling at him to stop and drop the knives. I recall, I think, a couple times I told him that and he was just coming and wouldn't stop, so I fired one time. As soon as I fired, I remember he went straight down. There was no lag time, as far as I remember anyway. He just went straight down, so I only fired the one time...

While still on the phone, HR heard "popping sounds" and she ran out onto the front porch. HR saw Reeves in a "frontward fetal position" with his head down. She ran back inside to ask the dispatcher if shots had been fired. When questioned by investigators, HR at first estimated the number of "popping sounds" as "two to five" and then stated "two or three maybe."

According to HR, even when drinking, Reeves had never acted like this before, specifically with the knives, and as stated above, both of his parents had commented on his odd behavior earlier in the day. According to Officer Timmerman:

He didn't seem confused in the way of not knowing what was happening, but he did seem out of it in the fact of the way he was acting. He was just acting abnormal. ... He probably had some kind of psychiatric problem going on I would assume, because he just didn't act the way as a normal person would seem, especially the way the call came out ...

According to HR as well as the responding officers, the lighting was not an issue and you could clearly see that the people outside were officers. Additionally, there was nothing indicating that Reeves did not understand English or the commands being given by officers.

Officer Timmerman "told him a couple of times, 'Stop. Drop the knives. Stop'" but he didn't and as he got closer, Timmerman stated, "I just felt there was nothing else I could do. I feared that he'd come at me and hurt me in some serious way. So, I felt there was nothing, no other option, but to fire at him."

Officer Timmerman fired one shot. He stopped firing after the one shot. When questioned, he explained to investigators:

Since he was down on the ground, he wasn't running at us anymore, I didn't feel the need to fire at him any longer ...

And when we're trained, we're trained to fire until the threat has stopped. One shot, he fell. There was no need to fire further. The threat was stopped. There was no need for another shot.

Other DPD Officers Witnessing the Event

Officer Raymond Hild: On the night of the incident, Officer Hild was assigned to District 2. Like the other officers, he was wearing his department regulation uniform. He was working a call with Officer Schantz when they were called out on a "domestic disturbance." Dispatch informed them that the wife of the suspect had stated that there were knives involved. Officer Hild stated "... at one point the dispatcher said that the husband, I believe, was ... delusional or was hearing voices or seeing people or something like that ... it was in that line of effect, that his mental status was ... not normal or something from what the caller was reporting." Officer Hild, along with other officers, was instructed by Sergeant West to meet him at 26th and Tamarac. Upon arrival Officer Timmerman was already there with Sergeant West at the staging location. The officers approached 2707 N. Ulster on foot. As they approached the residence he heard a male yelling something unintelligible. A male (Reeves) emerged from the house. One of the officers shined a light on him and informed him that they were "Denver Police." Officer Hild saw he had a knife and heard one of the officers instructed him to "drop the knife." According to Officer Hild, Reeves responded saying:

... something ... like, 'Fuck you,' or something *and immediately sprinted towards Officer Schantz and Officer Timmerman* in front of that front porch area. (Emphasis added)

Around this time they had also gotten notice from dispatch that either Reeves or HR had reported that Reeves was not going to be taken alive. Officer Hild saw Officer Schantz deploy the 40 millimeter, and made particular note that while the projectile did hit Reeves, it "did not faze him." Officer Hild further went on to state:

I thought he was totally out of his element and he was going to kill all of us – or one of them for sure. He was charging ... he showed no hesitation towards charging them. When he was hit by the 40 mm, he didn't show any – like it affected him one bit and he continued charging at them ... I don't know what distracted him to all of a sudden charge the other officers over here, but I think he would have – if he would have continued towards Schantz and Timmerman, he was in a dead sprint almost.

Reeves continued towards them through the gated area or the front fenced area. Reeves charged towards several officers. Officer Hild stated that "I backed up. I did not have a clean backdrop because of Officer Schantz and Timmerman. He had split us

basically and we had a horrible crossfire in that situation.” Reeves continued to charge towards the officers with the knives. At that point, Officer Timmerman fired at Reeves, who, according to Officer Hild, was approximately 10 feet away.

Sergeant Jurgen Mohr: Sergeant Mohr stated that he has worked detail one on the graveyard shift for approximately 26 years. On the night of the incident, he was at his desk (a reference to the District 2 station) when he heard a call for a “domestic” at 2707 N. Ulster including “the husband has a knife, standing on the porch ...” He got on the air and stated he would cover the call. Sergeant Glenn West requested that they meet at 26th and Tamarac and go from there. He went down to Ulster to 28th where it “T-bones into a park.” Reeves’ house was at the opposite end of the park. Sergeant Mohr got out of his car and joined the other officer walking north up the street.

The officers had at least one 40 mm less lethal weapon in the group. Sergeant West informed them that they needed somebody at the back, so Officer Wilcox went around the back of the Reeves’ home. Officer Mohr went around the front where:

... the guy [Reeves] is standing right smack in the center of the porch ... And one of the officers – I think it was Timmerman – started talking to him saying, ‘Hey’ – you know, and I think his name was Reed and – and just started talking to him saying, ‘What’s going on?’ And – and the guy comes charging off the – the porch. He had a butcher knife in his right hand.

The guy gives like a...‘Ahhhhhh!’... and comes charging down the steps waving his arms ... like making cutting motions like he’s going to cut somebody.

So he’s charging out, and at that point, Schantz has fired his 40 mm, hit him. The guy yelled, you know, like, ‘Ow!’ like this and kind of twisted. And the officers scattered. He starts taking off this way down this way after the officers. And Schantz was ... trying to reload. And he’s got a couple of officers he’s chasing across the street ... The guy runs across the street ... runs all the way to the east side of Ulster. I don’t know if he made it up onto the curb, the grass or the sidewalk ... chased the guys north ...

And he’s got – he’s got two things in his hands. He’s got a butcher knife in his hand and he’s got some kind of sharp object. And he’s ... he’s just flailing his arms ... and he’s yelling and screaming.

And, you know, so everybody’s kind of backing up, staying away ... And I’m waiting for somebody to hit him with another 40 or something, you know, with all this non-lethal bullshit we’ve got, and nothing, you know. This guy is getting really close and, you know, I’m drawing down on the guy. I’m almost up right in his chest. I’m waiting ... And I’m waiting for one of these non-lethal things to go off and the next thing I heard, ‘Kapow!’ one round. Timmerman hit him somewhere in the upper chest.

At that point officers were able to remove the knives Reeves had been holding, which included the meat cleaver. Officers were also able to place Reeves in handcuffs. Sergeant Mohr also attempted to locate the source of Reeves' wound to see if he could offer any medical assistance prior to paramedics arriving on scene.

At the time of the shooting, Sergeant Mohr was approximately 5 to 8 feet away from Reeves. Sergeant Mohr stated that Reeves was approximately 8 to 12 feet away from Officer Timmerman. Sergeant Mohr also stated repeatedly that Reeves was "focused in on Timmerman." He stated that had Officer Timmerman not shot Reeves, he (Sergeant Mohr) would have, stating, "If he was going to get any closer, he was going to cut the shit out of me."

Officer Wilbur Murray: Officer Murray works in District 2 and was working on the night of the incident in his regulation Denver Police uniform. The call he received regarding this incident came out as a "domestic, a party with knives." Under the instruction of Sergeant West, he headed towards the call, meeting the other officers at 26th and Tamarac. He and Technician Wilcox walked up to the house at 2707 N. Ulster. As they were approaching, he could not see Reeves but he could hear him yelling, although he could not understand what he was saying. Next, according to Officer Murray:

Just as we turned the corner, that's when the radio keyed up and said, *'Hey, the guy said he's not going to be taken alive,'* so they kind of – but he turned the corner and the guy – he saw the guy with the knives and asked him to drop them. (Emphasis added)

So we kind of piled out, and the other two – the guy with the 40 [Schantz], he's to the front. He turned the corner, walked up to like right in here and he could see the guy on the front porch, and he asked him to drop the knives, and he didn't drop them, and then he shot him once with the 40.

It [the 40 millimeter] seemed like it didn't do nothing but piss him off.

At that point Reeves began running at the officers. Officer Murray tried to get out of Reeves' path. As he was getting his weapon out he heard a "pop" and Reeves fell to the ground. Officer Murray heard someone ask "Hey, you shot?" and the response, "Yeah, I shot [at Reeves]." According to Officer Murray, Reeves was approximately 10 feet "if not closer" from Officer Timmerman when Timmerman fired his weapon. After Reeves fell to the ground, one of the Sergeants took Officer Timmerman's weapon. At that point Officer Murray went inside to assist with HR who was on her way out of the house. Officer Murray stated that lighting was not an issue in this incident.

Sergeant Glenn West: Sergeant West is C.I.T. trained. Around 1:00 a.m. on the night of the incident Sergeant West was working in District 2, he was wearing a regulation DPD uniform. He received the call from dispatch that there was a "domestic" with the husband acting "very strange" and that he was in the possession of knives. He was the first officer on scene and decided the officers should stage at 26th and Tamarac. He had the officers arriving on scene meet him at that location so that they could arrive at the Reeves house on foot. They had received updated information from dispatch

(coming from HR) that Reeves now had two knives, was standing in the doorway, and thought the police were after him. He approached the house on foot with the officers. He instructed an officer [Wilcox] to stay in the back of the house. As they approached the house he heard Officer Timmerman speaking to Reeves stating, "Zak, Denver Police, we need to talk to you." Immediately after that he saw Reeves on the porch making a "fast walk" towards the steps and "speed walking down the steps." Within 2-3 seconds, Reeves was heading towards the sidewalk. He heard what sounded like several officers tell him to "stop, drop the knives, drop the knives." Reeves took another step when Officer Schantz fired the 40 mm. Although the 40 mm hit him, Reeves he didn't go down or stop. At that point Reeves was approximately 10 feet from the officers. Next, according to Sergeant West, Reeves went into a "dead sprint" and was "running" at Officer Schantz. Sergeant West began yelling "watch the crossfire" since he thought that the officers may shoot as Reeves was charging towards them. Sergeant West was particularly concerned about Officer Schantz because Reeves had come within approximately five feet of him yelling with the knives. He stated "Dave [Timmerman] was the first one to have a shot and I saw him take one shot ... " According to Sergeant West, Officer Timmerman was approximately 20 feet from Reeves when he (Timmerman) fired his weapon. Sergeant West's weapon was also drawn at the time. He told investigators, "Someone was going to have to shoot this guy ...," "... he was still chasing Schantz ... the guy never slowed down, I mean, not one step."

At that point Sergeant West sent Officer Murray into the house to prevent HR from coming outside and seeing her husband.

According to Sergeant West, there was no indication that Reeves was unaware that the men outside were officers.

Technician Christopher Wilcox: Technician Wilcox works in District 2. He was working on the night of the incident, wearing a regulation DPD uniform. According to Technician Wilcox, he "was told that the complainant was acting strange, had knives and was at the entrance of his house." While responding, he requested Car 221 also respond because he was aware that Car 221 had a 40 mm non-lethal launcher. Upon their approach of the house at 2707 N. Ulster, Technician Wilcox heard Sergeant West state that someone needed to be at the back of the house. Technician Wilcox then went to the back of the house to monitor the situation. As they were next to the house, dispatch aired that "this person said he wasn't going to go alive." According to Technician Wilcox:

When I heard the report from the 40 mm, I came back to the sidewalk where I could see up to the front and I saw Officer Schantz running from the house out into the street followed directly by the suspect.

Wilcox further explained to investigators that after he was hit with the 40 mm, Reeves said to Officer Schantz, "Don't do that again." He stated at that point Reeves was only 4 or 5 feet away from Officer Schantz. Technician Wilcox tried to get a line of sight to fire his handgun but was having difficulty doing so. He explained:

I couldn't get a – a safe line of fire. Officer Schantz seemed – no matter what position I was in – was directly on the opposite side of the suspect from me, so I couldn't fire.

... as Officer Schantz was running ... he said, 'Someone shoot him,' because he was in a really bad position. His hands were full with the 40 mm and he couldn't do anything. This guy was right on his heels ... the suspect's behavior was very odd. He seemed almost jovial ... like it was almost funny to him.

Technician Wilcox stated that as he (Wilcox) was moving up to try and head him off, Reeves turned and came back towards the house directly at Officer Timmerman. Officer Timmerman raised his weapon and told him to stop. Reeves did not comply. Officer Timmerman fired one round at Reeves, who immediately fell onto the sidewalk, face down. According to Technician Wilcox, Officer Timmerman was only 5 or 6 feet away from Reeves when he fired his weapon. He also stated that the reason he did not fire his own weapon was that he could not do it safely, but "if he could have fired it safely, he would have." According to Wilcox, lighting in the area was sufficient and there was nothing indicating that Reeves was not aware that they were police officers.

Although there were other officers on scene, Officer Timmerman was the only one that discharged his weapon. When Officer Schantz was asked why he did not shoot he stated: "I was pulling out my firearm as the fire went off ... As I heard the discharge of Officer Timmerman's weapon."

The officers all stated that upon the one shot being fired, Reeves fell forward releasing the knife in his right hand and falling on top of his left hand, which was still holding the meat cleaver. Technician Wilcox gained control of Reeves' right hand and assisted in gaining control of his left hand. The knife and meat cleaver were moved out of Reeves' reach. Technician Wilcox and Officer Schantz immediately called for an ambulance.

Medical Response

In response to the call for medical assistance, Denver Fire Department personnel arrived first, followed shortly by paramedics. Paramedics Nicholas Clayton and Joshua Reeder arrived on scene and found Reeves on the ground without a pulse. Paramedic Reeder stated that he used an EKG and found a heart rhythm. Reeves was transported by ambulance to the University of Colorado Hospital. Resuscitation efforts were unsuccessful and he was pronounced deceased at 2:40 a.m. on the morning of April 14, 2010 by Dr. Christopher Hoyte.

Civilian Witness Statements - Summaries

As previously noted, investigating detectives interviewed Zak Reeves' wife, HR, his father, RR, and his mother, JR. Relevant excerpts from these interviews are noted throughout this public statement.

Responding officers also conducted a neighborhood survey in an attempt to locate any other witnesses.

Among those interviewed were JB, LC, GG, CM, DP, and AR, all of whom reported hearing what was variously described as “a single bang,” a “possible gunshot,” “one loud noise ... like a pallet slamming on the ground,” “a champagne pop” or a “popping sound.” Some reported hearing “screaming” and “yelling” near the time of the “bang.” Additionally, one of the neighbors, BM, reported constant arguing inside the house during the time the Reeves lived there. However, neither BM nor any other neighbor reported any evidence of acts of violence by Zak Reeves. Significantly, although these witnesses did not see the shooting, based upon what they could hear, none of the witness statements conflict with the reports of the involved officers.

Review of Denver 9-1-1 Computer Aided Dispatch (CAD) Records and Recordings

Denver 9-1-1 operates a modern computer aided dispatch system which records and “time-stamps” incoming 9-1-1 calls. The incoming calls are answered by a “call taker” who receives the information and enters it into the computer as he/she is receiving it from the caller. Relevant information is then routed electronically by the call taker to the “dispatcher” who alerts officers by radio of the nature of the call and any other important information as it is being received from the caller. The information being given by the dispatcher to officers in the field is also “time-stamped” and recorded.

In many cases, a review of the original 9-1-1 call and dispatch recordings can provide valuable evidence of the circumstances surrounding a particular event. In this case, these recordings were of significant relevance because the caller (Reeves’ wife, HR) remained on the phone with the call taker throughout the entire incident. The following is a summary of statements made by HR to the call taker. The call began a few seconds prior to 1:46 a.m. and ended at 1:57 a.m.

... My emergency is in my home ... My husband’s been acting delusional – saying things tonight – I just caught him in the room with a bunch of knives – I need some help immediately 2707 N. Ulster Street ... He has the knife in his hand ... He’s been delusional all night ... running around the house saying the cops are coming – there’s people in the house ... he’s been totally nuts ... he’s got a knife in his hand ... He has not hurt himself or me – that’s why I called you guys ... Zak ... Reeves I just want someone to get here so he’s safe ... He’s been totally delusional ... He’s not coming toward me – he’s just sitting there staring at me on the phone ... I’ve got three kids here – I need somebody here now ... I don’t know what to do – he’s so fucking crazy ... I don’t know why he’s behaving like this – I’ve never seen him like this ... He had a drinking problem for a long time but he kind of cleared that up – he’s not drinking tonight ... All of a sudden something snapped ... he’s like sitting around the house like he knows people are here – like somebody’s outside chasing him and the cops are coming and I’m like, “What are you talking about? ... I’ve been trying to get him to go to bed for four hours ... (The

knife is still) in his hands ... I've got kids in the house ... He's standing in the doorway ... in the front door. ... He's never acted like this before ... Apparently he started behaving real weird at the office today – his dad was saying that he was saying like people are after him or something like that – I don't know what the fuck he's talking about ... He doesn't do drugs ... He's on the front porch ... I have like a cutting block in the kitchen and he grabbed like a knife and big butcher knife and I walked into the living room and he is sitting there with both of them and I was like what the fuck are you doing? ... I'm a little bit nervous about going out there ... He hasn't come after me or hurt himself or anything like that – I just caught him sitting in the dark in the living room with the knives – so I immediately picked up the phone and called you guys – and only because he was being so delusional earlier thinking like people were in the house and stuff ... [He's] in the doorway in the front door way ... He's standing in the front door open ... Do people have mental breakdowns and just snap or something like that? ... We don't own any guns – just stupid kitchen knives ... He's never behaved like this before. Never. No.

During the course of the conversation between HR and the call taker, a male voice can be heard to say ... "I'm not going alive." HR then informs the call taker:

He's saying he's not going alive and there's not even officers here yet ... [He's] standing at the front door.

Within 30 seconds (as noted by the times on the recording) of HR telling the call taker "he's not going alive," HR is heard to say "Zak please put the knives down before anybody gets hurt, okay?" This is immediately followed by an unintelligible male voice. HR then immediately acknowledges the arrival of the police. Within a few seconds of the officers' arrival, there is the sound of loud voices and a muffled "pop" more loud voices and a discernible yell of "stop" followed by a louder, sharper "bang." During the course of this activity, HR is heard to speak calmly and then begin to get louder and more excited until finally crying and having difficulty breathing:

... Okay, they got here – Thank you very much ... God ... Oh my God ... Oh my God ... What's he doing? ... What is he doing? ... Oh my God ... Oh my God ... What is that noise? ... a gunshot? ... a gunshot.

Within 42 seconds of remarking about the gunshot, HR acknowledges to the call taker that the police are with her in the house.

It is significant to note that according to the timed recording, only 20 seconds elapsed between the time HR states she is aware of the arrival of the police until she remarks about a gunshot.

Throughout the conversation with the 9-1-1 call taker, HR is able to observe Reeves and speak to him. During this time, she is updating the call taker on what Reeves is saying and doing. Among the statements made by HR to Reeves are:

... Zak put it down – put the knife down, please ... Zak sit in the living room ... Zak do not leave the house. ... Zak, where did you put the knives? I don't want you touching them – stop it Zak ... You're not going to prison Zak – You're just having a mental breakdown and this has to stop. ... Zak, do you still have those knives in your hands? ... Can you please put them away? ... Do you still have the knives in your hands? - Can you put them down? ... Who are you talking to? There is no owl – Zak can you please put the knives down? ... Zak please put the knives down – You're not going anywhere – you haven't broken any law – you are being delusional ... Zak do you still have the knives in your hand – can you please put them down if you do? ... This is ridiculous Zak ... You just need to go in for like some mental evaluation or something.

At this point in the recording, Reeves is heard saying, "I'm not going alive" which HR then reports to the call taker. HR again asks Zak to put the knives down and as the police are arriving, again begs Reeves one final time, "Zak, please put the knives down before anybody gets hurt, okay?"

Also of significance are the recordings detailing the information and updates the dispatcher is giving to the officers who are responding to this call. Among them are:

... Coming in as a domestic ... Husband is not acting right ... He has a knife in his hand ... Name is Zak Reeves ... Making statements that someone is chasing him and police are after him ... Party still has knife ... Standing in doorway now ... Not finding any warrants for him ... There are children in the home – still standing in doorway with knife – at the front door ... Suspect might have two large knives ... Hasn't harmed anyone in house yet ... still being very abnormal.

Just before confronting Reeves, the officers receive this transmission from the dispatcher:

Be advised the male is saying he's not going to go alive – just a heads-up.

Additional Officers Responding After Discharge of the Weapon by Officer Timmerman

In addition to the officers actually involved in or witnesses to the shooting incident, other uniformed members of the Denver Police Department, including supervisory staff, responded to this incident. Among those who provided statements were Officers Jeremy Cain, Jeremy Casias, Jason Jacobs, Robert Medina, Michael Oestmann, Rodney Romero, Richard Shurley, and Trista Turney; Technicians Michael Concepcion, and Ryan Koenigsfeld; Corporals Daniel Andrews, Gilbert Hagan, Darin Lindsay, and Timothy Scudder; Sergeants Richard Coisman, and Stephen Warneke. In general, their duties included securing and protecting the crime scene, conducting a neighborhood survey for additional witnesses, separating and transporting involved officers to Police Headquarters for questioning, securing the involved officer's weapon for testing,

transporting civilian witnesses to Police Headquarters and other responsibilities in accordance with DPD officer-involved shooting protocols. A review of the statements and reports prepared by these officers demonstrated that applicable protocols were properly followed.

In addition, Homicide Bureau and other detectives along with crime laboratory personnel responded to the location of the shooting. In general, these personnel were responsible for documenting the crime scene, photographing, collecting, and preserving physical evidence for further testing, locating and interviewing witnesses, and securing and executing a search warrant for Zak Reeves' residence. Homicide and Crime Lab personnel were also responsible for processing the body of the deceased and documenting the post-mortem examination of the body by the coroner's office. The results of these investigative measures are summarized in section IV below and referenced throughout this public statement, as necessary.

IV. CRIME SCENE INVESTIGATION, POST-MORTEM EXAMINATION, AND LABORATORY TESTING RESULTS

As noted above, personnel from the Denver Police Department Crime Laboratory and Homicide Unit responded to the scene and collected evidence. The scene was taped off, measured, videotaped and photographed. A search warrant was obtained for the search of Reeves' residence.

It is important to note that while the Reeves residence bears the address of 2707 N. Ulster St., it is positioned "east to west" on what is best described as a "corner lot." The front of the house does not face Ulster Street, but instead faces northbound onto an "open space" public area with a playground. The neighborhood is basically "new construction" and contains only a few young "small trunked" trees which contained no foliage because of the time of year. Consequently, these trees provided little or no cover or concealment for the involved officers. It was throughout this open area and the adjacent street (Ulster) that Reeves chased the officers and through which the officers retreated in an attempt to avoid Reeves' attacks.

The residence itself is separated from a walkway and the above described open area by a three foot high, white "picket fence" with a gate which closes off the area leading to the front steps and front porch of the residence.

The following significant items of physical evidence were photographed and later collected from the area:

- a. One 40 mm black and blue projectile located on the walkway near the above described gate.
- b. Bloody clothing and a significant pool of blood on the sidewalk east of the open grassy area indicating where Zak Reeves had fallen after being shot.
- c. One spent 9 mm shell casing located in the open grassy area southwest of but near the location where Reeves fell.

- d. One black handled "kitchen" knife approximately 13.5" long with an 8" blade. It was located in the grassy area northwest of but near the location where Reeves fell after being shot.
- e. One black handled "meat cleaver" approximately 12.5" long with a 7" blade. It was located east of but near the area where Reeves fell.
- f. One 40 mm launcher located in the grassy area approximately 15 – 20 feet north and east of the location where Reeves fell. This denotes the approximate area where Officer Schantz was standing when he discarded the launcher and attempted to draw his handgun as Reeves pursued him.

The following significant items were photographed and recovered from inside the residence:

- a. One marijuana pipe and wooden container containing suspected marijuana residue.
- b. An additional marijuana pipe and tin container with a small amount of suspected marijuana.
- c. One wooden block with thirteen knives and a pair of scissors. Three of the knife slots were empty.
- d. One shoebox containing 9 empty "shooter size" bottles of Smirnoff Vanilla Vodka. (These were photographed but apparently not collected.)

In addition, in accordance with established DPD procedures, the handgun Officer Timmerman fired during the incident was immediately confiscated from him. It was identified as a Glock 17, semi-automatic, 9 mm pistol. The weapon holds 17 rounds in the magazine plus one in the chamber for a total of 18 rounds. Immediately after this incident, Officer Timmerman's weapon was taken to the crime lab for testing.

Post-Mortem Examination

An examination was performed on the body of Zak Reeves on April 14, 2010, by Dr. Michael Burson and Dr. Amy Martin and an autopsy report prepared. Photographs of the deceased and any injuries were taken by Denver Crime Lab personnel.

An examination of the exterior of Reeves' body revealed numerous signs of medical intervention. After cleaning the body, examiners noted the following blunt force injuries:

- a. A laceration over the right eye.
- b. Multiple abrasions and contusions of the face.
- c. Multiple abrasions and contusions of the upper and lower extremities.
- d. Multiple abrasions and lacerations of the penis and left groin.

Additionally, examiners noted a perforating gunshot wound of the chest, intermediate range. The bullet causing the wound entered the upper right chest, traveled right to left, front to back and slightly downward lodging in the tissue over the left shoulder blade. There was no exit wound. In traveling through the body, the bullet perforated and lacerated the right upper lobe of the lung, perforated and fractured the anterior vertebral column, perforated the left upper lobe of the lung, fractured 2 left rear ribs and perforated and fractured the left shoulder blade. A fully copper-jacketed deformed lead bullet was recovered from the tissue over the left shoulder blade and retained for testing by the Crime Lab. Also recovered from the body were blood and urine samples for toxicological screening.

The cause of death was found to be the penetrating gunshot wound to the chest.

The Results of Laboratory Testing

The Glock, model 17, 9 mm recovered from Officer Timmerman was tested and found to be fully functioning. At the time of its recovery, the weapon contained 16 rounds in the magazine and one in the chamber for a total of 17, indicating that only one round had been fired. The one shell casing recovered from the crime scene was microscopically identified as having been fired by Timmerman's weapon. The bullet recovered from Reeves' body could not be positively identified as being fired from Timmerman's gun because it was so badly deformed. However, it was found to be consistent in class characteristics with regard to caliber and rifling.

The 40 mm launcher recovered from the crime scene was tested and found to be properly functioning.

Urine samples recovered from the body of Zak Reeves were found to be positive for cannabinoids indicating the use of marijuana. Blood samples recovered from the body indicated the presence of THC (Tetrahydrocannabinol) the main psychoactive chemical compound in marijuana. Screenings for other illegal drugs and alcohol were negative.

The post-mortem examination of Zak Reeves' chest area failed to reveal any trauma consistent with being struck by a 40 mm projectile. Nevertheless, officers perceived both a physical and audible reaction by Reeves consistent with being struck, although it did not incapacitate him. The medical examiner did, however, discover trauma to the penis and groin consistent with the type of injuries inflicted by the strike of a 40 mm projectile. No other facts or evidence account for the injury to the groin.

V. ANALYSIS

As a general matter, an administrative review analyzing whether an officer-involved shooting was in accordance with Departmental policy focuses on three areas: (1) the reasonableness of the tactics utilized by the officer immediately prior to the shooting; (2) the reasonableness of the officer's assessment of the threat; and (3) the reasonableness of the use of force option selected by the involved officer.

It should be noted that there is a significant difference between the evidentiary standards that were utilized by the District Attorney in his criminal review of this shooting incident and the standards utilized in an administrative review. The criminal review process required a determination of whether, at the moment force was used, there existed proof "beyond a reasonable doubt" that an officer had no legal justification under the applicable criminal statute, C.R.S. § 18-1-707, for the use of physical force and/or deadly physical force under the circumstances presented. That means that Officer Timmerman could not be found criminally liable unless there was proof beyond a reasonable doubt that, at the time he fired his weapon, it was unreasonable for him to believe that Zak Reeves presented a threat of serious bodily injury or death to himself or to a third person.

The administrative review process is much broader in scope and requires a determination regarding whether there exists a "preponderance of evidence" to show that the involved officer violated the Department's Use of Force Policy or any other rules and regulations that were in effect on the date of the shooting.

The Policy encompasses the criminal statute applied by the District Attorney's Office as it relates to the reasonableness of an officer's actions at the moment deadly force is used, but also encompasses other aspects of tactics and training regarding an officer's actions prior to the actual use of force. The Policy indicates that an officer should recognize that the officer's conduct immediately connected to the use of force may be a factor which can influence the level of force necessary in a given situation. It acknowledges that an officer may escalate or de-escalate the use of force as the situation progresses or circumstances change and may use tactical options (such as warnings, verbal persuasion, cover, concealment, barriers, disengagement, repositioning, retreat, containment and others) as a preferable response to a deadly force confrontation, if reasonable under the circumstances.

The Policy also specifically states that an officer is to rely upon his or her training in making the decision as to the level of force to be used. With regard to potential deadly force situations, Denver Police officers are trained in classroom lectures, video based scenarios, and practical exercises to employ certain tactical principles wherever possible or practical. The purpose of these principles is to better ensure the safety of officers and the safety of the public. These include:

1. the use of cover and/or concealment;
2. the use of barriers between the officers and the potential threat;
3. the use of communication among the involved officers, as well as with the potential threat;
4. the use of movement to:
 - a. seek a better tactical position;
 - b. increase the distance between the officers and the threat;
 - c. increase the time the officers have to react to the threat.

As it relates to the sections of the Policy referencing the criminal statute, the Policy expressly incorporates C.R.S. § 18-1-707, which sets forth the legal framework under which a police officer is justified in using deadly physical force. The applicable language states, in part:

A peace officer is justified in using deadly physical force upon another person...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.

In applying that section of the policy, the task in this administrative review is to determine whether the evidence and circumstances of this case make it more likely than not that a police officer would not have been reasonable in believing that Zak Reeves presented a threat of the imminent use of deadly physical force against that officer or a third person.

In addition, as it relates to the provisions of the policy dealing with tactical considerations and de-escalation, the task of this administrative review is to determine whether the evidence presented makes it more likely than not that a police officer would not have been reasonable in employing similar tactics as those used in this case when confronting Zak Reeves.

In making the above determinations, consideration must be given to all the circumstances, including, without limitation, the information that was available to the involved officer(s), as well as any reasonable inferences arising from that information; the observations of the officer(s); the lighting that was present and the visibility at the scene; the distances between the officer and the threat; the logistics at the scene; the timing of the incident; the immediacy of the threat; the nature of other offenses believed to have been committed; the manner in which force was both threatened and used; and the practicality and feasibility of employing other tactical options under the circumstances. It is necessary to gauge the behavior of these officers against what would be expected of an objectively reasonable police officer under similar circumstances.

A. Reasonableness of the Officers' Tactics

This analysis requires consideration of the skills and training available to the involved officers, as well as an assessment of the officers' actions before the use of deadly force. In this case, Officer Timmerman and the other officers went to 2707 N. Ulster Street in response to a call regarding possible domestic violence where the suspect was said to be armed with knives.

Significantly, most of the officers who encountered Zak Reeves were C.I.T. trained. C.I.T. trained officers go through a 40-hour class which emphasizes recognizing mental illness, and employing techniques to de-escalate someone in crisis. These officers gather as much information as possible to understand the situation with which they are confronted and to try to defuse that situation in a safe manner.

Here, the officers attempted to tactically defuse the situation in a number of ways. First, at the direction of Sergeant West, they met briefly at another location. This allowed them the opportunity to ensure that there were sufficient officers and sufficient resources such as less lethal Tasers and the less lethal 40 mm launcher to safely handle the situation. It also allows them to better assess the situation and briefly devise a better tactical plan considering such things as the information known to them at the time, any knowledge of the specific location or area or how to best approach the location to gain a tactical advantage.

At this point, what is known to officers is that the subject's name is Zak Reeves and they have been given a physical description of Reeves and his clothing. They are aware that the call is a "domestic" and understand the potential for violence in these types of calls. Additionally, they know that Reeves has not been "acting right" and has made statements to the effect that someone is chasing him and that the police are after him which have no basis in reality. Significantly, they have been informed by the dispatcher that Reeves is currently standing in the front doorway of 2707 N. Ulster armed with two large knives. Reeves has no outstanding warrants for his arrest and has not yet harmed anyone in the house but is still being very "abnormal."

A number of the officers were armed with less lethal Tasers but Sergeant West wanted to make sure that a 40 mm launcher was available. Officer Schantz did have a launcher and he was trained and certified in its use.

Officer Schantz was aware from his training that the 40 mm launcher is a tactically superior less lethal weapon to the Taser particularly in situations involving edged weapons such as knives because it can be effectively deployed from a far greater distance than a Taser. The launcher fires a sponge-like foam projectile that is approximately 2 ¼ inches long and 1 ½ inches in diameter. It is used with the intent to cause discomfort and non-penetrating blunt trauma sufficient to disorient or incapacitate an individual. When fired, the weapon emits a "dull thud" similar to a muffled gunshot. Department policy limits the use of the launcher to situations where there is at least "active aggression" which is generally defined as a threat or overt act of an assault coupled with the present ability to carry out the threat or assault in situations where an assault or injury to a person is eminent. Officers are also trained that the weapon does have limitations. First, the launcher fires only one projectile at a time and must be reloaded to fire each subsequent time. Secondly, certain individuals because of extreme intoxication, mental illness or extreme focus may not react sufficiently to being struck with the projectile. Because of these limitations, officers are trained to deploy the launcher as part of a team with at least one other officer capable of employing deadly force if the projectile is not effective and the circumstances warrant the use of deadly force.

Seeking yet another tactical advantage, the officers decided to park their vehicles where they would not be visible from 2707 N. Ulster and to approach the residence from the rear on foot. This allowed the officers better use of cover and concealment without having the noise and potentially overwhelming sense of several police officers arriving at once with lights and sirens.

As the officers approached, Officer Wilcox was designated to remain at the rear of the residence in case the suspect attempted to flee in that direction. Significantly, just as the officers reached the front of the house, they were advised by the dispatcher that Reeves had just told his wife that he was "not going alive."

As officers continued to approach, they noticed that the lighting was sufficient but still elected to illuminate the front porch better by the use of a flashlight. At this point, they immediately verified that Reeves was in fact armed with two knives.

In dealing with suspects armed with edged weapons such as knives, officers are trained that the person with the knife can easily and quickly close the distance between them and the officer and can pose a tremendous risk to the safety of the officers and others. Therefore, officers are trained to use any available cover or barriers between them and the suspect, to maintain as safe a distance as possible from the suspect and to be prepared to increase that distance as circumstances change. By increasing that distance, officers not only lessen the threat to themselves but also increase the time they have to consider options to safely deal with the threat to them or others. With those principles in mind, Officers Timmerman and Schantz approached Reeves but remained outside the 3 foot white picket fence which ran in front of the house. They remained a distance of approximately 25 to 30 feet away from Reeves using the fence as a barrier.

Using their C.I.T. training, officers attempted to de-escalate the situation in a manner designed to calm Reeves down. Officer Timmerman addressed Reeves repeatedly by his first name saying that he wanted to talk and attempted to get Reeves to drop the knives. However, Reeves did not comply. Instead, Reeves began making a loud noise and quickly moved toward the officers, appearing to jump from the steps leading up to the porch while holding a large knife in one hand and meat cleaver in the other. Reeves then ran through the gate and charged toward the officers in a very threatening manner. As officers began to back up to increase the distance between Reeves and themselves, Officer Schantz moved slightly toward the only cover available, a small narrow tree with no leaves, and fired the 40 mm launcher directly at Reeves hoping to quickly end the confrontation. Schantz believed he struck Reeves in the chest. Other officers described from their perspective what they believed were the physical and audible reactions of Reeves in being struck. However, all the officers agreed that the 40 mm projectile seemed to have no effect on Reeves. He continued to run toward the officers holding the knives in a threatening manner. Officers began to quickly retreat attempting to avoid Reeves and to increase the distance between them. Reeves continued to pursue the officers in what was described as a full "run." According to Officer Schantz, Reeves appeared to be running directly at him as he retreated as quickly as he could. In doing so, Reeves ran past Officer Timmerman into the adjacent street (Ulster Street) to pursue the retreating officers. All officers now recognized this to be a "deadly force situation" but were warned loudly by Sergeant West to "watch the crossfire" meaning that another officer might be in the line of fire should anyone discharge their weapon. Officers continually yelled for Reeves to stop and drop the knives but he continued in his threatening pursuit. As Officer Schantz and others began to "circle back" from the street toward the grassy area in front of the house, Reeves continued chasing them. Even in the midst of this situation which clearly justified the use of deadly force, Officer

Schantz was attempting to re-load his 40 mm launcher, but as Reeves was drawing closer to him, the threat was so great that he yelled to other officers, "Shoot him!" Schantz was finally able to discard his 40 mm launcher and transition to his handgun when Officer Timmerman fired his weapon ending the threat.

In assessing whether the tactics used by the officers involved in this shooting were reasonable, this Office has considered the totality of the circumstances, including the information available to the officers at the time, the planning and preparation that took place, the manner in which the approach to 2707 N. Ulster was accomplished, the available cover or concealment, the attempted use of the less lethal 40 mm launcher, the various attempts to get Reeves to drop the knives, and the specific actions of all officers when confronted by Reeves.

Throughout this incident the officers chose tactics which were intended to contain and de-escalate the situation, encourage Reeves' compliance and resolve the situation peacefully and without serious injury. However, Reeves did not comply. He would not speak to officers, he would not drop his weapons, and he would not stop running at the officers while brandishing the knives. Zak Reeves' actions eliminated any opportunity for any of the officers on-scene to de-escalate the situation or to employ any other tactic that would lessen the likelihood or necessity for deadly force.

Taking into consideration all of the above, as well as the clear threat of death or serious bodily injury which Zak Reeves posed at the point at which Officer Timmerman fired at him, this Office concludes that appropriate tactics were used and that the involved officers dutifully complied with their training.

B. The Reasonableness of the Assessment of the Threat

This analysis requires consideration of the justification for using force. In evaluating whether an officer's assessment was reasonable, we must examine what he knew at the time he was assessing the threat before him. In this case, as pointed out in the above section, at the time officers arrived at the Reeves home, they knew that Zak Reeves was not acting like himself, that he was armed with two knives, and that someone had informed dispatch that he did not intend to be taken alive.

Officers arrived to find Zak Reeves on the porch, armed with two knives, and non-compliant with officer commands. He did not speak to them, he did not drop his weapons, he did not listen to his wife.

As officers attempted to de-escalate the situation, Reeves "jumped" off of the porch and started running towards Officer Schantz and then Officer Timmerman holding a butcher knife and meat cleaver in a striking position in front of him. The officers could clearly see that Officer Schantz was in very real danger. They knew Reeves was not listening to commands, was armed, and displayed no hesitation about chasing down police officers with his weapons at the ready.

In an attempt to end the confrontation with less lethal force, Officer Schantz fired his 40 mm launcher at Reeves. According to every officer on scene, the 40 mm projectile did nothing to slow Reeves. He did not slow down, he did not drop the knives, he did not stop running towards the officers. Instead, he continued to pursue the officers with the knives while screaming incoherently.

Significantly, Reeves' conduct toward the officers was in marked contrast to his earlier behavior toward his wife. Officers were aware that HR had reported that Reeves had armed himself with two knives while inside the home but had not attempted to harm her or anyone else in the house. Yet as soon as officers attempted to talk to him, Reeves charged wildly at them with the knives and did not stop despite the numerous commands to do so and despite being struck in the groin with a 40 mm projectile. These actions were clearly consistent with his recent statement that "I'm not going alive."

Another factor that must definitely be considered in assessing the threat that Reeves posed is the ferociousness and relentlessness with which he pursued the officers. As officers retreated, Reeves simply would not stop. Based on measurements of the crime scene, it is clear that Reeves chased officers approximately 60 to 70 feet to the east side of Ulster Street and then "circled back" and charged officers an additional 30 to 40 feet, running directly toward Officer Timmerman.

At that point, Reeves was a danger not only to Officer Timmerman, but to all of the officers. Reeves was not going after one particular officer, he was running after any officer that he could. As Officer Timmerman stated:

And he was getting pretty close; I want to say maybe ten, fifteen feet... He was getting pretty close. I thought about it momentarily in my mind, you know, should I turn and run, but at this point, I mean every Officer was running and scattering. He was just going from one to the next... it looked like he was going to catch a couple of them and he had two knives in his hands, and the way he was acting, it wasn't good. So, then he was running towards me and I didn't know if I could out run him or not, and even if I did out run him, he would have just went towards another officer.

At that moment, Officer Timmerman came to the same conclusion that other officers, including Schantz and Mohr, also reached but could not act upon without putting other officers in danger. That conclusion was that Zak Reeves was a deadly threat to Officer Timmerman and the other officers on scene. Several officers stated that the only reason they did not shoot was because they did not have a clear shot. Officer Schantz tried to get his handgun out to shoot but it was blocked by the 40 mm launcher he was carrying. Officer Schantz even yelled for someone to "shoot him [Reeves]" since he truly believed his own life was in danger. The fact that other officers wanted to fire, and would have if they could have done so without putting the safety of other officers at risk, or could have accessed their weapon, supports the determination that the deadliness of the threat posed by Zak Reeves was objectively obvious and that Officer Timmerman's assessment of that threat was reasonable.

Based upon a careful consideration of all the facts of this case, there can be no other reasonable conclusion than that reached by Officer Timmerman – that at the time he used deadly force against Zak Reeves, he (Timmerman) and other officers were in imminent danger of having deadly physical force used against them by Reeves.

C. The Reasonableness of the Use of Force Option

This analysis requires consideration of the justification for the amount of force utilized by Officer Timmerman at the point where he resorted to deadly physical force in firing his weapon at Zak Reeves. As stated earlier, the language of C.R.S. § 18-1-707, which defines the circumstances under which a police officer may use deadly force, is incorporated into the Denver Police Department's Use of Force policy. The section reads, in pertinent part:

A peace officer is justified in using deadly physical force upon another person ... 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.

The Department's Use of Force Policy focuses on the "objective reasonableness" of a police officer's decision to use deadly physical force under the "totality of circumstances" present at that time. The officer is required to rely on his training, experience and assessment of the situation in deciding the level of force to be employed, and to exercise reasonable and sound judgment. The Policy recognizes that police officers often face circumstances that are "tense, uncertain and rapidly evolving," requiring them to make split-second life or death decisions. In such circumstances, a higher level of force may be deemed reasonable than would be the case if the officer had minutes or hours to make that choice. The policy also provides that the greater the level of threat facing the officer, the greater the level of force that may be used by the officer.

It is important to point out that under the Department's Use of Force Policy, as well as the criminal statutes governing the use of force, an officer is not deemed to have used excessive force simply because it is later determined that the officer was mistaken in his belief that a subject posed an imminent threat of death or serious bodily injury. An officer need only base a decision to use deadly force on an "apparent necessity," not an "actual necessity." Similarly, an officer is not required or expected to wait until he is fired upon, or has a weapon pointed directly at him, in order to use deadly physical force. Such a policy or practice would subject an officer to the grave danger of being injured or killed and would be highly impractical. Thus, an officer is entitled to act on appearances. However, in doing so, it is the officer's responsibility to draw reasonable conclusions from the facts and surrounding circumstances.

The facts discussed above are significant in determining whether the degree of force which Officer Timmerman used against Zak Reeves was reasonable and justified. At the point when Officer Timmerman fired his weapon, the actions of Reeves had created a situation in which the officer reasonably believed that deadly physical force was imminent and that his life and the lives of other officers were in danger.

Zak Reeves had clearly shown all of the responding officers that he was willing to chase down officers and that less lethal attempts to stop him would not work. The fact that Reeves was holding a large butcher knife and a large meat cleaver instead of a gun does not necessarily change the perception or the response of the officer. Colorado Revised Statute 18-1-901 defines a deadly weapon as “any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury: (I) A firearm, whether loaded or unloaded; (II) A knife ...”

In this case it is clear that Zak Reeves, at a minimum, wanted officers to believe the butcher knife and meat cleaver he carried were intended to cause them serious bodily injury. Even as officers retreated, Reeves relentlessly pursued them for distances as much as 70 feet in one direction and as far as 40 feet in another direction. During this attack, Reeves at times gets as close as five feet from officers. It is also significant to note how quickly this event unfolds. Reeves is described as “running” and screaming hysterically at the officers giving them little or no time to consider options other than deadly force once the 40 mm does not stop him. When Reeves gets past the fence in front of the house, there were no barriers that might have slowed down his advances. From the moment Reeves ran from the porch to the time he was struck by Timmerman’s bullet, only 25 to 30 seconds had elapsed.

Even in the last seconds, Officer Timmerman instructed Reeves to stop, stating:

So at that point, I had my gun out, was pointed at him, *I was yelling at him to stop and drop the knives*. I recall, I think, a couple times I told him that and he was just coming and wouldn’t stop, so I fired one time. As soon as I fired, I remember he went straight down. (Emphasis added)

As Timmerman further explained:

... I just felt there was nothing else I could do. I feared that he’d come at me and hurt me some serious way so, I felt there was nothing, no other option but to fire at him.

Although it may have been the product of delusional thinking, the decision to turn this into a deadly force situation was made entirely by Zak Reeves when he ignored officers’ commands to “drop the knives” and “stop,” and instead continued to charge towards them, a large knife in each hand. In reviewing the statements by the officers, they repeatedly state that the reason Officer Timmerman took the shot and they did not was simply because Officer Timmerman could do it in a way not to endanger those that may be on the other side of Reeves. Not one officer stated they didn’t shoot because it wasn’t necessary. To the contrary, Sergeant Mohr stated outright, “Yeah, look, ... the only thing that comes to my mind is I should have shot sooner – I should have shot –... Because he was that close... and, you know, I mean I was ready to, you know, squeeze the trigger and – you know, and Timmerman just beat me to it.”

No doubt, it may be argued by some that Officer Timmerman did have another option rather than resorting to the use of deadly force. Why not use his Taser? Officer Timmerman was, in fact, asked by investigators whether he had considered using his Taser. He responded, in part:

... So, at that point, him running around the way he was, you know, I was scared he'd catch one of them or catch me and because of the way the forty millimeter worked, which is supposed to work a lot better than a Taser and it didn't even affect him, I didn't feel safe that that would be a good option ... it was on my mind, but I wasn't about to, in that situation, put away my handgun and hope that a Taser worked.

It is the opinion of this Office that given Zak Reeves' statements and actions, his repeated refusal to drop his weapons, his "refusal" to succumb to less lethal force and the ferocious and relentless manner in which he pursued officers, it would be unreasonable to expect that any reasonable police officer under these circumstances should have attempted to use a Taser rather than employ deadly force to stop the tremendous threat posed by Reeves. No lesser degree of force should have been required or expected of this officer.

These facts and the circumstances surrounding this event lead to the conclusion that the belief of Officer Timmerman that he and other officers were in imminent danger from deadly physical force was objectively reasonable. Additionally, these facts and the circumstances surrounding this event lead to the conclusion that the belief of Officer Timmerman that he needed to use deadly force in response was also objectively reasonable.

D. Summary of Findings

It is the finding of this Office that the actions of Officer Timmerman in firing on Zak Reeves April 14, 2010 were reasonable and necessary to defend against the active and imminent threat which Reeves posed. The officer's actions were direct and appropriate responses to what he reasonably believed to be the imminent use of deadly physical force against himself and other officers. Given these circumstances, this Office concludes that Officer Timmerman's actions were in compliance with the provisions of the Denver Police Department Use of Force Policy.

VI. CONCLUSION

In closing, this Office wants to assure the public and the members of this Department that it has carefully reviewed and analyzed this case. The conclusions reached here are consistent with those of the District Attorney's Office, the Chief of Police and the Independent Monitor. These consistent determinations result from no other reason than that they are dictated by the facts.

This Office is well aware of the dissatisfaction and frustration of some citizens when it is perceived that the very officers who are called to help a citizen in crisis become the officers who use deadly force against that citizen. We all, citizens and officers alike, can agree that such results, are indeed tragic. Yet in many instances, as in this case, such a result is dictated by the actions of the person against whom the force was used.

This Office is aware that in the preceding seven years, the Denver Police Department has greatly increased the number of officers who are C.I.T. trained in methods of de-escalating citizens in personal crisis. The Department has also increased the number of

officers who have access to and are trained in the use of less lethal weapons. Tactical training has also been increased to emphasize methods of reducing the likelihood of the need for deadly force. Indeed, there have been a great number of situations where subjects have been armed with weapons that have been successfully resolved without the use of deadly force. Unfortunately, the unique circumstances of each particular incident will often influence the final outcome.

In this case, officers arriving on-scene tried to de-escalate the situation. They tried to talk to Reeves. They used a 40 mm less lethal projectile to try and stop him. Despite all of these efforts, Reeves continued to escalate the situation. He chased down multiple officers, waving a butcher knife and meat cleaver at the officers while screaming unintelligibly. Throughout this deadly encounter, the actions taken and tactics used by Officer Timmerman and the other responding officers were those which they reasonably believed were necessary to protect themselves and others.

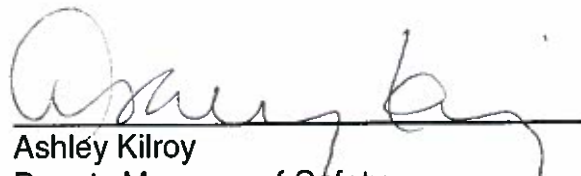
It may well be that none of those involved in this tragic incident will ever fully understand what motivated Zak Reeves' bizarre behavior on April 14, 2010. Even after interviewing Reeves' family, his behavior on that day is no less confounding. Reeves clearly had an issue with alcohol abuse; he had been battling this addiction for years. His own father stated that Reeves' alcohol abuse was "as bad as it gets." From these interviews, however, it appears that Reeves was attempting to decrease his drinking, or possibly even stop altogether. Although his wife stated that he had been drinking in the days leading up to this incident, toxicological screening was negative for the presence of alcohol. There was THC (marijuana) discovered in his system and the effects this had on him that night cannot be known. Toxicological screening for other illegal drugs was negative. It is simply impossible to determine what caused Reeves to behave in the manner he did on that night. However, it appears clear that Reeves' statement to his wife was true – he never intended to be taken alive by the police that night. Although the intent to commit "suicide by cop" can never be known with certainty, at every juncture leading up to the fatal confrontation, Reeves ensured that the C.I.T. officers trained to help him had no reasonable choice other than to react as they did.

Perhaps the tragedy of this event is best summed up by the hysterical words of Zak Reeves' wife as she watched in disbelief as her husband ran screaming from her front door towards responding officers with a knife in each hand:

... Oh my God! ... Oh my God! ... What is he doing? ... What is he doing?


Mary Malatesta
Manager of Safety

10/14/10
Date


Ashley Kilroy
Deputy Manager of Safety

10-14-10
Date