

DISTRICT COURT, WELD COUNTY, COLORADO 901 9 th Avenue Greeley, Colorado 80631 (970) 475-2400	DATE FILED: May 3, 2019 CASE NUMBER: 2019CR1085 <p style="text-align: center;">▲ Court Use Only ▲</p>
<p style="text-align: center;">IN RE: 2019-2020 WELD COUNTY GRAND JURY, INVESTIGATION INTO THE OFFICER INVOLVED SHOOTING OCCURRING JANUARY 16, 2019</p>	
Michael J. Rourke, Atty. Reg. No. 28812 District Attorney, 19th Judicial District P.O. Box 1167 Greeley, Colorado 80632 Phone: (970) 356-4010 FAX: (970) 352-8023	Case No. 19CR1085 Division 1
GRAND JURY REPORT	

SCOPE OF THE INVESTIGATION

On January 16, 2019 Caroline Persichetti discharged her firearm while on duty as a peace officer for the city of LaSalle, Colorado, causing the death of Jesse Jenson, an off-duty Adams County Deputy. Because of the unique facts and circumstances surrounding the shooting the Grand Jury was requested to conduct an investigation to determine if criminal charges should be filed. The Grand Jury issued a No True Bill and found that it is in the public interest to release this report as it involves a local police officer discharging her firearm causing the death of another person.

INVESTIGATIVE SUMMARY

On January 16, 2019 a high-speed chase involving multiple law enforcement agencies occurring on Highway 85 in Weld County, Colorado. The chase involved a silver Jeep Patriot, and at some point, near the Town of Fort Lupton, it is believed Jesse Jenson became involved in the chase, driving a green Toyota 4Runner. Fort Lupton and Platteville police had ended their pursuit prior to the Jeep and 4Runner entering the town of LaSalle. In LaSalle, Officer Persichetti became engaged in the pursuit on the south end of town. Officer Miller, also a LaSalle police officer deployed stop sticks on the Jeep on the north side of the town, just south of the Platte River bridge. The stop sticks caused the Jeep to slow down and Officer Persichetti caught up with the 4Runner at the stop light at 42nd Street and Highway 85. At that point, she attempted to contact him and ultimately he aggressively exited his car and approached her without obeying her commands and she discharged her weapon, striking Jenson on the left temporal scalp, causing his death.

GRAND JURY INVESTIGATION

OFFICER PERSICHETTI'S TESTIMONY

Officer Persichetti testified before the Grand Jury. Officer Persichetti described hearing the radio transmissions from the Fort Lupton Police Department pursuit of the Jeep Patriot, to include the vehicle driving in a reckless manner and forcing vehicles off the road. Officer Persichetti also recalled radio transmissions, that another vehicle was following the pursuit, and a need for additional officers, and finally when the pursuit was terminated that a green colored, Toyota 4-Runner was chasing the Jeep Patriot.

Officer Persichetti positioned herself on the south side of LaSalle and observed both vehicles enter the town of LaSalle. Officer Persichetti estimated the vehicle speeds in excess of 90 miles per hour and estimated there was approximately one vehicle distance between the Jeep Patriot and Toyota 4-Runner when the vehicles passed her position. Once the vehicles passed, Officer Persichetti activated her emergency lights and siren in attempt to stop the vehicles. When the vehicles reached the Platte River Bridge, the Jeep Patriot struck stop sticks deployed by the LaSalle Police Officer David Miller. As the vehicles continued over the Platte River Bridge, the green 4Runner pulled alongside the Jeep Patriot, swerving at the Jeep, forcing it onto the shoulder. The actions made Officer Persichetti believe the occupants of the Jeep Patriot were victims of the aggressive driving.

The Jeep Patriot accelerated continuing north on US 85. The Toyota 4Runner came to a stop at the intersection of US 85 and 42nd Street. The sole occupant and driver, Jesse Jenson, exited the vehicle abruptly. Jesse Jenson ignored commands yelled by Officer Persichetti to stop and get on the ground. Jesse Jenson continued his advance toward Officer Persichetti in a manner in which his left hand was not visible. Jesse Jenson continued to advance, until Officer Persichetti fired her weapon and struck him. She described fearing for her life as he aggressively approached her. It was later found that Jesse Jenson was unarmed.

LEAD INVESTIGATOR'S TESTIMONY

The lead investigator testified before the grand jury. He provided evidence that corroborated the chase through dispatch recordings and statements of other witnesses. The initial interview of Officer Persichetti was introduced through his testimony and contained much of what she testified about, with less detail as to what she intended to arrest Jenson for among other things. He also provided information from eye witnesses who described Jenson approaching Officer Persichetti in an aggressive manner.

The stop and some of the actions of Jesse Jenson were recorded on surveillance cameras of a nearby business. The footage, and still photographs created from the video footage were presented to the Grand Jury as part of the testimony. Body camera footage from Officer Miller, from events after the shooting were also presented during the testimony.

APPLICATION OF FACTS TO THE LAW

The Grand Jury considered Manslaughter (C.R.S. 18-3-104). We also considered the affirmative defenses of use of physical force in making an arrest or preventing an escape (C.R.S. 18-1-707) and self-defense generally. We also considered the fact that an officer may rely on apparent necessity.

The Grand Jury was convened to determine if an indictment should be issued for the aforementioned criminal charge.

In reviewing the evidence in a light most favorable to the prosecution it is clear that Jesse Jenson drove recklessly and engaged in the car chase with the Jeep Patriot. In this instance it does not matter whether or not Jenson actually intended to hit the Patriot or any other car, it appeared to Officer Persichetti that he was driving in this manner.

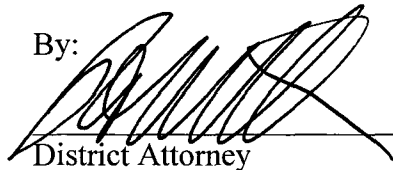
After Officer Persichetti contacted Jenson's 4Runner he aggressively approached her and failed to obey her commands. She was unable to see his left hand, but believed he was armed based on the circumstances and she discharged her weapon in self-defense.

When applying the facts as set forth above to the law as set forth in the Grand Jury Instructions of law, at least nine or more Grand Jurors determined that there was not probable cause to believe that Officer Persichetti committed a crime, and therefore the Grand Jury issued a No True Bill.

The Grand Jury hereby authorizes the District Attorney's Office to sign this report on our behalf, indicating that this report has been authored and approved by the members of this Grand Jury. The Grand Jury verifies the contents and release of this report to the public.

Respectfully submitted on behalf of the 2019-2020 Weld County Statutory Grand Jury, on this 12th day of April, 2019.

By:



District Attorney