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January 7, 2020

Chief Mark Jones
Greeley Police Department
2875 W. 10th Street
Greeley, CO 80634

**RE: Investigation of the November 14-15, 2019 Officer-Involved Shooting
Incident Involving Russell Cooley**

Chief Jones:

The investigation into the shooting of Russell Cooley 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 officer who discharged his weapon. 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 related to Officer 1 discharging his weapon at Cooley and his passenger as Cooley eluded officers and shot at them, not Cooley's death from a self-inflicted gunshot wound.

I have determined that, under the circumstances presented in this investigation, I will not release the name of the officer involved in this incident. The Colorado Supreme Court in *Harris v. Denver Post Corporation*, 123 P.3d 1166 (Colo. 2005) and *Freedom Colorado Information v. El Paso County Sheriff's Department*, 196 P.3d 892 (Colo. 2008) addressed the issue of whether, and under what circumstances, the Criminal Justice Records Act (CJRA) requires disclosure of records of official actions by criminal justice agencies.

These cases are not directly on point as the release of the officers' names alone does not fall squarely within the CJRA, but they are informative in analyzing whether such disclosure is appropriate. The cases require a "balancing test" by the custodian of criminal justice records prior to the disclosure of criminal justice records. This balancing test considers "the privacy interests of individuals who may be impacted by a decision to allow inspection; the agency's interest in keeping confidential information confidential; the agency's interest in pursuing ongoing investigations without compromising them; the public purpose to be served in allowing inspection; and any other pertinent consideration relevant to the circumstances of the particular request." *Harris* at 1175; *Freedom Colorado Information* at 899.

Here, the balancing test shows that the privacy interests of the individuals who may be impacted by a decision to allow inspection (i.e. the officer involved in this incident) outweigh the other four factors to be considered. The continued safety of the officer and his/her family is of paramount concern in this case since the individual involved in the incident with law enforcement has very strong and documented ties to known criminal gangs.

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.

Further, it must be proven beyond a reasonable doubt the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting at another human being is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force is justified, also known as an affirmative defense. Because the evidence establishes that Cooley and his passenger were shot at by Officer 1 as Cooley eluded and shot at least 55 times at police, the determination of whether the officer's conduct was criminal is a question of legal justification.

C.R.S. § 18-1-707(2) establishes when a peace officer can use deadly force to defend himself or others. The statute reads, in pertinent part, as follows:

A peace officer is justified in using deadly physical force upon another person...only 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...** OR to effect an arrest...of a person he **reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon.**

C.R.S. § 18-1-901(3)(d) "Deadly Physical Force" means force, the intended, natural, and probable consequences of which is to produce death, and which does, in fact, produce death.

In this case, the officers were attempting to contact Cooley after he had shot at another vehicle earlier in the evening. Throughout the evening Cooley eluded officers driving in a reckless manner. As Officer 1 attempted to contact Cooley in his marked patrol car, Cooley again drove recklessly and discharged a firearm at Officer 1. Officer 1 returned fire. Cooley then stopped and exited his car, discharging multiple rounds at Officer 1 and other officers on scene. Officer 1 returned fire again. Officer 1 was struck by a bullet fired by Cooley; Cooley's passenger was also struck by a bullet from Officer 1. Crime scene investigators recovered 55 spent casings from Cooley's weapon at the scene.

Toxicology results indicated that during this encounter with officers, Cooley's methamphetamine level was 1700 ng/mL, a level which has been reported in methamphetamine abusers who exhibited violent and irrational behavior.

Officer 1 reasonably believed when he fired his weapon he and others were in imminent danger of death or serious bodily injury. Cooley had brazenly fired at him as he eluded in a residential neighborhood. Cooley later fired numerous rounds at Officer 1 and other officers in this same neighborhood as he attempted to get to the Marigold residence.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that Officer 1 was justified in attempting to use lethal force against Cooley and his passenger. Officer 1, other officers, as well as the general public were endangered by Cooley's use of deadly physical force with a deadly weapon. Further, Cooley had committed a felony when he eluded and discharged his firearm at officers and others.

CONCLUSION

Under C.R.S. § 18-1-707(2)(a) and (b), the officer's actions in this situation were justified and authorized by law to defend and protect himself and others from actions of Russell Cooley. As a result, the Weld County District Attorney's Office will not file charges against Officer 1 for the use of deadly 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, flowing style.

Michael J. Rourke
District Attorney



Officer Involved Shooting

November 14-15, 2019

Subject: Russell Cooley

19DA00120

19G100179

19W041700

19G100197

Investigator Wendy Steward

Summary

On November 14, 2019, at 2125 hours, Luis Ibuado called 911 to report that someone had just shot at his vehicle at 26th Avenue and 13th Street in Greeley, Colorado. Luis described the vehicle as a 2010 white GMC or Chevy dually with a topper. He was unable to give a description of the shooter, describe the number of occupants in the suspect vehicle, or provide a license plate because the truck was behind him when the shot was fired. Patrol officers observed damage to the rear of Luis' vehicle that was consistent with a bullet being fired into the car.

At 2135 hours, the suspect vehicle was last seen heading north on Highway 85 from 13th Street. Eaton PD was advised of the last known location, possibly heading into their jurisdiction. At 2155 hours, GPD issued a countywide BOLO for the suspect vehicle indicating the occupants should be considered armed and dangerous. The BOLO was aired at 2204 hours.

At 2245 hours, a Weld County patrol unit located a vehicle matching the suspect description at the Cenex in Eaton. When that officer attempted to conduct a traffic stop on the vehicle, it failed to yield, fleeing at a high rate of speed. The license plate was identified as Colorado CGQ492, registered to Desirea Putizer of Greeley. At 2253 hours, the pursuit was discontinued by GPD and WCSO due to speed. Research conducted from the license plate revealed that a man by the name of Russell Cooley had been contacted in the vehicle and also identified an associated address of 3610 Marigold Street.

About 7 minutes later, Evans PD Officers spotted the suspect vehicle at 35th Avenue and 37th Street but were not pursuing. A GPD officer advised via the radio that they had probable cause for charges of Attempted 2nd Degree Murder Extreme Indifference. At 2340 hours, Officer #1 spotted the suspect vehicle, confirmed the plate and initiated a pursuit. At approximately 2348 hours, while still being actively pursued, the suspect leaned out the driver's side window with a gun and began firing rounds at the police near Marigold and 34th Street in Evans. Officer #1 returned fire from his vehicle while pursuing. The suspect vehicle stopped in front of 3610 Marigold Street and both the driver and passenger exited the vehicle almost simultaneously. The police officers were taking heavy fire from what was believed to be a rifle. Officer #1 exited his vehicle and took up a position at the rear of his patrol car, where he was subsequently shot in the right arm. It was later determined that the female passenger from the suspect vehicle was shot in the lower leg, and both she and Officer #1 were transported to the hospital. She was later identified as Maria Lerma.

It was believed that the suspect had gone inside 3610 Marigold Street, therefore the SWAT team was called out. At approximately 0142 hours, the suspect was heard yelling out from the inside the home, saying that his family was in the house, and he was going to shoot himself. Moments later, officers heard a single shot from inside residence and dispatch received a 911 call from Chris Sweet, who identified himself as the step-father of Russell Cooley, advising that his son just shot himself.

The 19th Judicial District Critical Incident Response Team was activated, and an immediate investigation ensued. Detective Jennifer Fick with the Weld County Sheriff's Office was designated as the lead investigator. The investigation confirmed the driver of the suspect truck was 40-year-old Russell Cooley. Cooley was in possession of two guns during the pursuit and standoff, a rifle and a revolver, both of which were recovered as evidence.

Preceding Incident 19G100179

On 111419 at 2125 hours, Weld County dispatch received a report of a shots fired situation near the intersection of 26th Avenue and 13th Street in Greeley, Weld County, Colorado. Officer Brauch with Greeley Police Department was dispatched the call and initially spoke with the reporting party, Luis Ibuado, by telephone, in an attempt to locate the suspect vehicle. Ibuado told Officer Brauch he followed the suspect vehicle to

Highway 85 and 8th Street, but lost visual of it at that point, uncertain of the direction of travel from that intersection.

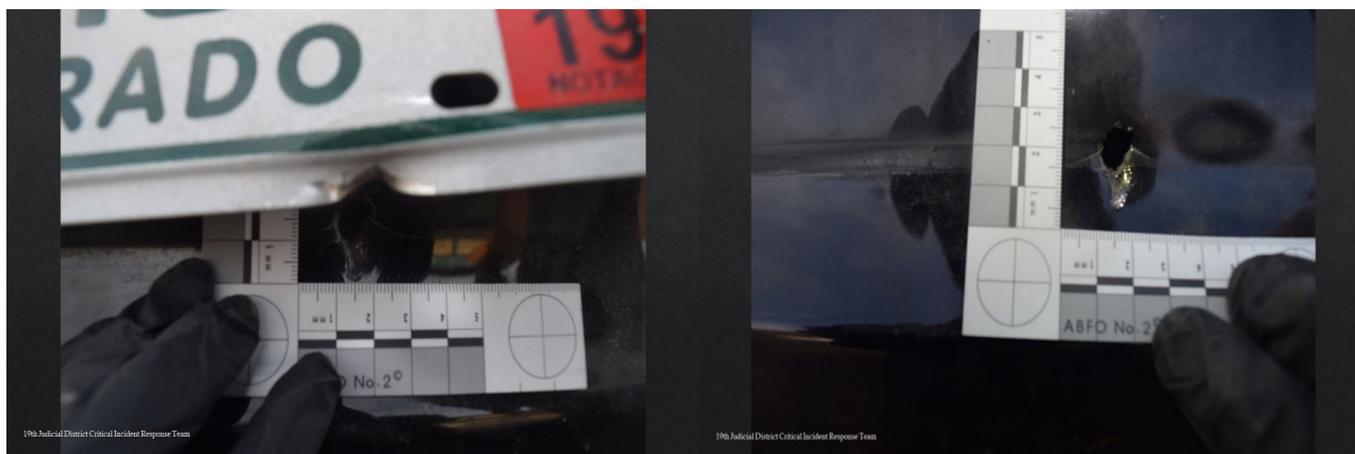
Officer Brauch arranged to meet Ibuado to obtain more information and take the report. Ibuado said he and his mother had been to pick up dinner at Buffalo Wild Wings located at 4711 W 29th Street. The northbound turn lane in the 4700 block of 29th Street is a double turn lane. Ibuado said he was in the right turn lane waiting to turn left and noticed a white Chevrolet or GMC Dually pickup truck with a topper in the left turn lane next to him. Ibuado said when the light turned green, both he and the white truck made their left (northbound) turn onto 47th Avenue, and he accelerated past the white truck, continuing north on 47th Avenue. Before they reached 16th Street, the white truck accelerated past him at a high rate of speed then slowed down significantly.

Ibuado told Officer Brauch that at the red light at 47th Avenue and 16th Street, he was in the right lane to go eastbound on 16th Street. He said he made his right turn from the right lane, and the white truck, which was in the left lane, also turned right onto 16th Street. (It should be noted that an eastbound turn onto 16th Street from 47th Avenue cannot be legally made from the left lane.) Ibuado said he continued eastbound on 16th Street and the white truck continued in the same direction behind him. When he reached 26th Avenue, he signaled for a left (northbound) turn and braked somewhat last minute to make his northbound turn onto 26th Avenue, citing distraction as the reason for the last-minute signal and turn. Ibuado said he travelled north on 26th Avenue, and noticed the white pickup also made the turn, following behind him.

Ibuado said he continued north on 26th Avenue and stopped for the stop sign at 13th Street. As he continued north through the intersection, Ibuado said he heard a gunshot and from his rearview mirror, saw the white pickup truck make a right (eastbound) turn onto 13th Street, accelerating. Ibuado said he felt what he believed to be a bullet impacting the rear of his vehicle.

Ibuado told Officer Brauch he continued northbound on 26th Avenue until he reached 10th Street, where he went east to 23rd Avenue and then south to 13th Street. Upon reaching the intersection of 23rd Avenue and 13th Street, Ibuado said he could see the white truck traveling east several blocks ahead of him. He was certain of the vehicle, because he recognized the taillights and was able to see the reflection of the white topper as the vehicle passed under the street lights. He began to follow the vehicle as he contacted 911 dispatch, but ultimately lost sight of it at Highway 85 and 8th Street.

Ibuado's vehicle was inspected by Officer Brauch. What is believed to be a bullet hole was located on the rear of the vehicle just below the license plate. Crime scene officers later analyzed the bullet hole; however, it was not able to be definitively attributed as a specific caliber.



(CLOSE UP PHOTOS OF BULLETHOLE ENTRY POINT ON REAR BUMPER AREA OF IBUADO'S VEHICLE)

BOLO & Pursuit

At 2135 hours, Eaton Police Department was advised of the suspect vehicle description and that it had last been seen northbound on Highway 85 from 8th Street. At 2204 hours, a county wide BOLO (be on the lookout) was issued for the suspect vehicle associated to the shots fired incident in Greeley.

At 2245 hours, Deputy Hammond of the Weld County Sheriff's Office spotted what he believed to be the suspect vehicle from the BOLO at the Cenex gas station located at 55 Oak Avenue in Eaton. Officer Hammond activated his blue lights and attempted to conduct a traffic stop on the truck before it ever left the parking lot of the Cenex, however, the truck did not pull over and a pursuit was initiated. The suspect truck proceeded through a red light without stopping and accelerated to speeds of approximately 80-90 miles per hour.



(SURVEILLANCE FOOTAGE OF SUSPECT VEHICLE ENTERING THE CENEX GAS STATION LOT IN EATON)



(SURVEILLANCE FOOTAGE OF DRIVER OF SUSPECT VEHICLE ENTERING THE CENEX GAS STATION)



(SURVEILLANCE FOOTAGE OF WELD COUNTY UNIT AT CENEX – SUSPECT VEHICLE AND SUSPECT CAN BE SEEN IN BACKGROUND AS SUSPECT IS PUTTING GAS PUMP BACK TO COMPLETE HIS TRANSACTION – SUSPECT LEAVING GAS STATION AS DEPUTY ATTEMPTS TO INITIATE TRAFFIC STOP)

Weld County deputies were able to identify the license plate of the suspect truck as Colorado CGQ492 and determined it to be registered to Desirea Putizer of 2301 43rd Avenue Court in Greeley. The pursuit headed south into Greeley and as the suspect vehicle drove past Officer Brauch with Greeley Police, he was able to identify the driver of the truck as a male with dark hair. The pursuit was terminated in the area of North Colorado Medical Center (1801 16th Street) due to excessive speed and the willful and wanton disregard for traffic laws displayed by the driver of the suspect vehicle. The pursuit termination occurred at 2253 hours, and the suspect's last known location and direction of travel were aired via the radio.

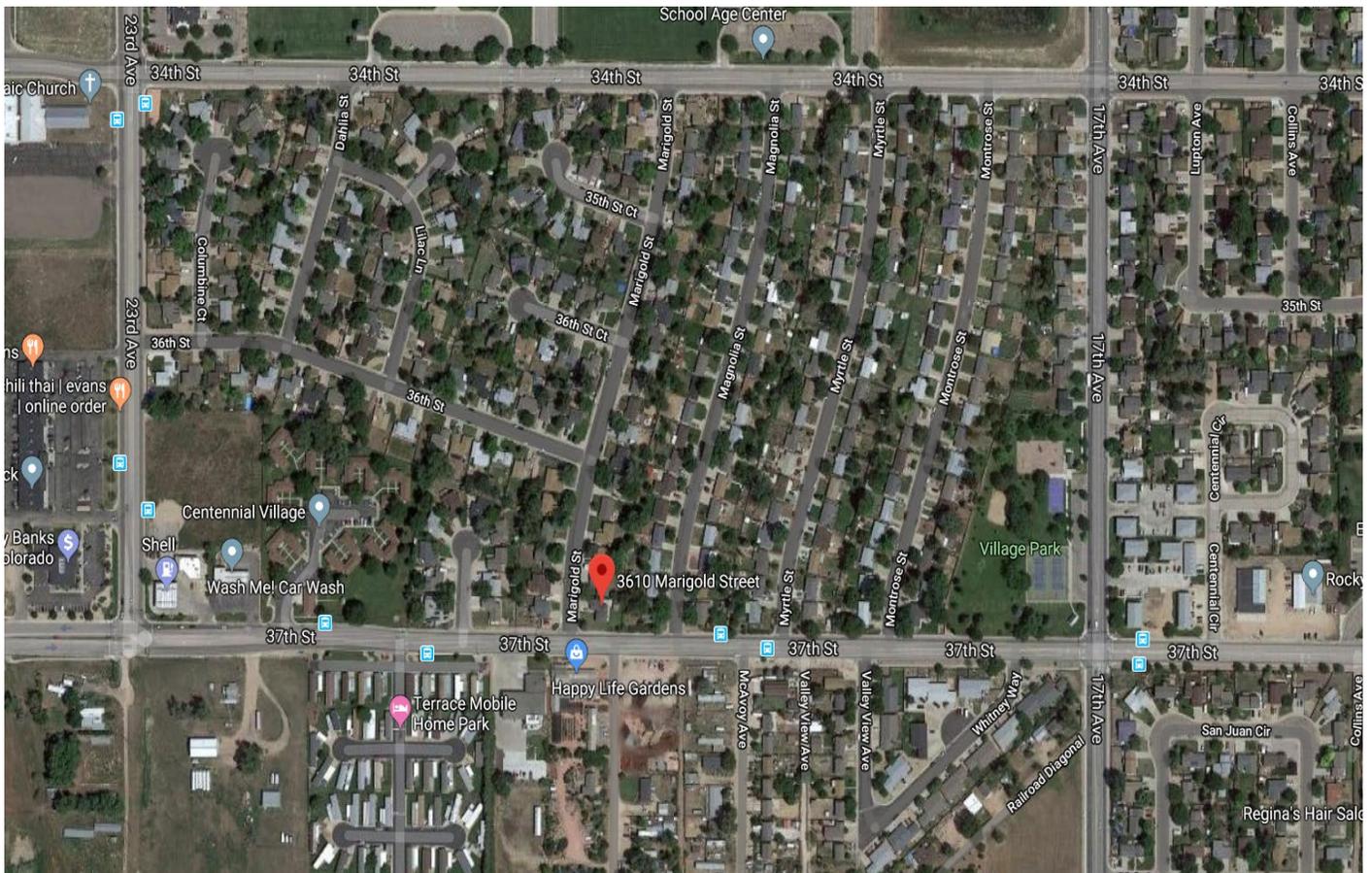
Though officers were no longer in pursuit of the vehicle, all on-duty officers in the area had received the BOLO and been made aware of the shooting incident and subsequent failure-to-yield. Officers with Greeley PD began airing sightings of the suspect vehicle at different locations, 28th Avenue, Reservoir Road, and then southbound in the 2900 block of 35th Avenue towards Evans. Shortly thereafter, Evans PD officers began airing sighting locations for the suspect vehicle, 43rd Avenue and 37th Street, Marigold Street and then 23rd Avenue and 34th Street. No one was pursuing the vehicle at that time, and only static location updates were being aired via the radio.

At 2306 hours, Detective Dietrick aired on the radio that based on the facts of the earlier incident, Greeley PD had probable cause for the arrest of the driver of the suspect vehicle for Attempted 2nd Degree Murder – Extreme Indifference. A search of the prior contacts for that license plate number revealed that a male identified as Russell Dean Cooley had been contacted as the driver of that truck on November 01, 2018. Cooley had an associated address of 3610 Marigold Street in Evans.

At 2340 hours, Officer #1 aired that he had located the suspect vehicle eastbound on 37th Street from 47th Avenue. Seconds later, he was able to confirm the displayed Colorado license plate is CGQ492. At 2341 hours, Sgt. Birdsell cleared channel one and advised Officer #1 to initiate a stop when he was ready. The traffic stop was initiated by Officer #1 at 35th Avenue and 37th Street. The suspect vehicle failed-to-yield and the pursuit continued going off-road through a field, the parking lot of a bank, and then through an electrical substation. At 2347 hours, it was aired that the suspect vehicle was eastbound through 47th Avenue on 37th Street, travelling at approximately 65 miles per hour.

Officer Brauch was the second marked patrol vehicle in the pursuit and eventually took over the radio traffic, providing the location updates to all units as they were occurring. The pursuit had progressed

to a residential neighborhood in Evans between 17th and 23rd Avenue and 34th Street and 37th Street at 2349 hours, when Officer Brauch aired “Shots fired! Shots fired! He is firing at us!”. It was later determined that the driver of the suspect vehicle leaned out his window and fired rounds at the police on two separate occasions during the course of the vehicle pursuit. The pursuit continued through the residential area winding up and down Marigold, Magnolia and Myrtle that all run generally north/south between 34th Street and 37th Street. The next update was provided approximately 16 seconds later when Officer Brauch described them as eastbound on 34th Street, then south on Myrtle Street, as Officer #1 aired that his vehicle had been hit by gunfire multiple times. The pursuit was aired to be west on 37th Street (from Myrtle Street) at 2350 hours and ended only seconds later when the suspect vehicle stopped in the middle of the road in front of 3610 Marigold Street. The final pursuit was approximately 9 minutes total in length.



(GOOGLE EARTH MAP OF RESIDENTIAL AREA WHERE THE FINAL PURSUIT OCCURRED)

3610 Marigold Street

Upon the suspect vehicle coming to a stop on Marigold, a barrage of gunfire immediately ensued. Due to the sudden halt of the pursuit, Officer Brauch was unable to stop in time, striking into the rear of Officer #1’s cruiser before Officer #1 was able to exit his vehicle. Officer Brauch aired on the radio, “Rifle fire! Rifle fire!” The suspect was firing round after round at the police as Officer #1 exited his vehicle and took up a position at the rear of his patrol vehicle. Officer #1 described seeing muzzle flashes coming from a dark figure on the passenger side of the suspect vehicle as shots continued to be fired in their direction. Officer #1 returned fire from the rear of his cruiser but was struck in the right arm by gunfire only 12 seconds after exiting his patrol vehicle, causing him to drop his handgun

and fall to the ground momentarily. Officer #1 quickly picked up his gun with his left hand and ran to cover, proclaiming to other officers that he had been hit and needed a tourniquet application. Other officers provided aid to Officer #1 who was then escorted out of the area for further medical attention.

The gunfire ceased and in the quiet, officers heard a woman calling for help. Through communication, they were able to determine that she had been shot in the leg and was down on the sidewalk in front of 3610 Marigold Street. After verbally directing the woman to scoot back towards them, the officers approached her and ultimately carried her out of the immediate area to a secure area where paramedics would take over her care and transport her to the hospital. The woman was identified as Maria Lerma and gave little information regarding what happened and her relationship to the driver of the suspect vehicle, indicating only that he was her boyfriend.

The suspect was believed to be inside the residence, therefore the perimeter was secured, and the SWAT team was activated at 0023 hours. At 0144 hours, the male suspect who was later confirmed to be Russell Cooley, called out to police from inside the residence. Police heard him say that his mom, dad and uncle were in the house, but they did not need to come in because he was going to kill himself. At 0145, multiple officers reported hearing one shot fired from inside the residence. Approximately 30 seconds later, dispatch received a 911 call from Chris Sweet, who identified himself as Russell Cooley's stepfather. Sweet reported believing that Cooley had shot himself and was given instructions for exiting the residence with the other occupants of the home who all came out without incident.



(THE SUSPECT'S WHITE DUALY PICKUP TRUCK CAN BE SEEN IN THE TOP LEFT CORNER ON MARIGOLD STREET- OFFICER #1'S CRUISER IS AT THE BOTTOM OF THE PICTURE ON 37TH STREET - THE ROOF IN THE TOP RIGHT CORNER IS 3610 MARIGOLD STREET.)

A search of the inside of the residence of 3610 Marigold Street revealed Cooley, face down on the living room floor, still holding a revolver in his right hand. There was an apparent gunshot wound to the right side of his head and he was obviously deceased.

In a bedroom, a laundry basket covered with a towel was located. Under the towel, officers found a dismantled rifle, which was ultimately identified to be the rifle Cooley was using to fire at police officers.



(REVOLVER IN THE RIGHT HAND OF COOLEY, WHO WAS FOUND FACE DOWN ON THE LIVING ROOM FLOOR OF 3610 MARIGOLD STREET AFTER OFFICERS HEARD ONE SHOT COME FROM INSIDE THE RESIDENCE)



(LAUNDRY BASKET CONTAINING THE DISMANTELED RIFLE)

Officer's statements – SUMMARY

Officer Synn – Greeley Police Department

Synn heard the radio traffic surrounding Officer Brauch's earlier "shots fired" call, as well as the BOLO regarding the suspect vehicle. Synn heard on the radio that Eaton PD had located the suspect vehicle and were in pursuit of the vehicle, headed towards Greeley. Synn set up in the area to be able to assist, but the initial pursuit was terminated before he was able to become involved.

A short time later, Synn heard Evans officers advise via the radio that they were following the suspect vehicle. Greeley officers responded to assist, including Synn. He described himself as third in line pursuing the

suspect vehicle in an Evans neighborhood off 37th Street which he was unfamiliar with. Officer #1 was the first patrol vehicle behind the suspect and Officer Brauch was next. The suspect made a right turn onto an unknown road and he could hear shots being fired, one after the other, estimating approximately 6 shots total. He described these shots as being fired during the rolling pursuit in the area of 34th Street and Marigold Street. The pursuit continued to wind through the residential streets between 34th and 37th Street until the suspect vehicle turned north on Marigold Street from 37th Street and slammed on the brakes, causing Officer Brauch to rear-end Officer #1.

They immediately started taking fire, which Synn was confident was coming from a rifle. He described it as rapid fire, estimating the suspect shot 15-20 rounds in their direction. Synn's vehicle was shot causing his passenger side front window to shatter. He took up a position at the rear driver's side of his patrol vehicle but was unable to see the suspect or the muzzle flash associated to the gunshots he was hearing but could tell the rounds were originating from the area of where the suspect vehicle had stopped. At one point he jumped down into a prone position to protect himself from the relentless gunfire. Shortly afterward, Officer #1 came to him advising that he had been hit by gunfire. Synn grabbed Officer #1 and ran him back to the east, further away from the gunfire. Synn applied a tourniquet to Officer #1's arm, and another Greeley officer drove Officer #1 to the hospital.

By that point in time, the gunfire had ceased. It was then that they were able to hear a woman screaming from in front of the corner house, later confirmed to be 3610 Marigold Street. The woman said, "Help. I've been shot", but they were unsure who she was, how she got shot, or exactly where she was located because they could not actually see her from their positions. Other officers directed the female to crawl back towards them, and eventually, she was seized and carried east away from the immediate scene where she was eventually transported to the hospital with a gunshot wound to her leg.

Synn and other officers maintained the scene while waiting for the SWAT team to arrive. After SWAT was on scene, Synn saw the team move up to clear the suspect vehicle. At one point, he was able to hear yelling, but was unaware what was being said or who was yelling. Someone called dispatch from inside the home and advised there were three people inside and "he" was going to kill himself. It was aired on the radio that a male came to the front door with a gun to his head. Moments later, radio traffic described one gun shot, however, Synn was not able to hear it from his location.

Afterwards, Synn's uniform and gun belt were seized as evidence, because they were covered in blood from Officer #1. Synn did not fire his weapon at any time during this incident and was not injured.



(PASSENGER SIDE WINDOW OF OFFICER SYNN'S PATROL VEHICLE, SHATTERED BY GUNFIRE FROM THE SUSPECT)

Officer Brauch – Greeley Police Department

Officer Brauch confirmed he was the original investigating officer that had been dispatched to the shots fired call at 13th Avenue and 26th Street. He interviewed the reporting party, Ibuado, and took photographs of the damage to Ibuado's vehicle from the bullet. Ibuado described the suspect vehicle as a white dually pick up truck, either Chevrolet or GMC with a topper, as well as minor damage to the right rear quarter panel. Brauch disseminated the information about the suspect vehicle, which at the time, was still at large.

A short time later, Brauch was advised that Weld County Sheriff's Office had a failure-to-yield with a truck matching the description of the suspect truck in his shots fired call. Dispatch advised they were heading south into Greeley via Highway 85. Brauch was parked at 8th Avenue and 5th Street when the white dually truck being pursued by Weld County patrol units, drove past him. He saw a male driver with dark hair but was unable to say whether there was a passenger. As part of his investigation, Brauch later obtained a driver's license photograph of Russell Cooley, because he had been contacted driving that truck and noted Cooley's appearance was consistent with the appearance of the driver of the truck. The pursuit continued to the area of North Colorado Medical Center when it was terminated by a sergeant.

Patrol officers continued to have sightings of the suspect vehicle all around town. Officers began pursuing the suspect again around 47th Avenue, and though he was not a part of it, Brauch heard officers describing the pursuit, going through parking lots and off road through some fields. Brauch joined the pursuit behind Officer #1, southbound on 47th Avenue. Per standard protocol, Brauch took over the radio traffic because he was the number two unit in the pursuit.

The pursuit was travelling north down Marigold Street at about 20-30 mph when Brauch saw a person hang out the driver's side window of the suspect vehicle, holding a dark object that appeared consistent with a firearm. Brauch subsequently heard gunshots and saw a muzzle flash coming from the suspect. The pursuit continued until the suspect turned onto Marigold Street from 37th Street and came to an abrupt halt mid-turn. Officer #1 stopped suddenly as well and Brauch was unable to stop his vehicle before impacting the rear of Officer #1's vehicle.

Brauch exited his vehicle as shots were being fired in his direction. He heard what he believed to be two different weapons, one sounding like a handgun and the other like a rifle. It sounded to him like the handgun rounds were coming from right in front of him and the rifle fire sounded like it was moving laterally in an east/northeast direction, towards the target house at 3610 Marigold Street. Brauch described crouching down on the driver's side of Officer #1's patrol vehicle as the shots rang out and the window above his head was shattered from gunfire, raining broken glass down over him.



(DRIVER'S SIDE BACK SEAT WINDOW OF OFFICER #1'S VEHICLE WHERE BRAUCH DESCRIBED CROUCHING DOWN DURING THE GUNFIRE)

Brauch heard Officer #1 say that he had been hit by gunfire, so he and Officer Synn assisted in getting him escorted east on 37th Street, out of the immediate line of fire. When Brauch returned to the location of their patrol vehicles, the gunfire had stopped and he heard a female voice that sounded in distress, but he was unable to see her. After some dialogue, it was determined that she was between the passenger side of the suspect truck and the sidewalk in front of 3610 Marigold Street. She said she was unable to walk but was directed to scoot backwards. At some point, Brauch and three other officers approached the female, picked her up and carried her out of the immediate area. The female had a gunshot wound to her right leg, and Brauch applied a tourniquet. Brauch described the female as shaken up. He recalled her saying that it was her boyfriend, but not much else.

Brauch and another officer as well as a sergeant took up a position in the backyard of a house on Magnolia Street, which was due east of the target address. He remained there for the remainder of the incident. Brauch heard over the radio that a male was saying he wanted his family to be let go and that he would kill himself. Seconds later, Brauch heard one gunshot from inside the house and SWAT began clearing the residence. Brauch did not fire his weapon during this incident and he was not injured.

Officer #1 – Greeley Police Department

Officer #1 described his knowledge of the earlier shots fired call, taken by Officer Brauch and being aware of the BOLO for the suspect vehicle. He learned on the radio that another agency had located the vehicle in Eaton and was pursuing it southbound into Greeley. The pursuit was called off due to speeds and he and other officers started doing research on the history associated to the suspect vehicle in the computer. They were able to identify a suspect by name, as well as an associated address in the 3600 block of Marigold Street in Evans. Officer #1 stayed in the general area attempting to locate the suspect for approximately 15 minutes, but eventually cleared from the call.

Officer #1 was eastbound on 37th Street from 65th Avenue when he came upon a white dually truck matching the suspect vehicle description. He subsequently was able to confirm the license plate matched the plate aired in the earlier pursuit. When Officer #1 reached 47th Avenue, he was joined by another unit and initiated a traffic stop, activating both his lights and siren. The vehicle did not stop and took off eastbound, pursued by Officer #1 and other officers. Officer #1 described the suspect as driving “all over the place”, specifically saying the suspect drove through a power substation off 47th Avenue, south of 29th Street.

Eventually, the suspect turned northbound from 37th Street onto Marigold Street or one of the streets that parallels Marigold on either side. Officer #1 was a couple of car lengths behind the truck when the suspect vehicle slowed down significantly and offset his vehicle position to the right. Officer #1 saw the driver of the suspect vehicle, which he described as a male with black hair, lean his torso out the driver’s side window and point something at him. Officer #1 could not say that he initially knew what the suspect was holding, but said he knew it was a gun when the suspect began shooting at him. He heard the shots and saw the muzzle flash of the gun as the suspect fired between 2 and 5 shots in his direction. Officer #1’s windshield was hit by gunfire and his driver’s side front seat window was also shattered out by the gunfire. Officer #1 drew his handgun and began firing at the suspect through his own front windshield. He described the suspect’s torso as still hanging out the driver’s side of the truck. Officer #1 was uncertain how many rounds he fired at the suspect but estimated it to be less than five. When Officer #1 began firing at the suspect, the suspect leaned back into his truck and increased his speed again. Officer #1 remained in pursuit of the suspect while doing a tactical reload, putting a full magazine into his handgun. He never reholstered his handgun again after firing that first time until after he was shot and another officer holstered it for him.

Officer #1 described the suspect heading eastbound on 34th Street and then turning back southbound on the first or second next residential street, though he was unsure which one or what the name of the street was. As they travelled southbound on that residential street, Officer #1 recalled getting shot at again by the suspect but said the distance between his cruiser and the suspect vehicle was greater than the first time shots were

fired, and he did not feel like he had a reasonable shot, therefore did not fire. Officer #1 was unsure how many shots the suspect fired that time while going southbound.



(YELLOW EVIDENCE MARKERS INDICATING SHELL CASINGS IN THE 3600 BLOCK OF MARIGOLD FROM THE PURSUIT)

Eventually, the suspect turned westbound onto 37th Street, then made a northbound turn onto Marigold, stopping suddenly in the middle of the street, just north of 37th Street. The suspect vehicle was at an angle, facing northwest. Officer #1 slammed on the brakes and threw his cruiser into park. He was trying to get out when his cruiser was struck from behind by another officer who had been in the pursuit with him. Officer #1 describing seeing both the driver's side and passenger side doors of the suspect truck open almost simultaneously. After exiting his vehicle, Officer #1 ran around to the trunk area at the rear of his vehicle. At the point in time he exited his cruiser, they started taking heavy gunfire from the direction of the suspect vehicle. Officer #1 believed the suspect was most likely shooting at them with a rifle, based on the sound as well as the number and speed of rounds being fired. Officer #1 was unable to say exactly how many rounds were fired by the suspect but described it as "a lot".



(FRONT OF SUSPECT VEHICLE, BOTH DOORS OPEN. LERMA'S PURSE CAN BE SEEN BENEATH THE PASSENGER DOOR.)

The suspect continued shooting at officers. Officer #1 looked out from around the rear passenger side of his cruiser and saw someone crouched down on the passenger side of the truck by the door. They were still being fired upon and he could hear the rounds hitting his patrol vehicle and glass breaking. Officer #1 focused on the person he saw crouching down on the passenger side, but due to the darkness, he was unable to see the person well enough to provide a description. He saw multiple muzzle flashes coming from that person, as well as the sounds of shots being fired, and returned fire, though he was uncertain how many shots he fired.



(WINDSHIELD OF OFFICER #1'S PATROL CRUISER – 5 FROM OFF#1 FIRING AT THE SUSPECT AND ONE FROM THE SUSPECT FIRING INTO THE WINDSHIELD)





(BULLET HOLES AND GUNFIRE DAMAGE TO PASSENGER SIDE OF OFFICER #1'S PATROL VEHICLE)

They continued to take heavy fire and Officer #1 was shot in the right arm while at the rear of his patrol car. The impact caused his arm to seize up and he dropped his handgun on the ground. Officer #1 bent down and picked his handgun up with his left hand and then looked behind him, advising nearby officers that he had been shot and needed to have a tourniquet applied to his arm. Officer #1 indicated his attention had been diverted to his wound and he was therefore unsure if the suspect was still firing at them at that point in time. Officer #1 was directed to the back of a patrol vehicle and an officer drove him to the hospital. Officer #1 did not fire his gun again after being shot.

Officer #1 never saw the driver of the truck exit the vehicle, nor did he know that there was a passenger in the truck until the point in time when the passenger side door opened, nearly simultaneously to the driver's side door opening. Officer #1 clarified that he had fired his gun at the suspect two separate times, the first while driving in the pursuit and the second from the rear of his cruiser after the pursuit culminated in front of 3610 Marigold Street.



(OFFICER #1'S BLOODSOAKED PATROL JACKET AND PANTS)



(YELLOW EVIDENCE MARKERS INDICATE SHELL CASINGS FROM THE SUSPECT'S GUN IN FRONT OF 3610 MARIGOLD STREET)

Witness Statements – Summary

Desirae Putzier – ex-girlfriend of Russell Cooley

Putzier said she received a call from Cooley in the early morning hours of November 15th who told her that the police were “fucking” with him again. Cooley told Putzier he was going to take as many cops with him as he could, but she convinced him not to hurt anyone else. Cooley was sad about a lot of things lately and had been texting her things she considered to be borderline suicidal like how he soon “would no longer be in this world”. When he called her in the early morning hours, he told her the girl that was with him had been shot by the police.

Chris Sweet – step-father of Russell Cooley

Sweet said he is married to Russell Cooley’s mom, Janice Sweet. He told detectives Cooley was released from prison about 10 years ago and to his knowledge, has stayed out of trouble since then. Cooley had a girlfriend Desirae, who he shares a child with. Sweet was unaware that Cooley and Desirae Putzier were no longer together, and was therefore also unaware of Cooley’s new girlfriend, Maria Lerma.

Sweet had been asleep when he was awakened by his wife who told him that the police were shooting at Cooley and had shot his friend. Sweet described hearing Cooley shouting and discovered that he (Cooley) had a rifle. Sweet believed it was a .223 and he was eventually able to talk Cooley into giving him the rifle. It was Sweet’s opinion that Cooley cooperated with this because he still was in possession of a handgun. Sweet then took the rifle to his bedroom, took it apart and hid it in a laundry basket covered with a towel, so Cooley would not be able to find it.

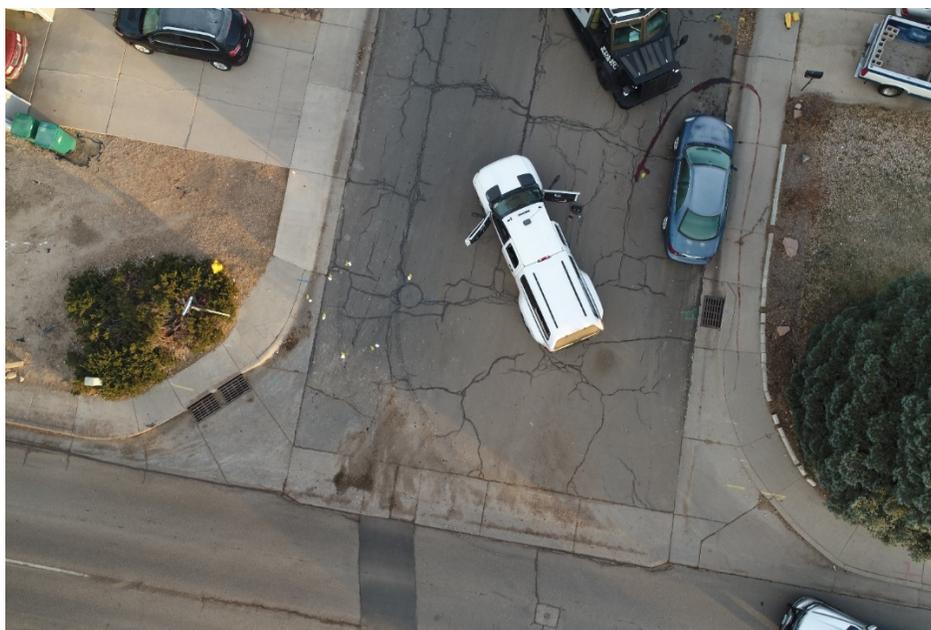
Sweet later described hearing a single gunshot outside his bedroom door and subsequently calling 911 and being directed out of the residence by dispatch. As he exited the residence, he saw Cooley lying on the floor.

Maria Lerma – girlfriend of Russell Cooley

Lerma was interviewed in her hospital room. She told detectives that on November 14th at about 0930 hours, Cooley, her boyfriend of three months, came over to her apartment in Greeley. Cooley hung out with her at her apartment most of the day, and the two of them left around 1700 hours to go for a drive. As they were driving around, Cooley asked if she wanted to learn how to shoot a gun and she said yes. They drove down some back roads and Cooley was telling her they were going to shoot “these motherfucking guns.” They drove to an open field near Pierce and Cooley handed her a gun, instructing her to shoot into the field from the truck. She then fired one round with a small gun she described as an “old country gun”. Lerma only fired once and then they left, continuing to drive around.

Lerma described Cooley as “tripping out” and said he thought people were following him. Lerma described them stopping for gas at what she believed was a Kum & Go in Pierce (though it was actually the Cenex in Eaton). A police officer pulled into the gas station and Cooley said, “Here they come! Here they come!” Cooley then told Lerma, “I’m not going back. I’m not going back.” Lerma described the pursuit and said that Cooley was saying things like, “They’ll never take me alive!” During the pursuit, Cooley called his mom on the phone and told her to open the door to her house. He also told his mom that he needed to do what he needed to do and that “dead or alive”, he was not going back. Lerma told detectives that at one point during the pursuit, she grabbed the steering wheel of the truck in order to prevent a collision with a parked car as they drove by. Cooley then told her not to “touch shit” and she told him he had almost hit a car with people in it. Cooley responded by saying, “Fuck it! Whoever is in my way is going to get hit!” She denied any other active involvement, including reloading guns or steadying the wheel for Cooley to shoot at police.

Cooley told Lerma when they got to his mom’s, they were going to jump out and run inside. When they stopped, Cooley was shooting at the cops and Lerma estimated he fired 10-20 shots. She described herself as curled up in the fetal position and was therefore unable to see anything. Lerma told Cooley she did not want to get out of the truck to which he responded, “Get the fuck out of the car!” She grabbed her purse and opened the passenger side door, while hearing “Boom! Boom! Boom!” as the gunshots rang out. She almost instantly fell to the ground and thought she was shot with a taser, but soon realized it was an actual bullet wound. Lerma called out to Cooley, but never heard a response. Eventually, the officers told her to crawl towards them and she did.



(AERIAL VIEW SHOWING THE POSITION OF THE SUSPECT VEHICLE, LERMA’S PURSE ON THE PASSENGER SIDE AND THE BLOOD TRAIL OF LERMA’S PATH)



(LERMA'S BULLET WOUND TO HER RIGHT LEG)



(THE BULLET RECOVERED FROM LERMA'S LEG DURING SURGERY)

Conclusion

All officers' body camera footage was reviewed at length and found to be consistent with both officer and witness statements regarding the incident, as well as the physical evidence collected at the scene.

Cooley's rifle had a drum magazine capable of holding sixty rounds. At the time of its seizure, six bullets remained in the magazine, including one in the chamber. Ten spent .223 casings were located in the road in front of 3603 Marigold Street, believed to be from the shots fired during the rolling vehicle pursuit. An additional seven spent .223 casings were found on the ground just outside the driver's door of the suspect truck. Thirty-seven spent .223 casings were located on the sidewalk, driveway and street in front of 3610 Marigold Street. Based on this evidence, it was determined that Cooley fired fifty-five rounds from his rifle during this entire incident.

Officer #1 was the only officer who fired his weapon, firing a total of eight rounds, six from inside his patrol car during the pursuit, and two more after he exited his vehicle at the end of the pursuit. Crime scene analysis revealed nineteen bullet holes in Officer #1's patrol vehicle. Officer #1's firearm was seized as evidence at the hospital and determined to have eleven rounds in a thirteen-round magazine, as well as one round in the chamber. Another magazine, which held seven rounds, was seized from Officer #1's patrol vehicle, which was

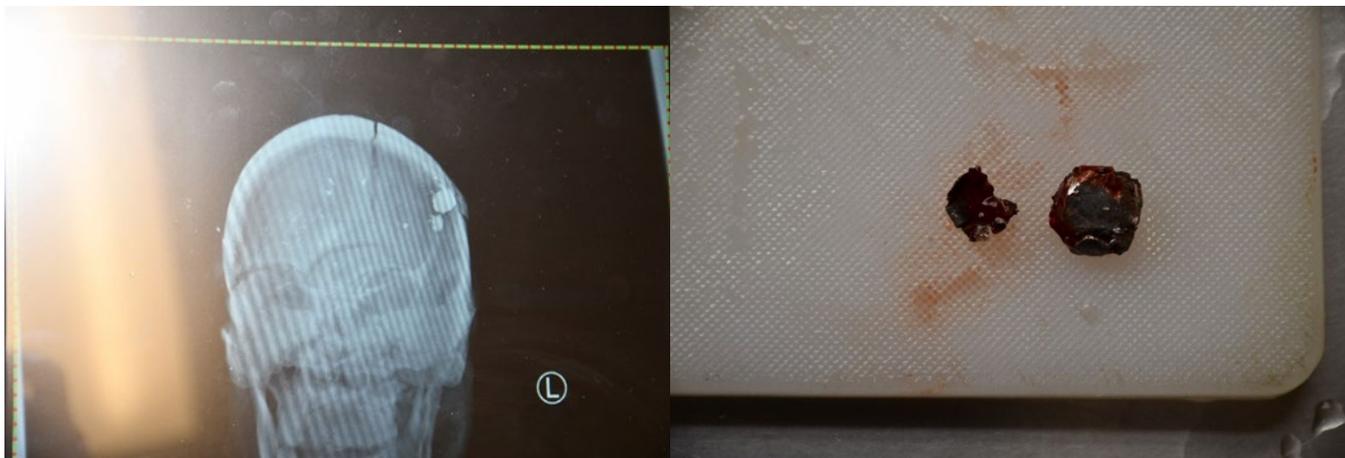
the magazine ejected from the tactical reload during the pursuit. These round counts are consistent with Officer #1's statement, as well as the spent shell casings recovered from the scene. The bullet removed from Lerma's leg was confirmed to be one of Officer 1's rounds.

The investigation supports that as the pursuit ended, Cooley exited the driver's side of the truck and moved east towards the residence, while rapid firing the rifle in the direction of police officers. This movement combined with Lerma's position and path, placed Lerma between the officers and Cooley. Lerma underwent surgery and was released from the hospital, though her current prognosis is not known due to her lack of continued cooperation with the investigation.

Cooley ultimately shot himself in the head with his revolver. The revolver was found to be fully loaded with five rounds of .38 ammunition, one of which was an empty shell casing. During the autopsy, the pathologist described the wound on the right side of Cooley's head as a "contact" wound and noted both bone fragment and brain matter on the exterior of the wound. The spent bullet was removed from Cooley's head during autopsy. Ballistic comparison of the spent round to the revolver located in Cooley's hand at the time of his death has not yet been completed.



(.38 REVOLVER FOUND IN COOLEY'S RIGHT HAND AT SCENE – CYLINDER SHOWING 4 LIVE ROUNDS AND 1 SPENT ROUND)



(XRAY OF COOLEY'S HEAD TAKEN DURING AUTOPSY - SPENT BULLET REMOVED FROM COOLEY'S HEAD)

Cooley's toxicology results were positive for both amphetamine and methamphetamine. Analysis of Cooley's blood indicated the presence of 1700 nanograms of methamphetamine per milliliter of blood. According to the toxicology report, blood levels of 200-600 nanograms have been reported in methamphetamine abusers

who exhibited violent and irrational behavior. The report also indicates that high doses of methamphetamine can elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.

In the late 1990's and early 2000's, Cooley was associated to the Sureno southside gang going by the moniker of "Bugsy", but was not a tracked gang member at the time of his death. As the events of November 14-15th unfolded, active long time Sureno gang members, as well as members of the 18th Street gang began posting on social media platforms expressing condolences and paying respect to Cooley for shooting at law enforcement officers. These posts were made prior to the public release of Cooley's involvement and identity.

Officer #1 underwent surgery 19 days after the incident, during which the bullet was removed from his right arm. He currently remains on modified duty as a result of his injury, however, he is expected to make a full recovery.



(BULLET REMOVED FROM OFFICER #1'S ARM)