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Sheriff Steve Reams
Weld County Sheriff's Office

RE: Investigation of the March 26, 2021 Officer-Involved Shooting of Steven Kielian

Sheriff Reams:

The investigation into the shooting of Steven Kielian 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 Deputies Jaeger, Meyers, Chapman, Pecorella or Sergeant Oakes. Attached hereto are the findings of the Investigations Unit 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.

I have determined that, under the circumstances presented in this investigation, I will release the name of the officers 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 do not outweigh the other four factors to be considered, particularly the public's interest in inspection. While the continued safety of the deputies and their families is of significant concern in all cases, there does not exist a continuing or ongoing threat to the law enforcement officials based on the CIRT investigation. I have also had opportunity to consult with you and the deputies, through counsel, and understand that there are no objections to the release of names by any of the individuals involved nor by your office.

Therefore, I will release the names of the deputies in this report.

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 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 Steven Kielian was shot and killed by law enforcement officers, the determination of whether the conduct was criminal is a question of legal justification.

Colorado Revised Statutes § 18-1-707, as amended by the Colorado General Assembly in 2020 by SB 20-217, establishes when a peace officer can use potentially deadly force to defend himself or others. The pertinent subsections of the statute read as follows:

C.R.S. § 18-1-707(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- b) The suspect poses an immediate threat to the peace officer or another person;
- c) The force employed does not create a substantial risk of injury to other persons

C.R.S. § 18-1-707(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms...unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

C.R.S. § 18-1-707(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

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.

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 Kielian intended to use deadly force. The issue is whether it was reasonable for the officer and deputy to believe that he was about to use deadly physical force against the officer, the deputy, or another person with a deadly weapon.

In this case, the Weld County Sheriff’s Office received a report of a domestic violence residential burglary where the suspect had active felony warrants and access to firearms within the residence. Multiple deputies and a supervisor arrived on scene given the volatile nature of the situation. They gave numerous commands which Kielian ignored, including commands required by SB217 regarding the possible use of force should a suspect not comply with directives. The deputies attempted to utilize less lethal force, which was unsuccessful. Kielian ultimately fled the house on foot pursued by the deputies and a sergeant who were still giving commands. While being pursued, Kielian turned and fired at the sergeant and deputies. They returned fire and caused Kielian to fall to the ground. Kielian was again given commands and disregarded them. Kielian reached for the firearm and aimed at the deputies and the sergeant, in response they fired at Kielian to end the threat to their lives.

Based upon the forensic autopsy performed by the pathologist, the report of which was received by my office on June 7, 2021, the levels of methamphetamine in Kielian’s system were in excess of 860 ng/mL. According to the toxicology report, “blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.”

Kielian would have clearly known that they were all law enforcement officers as they were both in full patrol uniform and driving marked patrol vehicles.

The deputies and sergeant reasonably believed when they fired their weapon that they, other deputies, or citizens were in imminent danger of death or serious bodily injury.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that Deputies Jaeger, Meyers, Chapman, Pecorella and Sergeant Oakes were justified in using lethal force against Kielian. The use of such force was reasonable based on Kielian’s threatened use of deadly physical force against the law enforcement officers.

CONCLUSION

Under C.R.S. § 18-1-707, the actions of Deputies Jaeger, Meyers, Chapman, Pecorella and Sergeant Oakes were justified and authorized by law to defend and protect themselves and others from the lawless and threatening actions of Steven Kielian. As a result, the Weld County District Attorney’s Office will not file charges against them 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, appearing to read "Michael J. Rourke". The signature is written in a cursive, flowing style.

Michael J. Rourke
District Attorney



Officer Involved Shooting

March 26, 2021

Investigator Cayley Chiodo

Subject: Steven Kielian

21DA00029 – Weld County District Attorney's Office

21W011824 – Weld County primary case number

21G022660 – Greeley Police case number

ER 21-0766 – Erie Police case number

Summary

On 032621, a report of an in progress domestic violence incident was received by Weld County Dispatch. Rebecca Spaur called 911 after her boyfriend, Steven Kielian, broke into her home in rural Weld County (26935 CR 70) and assaulted her. She reported that there were guns and knives in the home which Kielian would have access to as he was currently inside the home. Deputies arrived on scene and first spoke to Rebecca. Because of the unknown threat that Kielian posed, it was decided to wait for additional deputies before approaching the house.

Rebecca told deputies that Kielian and she had been in an intimate relationship, but she kicked him out the day of the incident. Rebecca went to work that day and came back to find Kielian had broken into her home. She confronted Kielian and told him to leave which turned into a physical altercation. Rebecca was scared of Kielian so she left her home to call 911. With this information, deputies had probable cause to arrest Kielian not only for the active felony warrants, but for the break in and assault.

Deputies devised a plan to approach the home to attempt to apprehend Kielian. From the south side of the home, Deputies commanded Kielian to come out of the home or force would be used against him. Kielian did not comply with these commands, instead he wandered around the home. Sergeant Oakes arrived on scene and directed deputies to approach safely and deploy a less lethal shotgun. Oakes told them if Kielian presented himself in the now open doorway to utilize the less lethal weapon if he was non-compliant. Kielian appeared in the doorway and refused to obey deputies' commands, thus a less lethal round was fired by Deputy Jaeger at Kielian, striking him and causing him to retreat inside, audibly in pain.

As deputies continued their attempts to get Kielian to comply, he exited the home on the east side. Deputies directed their attention to Kielian outside of the home as he was casually walking north toward the outbuildings. Deputies saw Kielian holding what appeared to be a water bottle. Because the item in Kielian's hand did not pose a threat to deputies, they continued to give commands and followed Kielian north.

Kielian jumped over the fence which divides the residential property from the outbuildings and started to run north. Deputies continued to follow and jumped the fence in pursuit of Kielian. As he was running away, deputies observed Kielian motion as if he was taking a handgun shooting position. Deputies heard a gunshot as Kielian was observed pointing a gun at them. Deputy Pecorella, Sergeant Oakes, and Deputy Jaeger fired their weapons at Kielian, striking him. Deputy Jaeger fired a less lethal round before transitioning to his pistol.

Kielian fell to the ground and rolled on his right side, facing away from deputies. Deputies positioned themselves on the west side of Kielian and continued to give him commands to comply so they could assist him with his gunshot wounds. Kielian lifted his head up multiple times despite deputies instructing him to move onto his stomach with his hands to his sides. Deputy Meyers informed Deputies that there was a gun next to his right side and Kielian started to reach for the gun. Deputies instructed Kielian not to reach for the gun but Kielian grabbed the gun which he then pointed at multiple deputies. Deputy Pecorella, Sergeant Oakes, Deputy Chapman, and

Deputy Meyers fired their weapons at Kielian. Once Kielian no longer posed a threat, Deputies assessed the situation and attempted to render aid.

Rebecca and Kielian Relationship Information

Rebecca and Kielian attended high school together at Roosevelt High School in Johnstown. Recently, Rebecca and Kielian started talking on Facebook and subsequently started dating. Kielian had been staying at Rebecca's home on the weekends but Kielian started doing meth again which caused him to act erratically. Kielian "flipped out" and told Rebecca there were demons inside of her and inside of her dogs. He said they all had to die.

Around 12:00 am on 032621, Rebecca removed all of Kielian's belongings from her home and placed them outside by the garage door. Rebecca told Kielian he needed to leave. Kielian refused to leave the property and stayed by the garage door with his personal belongings the rest of the night. Around 8:15 am on 032621, Kielian left his belongings at the house and left the property entirely. After he left, Rebecca gathered Kielian's belongings and placed them into the garage before leaving for the day.

Camera footage from the property captured Kielian's actions near and around the property on the date of the incident. Around 11:40 am Kielian returned to the home. He attempted to break into the home at several different access points. Around 5:10 pm, Kielian broke into the home through the basement window well. The footage also showed Kielian's behaviors were very exaggerated, fidgety, and erratic indicative of being under the influence of narcotics. He was also seen on camera wandering around the home, manipulating a black pistol.

Around 5:35 pm, Rebecca returned home and discovered the broken basement window. Rebecca ran Kielian out of the house, but he returned to the home and attempted to gain access. There was a struggle as Rebecca tried to prevent him from getting into her home. During this struggle, Kielian struck Rebecca in the head multiple times. A short time later, Kielian was again seen on camera wandering outside the home while Rebecca was on the back porch calling 911. Kielian gained access back into the house and locked Rebecca out.

Kielian Background

Steven Kielian was a 32-year-old male whose primary residence was at 23085 WCR 23 in Milliken. Kielian had a history of drug use that dated back to the time he was in high school. Kielian had a lengthy criminal history that included trespass, menacing, drugs and burglary. At the time of this incident he was a client of Intervention Community Corrections Services (ICCS). Kielian had one son and lived with his parents. His parents stated he was doing well up until a few days before the incident. Kielian's father told hospital staff that he found out Kielian had been using meth again which, was corroborated with the ICCS case manager assigned to Kielian's case.

As a client of ICCS, Kielian was to report to work as ordered. However, on Tuesday March 23 (three days before the incident), he did not show up for work. He also missed the 24-hour grace period which resulted in a warrant for his arrest. Kielian was aware of this warrant.

Site Information and Ownership

The location of this incident started at the residential portion of the property, but the shooting occurred in the farm area near the outbuildings which was separated by a pole fence. The property is owned by Rebecca Spaur and she was the only resident of the house. The farming property is rented by Rebecca's parents who own and operate a dairy down the road. The farming property was comprised of outbuildings which contain various farm equipment. Cameras captured portions of the incident both outside and inside the house.



This photograph shows the property where the incident occurred. The yellow line represents the fence that Kielian and deputies jumped over, the dotted yellow represents the approximate path of travel that Kielian took and that deputies followed, the yellow rectangle represents the location Kielian fell. Also depicted here are the approximate location of deputies' vehicles and their location on the house.

Deputy Statements

Deputy Keiser

Deputy Keiser was first on scene and was driving a marked Ford Explorer and was wearing his standard WCSO patrol uniform with a black beanie and sunglasses at the time of the confrontation with Kielian.

Deputy Keiser responded to a disturbance involving a boyfriend who broke into the reporting party's house. He was made aware that the suspect had access to firearms and other weapons that were inside the home and that the suspect had multiple warrants. Because of the threat of the suspect having firearms, Deputy Keiser deployed his rifle. When Deputy Keiser arrived on scene, he first spoke to the reporting party, Rebecca Spaur who told him that the suspect assaulted her. Rebecca gave Deputy Keiser permission to go inside the home to arrest Kielian.

Deputy Keiser waited for other deputies to arrive and saw Kielian come in and out of the home, he did not listen to orders and continued placing his hands in his pockets. Keiser gave direct orders to Kielian such as "come out of the home," "put your hands up," "you're under arrest," and "force may be used if you don't comply."

Deputy Keiser saw Kielian running north from the home with deputies in pursuit. Next, he saw Kielian turn around and shoot towards the deputies. Deputy Keiser was scared for his life and the life of the other deputies, and believed he needed to "end the threat" so he raised his rifle. However, due to the proximity of the other deputies, he did not fire. Deputy Keiser heard gun shots coming from the other deputies and he saw Kielian fall to the ground after taking a few more steps.

After Kielian was on the ground, Deputy Keiser and the other deputies gathered around him and gave commands to show his hands. Deputy Keiser was near Kielian's feet and saw a red, white, and blue Glock pistol with a weapon mounted flashlight that was illuminated. Kielian reached for the gun and lifted it towards the deputies. The deputies shot at Kielian and the gun dropped from his hand. Deputy Keiser believed if Kielian had not dropped the gun and been able to fire the weapon, he would have been shot by Kielian.

Deputy Jaeger

Deputy Jaeger was the second on scene driving a marked Ford Explorer. Deputy Jaeger was wearing a standard WCSO patrol uniform with a black patrol sweater. Deputy Jaeger had an orange less-lethal shotgun and a Smith & Wesson M&P9, 9mm pistol.

Upon arrival Deputy Jaeger was aware that a female was assaulted by Kielian after he broke into her house. Deputy Jaeger also learned that Kielian was inside the home, was destroying property, there were firearms in the home, and the he was reported to have felony warrants.

While on scene with Rebecca, Deputy Jaeger confirmed the identity of Kielian using a past booking photo. Deputy Jaeger utilized the Public Address (PA) system to identify the deputies and give orders to comply. There was no response and Kielian continued to go in and out of the house.

He taunted the deputies saying something like, “if you’re going to shoot me, shoot me.” Deputies told Kielian he was under arrest and force could be used if he didn’t comply.

At one point, Kielian appeared in the garage door with both of his hands concealed behind his back. He again refused to comply with the deputies’ commands. Deputy Jaeger, armed with a less lethal shotgun, fired one less lethal round at Kielian’s abdomen in an attempt to gain compliance. Kielian shrieked in pain and retreated inside the house.

A short time later Deputy Jaeger saw Kielian running north through the back yard. Kielian then jumped the fence into the lot where Deputy Jaeger saw farm employees earlier. Deputy Jaeger and other deputies pursued Kielian into the lot since he believed Kielian was going to harm the employees. During this foot pursuit, Kielian turned back towards the deputies and took a firing position. Deputy Jaeger heard two gunshots in his and other deputies direction. This made him fearful for his life and other deputies’ lives. He described that this occurred so quickly that there was no time to give commands or ultimatums. As he pursued Kielian, Deputy Jaeger still had his less lethal shotgun but did not remember if he fired it. He dropped the less lethal shotgun and transitioned to his pistol. He thought he shot Kielian two times. Kielian dropped to the ground partially on his side.

Deputies moved up behind Kielian and gave him commands. Kielian rolled on his back toward deputies and was given commands to roll onto his stomach to receive aid. Deputy Jaeger heard someone say, “don’t reach for the gun,” but Kielian rolled towards deputies who shot Kielian. Deputy Jaeger didn’t see anything at Kielian’s side or in his hand, and he did not remember firing during the second engagement.

Deputy Meyers

Deputy Meyers was the third deputy on scene in a marked Ford Interceptor. Deputy Meyers was wearing a standard WCSO patrol uniform with a black patrol sweater. Deputy Meyers had a 5.56mm patrol rifle.

Deputy Meyers was informed that there was a domestic violence call in which Kielian had broken into the victim’s home. There was also information that Kielian had multiple felony warrants and had access to firearms and knives in the home. Deputy Meyers joined the other deputies on the scene and could hear multiple commands and use of force ultimatums given to Kielian but no compliance. Kielian was appearing in various locations within the house and at one point said something like, “just shoot me if you’re gonna shoot me” before going back into the house.

Deputy Meyers saw Kielian leaving the house and was in the back yard with something in his hands. He gave Kielian commands to stop and drop what was in his hands, however Kielian did not comply. Kielian headed north away from the house and jumped a fence into a dirt lot. As Deputy Meyers was jumping over the fence, there was an audible gunshot followed by a “volley of gunfire” from other deputies. Deputy Meyers was too far away at this point to engage Kielian.

Deputy Meyers saw Kielian on the ground after the gunshots ceased. There were commands given to Kielian, but he rolled over and reached for something that was hard to recognize. The object was shaped like a gun but didn't look like a gun because of the flag design that was on it. Deputy Meyers believed he fired about three rounds from her rifle at Kielian.

Deputy Chapman

Deputy Chapman was the fourth deputy on scene in a marked Ford Explorer and wearing a standard WCSO patrol uniform with a black patrol sweater. Deputy Chapman had a 5.56mm patrol rifle.

Deputy Chapman responded from the south end of the county and learned along the way that Kielian had broken into the victim's house and assaulted her. Kielian was still inside the home and deputies were made aware that there were several guns that Kielian would have access to inside the home. There was also information given that Kielian had felony warrants. While on scene, Deputy Chapman heard repeated commands for Kielian to comply such as, "if you don't comply, force will be used against you".

Kielian eventually appeared in the garage door that was opened, but he was hiding his hands behind his back and wasn't complying with orders to show his hands or drop his weapon. Deputy Jaeger fired his less lethal shotgun at Kielian who retreated into the house.

Deputy Chapman saw Kielian in the backyard of the house, walking north away from deputies and not obeying the continued commands that were being given. Kielian jumped the fence into the lot and deputies followed. When Deputy Chapman was jumping the fence, he heard a "volley of gunfire" but deputies were blocking his view of Kielian. Deputy Chapman was not able to decipher from where the gunshots were coming.

Deputy Chapman ran up to Kielian who was now laying on his stomach with his hands under him. Deputies were giving Kielian commands to show his hand and drop the weapon. From about 8-15 yards from Kielian, Deputy Chapman could see him moving, and saw Kielian pull his left hand from underneath him. Deputy Chapman saw Kielian had a gun in his hand and made a "very purposeful movement to point the gun in our direction." Deputy Chapman believed Kielian was trying to use the gun to shoot him or other deputies. Deputy Chapman believed he fired his rifle at Kielian 5 or 6 times until he saw his hand fall to the ground, and he stopped moving.

Sergeant Oakes

Sergeant Oakes was the fifth deputy on scene with a marked Chevy Tahoe and a standard WCSO patrol uniform. Sergeant Oakes had a Sig Sauer P320, 9mm and was utilizing cover for himself and other deputies using a ballistic shield which clearly stated "SHERIFF".

Sergeant Oakes was monitoring the domestic violence call as it was developing. Over the radio it was aired that Kielian was going in and out of the residence and was not complying with

commands. It was also aired that he had access to multiple firearms in the house. It was confirmed that deputies were giving announcements required by Senate Bill 217.

Sergeant Oakes responded to the scene and made a tactical plan to approach with Deputy Jaeger who had a less lethal shotgun. Sergeant Oakes equipped himself with a ballistic shield. While Sergeant Oakes was up at the house, Kielian was seen through an open door. Deputy Jaeger fired one less lethal round at Kielian. It appeared that the round did strike him, however he still did not comply.

Kielian was seen in the backyard of the residence casually walking north with a large water bottle in his hands. Deputies were giving clear orders to Kielian to drop what was in his hands, but the commands were ignored, and Kielian continued north.

Deputies followed Kielian as he approached the fence separating two sections of the property. Sergeant Oakes dropped his shield and jumped the fence to apprehend Kielian. Kielian pointed a handgun at Sergeant Oakes and the other deputies. Sergeant Oakes heard a single gunshot and was in fear for his and the other deputies' lives. There was not enough time to give further commands as Kielian presented and fired the gun. Sergeant Oakes fired a "volley of rounds" from his pistol at Kielian who stumbled and fell to the ground. While on the ground, deputies continued to give commands, but Kielian did not comply and reached for an American Flag themed Glock pistol. Sergeant Oakes fired his weapon again until Kielian dropped the gun.

Deputy Pecorella

Deputy Pecorella was the sixth deputy on scene and was in an unmarked Chevy Tahoe doubled with Deputy Adams. Deputy Pecorella was wearing plainclothes with a clearly marked green plate carrier/external vest, he also had a short-barrel 5.56mm rifle during the incident.

Deputy Pecorella was working in a plain clothes capacity but heard the domestic violence call come out while at WCSO. His attention was piqued when he heard a deputy air that he just heard the suspect say something like, "you are going to have to either shoot me or leave." It was also aired that the suspect had three felony warrants plus the new assault/domestic violence charges that initiated this call. Deputy Pecorella heard information that the suspect had access to multiple firearms inside the house.

Once on scene, Deputy Pecorella heard multiple commands being given by deputies and also heard a less lethal round being fired. Later, Deputy Pecorella saw Kielian in the backyard of the house, clutching items in his arms in front of him like a baby. There were again commands given to Kielian who again did not comply but rather fled north over a fence. Deputy Pecorella and other deputies pursued Kielian over the fence. Deputy Pecorella did not think that Kielian was armed and stated that to another deputy as they pursued the suspect over the fence.

At this point, Deputy Pecorella described his recollection of time slowing down. He recalled Kielian turn back towards the pursuing deputies and presented an object in his hand the way someone would present a gun. Then Deputy Pecorella saw a flash but didn't know if it was muzzle

flash, brass glinting, or a flashlight and heard upwards of three gunshots followed by the whizzing sound of a bullet. Deputy Pecorella believed Kielian was shooting at him and at other deputies which caused him to fear that his partners were going to be killed. There was not enough time to give Kielian commands or an ultimatum. Deputy Pecorella fired his rifle at the suspect until he fell to the ground.

When Kielian was on the ground, he was laying on his side away from deputies, hiding his hands. Deputies moved up behind Kielian and were giving him commands but he did not comply. The suspect rolled over and Deputy Pecorella saw a light and a “black hole” in Kielian’s hands. Deputy Pecorella realized this was the muzzle of a gun that Kielian was pointing in his direction. Deputy Pecorella fired his rifle again at Kielian as he feared Kielian was going to shoot him. Other deputies also fired until Kielian no longer posed a threat. There was no time to give commands during the second engagement after Kielian presented the gun as by the time Deputy Pecorella realized the gun was pointed at him, his life was already in danger and he needed to act quickly.

Deputy Adams

Deputy Adams was the seventh on scene along with Deputy Pecorella, also in the unmarked Chevy Tahoe. Deputy Adams also had plainclothes with a clearly marked green plate carrier/external vest.

Deputy Adams got information from the call that a male suspect had broken into a home and assaulted a female victim. There were charges for domestic violence and the suspect had felony warrants. Inside the home were multiple firearms the suspect would have access to. Deputy Adams and Deputy Pecorella responded to the scene together.

While Deputy Adams was in the driveway with Deputy Keiser, he heard a less lethal round. Later, Deputy Adams saw Kielian running north from the home and into the lot and had items in his hands. Deputy Adams saw deputies running after Kielian and then he saw Kielian turn around and fire two gunshots towards the deputies. Deputy Adams feared that the other deputies would be killed as the other deputies returned fire.

Deputy Adams went up to where other deputies were in the lot and gave Kielian commands to show his hands. He did not comply and was still moving his hands. Deputy Adams thought it was Deputy Meyers who saw that Kielian’s gun on the ground. Kielian reached for the gun and deputies shot at him again.

Other Interviews

Rebecca Spaur

Rebecca noticed that Kielian was not himself and she wanted him out of her house. In the early morning hours on the day of the incident, Rebecca told Kielian to leave. Rebecca left for work and returned to find that Kielian had broken into her home. She tried to get Kielian to leave as he was

saying she and her dogs needed to die. There was a struggle in which Kielian struck Rebecca in the head causing her injury. Rebecca left the house to call 911.

Deputies arrived on scene and instructed her to stay back by their cars which she did. Rebecca had access to the cameras around her house and was watching for Kielian. She could hear deputies yelling at Kielian to come out of the house and that they wanted to talk to him. They were also instructing him to come out with his hands up and that he was under arrest.

Rebecca saw the deputies near the garage and then heard a gunshot that appeared to come from an orange gun. After deputies left the garage area, she heard a single gunshot and then heard many additional shots. Rebecca could see Kielian laying on the ground in the lot north of the house, and deputies were running up to him. She then saw deputies shoot him again.

Hans Meyer

Hans is an employee of Rebecca and was closing up for the day around 6:15 pm. Hans filled up his truck with gas from within the lot and then got into his personal vehicle, a Jeep. He then drove to the main shop and saw deputy vehicles pulling up to the entrance of the property that bordered County Road 70. Hans didn't know what was going on as he stayed out of the personal business of his boss (Rebecca Spaur) and co-workers. Hans closed up and locked the shop doors and then got back into his car. He saw a male, whom he did not know, running from Rebecca's house and jump the fence. He then saw Weld County Deputies chasing after him over the fence.

Hans feared something was going to happen and he started to drive his Jeep away to the main drive past Rebecca's house when he heard the deputies say, "stop running." Hans saw something in the male's hand and when he turned to face the deputies, the male was shot. Hans didn't know what was in the male's hands. Hans continued to drive and looked back over his shoulder through his windows and saw the male still on the ground, he saw the male lift his head up and then deputies fired a large amount of rounds at him again.

Hans wanted to get away from the scene but knew the deputies would want to speak to him, so he waited by their vehicles.

Steven and Karen Kielian

Several days after Kielian's death, Steven and Karen (Kielian's parents) agreed to speak with investigators. They explained that Kielian had one son whose name was also Steve (he will further be referred to as Steve Jr.) with whom Steven and Karen had visitation rights. Things for Kielian seemed to be going well until he missed work on 032221. Kielian knew he had warrants as a result. Kielian was upset that other inmates were being released sooner and Kielian was worried it affected his son. Steven was guarded during his interview and was skeptical of the shooting as he was not aware Kielian had a firearm at the time and wanted to hire a private investigator.

Physical Evidence

After Kielian no longer posed a threat, he was secured in handcuffs and aid was rendered by deputies until paramedics took over. The pistol that was on the right side of Kielian was a Glock 19 (9mm) that had a red, white, and blue flag design and a Streamlight mounted to the frame. The magazine that was in the gun was a 15 round magazine that had 10 rounds at the time of the round count. There was also a round in the chamber. This model of Glock does not have an external safety.

There were approximately 44-52 bullets (5.52 and 9mm) fired by deputies and 2 rounds of the less lethal shotgun "sock."

Found in the lot was one brass shell casing that is believed to be from the Glock 19 that was found lying next to Kielian. He is seen on Body Worn Camera (BWC) brandishing this weapon at deputies prior to his demise. The casing was separate from the groupings of deputies' casings and was a 9mm that appeared to be the same A USA round found in the chamber and magazine of the Glock 19.

All deputies on scene had BWC footage during the incident. There was also surveillance footage from the house, and around the farm shops that was viewed.

The water bottle that was seen by deputies to be carried by Kielian was a Halloween decoration that depicted a "skull powder poison" and was found next to Kielian after the shooting. The home surveillance captured Kielian carrying this around the house as well.

During the search of the house, there were various other guns found. Of note, a Glock 17 (9mm) with an American Flag design on the slide and a Streamlight mounted on the frame and an FN Five-seven pistol (5.7x28). Camera footage showed Kielian handling the FN Five-seven pistol at certain points. The rock which Kielian used to break the window was found in the basement as was the broken window itself. Investigators observed various damage done to doors/door frames in the house. There was blood found on a door in the house which is where Rebecca was assaulted. The dog food bowls had been filled with rocks and there were other buckets of rocks found throughout the garage area.

Autopsy/Toxicology Results:

The autopsy was conducted by Dr. Burson on 032921. Dr. Burson determined there were 17 rounds which struck Kielian. Three bullets were found embedded in Kielian which were removed and described as a deformed copper bullet from the right axilla and two deformed copper jacketed bullets from the left buttocks. There were multiple gunshot wounds that were in fatal areas which caused major organ failure ultimately leading to the death of Kielian. One round struck Kielian's neck, six rounds struck his torso, seven rounds struck his legs, and three rounds struck his arms.

Postmortem blood toxicology revealed 180 ng/mL of amphetamine which is a Schedule II CNS stimulant used therapeutically in the treatment of narcolepsy and obesity in adults. 860 ng/mL of

methamphetamine was also present which is a DEA Schedule II stimulant drug capable of causing hallucinations, aggressive behavior and irrational reactions. Additionally, 6.8 ng/mL of Delta-9 Carboxy THC and 14ng/mL of Delta-9 THC were present in the blood of Kielian. Delta-9 THC is the principle psychoactive ingredient of marijuana/hashish and is an inactive metabolite of THC. Delta-9 THC (marijuana) is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects.

Criminal History

Kielian had a long criminal history dating back about 15 years to when he was a juvenile. Between 2007 and 2015, Kielian had been contacted by law enforcement over 9 different times by several agencies in the Northern Colorado/Wyoming area. The charges consisted of drugs, assault, DUI, forgery, obstruction, and violating a protection order. In more recent convictions, Kielian was sentenced to community corrections.

In 2016, Weld County arrested Kielian for assault, trespass, DUI, disorderly conduct, and failure to appear resulting in a community corrections sentence. In 2019 Kielian was arrested by the Milliken Police for burglary, drugs, and vehicle theft resulting in additional time at community corrections. Finally, in 2020 Kielian was arrested by Milliken Police for drugs and trespassing in which he was again sentenced to additional community corrections time.