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June 19, 2024

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

RE: Investigation of the April 28, 2024 Officer-Involved Shooting of Giovanni Pacheco

Chief Turk:

The investigation into the shooting of Giovanni Pacheco has been completed by the Critical Incident Response Team (CIRT). Applying the facts from the investigation to applicable Colorado law, criminal charges will not be filed against Officer Welch. 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 or attempted 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 Giovanni Pacheco was shot 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.

Further, law enforcement officers are afforded the protections of self-defense that every citizen may claim pursuant to **C.R.S. § 18-1-704**.

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 Pacheco 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, Officer Welch observed Pacheco drive into an area designated “no trespassing” that was owned by the city of Greeley. He caught up with the vehicle several blocks away and activated the emergency lights and siren on his unmarked Tahoe. Pacheco ultimately pulled over in 2300 block of Alpine Avenue. Officer Welch, dressed in full uniform, approached Pacheco who was the driver and lone occupant of the vehicle. During the contact, Officer Welch learned Pacheco had several warrants for his arrest. Pacheco refused to get out of his vehicle, so Welch attempted to pull Pacheco out of the car. A struggle ensued and Pacheco and Welch fell to the ground outside of Pacheco’s vehicle. Pacheco had Officer Welch in a headlock pinned against his body. Officer Welch attempted to get free but was unable to. Because of the chokehold, Officer Welch began having difficulty with his vision and hearing. He warned

Pacheco if he would not let go, he would shoot him. Pacheco did not let go and Officer Welch fired one round, striking Pacheco in his midsection.

Pacheco was clearly aware that Officer Welch was a law enforcement officer. He pulled over when Officer Welch had his patrol car lights and siren activated. Further, Officer Welch was in full uniform and spoke with Pacheco at length prior to Pacheco's assaultive behavior.

The Officer reasonably believed when he fired his weapon that he was in imminent danger of death or serious bodily injury. He was being strangled by Pacheco and began to lose the ability to see and hear clearly. Further, had he passed out, Pacheco would have had access to Officer Welch's firearm.

Based on the facts gathered during this investigation as summarized in the attached report and the legal analysis outlined above, I find that Officer Welch was justified when he discharged his firearm and shot Pacheco. The use of such force was reasonable based on Pacheco's assault and threatened use of deadly physical force.

CONCLUSION

Under C.R.S. § 18-1-707 and 18-1-704, the actions of Officer Welch were justified and authorized by law to defend and protect himself from the threatening actions of Giovanni Pacheco. As a result, the Weld County District Attorney's Office will not file charges against the Officer for discharging his firearm 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
April 28, 2024
Investigator René Brunmeier
Subject: Giovanni Pacheco

Weld County District Attorney's Office – 24DA00139
Greeley Police Department – 24G006980
Weld County Sheriff's Office – 24W002089
Windsor Police Department – 24WP002711
Erie Police Department – 24-1022
Firestone Police Department– 24FI000444
Frederick Police Department– 24FE000490
Colorado State Patrol– 24ISO0394

Summary

This incident took place in the 2300 block of Alpine Avenue, Greeley, Weld, Colorado 80631.



Google Earth image of the 2300 block of Alpine Avenue where the officer involved shooting occurred

On April 28, 2024, around 1:30 p.m., Greeley Police Officer Cody Welch was parked in a restricted field southeast of Balsam Avenue and E. 26th Street. The area has several “No Trespassing” signs posted, advising the property belongs to the City of Greeley.

Welch observed a dark colored GMC truck drive into the restricted area, passing the “No Trespassing” signs. The vehicle stopped in the far east section of the field. After a couple minutes, the driver observed Welch parked to the south, and left the area quickly. The truck turned north onto Balsam Avenue and began to travel at a high rate of speed. Welch exited onto Balsam Avenue and attempted to catch up to the vehicle.

Welch initiated a traffic stop at 1:51 p.m. at Balsam Avenue and E. 24th Street. The truck turned west onto E. 24th Street and continued at a slow rate of speed; ultimately turning north and coming to a stop in the 2300 block of Alpine Avenue.

Welch contacted the driver, and lone occupant, Giovanni Darnell Pacheco. During their brief exchange, Welch noticed Pacheco was shaking. Pacheco made numerous requests to call his father. Pacheco eventually revealed to Welch that he had warrants.

When Welch asked Pacheco to exit the vehicle, he refused and made a furtive movement toward the front passenger seat. Welch grabbed Pacheco's left arm in an attempt to extract him from the truck. From the driver's seat, Pacheco began to strike Welch in the head, neck, and torso with his hands. Pacheco leaned back and kicked Welch in the chest, knocking Welch's body worn camera {*BWC*} to the ground.

During this struggle, Pacheco wrapped his arms around Welch's neck. Feeling pressure around his neck, Welch tried to pull away and break free. During this attempt, Welch and Pacheco fell away from the driver's compartment and into the middle of the street. Welch landed on top of Pacheco, who continued to strangle Welch with a chokehold. The amount of pressure applied by Pacheco caused Welch to lose both his vision and his hearing.

Welch was able to shift onto his left hip, allowing access to his firearm on his right hip. Welch told the male several times "Let go or I'll shoot you!" Welch drew his department issued firearm, pressed the barrel against Pacheco and fired a single round; Pacheco immediately released his hold on Welch's neck. Welch, regaining his vision and hearing, was able to gain physical control over Pacheco.

At 1:53 p.m., Welch notified dispatch, via his radio, that shots had been fired; he requested additional officers and medical personnel to respond emergent. By this point, several bystanders had emerged from the surrounding homes. One bystander retrieved Welch's handcuffs that had fallen off during the struggle and gave them to Welch. Welch handcuffed Pacheco, moved him into a recovery position on his right side, and waited for help to arrive.

Officer Beadle arrived on scene and took over control of Pacheco. Beadle examined Pacheco for injuries and made several attempts to render medical aid, but Pacheco was uncooperative and antagonistic. Emergency Medical Services {*EMS*} arrived on scene and took over medical care. Pacheco was transported to North Colorado Medical Center {*NCMC*}; he was treated for his injuries, released and ultimately processed at the Weld County Jail.

Historical Information

Giovanni Darnell Pacheco was born on December 30, 2000. He is approximately 5'08" tall and weighs 150 pounds. He has black hair and brown eyes. Pacheco is a single-state offender with convictions out of Colorado. His criminal history includes arrests for multiple assault offenses, criminal impersonation, violation of a protection order, resisting arrest, driving under the influence and driving without a license. Pacheco's last reported residence is in Greeley, Colorado.

Officer statement

Officer Cody Welch

Welch has been employed with the Greeley Police Department since November 2023, and is currently assigned to the patrol division. Welch previously worked for the Houston Police Department {*Texas*} for seven years. During his tenure with Houston, Welch was a patrol tactics instructor; this covered training topics such as high risk stops, clearing vehicles, and first aid.

Welch works day shift from 7:00 a.m., to 5:00 p.m., Sunday through Wednesday. Welch is assigned to sector B, which encompasses the southeast portion of the city. Welch is allocated a marked police vehicle, which is used in the course of his duties. On this particular day, Welch was driving an unmarked traffic unit after receiving permission from the on-duty sergeant to use it.

Welch was wearing a police uniform at the time of the incident, as designated by his current assignment. This uniform includes an external vest carrier equipped with various police gear. A police badge is displayed on the front of the carrier, a large “POLICE” patch is displayed on the back. Welch was equipped with a BWC.

Welch carried a department issued Glock 17 handgun equipped with a magazine extension. The magazine was loaded with twenty-two rounds; a live round was chambered.



Post incident photographs of Officer Welch documenting the appearance of his uniform.

On April 28, 2024, Welch was working his assigned shift. Welch said his shift had been a standard day with no major calls of note. Around mid-day, Welch was parked in a dirt field near E. 26th Street and Balsam Avenue, catching up on paperwork. Welch said signs are erected at the entry point clearly advising the land is private property.

Welch said between 1:30 and 2:00 p.m., he observed a black or blue GMC truck enter the area, passing the clearly marked “no trespassing” signs. Welch said the windows to the vehicle were down and he observed a single male occupant {Pacheco} driving. Welch said the truck drove through the field and stopped at the far east gate. Welch said when Pacheco noticed him, Pacheco immediately turned the truck around and started back towards the intersection of E. 26th Street and Balsam Avenue.

Welch said Pacheco drove north on Balsam Avenue at a “higher rate of speed.” Welch said he sped after Pacheco with the intention of contacting Pacheco for trespassing. Welch said he turned on his vehicle’s emergency lights and siren to initiate a traffic stop. Welch said the truck turned west on E. 24th Street.

Welch said Pacheco had several opportunities to pull over on E. 24th Street. The fact that Pacheco did not immediately stop was a “big red flag” to Welch, based on his training and experience. Welch said Pacheco turned north on Alpine Avenue, in the 2300 block, and finally pulled over on the east side of the road. Welch said he updated dispatch of the final stop location.

Welch said he glanced down at his BWC and believed it was activated before he initiated contact with the driver. Welch explained the BWC can be activated manually, by holsters equipped with signal devices, or by emergency equipment activation, such as patrol vehicle lights *{unbeknownst to Welch, the unmarked traffic unit he drove this day was not equipped with this option}*. Once the BWC is activated, there is a visible blinking red light, and the device beeps every two minutes to indicate it is active.

Welch said he exited his vehicle and approached the truck on the driver’s side. Welch said he did not recognize Pacheco and has never interacted with him previously. Welch said he asked Pacheco why he entered the restricted field. Welch said Pacheco denied he did anything wrong and claimed he had been playing a game on his cell phone. Welch said Pacheco denied seeing the “no trespassing” signs.

Welch said he asked Pacheco for his identification and vehicle documents. Welch said instead, Pacheco produced a cell phone and said he needed to make a phone call. Welch said he told Pacheco to hang up the phone and asked again for his identification. Welch said Pacheco told him that he did not have a license, nor an identification card.

Welch said he asked Pacheco for his name and date of birth; Pacheco did not respond and instead leaned over toward the glove box. Welch said Pacheco briefly opened the glove box, shuffled some papers around quickly, and closed the glove box. Welch said this action was another “red flag” and he was concerned the male was trying to conceal a weapon or perhaps illegal narcotics in the glove box.

Welch said Pacheco made a phone call. With the device connected through Bluetooth, Welch could hear the line ringing through the truck’s speakers. Welch said he told Pacheco to disconnect the call. Welch said Pacheco complied, but his demeanor had obviously changed. Welch said Pacheco appeared panicked and his hands were shaking while holding his phone.

Welch said he asked Pacheco why he was so nervous and then asked if he had warrants. Welch said Pacheco’s shoulders drooped and he admitted he had warrants. Welch said Pacheco insisted on calling his father to make sure the truck was taken care of. Welch said he told Pacheco, “It’s not a big deal, I’m not going to have you do that right now *{referring to calling his father}*, but since you have a warrant, I need you to step out of the vehicle.”

Welch said Pacheco told him that he was not exiting the vehicle until he called his father. Welch said he told Pacheco that the vehicle would be taken care of, and he would be given a chance to call his father, but for the safety of them both, he needed to exit the vehicle. Welch said Pacheco responded, “Fuck you.”

Welch said he opened the driver's side door and told Pacheco he was giving him a lawful order to exit the vehicle. Welch said he told Pacheco if he did not comply, he would be physically removed from the truck. Welch said Pacheco refused to comply and began cursing at Welch, insisting he was going to make his phone call. As all of this was occurring, Welch said Pacheco reached toward the front passenger seat of the vehicle.

Welch said he was unable to see what Pacheco was reaching for. Welch said he became fearful Pacheco was reaching for a concealed weapon. Welch said he grabbed Pacheco's left arm to gain control and extract him the truck. Welch said simultaneously, he was attempting to call out over his radio for additional officers to respond emergent. Welch said his plan was to remove Pacheco from the vehicle and de-escalate the situation while he waited for backup to arrive.

Welch said Pacheco began to slap and punch him in the head, neck, and torso. Welch said Pacheco leaned back and kicked him in these same areas of his body. Welch said the strikes were immediately disorienting. Welch said he maintained his grip on Pacheco's left arm, stepped back to try and duck the continued blows from the male in an attempt to create distance. Welch said Pacheco reached out and tried to choke him.

Welch said he struggled against Pacheco, and they fell to the ground. Welch said Pacheco landed on his back and he landed atop Pacheco. Welch said Pacheco maintained his grasp around Welch's neck in a "chokehold fashion." Welch said he could feel Pacheco's head near the center of Welch's upper back. Welch said he tried to break free of the chokehold and repeatedly yelled at Pacheco to, "Let go!"

Welch said Pacheco continued to strangle him and said something akin to, "It doesn't have to be this way, just let me go." Welch said Pacheco's chokehold caused him to start losing his vision. Welch said as this continued, he began to lose his hearing; sounds became "muffled." Welch became emotional as he explained that he had a very real fear that he was going to die from strangulation, or be disarmed after losing consciousness, shot and killed with his own firearm.

Welch said he pushed his body onto his left hip, freeing his right hip and allowing access to his firearm. Welch said he told Pacheco, "Let go or I will shoot you." Welch said Pacheco increased the pressure on Welch's neck. Welch said he was able to draw his firearm, pressed the barrel into Pacheco's body and fired once. Welch said Pacheco immediately released his chokehold and Welch began to regain his vision and hearing.

Welch said he struggled to make sense of his surroundings, while maintaining control of Pacheco. Welch said a growing group of people surrounded him and began screaming at him. Welch said he discovered his two sets of handcuffs had fallen off his vest during the struggle, along with his BWC. Welch said he didn't know where he had shot Pacheco and didn't know if he had truly disabled him. Welch said a male bystander asked if he could help and retrieved a pair of Welch's handcuffs. Welch said he took these and handcuffed Pacheco. Welch said he radioed "shots fired" and requested cover and medical respond emergently.

Welch said he rolled the male to his right into a recovery position and tried to assess his injuries. Welch said couldn't immediately determine the location of the gunshot wound. When additional officers arrived on scene, Welch said he relinquished control of Pacheco to them. Welch said a sergeant arrived moments later and took over command of the scene. Welch said he was transported to the Greeley Police Department to be processed and await an interview.

At the time of processing, Welch's firearm held one round in the chamber and twenty-one rounds in the magazine.



Post incident photograph of Officer Welch's .9mm Glock 17 handgun

After being processed at the police department, Welch elected to go to North Colorado Medical Center {NCMC} for evaluation of his injuries. Welch said he had sustained numerous scratches, bruises, and cuts during the incident. Welch said he had a six to eight inch long cut to the back of his head. Welch said he believed this injury was caused by Pacheco "clawing" at him. Welch said he continues to experience tightness around his neck as well as aches and pains.

Welch was examined by Forensic Nurse Examiner {FNE} Shannon Bird at NCMC. Bird determined that Welch suffered serious bodily injury as a result of this incident. Bird documented and photographed the injuries Welch sustained which included cuts on his forehead, a large cut on the back of his head, and an abrasion with redness on the left side of his neck.



Photograph taken by FNE Bird of the large red abrasion on the left side of Welch's neck.

Witness Statements

Daniel Santillan

Daniel Santillan was contacted by officers on scene. Santillan advised he witnessed this incident.

Santillan said he was in the front yard of his residence, 2313 Alpine Avenue, when he saw the traffic stop take place. Santillan said he saw the truck pull over and the officer's vehicle stop behind it. Santillan said the officer contacted the male driver, and they began to argue. Santillan said he heard the officer telling the male that he was giving him a lawful order to get out of the vehicle. Santillan said the male refused to comply, and the officer tried to get the male out of the vehicle.

Santillan said the male started punching and kicking the officer. Santillan said the duo moved out onto the roadway and were physically fighting. Santillan said the officer took the male down to the ground. Santillan said he could see the male was on the bottom and had the officer in a "head lock." Santillan surmised, "The cop had no choice but to shoot his gun."

Jonathan Phillips

CIRT investigators contacted Jonathan Phillips at his residence, 415 E. 24th Street. Phillips advised he witnessed part to the incident.

Phillips stated he and his wife, Amelia Francis, were sitting on chairs on their driveway when he heard "chirps" from a police siren. Phillips said he looked up and saw a police vehicle with overhead emergency lights on attempting a traffic stop on a black truck. Phillips said there were several spots to pull over along E. 24th Street and he thought it was weird that the vehicle wasn't pulling over. Phillips said the truck continued westbound until it reached Alpine Avenue.

Phillips said the truck turned north onto Alpine Avenue, followed by the officer's vehicle. Phillips said he could see the male driver of the truck looking around as he made the turn. Phillips said he believed the driver was going to take off from the traffic stop. Phillips said he lost visual of both vehicles after they turned.

A short time later, Phillips said he heard a quiet "pop" sound, which Phillips thought could have been a gunshot. Phillips said his wife asked if the noise they just heard was a gunshot. Phillips said he walked through his front yard to see what was going on at the traffic stop. Phillips said he saw the officer on his knees, sitting on the buttocks area of a male. Phillips said the male's head was turned to the left and the officer was attempting to pull the male's right arm to the small of his back. Phillips said each time the officer forced the male's arm to the small of his back, the male would pull his arm free.

Phillips said the officer's earpiece and radio were pulled off. Phillips said he believed the officer was in distress while struggling to detain the male. Phillips said he asked the officer if he needed help; the officer confirmed he did. Phillips said he saw the officer's handcuffs on the ground under the truck. Phillips said he retrieved the handcuffs and gave them to the officer who in turn handcuffed the male.

Phillips said people began congregating in the area, watching what was going on. Phillips said a male in dark clothing held a phone up and appeared to be recording. Phillips said this male made a comment to the officer, "Why did you shoot him? You should be able to get out of a choke hold." Phillips said he did not recognize the male and was unsure if he lived in the area.

Amelia Francis

CIRT investigators contacted Amelia Francis at her residence, 415 E. 24th Street. Francis said she and Phillips were sitting on chairs on their driveway when they heard police sirens and she looked to the east where they saw an officer attempting to pull a vehicle over. Francis said the entire curb line from Aspen Avenue to Alpine Avenue was open, aside from a single vehicle parked on the shoulder.

Francis said the vehicle, followed by the officer, turned north onto Alpine Avenue and out of sight. Francis said she soon heard a low popping noise similar to a “snapper” and thought the noise could have been a gunshot. Francis said she asked Phillips about the noise, and he walked towards the traffic stop. Francis said she followed Phillips and when she passed their fence line, she saw a male on the ground and an officer sitting on the male’s butt.

Francis said the officer held the male’s right arm behind his back, yet the male was still moving his left arm around. Francis said she heard the male say, “It hurts, you are going to break my arm.” Francis said she heard Phillips ask the officer if he needed him to retrieve his handcuffs. When the officer said he did, Phillips retrieved the handcuffs and gave them to the officer.

Francis said several people began to gather in the area. Francis said one male in this group yelled at the officer, “Why did you shoot him like that? That’s not right. That’s police brutality!” Francis said this male appeared to video record events.

Crime Scene Investigation

Investigators from the CIRT responded to the scene and began to identify items of potential evidentiary value.

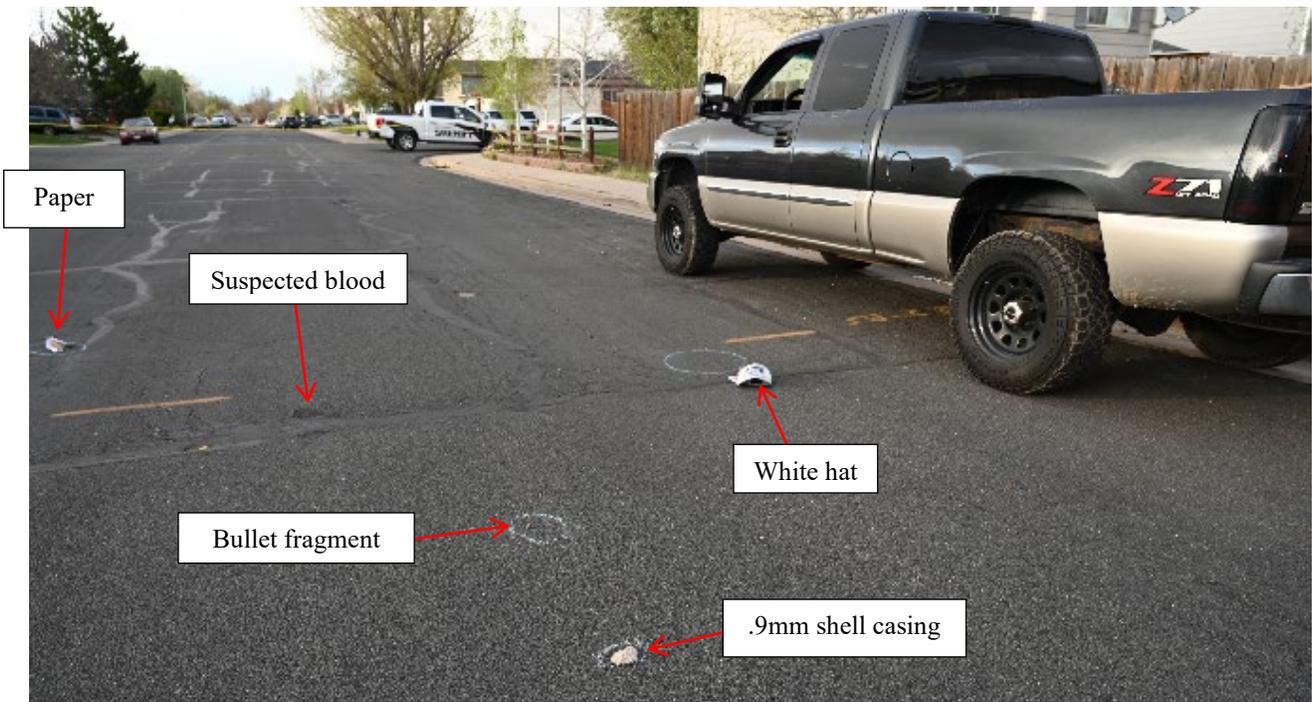
Investigators located a black and grey GMC Sierra bearing Colorado license plate EETJ94 parked on the east side of the street, about mid-block, facing north. A tan unmarked police Tahoe bearing Colorado license plate APG272 was parked directly behind the GMC. The police Tahoe still had its emergency lights on.



Overall photograph of the GMC and the police Tahoe in the 2300 block of Alpine Avenue.

The driver's side window of the GMC was down; the door was closed. Officers on scene told investigators that the driver's side door of the GMC was open; however, the wind had blown it shut. Additionally, officers had used chalk to draw circles around evidence in the street to identify the original locations as there was continuous strong winds. Officers had also placed large rocks next to items to keep them from blowing away. Officers directed investigators to the following items:

1. A white ball cap with, "Rev since 2017," written on it, located about three and a half feet west of the rear driver's side tire of the GMC.
2. A spent .9mm Speer Luger casing about ten feet west of the rear driver's side tire of the GMC. This casing is consistent with the type of ammunition Welch carried in his firearm.
3. A bullet fragment about three feet north of the spent cartridge.
4. A piece of paper about twelve feet west of the GMC driver's side door.
5. A blue rag that blew off the windshield of the unmarked Tahoe and landed on the ground near the driver's door.
6. An area of suspected blood on the street between the bullet fragment and the paper.



Overall photograph of evidence located in the street near the GMC.



*(L) Close up photograph of the front of the recovered bullet.
(R) Close up photographs of the back of the recovered bullet.*

Investigators contacted Pacheco at NCMC; he consented to having his injuries photographed. Pacheco's clothing was collected and examined. Investigators found defects on either side of the front right pocket of Pacheco's jeans surrounded by a large area of suspected blood. Investigators found an additional defect on the lower right abdomen area of Pacheco's blue Carhart t-shirt.

Investigators reviewed and compared the photographs of Pacheco's injuries to the defects on his clothing. Based on Pacheco's gunshot wound to his upper right leg, and the grazing injury going from left to right on his abdomen below his belly button, it appeared as if Pacheco was hunched over or "balled up" when he was shot. Investigators also noted Pacheco had some "road rash" on the back of his left arm and fresh bruising on his front upper left shoulder.



*(L) Pacheco's jeans with defects on either side of the front right pocket.
(R) Pacheco's blue t-shirt with a defect on the lower right abdomen area.*

415 E. 24th Street surveillance video

Video surveillance of the incident, captured by Jonathan Phillips's home security system, was recovered by investigators. The video camera with a vantage point of the incident was labeled "CAM3." While collecting the video, investigators noticed the timestamp on the security system was approximately thirty seconds behind the actual time. The video has audio as well, but at times it is distorted due to high winds and a dog barking nearby.

The camera appears to be positioned on the north side of the residence and the viewpoint is to the northeast.

At 13:50:48, short blasts from a police siren are heard.

At 13:51:10, Pacheco's black truck pulled over on the east curb line in the 2300 block of Alpine Avenue, just east of Phillips' residence. A tan, unmarked Greeley Police Tahoe pulled in behind the vehicle. The police vehicle had its emergency lights activated. The video glitches and Welch appears, standing outside of the driver's door of the truck {*the video did not capture Welch exiting his patrol vehicle, nor his approach of the truck*}.

Welch appears to have a conversation with Pacheco through the driver's side window of the vehicle. Welch opened the driver's door of the truck, and their conversation continued.

At 13:52:43, Welch reached into the truck and a struggle ensued. During the skirmish, Welch appears to take hold of Pacheco's left arm. Pacheco's legs began kicking out of the truck towards Welch. Welch bent forward at the waist and Pacheco, identifiable in a white hat, wrapped his arms around Welch's neck. Welch grabbed Pacheco's legs and pulled Pacheco away from the truck, causing both Welch and Pacheco to fall to the ground. As they fall, Pacheco's arms are wrapped around Welch's neck. Once on the ground, they disappear out of camera view behind Phillip's privacy fence.



Still shot from exterior video surveillance from 415 E 24th Street

At 13:53:06, Welch yelled, "I'm going to shoot you! I'm going to shoot you!" A single gunshot is heard, and Welch's head and shoulders rise into the camera's view; he yelled, "Fucking stop! Roll over!"

At 13:53:17, an unrelated black truck drove around Welch and Pacheco as they lay on the ground.

A male voice, believed to be Pacheco, began yelling, "What the fuck is wrong with you? ... Call an ambulance!" Welch told Pacheco, "Don't fucking move man." Pacheco yelled out, "Call an ambulance, you shot me dude!" Phillips and Francis approached. Phillips walked to the truck and retrieved something from underneath it; he handed the item to Welch.

Welch stayed crouched down until Greeley Officer Beadle arrived on scene. Beadle walked up to Welch, then returned to his patrol car to retrieve an item. Beadle returned and took control of Pacheco, who is still on the ground out of camera view. Welch stood up, walked to the truck and retrieved an item near the vehicle.

2313 Alpine Avenue surveillance video

Video surveillance of the incident captured by Daniel Santillan's home security system was recovered by investigators. The video camera, with a vantage point of the incident, is labeled "CAM4." The time stamp on the footage is approximately one hour behind the actual time. The video has audio, but it's mostly distorted due to distance and wind.

The camera is positioned on the south side of the residence and the viewpoint is to the southeast. Short blasts from Welch's siren are heard at 12:50:47 and continue until Pacheco's vehicle came into view of the camera, at 12:51:02.

Pacheco pulled over on the east curb line in the 2300 block of Alpine Avenue, followed by Welch, to the southeast of Santillan's residence. Welch approached the vehicle and spoke with Pacheco through the driver's side window. A phone is heard ringing in the background *{likely emitting from the truck's speakers}* just before Welch opened the driver's side door of the vehicle. Welch began struggling with Pacheco.

Limbs began to flail around inside the vehicle, followed by a horn blast from Pacheco's truck. A male voice *{Daniel Santillan}* is heard saying, "That guy's fighting the cop." Welch and Pacheco fell into the street; Welch landed on top of Pacheco. Pacheco's arms were wrapped around Welch's neck, Welch's head was pinned down towards the ground. Welch's legs were splayed wide, pushing his backside up as he struggled to free his head.



Still shot from exterior video surveillance from 2313 Alpine Avenue.

Santillan came into view, jogging south across E. 23rd Street Road, heading towards where Welch and Pacheco were fighting in the street. A heavy-set Hispanic female comes into view, telling Santillan not to go over there. Santillan is nearly to the southwest corner of the intersection when a single gunshot is heard, at 12:53:06.

After the gunshot, Welch's head immediately came up. Welch moved to a kneeling position. Welch rolled Pacheco onto his stomach and struggled to maintain control over him. Pacheco yelled, "What the fuck is wrong with you?"

Officer Cody Welch's BWC

Welch's BWC did not activate prior to Welch initiating contact with Pacheco. The camera activated when Welch drew his sidearm and buffered back thirty seconds, but without audio during that buffered time frame.

At 13:52:35, Welch's BWC activated. Without audio, the footage captured a brief verbal exchange between Welch and Pacheco, who is seated in the driver's seat. Pacheco wore a white hat, a blue Carhart t-shirt, a pair of blue jeans, black framed glasses, and a large black watch on his left wrist.

Pacheco held a folded piece of paper in his left hand. Welch reached for Pacheco's left arm and a struggle ensued. Pacheco tried to pull his left arm away from Welch, while reaching for Welch with his right arm. Pacheco kicked at Welch several times and Welch used his arms to try and deflect the kicks. Pacheco delivered a kick to Welch's chest, knocking Welch's BWC off, it landed face down on the roadway.



Still shot from Welch's BWC; Welch trying to block Pacheco's kicks.

At 13:53:04, The BWC's audio activated. Welch yelled, "I'm going shoot you!" and a single gunshot is heard. Welch yelled commands for Pacheco to stop and roll over. A voicemail recording can be heard through the truck's speakers before disconnecting. Pacheco yelled, "What the fuck's wrong with you? He fucking shot me! Someone call the ambulance! He fucking shot me!" Welch ordered Pacheco not to move. Welch radioed dispatch, "Shots fired" and requested cover and medical to respond.

Welch had a brief exchange with Phillips about the location of his handcuffs, meanwhile Pacheco continued to yell at Welch, "Why the fuck did you shoot me?" Welch responded, "You put me in a headlock, man." More voices are heard in the background, presumably from the bystanders now converging on the scene.

At 13:55:13, a male said, "Why'd you have to shoot him? Don't they train you to get out of a headlock?" When additional officers arrive, Pacheco antagonized those officers.

At 13:58:44, Welch retrieved his BWC from the ground near Pacheco's vehicle and reattached it to his vest. An officer told Welch he was bleeding from his forehead. Welch stepped to his patrol vehicle, retrieved a blue rag and wiped at the injury to his forehead.

Conclusion

All available body worn camera footage and exterior video surveillance footage was reviewed at length and found to be consistent with officer statements, witness statements and physical evidence collected at the scene.

The post incident investigation revealed that Officer Cody Welch initiated a traffic stop on Giovanni Pacheco after Pacheco trespassed on City of Greeley property located to the southeast of Balsam Avenue and E. 26th Street.

After traveling nearly half a mile from the initial attempted stop location, Pacheco ultimately pulled over in the 2300 block of Alpine Avenue. Welch contacted Pacheco and soon learned he had warrants commanding his arrest. Given his furtive movements and odd demeanor, Welch ordered Pacheco to step from the vehicle; Pacheco refused to comply. Welch grabbed Pacheco's left arm to remove him from the vehicle and a physical struggle ensued. Pacheco delivered numerous strikes to Welch's head, neck, and torso area with his hands followed up by several kicks to Welch's torso. His actions caused Welch's BWC to fall face down on the ground.

Welch tried to defend himself from the kicks at the threshold of the vehicle door. Pacheco got his arms around Welch's neck, putting Welch in a stranglehold. Welch, feeling the pressure applied to his neck, pulled back causing both Welch and Pacheco to fall onto the roadway. Although Welch landed on top of Pacheco, Pacheco was able to maintain his hold on Welch's neck.

Pacheco applied a significant amount of pressure to Welch's neck, causing Welch to lose his vision and hearing. Welch, fearful for his own life, pushed onto his left hip, allowing access to his firearm. Welch drew his firearm and yelled at Pacheco, "I'm going to shoot you!" Welch pressed the barrel of his firearm into Pacheco's body and discharged his duty weapon one time. Pacheco immediately released Welch's neck; Welch was able to regain his vision and hearing and established control over Pacheco until additional officers arrived on scene.