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February 23, 2023

Chief Adam Turk
Greeley Police Department
2875 W. 10th Street
Greeley, CO 80634

RE: Investigation of the December 27, 2022 Officer-Involved Shooting of Sebastian Osborn

Chief Turk:

The investigation into the shooting of Sebastian Osborn 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 Officer Serafino. 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.

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 Sebastian Osborn was shot and killed by law enforcement, 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 Osborn intended to use deadly force. The issue is whether it was reasonable for the officer to believe that he was about to use deadly physical force against him or another person with a deadly weapon.

In this case, Greeley officers were dispatched to a possible overdose. Officers believed Sebastian Osborn was observed at the apartment complex located in the 2400 block of 1st Avenue. Officers knew Osborn had an active warrant. Officer Serafino followed Osborn and confirmed his identity. Osborn fled and Officer Serafino chased him and gave him commands. He never complied. Osborn pointed a firearm at the officer during the foot pursuit twice, and the second time he pointed the firearm at the officer, the officer fired seven rounds from his duty pistol striking Osborn.

Osborn would have clearly known that Officer Serafino was law enforcement, he was wearing a police uniform and had identified himself. Further, he fled because he did not want to be arrested for and outstanding warrant- thus he knew he was law enforcement.

Officer Serafino reasonably believed when he fired his weapon that he was 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 Officer Serafino was justified in using lethal force against Osborn. The use of such force was reasonable based on Osborn's threatened use of deadly physical force.

CONCLUSION

Under C.R.S. § 18-1-707, the actions of Officer Serafino were justified and authorized by law to defend and protect himself and others from the lawless and threatening actions of Sebastian Osborn. As a result, the Weld County District Attorney's Office will not file charges against Officer Serafino for the use of deadly physical force in this event.

If you have any questions, please feel free to contact me.

Sincerely,



Michael J. Rourke
District Attorney



Officer Involved Shooting

December 27, 2022

Investigator Wendy Steward

Subject: Sebastian Frank Osborn

Weld County District Attorney's Office – 22DA00175

Greeley Police Department – 22G093482

Weld County Sheriff's Office – 22W043116

Eaton Police Department – 22EL06250

Erie Police Department – 22ER2948

Evans Police Department – 22EP18506

Windsor Police Department – 22WP21879

Summary

This incident began at the Dominic Apartments located in the 2400 block of 1st Avenue and concluded at the Woodside Village Apartments located in the 100 block of E 24th Street. Both locations are within the city of Greeley, County of Weld, State of Colorado.



Google earth image showing the intersection of 1st Ave & E 24th St – Dominic Apartments & Woodside Village Apartments

On 122722 at 0018 hours, Greeley Police officers were dispatched to Dominic Apartments located at 2450 1st Avenue #30, in reference to a possible overdose. The call indicated that a male was unconscious and not breathing. Officers Eberhard and Serafino responded to the call. EMS arrived on scene first and requested an emergent response from GPD, based on the number of people present at the apartment and in the immediate area. Sgt. Budd also responded to the call.

By 0038 hours, Sgt. Budd aired on the radio that he and Officer Serafino were clear of the overdose call and asked dispatch to put them on a suspicious activity call at the same location. Officer Serafino saw a male he believed to be Sebastian Osborn exit a nearby apartment. Officer Serafino was familiar with Osborn and knew he was wanted on an outstanding warrant. Officer Serafino positively identified Osborn moments later and a foot pursuit ensued. During the foot pursuit, Osborn quickly turned towards Officer Serafino and pointed a firearm in his direction, then continued fleeing. As the foot pursuit continued, Officer Serafino saw Osborn begin to turn in his direction again, extending his arm. Anticipating he would again raise the gun in his hand, Officer Serafino gave

commands for Osborn to show his hands, and subsequently fired his department issued handgun at Osborn seven times, ultimately killing him.

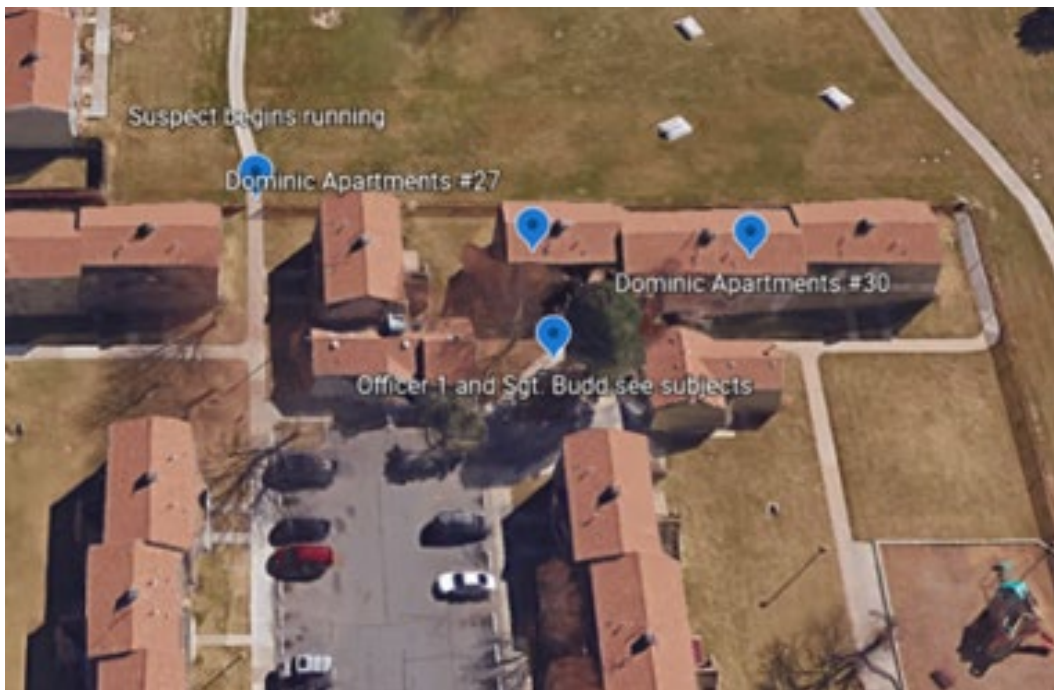
Historical Information

Sebastian Frank Osborn was born June 30, 1993. He is approximately 5'4" and 180 pounds. He has light brown hair and blue eyes. Osborn has numerous tattoos on his body, including his face and neck. He has a bridge piercing at the top of his nose between his eyes, a ring through his septum, and numerous dermal piercings in his face. Osborn's criminal history includes domestic violence, burglary, theft, and felony possession of dangerous drugs.

Osborn's last known address is 2450 1st Avenue #27, the home of Jammie Held, with whom he has children in common. This address is known to Greeley Police as a focal point for drug related crime and stolen vehicles. At the time of this incident, Osborn had an active no bond felony Failure to Comply (FTC) warrant with the underlying charge of drug possession with special offender/gun. The warrant was issued out of Weld County on 092022. Greeley police officers, including Officer Serafino, were aware of this outstanding warrant and had been attempting to locate Osborn at apartment #27 to arrest him.

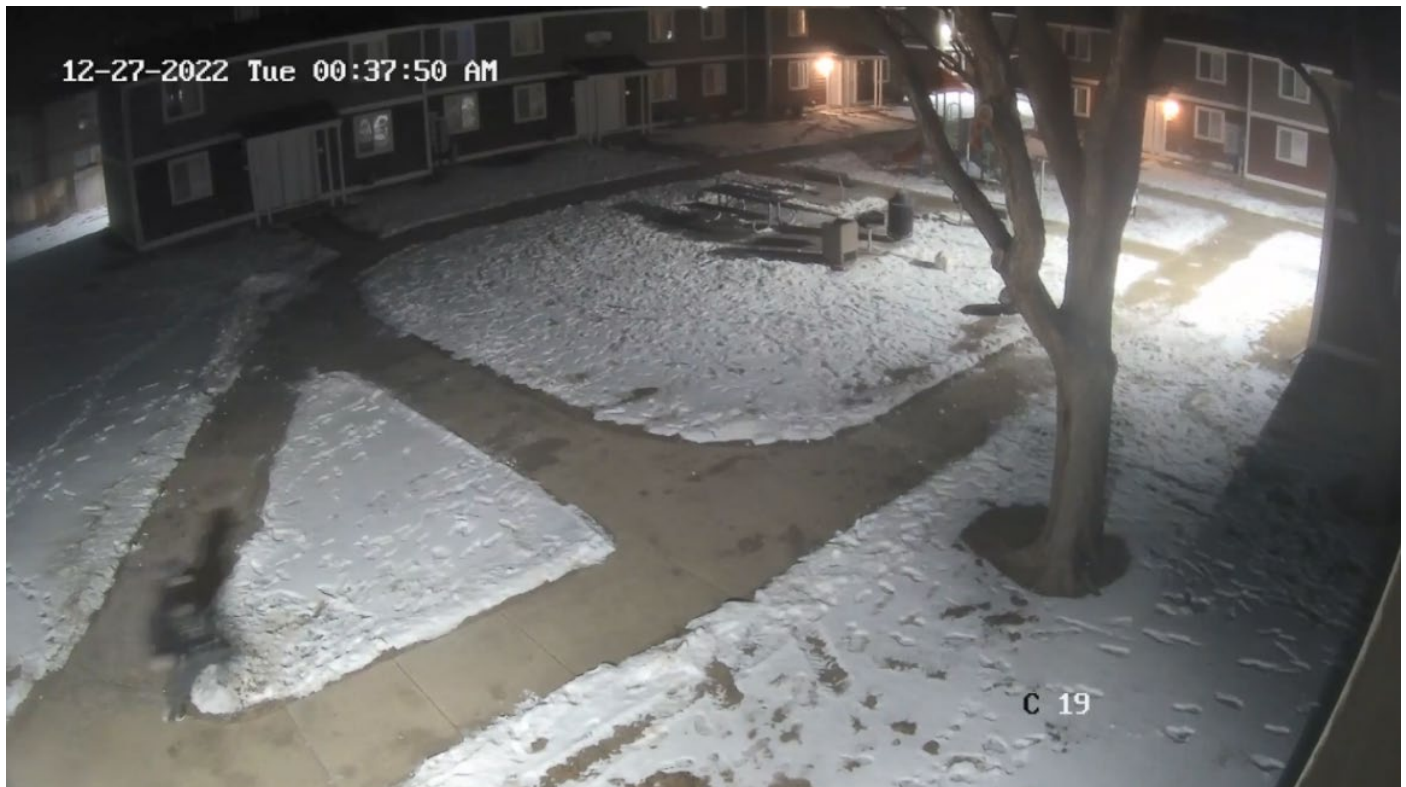
Initial Observation & Flight of Osborn

Officer Serafino, Sgt. Budd, and other officers had responded to a medical assist call for service at 2450 1st Avenue #30 just after midnight on 122722. After exiting the apartment for the medical call, Sgt. Budd and Officer Serafino saw a figure, which was later determined to be Osborn, in the area behind apartment #27.



Drone photograph from above the Dominic Apartments – marked and labeled to show the medical call at apartment #30, Held's apartment #27 and the location where Osborn starts running from the police

As officers walked that direction, Osborn reached the fence line just east of the apartment buildings and started running. Osborn's initial path was east, however, he veered north and disappeared between the buildings at the Woodside Village apartments. Osborn was initially seen wearing a black backpack on his back as he ran. Osborn was not pursued into the complex.



Screenshot photograph from the Dominic Apartments surveillance footage showing Osborn running through the center of the complex with what appears to be a black backpack

At this point, officers were not actively engaging in a foot pursuit because they had not yet positively identified Osborn. Sgt. Budd and Officer Serafino split up and Officer Serafino jogged east on the south side of the Woodside Village apartment complex. Osborn was not in his view as he ran. When Officer Serafino reached the sidewalk on the far east side of the complex, he turned north and began walking towards E 24th Street.

Foot Pursuit & Shots Fired

Seconds later, Osborn emerged from between the apartment buildings to the sidewalk just north and in direct view of Officer Serafino. Officer Serafino used his flashlight to illuminate Osborn and was able to positively identify him for the first time. Officer Serafino gave Osborn an identifying command of, "Police! Stop!" however, Osborn continued fleeing. Officer Serafino advised via the radio that he made a positive identification of Osborn and gave chase.



Screenshot photograph from Officer Serafino's body camera footage showing Osborn fleeing with something in his right hand – it appears as a flash, and is believed to be a reflection of light, caused by a gold-colored wrap on the slide of the gun

Osborn ran east through the parking lot and into a greenbelt area just west of the next set of Woodside Village apartment buildings. The greenbelt has a concrete bottomed drainage ditch that runs north and south. As Officer Serafino made it to the bottom of the ditch, Osborn paused slightly and turned towards him, pointing a handgun directly at Officer Serafino. Osborn did not fire, but rather turned and continued running eastbound.

Officer Serafino gave him two commands to show his hands, however Osborn did not comply. As Osborn reached the northwest corner of the apartment building, Officer Serafino saw Osborn turn his body and begin to raise the arm of the hand that held the gun. Fearing for his life, Officer Serafino fired seven rounds at Osborn, who fell to the ground.

Officer Serafino made his approach to Osborn while giving commands not to touch the gun which laid on the ground just a few feet from his body. Sgt. Budd arrived at Officer Serafino's location seconds later and handcuffed Osborn. Other officers arrived on scene and assisted by providing scene security and medical care to Osborn. Officers located two gunshot wounds on the front of Osborn's body and one on his back and placed three chest seals over the wounds, prior to paramedics arriving on scene.



Drone photograph showing 1st Avenue (road with yellow lines on left) – concrete bottomed drainage ditch – northwest corner of apartment building where Osborn was shot

Officers' Statements

Sgt. Bryan Budd

Sgt. Budd's primary assignment is as a late shift patrol sergeant. He was on-duty during his regularly scheduled work hours at the time of this incident. Sgt. Budd drove a marked police cruiser and was wearing a GPD police uniform, including uniform shirt, gun belt, and police jacket with badge patch on the left breast and Greeley Police patches on each shoulder.

Sgt. Budd knew the residence of Jammie Held was frequented by wanted criminals and stolen vehicle suspects. He advised that his shift often conducts interdiction activity at that location. Sgt. Budd was aware that officers had attempted to arrest Osborn at this apartment several months prior and that Osborn was currently wanted.

Sgt. Budd arrived on scene at the Dominic Apartments at the conclusion of the medical call at apartment #30. Upon his arrival, he learned that the patient had regained consciousness and was being transported by paramedics, therefore, no further police assistance was needed.

As Sgt. Budd stood in front of the building where the medical call was, he caught a quick glimpse of a male near the back (east) side of apartment #27. The male was wearing a dark hoodie with the hood up and matched the general height and weight of Osborn. Sgt. Budd asked Officer Serafino if that was Osborn and though he was uncertain, they both agreed they should contact the male to investigate further.

Sgt. Budd heard what sounded like someone revving an engine on a scooter or similar recreational vehicle. Sgt. Budd knew from prior contacts and general knowledge of Osborn that he is known to use an ATV type vehicle. Sgt. Budd began walking east through the apartment complex. He saw a female on the back (east) side of the apartment building he believed to be Jammie Held and an ATV parked behind the building just north of apartment #27.

Officer Eberhard was in the process of interviewing Held to try and obtain information regarding the identity of the male. Sgt. Budd deduced that the revving engine he had just heard was most likely the male unsuccessfully attempting to start the ATV. Sgt. Budd observed the male walking away from the area where the ATV was and yelled out, asking if he could talk to him. The male did not respond. Officer Serafino shined his flashlight on

the male, which prompted him to start running eastbound. Sgt. Budd said because the male had not yet been positively identified, he did not want to actively engage him in a foot pursuit. Sgt. Budd gave Officer Serafino permission to maintain a visual on the male in hopes of identifying him. Sgt. Budd saw Officer Serafino jogging eastbound in the same direction as the male. Sgt. Budd began moving east through the complex to try and parallel them.

Sgt. Budd heard Officer Serafino air on the radio that the male was Osborn. Sgt. Budd did not have a visual on either of them when he heard Officer Serafino challenge Osborn with something like, “Drop it! Drop the gun!” Sgt. Budd yelled out to Officer Serafino that he was coming to him. Seconds later, Sgt. Budd heard multiple rounds fired in rapid succession. Sgt. Budd aired “shots fired” on the radio to dispatch and requested that additional units respond emergent.

As Sgt. Budd emerged from between the buildings, he was able to see Officer Serafino with his handgun extended in front of him, pointed at Osborn. Osborn was lying on the ground near the northwest corner of an apartment building. Sgt. Budd approached and secured Osborn in handcuffs. He immediately recognized him as Sebastian Osborn from previous booking photographs. Sgt. Budd did not fire his weapon during this incident.

Officer Serafino

Officer Serafino’s primary assignment is as a late shift patrol officer. He was on-duty during his regularly scheduled work hours at the time of this incident. Officer Serafino drives a marked police cruiser to respond to calls for service during his shift.

Officer Serafino was wearing a police uniform at the time of this incident, including the following: long-sleeved, navy-blue uniform shirt with Greeley Police Department shoulder patches, exterior bullet proof vest carrier bearing a patch with his last name and a gold GPD badge, as well as additional police equipment such as handcuffs, radio, and flashlight. Officer Serafino also wore a black basketweave duty gun belt which held a taser and his department issued handgun, a 9mm Glock 17.



Photographs of Officer Serafino post shooting, showing exterior vest cover, gold badge, police equipment, gun belt & shoulder patches

Officer Serafino was familiar with the Dominic apartments and indicated he regularly located stolen cars there, most often associated in some way to apartment #27. Officer Serafino identified the primary resident of apartment #27 as Jammie Held, he had numerous prior contacts with her regarding stolen vehicles. Officer Serafino identified Jammie's boyfriend as Sebastian "Munoz," though Sebastian's last name is confirmed to be Osborn. Throughout Officer Serafino's interview, he called the subject "Sebastian," however in this summary of Officer Serafino's statement, he will be referred to as Osborn for clarity and consistency.

Officer Serafino indicated that based on his personal knowledge of working the area, as well as his communication with detectives, he knew that Osborn typically came and went from the apartment on a moped or ATV and always entered/exited using the back patio door on the east side. Officer Serafino had never met Osborn or had any direct encounters with him prior to this incident. Officer Serafino was familiar with Osborn's appearance based on photographs he had reviewed related to his wanted status and ongoing criminal activity.

On 12/27/22, just after midnight, Officer Serafino responded emergent to the Dominic apartments #30 for a medical assist call. After completing his law enforcement assistance for that apartment, he spoke with Sgt. Budd who had just arrived in the parking lot. Officer Serafino saw two figures, coming from the rear area of apartment #27, walk east and disappear into the darkness. Officer Serafino identified one of the figures as Jammie Held and was able to tell that the other was a male. Officer Serafino immediately suspected the unknown male figure to be Osborn, based on his association to the location and general size compared to the male figure. He was aware that Osborn had outstanding warrants and suspected he might be leaving because of the police presence at apartment #30.

Officer Serafino heard what sounded like an ATV engine starting behind the apartment building. He walked towards the noise and saw Jammie Held standing to his right and a male, the general height and weight of Osborn trying to start an ATV. The male, whose hood was up, took off running in a northeastern direction upon becoming aware of Officer Serafino's presence. Officer Serafino began jogging in the same general direction, still not certain of the male's identity.



Screenshot from Officer Serafino's body cam footage showing the moment when Osborn emerges from in-between the apartment buildings and Officer Serafino was able to positively identify him for the first time (Officer Serafino is facing north and Osborn is running east)

Officer Serafino turned north and was headed towards 1st Avenue when the male popped out from the interior of the complex. The male turned his head around and Officer Serafino shined his flashlight on him, immediately identifying him as Osborn. Officer Serafino advised Sgt. Budd via the radio that he had positively identified the male as Osborn. Osborn continued to run east, and Officer Serafino ran after him, now actively engaged in a foot pursuit with Osborn. Officer Serafino gave Osborn a command of, “Police! Stop!” however, Osborn did not stop. Osborn continued running eastbound and crossed a concrete bottomed drainage ditch.

Osborn was at the top, coming out of the drainage ditch when Officer Serafino was heading down into the drainage ditch, making Osborn in an elevated position over him. Osborn slowed and turned towards Officer Serafino. It was at that time that Officer Serafino first saw Osborn had a gun in his hand. Officer Serafino was unable to say which hand the gun was in but described it as similar to a Glock with a brass design on the slide. Osborn pointed the gun directly at Officer Serafino. Officer Serafino drew his gun, and Osborn lowered the arm that held the gun and continued running away.



Screenshot photograph from Officer Serafino's body worn camera footage – suspected to be the moment when Osborn pointed the gun at Officer Serafino – the screen capture shows a lighter color where the head is (Osborn's black hood was up) and his right leg is bent and facing to the south which would not be possible without rotation towards Officer Serafino

Osborn only ran a short distance before reaching the northwest corner of an apartment building. Officer Serafino said Osborn slowed slightly and began to turn back towards him, extending his arm in such a way that led Officer Serafino to believe Osborn was planning to take a firing position while running. Officer Serafino said, “I was pretty sure he was going to shoot me.” Officer Serafino believed that Osborn may have fired one round towards him but was uncertain. Officer Serafino fired his department issued handgun at Osborn, initially believing he had fired five rounds. Officer Serafino later learned from investigators doing a round count of his weapon that he had fired seven rounds.



Photograph of Officer Serafino's department issued 9mm Glock 17, post shooting – one round from the chamber and 10 rounds in the magazine, which has a 17-round capacity – other two magazines were at capacity of 17 rounds each

After being struck with gunfire, Osborn went to the ground. Osborn had sustained two gunshot wounds to the torso but was still moving around on the ground and moaning in pain. Officer Serafino kicked the gun farther away from Osborn's reach and Sgt. Budd arrived on scene seconds later. Other officers also arrived, secured the scene, and provided medical care to Osborn while waiting for the arrival of paramedics. Officer Serafino was transported to the police department pending an interview.

Scene Investigation

There was a substantial amount of blood on the north side of apartment #49 identifying the location where Osborn was laying when he received medical care before transport. Osborn's gun was recovered a few feet to the east of the blood. The gun was a 9mm Glock 17 pistol, with a unique appearance attributable to a gold-colored slide wrap. The handgun was determined to have a round loaded in the chamber, and eleven additional rounds in the magazine which had a total capacity for seventeen rounds.



Photograph of 9mm Glock 17 handgun collected at the scene near where Osborn laid. Reflection of light against the gold-colored slide wrap is likely what caused the flash effect seen in the BWC screenshot depicted on page 5

Shell casings were recovered on the upper slope (east side) of the drainage ditch. Though seven evidence markers were placed, only six shell casings were recovered from the scene. Based on round counts and body worn camera footage, seven rounds were fired by Officer Serafino. Shell casings are typically ejected back and to the right of where the gun is fired. Measurements revealed that the distance between Officer Serafino and Osborn at the time the officer fired was less than thirty-eight feet.



Crime scene photograph taken facing east parallel and just south of 1st Avenue – seven orange evidence markers just east of the concrete bottom of the drainage ditch mark the location of the recovered shell casings from Officer Serafino's fired rounds

Crime scene officers identified Osborn's footprints in the snow from body worn camera footage and evaluated their path. They located a point where the gate became shorter, and the footprints angled slightly. This is suspected to be the point when Osborn turned slightly and pointed his gun at Officer Serafino.

A black backpack was recovered in the parking lot of the Woodside Village apartments to the north of building #130. Located inside was a wallet with a Colorado identification belonging to Sebastian Osborn and several credit cards which were not in Osborn's name. Also located inside the backpack was a BB gun which appeared extremely consistent with a real handgun, a laptop, a digital tablet, four cell phones, a digital scale, a set of brass knuckles and two knives.



Photograph of black backpack where it was recovered just north of building #130 of the Woodside Village Apartments (the Kia is unrelated, & the license plate has been sanitized from the photograph)



Photograph of BB gun located inside the black backpack which also contained Osborn's identification

Interviews with Jammie Held

Jammie Held initially spoke with Greeley Police officers right after Osborn fled the area on foot. Held was asked directly if it was Osborn however, evaded officers' questions and denied having knowledge of the identity of the runner.

Shortly after Osborn was shot, Held approached on scene from the west. She attempted to approach Osborn and was stopped by Greeley Police. Held laid on the ground sobbing and remained until Osborn was transported by paramedics.

Investigators from the Critical Incident Response Team (CIRT) went to 2450 1st Avenue #27 to speak with Jammie Held again at approximately 0400 hours. Held told investigators she was asleep on the couch when Osborn heard a scanner call on a Greeley police dispatch application for response to the neighboring apartment. Osborn woke Held up in a panic and was concerned because of his outstanding warrant and the anticipated emergency response to the complex, as well as the fact that the patient described to have overdosed was a friend of Osborn's.

Held tried to convince Osborn that police personnel were not on scene for him and begged him to lay down with her and the kids, however he was too on edge. Osborn went outside and saw two officers. One of them made a hand signal to the other and Held yelled out for Osborn to run. Held admitted to investigators that she had lied when contacted earlier about Osborn and incorrectly represented that the male running was not Osborn and was just a stranger who had asked her for help.

Held said that when Osborn initially took off running, she stayed behind to talk to a different officer. Just a couple of minutes into their conversation, she heard gunshots and the officer she was talking to took off running. Held said she went back inside her apartment and told her four-year-old not to open the door for anyone and then ran towards the general direction of where she heard the gunshots. When she arrived, she saw Osborn on the ground and believed he had been shot. The police were cutting off his clothes and talking to paramedics.

Autopsy

At autopsy, forensic pathologist Dr. Michael Burson determined Osborn sustained three gunshot wounds and listed the cause of death as complications from multiple gunshot wounds.

Gunshot Wound #1: entrance on the midback and exit on the right chest – perforated and lacerated the right 10th intercostal muscle; perforated and lacerated the right middle lobe of the lung; perforated and lacerated the right 4th intercostal muscle and fractured the 4th rib before exiting the body – trajectory back to front, left to right and upward

Gunshot Wound #2: entrance on the right buttocks and exit on the left lower quadrant of the abdomen – perforated and lacerated the pelvic floor, traversing along the pelvic rim; perforated and lacerated the sigmoid colon and exited the body through the left aspect of the abdominal wall – trajectory back to front, right to left and upward

Gunshot Wound #3: entrance on the posterolateral aspect of the left forearm and exit on the anterior aspect of the left forearm – perforated and lacerated the skin and subcutaneous tissue of the left forearm, traversed through the soft tissue, and exited without damage to vital structures – trajectory back to front and left to right

Postmortem blood toxicology revealed 130 ng of amphetamine which is a Schedule II CNS stimulant used therapeutically in the treatment of narcolepsy, obesity and attention-deficit hyperactivity disorder (ADHD) in adults. At low doses, amphetamine causes mild stimulation, offset of fatigue, and increase in alertness. Low doses also cause changes in attitude, judgement, and impulsivity. At higher doses, amphetamine causes euphoria,

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excitation, agitation, hypervigilance, rapid speech, dilated pupils and increased motor restlessness. Pulse and blood pressure may also be elevated.

Also identified in Osborn's toxicology analysis was 550 ng of methamphetamine, a DEA Schedule II stimulant drug capable of causing hallucinations, aggressive behavior, and irrational reactions. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse, and convulsions. Methamphetamine blood levels of 200-600 ng have been reported in methamphetamine abusers, who exhibited violent and irrational behavior.

Conclusion

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

The investigation supports that at the time of his demise, Osborn was wanted on a No Bond Felony Failure to Comply (FTC) warrant by the Weld County Sheriff's Office. The original underlying charge of the FTC was Possession of a Controlled Substance with Intent to Distribute and Possession of a Controlled Substance - Special Offender – Firearm. Because of his fugitive status, as well as his known involvement with other criminal activity, efforts were being made by GPD to locate and arrest Osborn.

Officers saw a male, consistent with the height and weight of Osborn, leave the area of apartment #27 on foot. Apartment #27 had previously been identified as the known residence of Jammie Held and a location where Osborn was known to frequent and/or stay.

Officer Serafino did not actively engage in a foot pursuit with Osborn until after positively identifying him. Officer Serafino was on duty in a marked police uniform, including shirt with shoulder patches, and an exterior vest carrier bearing a gold GPD police badge and other various police equipment, as well as a duty gun belt at the time of the encounter with Osborn.

Officer Serafino yelled out, "Police! Stop!" a command that identified himself, as well as provided Osborn direction on what to do. Osborn did not stop and subsequently pointed a gun directly at Officer Serafino. Osborn did not shoot, but rather turned and continued running. Officer Serafino gave Osborn two commands to show his hands and fired at Osborn as he began to turn his body towards him again, extending the arm that held the gun. Officer Serafino articulated his fear of imminent bodily injury or death, believing that Osborn was going to shoot him.

The post incident investigation revealed that Osborn fled apartment #27 because of police presence and fear that he might be captured on his outstanding warrant. Though body worn camera footage did not present a clear image of Osborn pointing the gun at Officer Serafino, the footage is consistent with his statement. Additionally, Osborn's footprints in the snow were found to be consistent with running and then slowing and angling towards Officer Serafino before running again. Osborn's post-mortem toxicology analysis confirmed his use of methamphetamine which likely contributed to his behavior at the time of this encounter with police.