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April 11, 2019

Sheriff Steve Reams
Weld County Sheriff's Office

RE: Investigation of the February 23, 2019 In-Custody death of Isaias Rodriguez

Sheriff Reams:

The investigation into the death of Isaias Rodriguez has been completed by the Critical Response Incident Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against the deputies attempting to make the arrest. Attached hereto are the findings of the Investigations Section of the District Attorney's office based on the entirety of the CIRT investigation. This report applies the facts from the investigation to the pertinent Colorado laws.

APPLICATION OF THE FACTS TO THE LAW

The District Attorney's office may ethically charge an individual with a crime only in cases where there is a reasonable likelihood of conviction. The law states that criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute.

A crime is committed under the law when an actor has committed voluntary act prohibited by law accompanied by the culpable mental state.

Here, the Deputies did not commit an act prohibited by law nor did they have any criminal intent. The Deputies responded to a domestic violence/unwanted party situation to arrest Rodriguez, or at minimum, assist Rodriguez' wife as he was acting very erratically. The deputies, when attempting to contact Rodriguez, had no intent other than to place him into custody and control him for the protection of the children in the room because of his behavior. Thus, there was no intent to commit a crime.

Further, to consider charging someone with a criminal act, it must be shown that his actions caused the result that occurred. In the instant case, the resulting autopsy showed the cause of death was Fatal Cardiac Arrhythmia while under the influence of cocaine. Rodriguez' action of ingesting cocaine appears to be the main cause of his death. Whether or not the deployment of the taser exacerbated that cannot be determined, but it certainly was not the cause. It was Rodriguez's actions that compelled the Deputy to utilize the taser by not complying and actively resisting.

A crime also must be proven beyond a reasonable doubt without any statutorily-recognized justification or excuse. C.R.S. § 18-1-707(2) establishes a peace officer is justified in using reasonable and appropriate physical upon another person when and to the extent that he reasonably believes is necessary to effect an arrest or to prevent a third person from what he reasonably believes to be the imminent use of physical force.

Colorado case law unequivocally states that when determining whether it was necessary for an individual to act in self-defense or in the defense of someone else, that person is entitled to rely on “apparent necessity.” This can be relied on so long as the conditions and circumstances are such that a person would reasonably believe the defensive action was necessary. *See People v. LaVoie*, 395 P.2d 1001 (1964); *Riley v. People*, 266 P.3d 1089 (Colo. 2011). Thus, it is irrelevant in this analysis whether Rodriguez intended to use force against the children in the bedroom. The issue is whether it was reasonable for the officers to believe that he was about to use force against them.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that deputies involved were merely attempting to control Rodriguez, who had been acting unpredictably and clearly appeared to be a potential threat. They reasonably believed that it was necessary to restrain him given the reports they had received and their observations of him, especially when he attempted to enter the children’s room. The Deputies were attempting to restrain Rodriguez, yet he fought and resisted their attempts, and ultimately one of the deputies deployed a taser. The deputy did this to end a potentially volatile situation. Shortly after this, Rodriguez became non-responsive and ultimately died.

CONCLUSION

Under C.R.S. § 18-1-707(2), the Deputies actions in this situation were justified and authorized by law to take the actions they did with Isaias Rodriguez. As a result, the Weld County District Attorney’s Office will not file charges against the deputies for the use of physical force in this event. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Rourke". The signature is written in a cursive style with a large initial "M".

Michael J. Rourke
District Attorney

CIRT – In-Custody Death Investigation



In-Custody Death Investigation
February 23rd, 2019
Subject: Isaias Rodriguez
Unincorporated Weld County - Weld County Sheriff's Office
District Attorney Investigator Joe DeAngelo, M.A.

Submitted to ADA Robb Miller
April 9th, 20

CASE SUMMARY

The following is a summation related to the Weld County Sheriff's Office (WCSO) in-custody death of subject Mr. Isaias Rodriguez, on February 23rd, 2019. The information for the summation was taken from the investigation conducted by the members of the Weld County Critical Incident Response Team (CIRT), of which I am a member. The WCSO deputies do not wear body cameras and as such there are no contemporaneous videos of the In-Custody Death.

Name: Isaias Rodriguez
DOB: August 12th, 1985
Residence: 4727 Everglade Court, Greeley, CO 80634 (location of In-custody death)
Occupation: Home Remodeling
Criminal History: 2007 DUI (WCSO), 2011 DUI (Evans PD), 2013 HTO (WCSO)
Spouse: Ms. America Rodriguez (DOB: 05/22/1985)

Case Overview Leading up to Deputies' Arrival

Mr. and Ms. Rodriguez, their three mutual children, along with Ms. Rodriguez's adult brother, all resided together at 4727 Everglade Ct, Greeley, CO 80634 - Hill and Park. As of recent Mr. Rodriguez had been consuming cocaine, marijuana, and drinking alcohol a few times a month, sometimes in combination. When Mr. Rodriguez consumed, especially when Mr. Rodriguez consumed cocaine, he hallucinated and caused disturbances within the household. Ms. Rodriguez would often call Mr. Rodriguez's parents to come over and calm Mr. Rodriguez down when he was hallucinating. Mr. Rodriguez's recent drug use had caused such discord in their marriage that approximately six weeks before this incident, Ms. Rodriguez moved to another bedroom in the house and no longer slept with Mr. Rodriguez.

On the evening of February 22nd, 2019, through the early morning of February 23rd, 2019, all of the family were home. Around 1945 hours, on February 22nd, Mr. Rodriguez arrived home and soon began acting erratic, consistent with past cocaine use. From that point on his behavior varied from relatively calm, while playing a game with one of the children, to erratic hallucinations where he would pace around the house in a sweat making nonsensical utterances. Prior to the incident escalating Ms. Rodriguez was in her room, by herself, with the door locked. Around 2300 hours, Ms. Rodriguez heard Mr. Rodriguez in the garage. Ms. Rodriguez checked on Mr. Rodriguez and observed he was smoking a marijuana joint. Ms. Rodriguez returned to her room and locked the door.

At 0149 hours, Ms. Rodriguez called 911 from the residence. Ms. Rodriguez advised the 911 operator that "my husband must have just took something ... he is kinda not himself...he thinks something is coming after him or something." Ms. Rodriguez went on to explain that she had been asleep in her locked bedroom and Mr. Rodriguez had kicked open the locked door. Further, Mr. Rodriguez was moving items around the house, apparently hallucinating thinking "somethings coming after him or something." Ms. Rodriguez advised she had opened the garage door, so police could enter the residence, and she requested that police remove him from the residence for the evening. Throughout the entire 911 call a child or children could be heard in the background

crying. Ms. Rodriguez later advised investigators that based upon Mr. Rodriguez's erratic behavior, along with marijuana consumption, he must have also consumed cocaine sometime that evening.

At 0154 hours, EMS was dispatched and advised to standby. Between 0158 and 0159 Sergeant Riordan along with deputies Chambers, Howard and Harvey arrived on scene.

Deputies' Actions on Scene

Deputy Howard was the primary deputy and was first to arrive. Deputy Howard spoke with Ms. Rodriguez in the garage and noted she appeared nervous. Deputy Howard directed everyone to go inside. Shortly after arrival all four deputies, from various vantage points, observed Mr. Rodriguez pacing within the home, "agitated and really sweaty," and making irrational statements such as, "I'll show you where it is at." Mr. Rodriguez was moving items around the house and was holding a baby gate over his back. Mr. Rodriguez claimed that the deputies were not real police and that their badges were fake.

Deputies followed Mr. Rodriguez as he entered a bedroom where a male and female child were located. Deputies Chambers, Howard and Harvey began to struggle with Mr. Rodriguez, one used an "arm bar" to take Mr. Rodriguez to the ground with the assistance of the two other deputies, while Sergeant Riordan removed the children from the room. During the encounter Mr. Rodriguez screamed at the deputies not to take his children. Sergeant Riordan immediately returned to the room to assist the other deputies. Mr. Rodriguez was on the floor, primarily on his back, pushing deputies away. Deputies gave numerous commands for Mr. Rodriguez to settle down and to stop resisting, all to no avail. Sergeant Riordan drew his taser and removed a cartridge.

Mr. Rodriguez was rolled onto his side and Sergeant Riordan deployed a taser to Mr. Rodriguez's left shoulder for a three to five second cycle, which had limited to no effect. The deputies believed the taser deployment was necessary due to the fact Mr. Rodriguez was "violently" resisting. The deputies continued to struggle in an effort to control Mr. Rodriguez, which included the use of pressure points and placing his legs in a "figure four." After between three to four minutes, during which time one of the deputies made a distress call over the radio (code 5), the deputies were able to handcuff Mr. Rodriguez behind his back and sit him up. Immediately upon sitting Mr. Rodriguez up, the deputies noticed he was cyanotic, apparently not breathing and suspected he was suffering from excited delirium. The deputies immediately began to administer CPR and continued to administer CPR until EMS arrived on scene at 0209 hours and assumed resuscitation efforts.

Medics' Actions on Scene

Once EMS was on scene deputies removed the handcuffs from Mr. Rodriguez so the medics could better render aid. The medics: provided oxygen, began CPR, initiated an IV, and provided 8 mg of epinephrine via IV. The attempts to resuscitate Mr. Rodriguez were unsuccessful and he was pronounced dead at 0255 hours.

Taser Report – Downloaded Information

The taser has an electronic download function that documents the time and date for each firing. The downloaded report showed that the taser was “armed” at 02:03:49 hours and then made “safe” ten seconds later at 02:03:59 hours. The taser was then again “armed” at 02:04:10 hours. The trigger was pulled at 02:04:21 hours, for five seconds. It was then made “safe” at 02:04:26 hours. The taser report is consistent with the officers’ statements and consistent with all information obtained throughout the totality of the investigation.

Seq #	Local Time [DD:MM:YYYY hh:mm:ss]	Event [Event Type]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
410	12 Feb 2019 18:21:20	Trigger	5		79
411	12 Feb 2019 18:21:25	Safe	7	22	79
412	13 Feb 2019 19:06:03	Armed		21	79
413	13 Feb 2019 19:06:17	Safe	14	21	79
414	23 Feb 2019 02:03:49	Armed		27	79
415	23 Feb 2019 02:03:59	Safe	10	27	79
416	23 Feb 2019 02:04:10	Armed		27	79
417	23 Feb 2019 02:04:21	Trigger	5		79
418	23 Feb 2019 02:04:26	Safe	16	28	79
419	23 Feb 2019 07:02:03	USB Connected			
420	23 Feb 2019 07:03:16	Time Sync	23 Feb 2019 07:02:11 to 23 Feb 2019 07:03:16		

Autopsy

Cause of Death -

Fatal Cardiac Arrhythmia while under the influence of cocaine

Manner of Death -

Accident

Toxicology -

Cocaine 930 - ng/ml

Benzoyllecgonine – 2800 ng/ml

