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# State of Colorado

OFFICE OF THE DISTRICT ATTORNEY  
DENVER

October 16, 2003

Gerald Whitman  
Chief of Police  
Denver Police Department  
1331 Cherokee Street  
Denver, CO 80204

RE: Investigation of the shooting death of Paul Nash Childs,  
04/27/88 (age 15), by Officer James Turney, #98056, on  
July 5, 2003, at 5550 East Thrill Place, Denver, Colorado.

Dear Chief Whitman:

The investigation and legal analysis of the shooting death of Paul Nash Childs ("Childs") have been completed, and I conclude that under applicable Colorado law no criminal charges are fileable against Officer James Turney ("Officer Turney"). My decision, based on criminal-law standards, does not limit administrative action by the Denver Police Department where non-criminal issues can be reviewed and redressed, or civil actions where less-stringent laws, rules and legal levels of proof apply. A description of the procedure used in the investigation of this shooting by a peace officer and the applicable Colorado law is attached to this letter. The complete file of the investigation is open to the public at our office, and any interested party is welcome to review the investigation and my decision in greater detail.

## SYNOPSIS

On July 5, 2003, at approximately 1:10 p.m., Ashley Childs placed a 9-1-1 call to Denver Police. She told the 9-1-1 operator, among other things, that her brother, Paul Childs, was upset with their mother. Childs had gone to the kitchen and returned to the living-room area with a large knife in his hands. He was following his mother with the knife, not saying anything. He would not put the knife down. She said, "I said my brother has a knife an' he's tryin' to stab my mother with it. He's like followin' her around an' when she turns her back, he'll try to stab her an' then she'll hurry up an' turn around. An' now he' followin' her with the knife." While she continued to speak with the 9-1-1 operator, Childs approached her (Ashley) with the knife in hand. Officers from District Two were dispatched to 5550 East Thrill Place to handle the 9-1-1 call for assistance.

Officers James Turney, Todd Geddes, and David Naysmith were the first officers to arrive. Just prior to their arrival, the Denver Police Dispatcher had radioed that "I do have extensive domestic violence an' also family disturbance history here." The final dispatch statement was that the suspect was "trying to stab our complainant (Ashley Childs) or the mother (Helen Childs) ... he's very angry." With a shared sense of urgency, the three officers quickly approached the front door area and as they were trying to get the occupants out of the house to safety, Officer Randall Krouse arrived. As the occupants of the house exited through the front door, the officers were told by them that Childs was still inside, had the knife in his hand, and was behind

the front door. This caused the officers' attention to immediately focus on Childs. Officer Geddes told the other three officers that he could see Childs through the crack in the door—he was still holding the knife.

The officers repeatedly told Childs to drop the knife and to come out with his hands in the air. At the same time, Childs' mother, Helen Childs, and sister, Ashley, were yelling for him to drop the knife. The family members were now in the front yard about twenty feet behind the officers. These events all occurred under very quickly evolving, tense conditions. Instead of complying with the commands to drop the knife, Childs walked around the end of the door with the knife still in his hands. He was holding the knife in front of his body in both hands with the tip pointing up. Childs was 5 feet 9 inches tall, weighed 150 pounds, and was in good physical condition. He stopped momentarily at the end of the door; he then continued to move toward the front doorway in the direction of Officer James Turney, who was holding the screen door open with the left side of his body. The other three officers were near Officer Turney—immediately behind him and to his right. Childs continued to refuse to drop the knife. Childs still held the knife in front of his body, with his arm bent about 90 degrees at the elbow and the knife tip pointing up, as he slowly advanced.<sup>1</sup> The knife had an over-all length of 13 inches, with an 8.5 inch blade. These actions all happened in just seconds.

In spite of continued commands to drop the knife, Childs did not do so. These actions were in spite of the fact he was moving toward uniformed officers with their firearms drawn. Had he simply dropped the knife, as he was being repeatedly commanded to do by his family members and the officers, this deadly confrontation would likely have ended peacefully. At various points during the confrontation, first with his family members before police arrived and then with the police, he was described as having a very strange appearance and look on his face. His mother described it as “like a glaze or a gloss . . . like a zombie.” Officer Randall Krouse described it in this way, “To me the kid looked like . . . I’ll be honest with you, he looked almost high to me. It . . . like he was in a, he was in another world or somethin’. Uh, he wasn’t listening to commands. Um, he wasn’t there. I mean it, it was like he was talkin’ to, to someone that, you know, a brick wall almost. Why he didn’t listen to us I don’t know.” Childs did not cover much distance in his movement because he was already very close to the officers. But, when he closed distance to approximately 4 to 6 feet, Officer Turney fired. Childs, with knife still in hand, fell backward to the floor—wounded by four gunshots. The Denver Police Dispatcher was immediately notified of the officer-involved shooting and an ambulance was dispatched “Code 10” to the scene. Childs was taken by ambulance to Denver Health Medical Center where he later died from the multiple gunshot wounds.

### STATEMENT OF INVESTIGATION

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<sup>1</sup> The pertinent portions of the statements of the eight eyewitnesses to the shooting should be read. While there are variations in the description of Childs' movements, the weight of the evidence suggests forward movement at the time the shots were fired. Childs' fourteen year old sister, Ashley Childs, indicates Childs was moving backward when he was shot. This is inconsistent with the other seven eyewitnesses. They all have Childs going backward and falling to the floor after he is shot. There are also variations in the description of how Childs was holding the knife. Some of the witnesses have it in his right hand, some in his left hand, and some in both hands. Officer Krouse described it as being held over his head in an over-hand stabbing position. This is inconsistent with the other seven eyewitnesses who all have the knife being held in front of his body with the tip pointing up.

This investigation involves the shooting death of Paul Nash Childs by uniformed Denver Police Officer James Turney. The officer-involved shooting protocol was immediately implemented. The scene was secured. Officer John Super, 80043, had responded to the scene after hearing there had been an officer-involved shooting. He placed Officer Turney in his police car and had him notify his wife. Officer Turney was then taken separately by an un-involved supervisor, Sergeant Don Lindley, 72006, to Denver Police headquarters where he remained sequestered until he completed his voluntary video-taped statement. In compliance with the protocol, he spoke only with those individuals documented in the log book. The other three (3) officers (Officers Todd Geddes, David Naysmith, and Randall Krouse), who were positioned in the area of the front door with Officer Turney at the time of the shooting, were also transported separately and sequestered prior to giving their voluntary video-taped statements.

The family members and family friend present at the residence when the incident occurred were transported to Denver Police headquarters where they were also sequestered until they completed their voluntary video-taped statements. Paul Childs, Helen Childs (mother), Ashley Childs (sister), and Natondria Brown (cousin) lived at the residence. Lakisha Newell (cousin) was there to pick up one of her children. Corporal Steven Clayborn, 95021, transported Helen Childs. Officer Thomas Rowe, 95096, transported Lakisha Newell. Officer Jim Sewald, 90027, transported Ashley Childs. Technician Steven Panck, 77011, transported Natondria Brown. Investigators also conducted a neighborhood survey for any additional eye witnesses or ear witnesses. Written statements and video-taped statements, where appropriate, were obtained from these individuals.

All of the officers who responded were dressed in full blue Denver Police Department uniforms. Officer Turney was armed with a Glock model 21, .45 caliber semi-automatic pistol. This weapon has a magazine capacity of thirteen rounds and may be carried with an additional round in the chamber. At the time of the incident, his weapon was fully loaded with fourteen (14) rounds of DPD-issued ammunition. Following the incident and in compliance with the protocols established for officer-involved shootings, his weapon was secured and taken to the Denver police crime lab personnel for appropriate testing.

Four (4) spent .45 caliber shell casings were located in the front yard of the residence by Officer Brian Cotter. The shell casings (cartridge cases) were located to the right of where Officer Turney fired his weapon. This is consistent with the "right ejection pattern" of his firearm. These four (4) shell casings were placed in the Property Bureau under property number 658372 as items #8, 9, 10, and 11. The results of the examination of these items will be discussed later in this letter.

A search warrant was obtained to conduct the crime-scene investigation. The brown-handle knife used by Childs was recovered from the floor where it came to rest after being kicked away from Paul Childs' hand by Officer David Naysmith after the shooting. The knife has an over-all length of 13 inches, with an 8.5 inch blade.<sup>2</sup> The knife was placed in the Denver Police Department Property Bureau under property number 658372, item #6.

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<sup>2</sup> A photograph of the knife is attached as Appendix #1.

In his statement to investigators, **Officer Gary Ayers**, 97027, indicated that he and his partner, Officer Brian Cotter, 99031, responded to the location and heard four shots fired. He entered the house immediately after the shooting. Childs still had the knife in his hand. He saw Officer David Naysmith kick the knife away from Childs' hand. After clearing the house, he and Officer Cotter secured the scene and located four (4) shell casings in the front yard. The shell casings were recovered later by Crime Laboratory personnel. The house remained secured until a search warrant was obtained.

**Officer Troy Bisgard**, 98009, told investigators that he and his partner, Officer Thomas Sherwood, 99005, were responding to the scene when informed that shots had been fired. Officer Bisgard entered the house and saw Childs on the floor. Childs was conscious and told him his name was Paul Childs. Officer Bisgard accompanied Childs in the ambulance to the hospital. Childs was not able to make a statement. Officer Bisgard returned later to the Denver Health Medical Center to retrieve Childs' clothing, which he took to the Denver Police Property Bureau and submitted under property number 658372, items #1, 2, 3, & 7.

**Corporal Steven Clayborn**, 95021, told investigators that he and his partner, Officer C. Johnson, 03021, were responding to the scene when they heard the report of shots fired. The officers were told to contact witnesses. They spoke with Helen Childs and transported her to Denver Police headquarters. Officer Johnson had Mrs. Childs fill out a written statement. After Mrs. Childs gave her voluntary video-taped statement to investigators, Corporal Clayborn took her and her daughter, Ashley Childs, to Denver Health Medical Center to be with her son. Corporal Clayborn later took other family members to the hospital.

The events that ultimately resulted in the shooting of Paul Childs began with a 9-1-1 call by Ashley Childs. The following are the pertinent parts of that call. The person indicated as "Unknown Female Caller" was later determined to be Ashley Childs. She is describing what is occurring at the residence prior to the officers arriving.

Agent Sorrentino	Denver nine one one, Agent Sorrentino
Unknown Female Caller ("UFC")	Uh, my brother has a knife an' he's holdin' it up to my mom an' he's being very ... I said my brother has a knife an' he's tryin' to stab my mother with it.
Agent Sorrentino	How old is he?
UFC	He's fifteen. He's tryin' to stab (unintelligible)
Agent Sorrentino	What's his name?
UFC	His name is Paul.
Agent Sorrentino	Paul what?
UFC	Childs.
Agent Sorrentino	How long is the knife?
UFC	It's r- . . . it's like six inches. It's like a long knife, like a cutting knife, like a butcher knife.
Agent Sorrentino	Tell me what is his race?
UFC	He's African American.
Agent Sorrentino	An' how tall is he?
UFC	He's five eight.

Agent Sorrentino	Does he do this often?
UFC	No. He Jus' . . .
Agent Sorrentino	What's his . . .
UFC	. . . bein' . . .
Agent Sorrentino	Okay. Oh, that's fine. I don't need the story. What's his weight?
UFC	Um, one forty-six.
Agent Sorrentino	Can I get his hair color an' eyes?
UFC	His eyes is like dark brown an' . . .
Agent Sorrentino	What color shirt and pants is he wearing right now?
UFC	Uh, he has some blue jeans on an' a tee shirt.
Agent Sorrentino	What color shirt?
UFC	It's white.
Agent Sorrentino	Where is the knife at? What hand?
UFC	It's . . . he has it in both of his hands. No, he has a black tee shirt on. He has it in both his hands.
Agent Sorrentino	So in both hands an' he has it to his mom?
UFC	Yeah. He's following her around the house with it.
Agent Sorrentino	An' he's even got a black shirt on?
UFC	Yeah. Light, light blue jeans. Now he's comin' after me with it. An' my mom's tellin' 'im to put the knife down, but he won't.
Agent Sorrentino	'Kay, you stay on the phone with me . . . until they arrive, okay?
UFC	Okay.
Agent Sorrentino	What's he doin' now?
UFC	He's puttin' . . . his shoes on an' he has the knife in his left hand an' he's puttin' his shoes on with his right. He's puttin' his shoes on an' he still has the knife in his . . .
Agent Sorrentino	Is he going to leave or what? What's he puttin' his shoes on for?
UFC	Because, he's tryin' to run away an', you know, we have dead bolts on our door, so my mom's like locked 'im in the house, so he won't try to run away. 'Cause he . . .
Agent Sorrentino	So he can't get out?
UFC	Yeah, he can't get out. An' that's why he has the knife in his hand because he wants to leave an' my mom's not lettin' 'im leave.
Agent Sorrentino	Has he done this before?
UFC	No, he's never . . . he's hit my mom before, but never pulled out a knife. But he runs off all the time.
Agent Sorrentino	Where is the knife at now? And what room is he in?
UFC	He's in the livin' room an' he's comin' towards my mom with the knife now.
Agent Sorrentino	Now where's he at?
UFC	He's going in his, he's goin' in the . . . he's in the hallway now . . . comin' back in the livin' room.
Agent Sorrentino	What's he doin'? Is he angry? Appear to be angry?
UFC	Yeah. An' he's jus' walkin' around with the knife.

Agent Sorrentino	He has never tried to stab her though?
UFC	Never. This is the first time.
Agent Sorrentino	Has he actually to try to stab her this time or no?
UFC	Yeah. He's like followin' her around an' when she turns her back, he'll try to stab her an' then she'll hurry up an' turn around. An' now he' followin' her with the knife.
Agent Sorrentino	'Kay. What h- . . . what . . . I've already got an officer on the scene, but what hand is the knife in?
UFC	Officers right, is the officers there now? I think . . . wait.
Agent Sorrentino	What hand is the knife in?
UFC	No, the officers not here. Um, I don't see him.
Agent Sorrentino	Ma'am?
UFC	Unlock the door. Where did, where did he go? Yes, he has a knife. Hello? (She is talking to the officers who have arrived at the door.)
Agent Sorrentino	Yes.
UFC	You still want me to stay on the phone?
Agent Sorrentino	Where is the b- . . . guy at? Where is he at? Your brother.
UFC	He's standin' right here with the knife in his hand.
Agent Sorrentino	'Kay.
UFC	An' the offi . . .
Agent Sorrentino	Is the officer got 'im?
UFC	No, the officer doesn't have 'im yet.
	(The record should reflect officer yelling at everyone to get out of the house and dog barking in the background.)
UFC	Okay. Um, the officer told me . . . to get out the door.
Agent Sorrentino	Okay, go. (This is the end of the conversation.)

The following are the pertinent radio transmissions made by the Denver Police Dispatcher concerning the events at the Childs' residence. This is based on the information passed on to the Dispatcher from the 9-1-1 Operator. This is the information the responding officers had when they arrived to handle the call at 5550 East Thrill Place.

DPD Dispatcher	I need to start you to 5550 East Thrill Place, five five five zero East Thrill Place. Got a call from Ellen Thompson. She says that her fifteen year old brother, Paul Childs, has a six inch knife an' apparently is threatening parties in the family. It looks like they're chasin' . . . he's chasin' mom around the house with a knife, refusing to put it down. Also now is threatening sister.
Car 211	Okay
DPD Dispatcher	Okay. Getting information now that this suspect, uh, the fifteen year old, Black male, five eight, one fifty, black an' brown, white shirt, blue jeans, is putting his shoes on getting ready to leave.
DPD Dispatcher	Now it looks like the mom has locked the party in the house so he doesn't want him to

	leave 5550 Thrill Place.
Car 232 (Officer Turney)	Thirty-two. Watch me over to Thrill Place then.
DPD Dispatcher	Okay. An' it looks like the suspect is in the living room after goin' off on mom. Apparently he has beat her up in the past, but he's never pulled a weapon on her before.
Car 214 (Officer Geddes)	Fourteen. Watch me coverin' thirty-two on that.
DPD Dispatcher	Fourteen ... I'm clear. I do have extensive domestic violence an' also family disturbance history here.
Car 232 (Officer Turney)	Thirty-two ... I'm six. (This transmission means that Officer Turney has arrived at 5550 East Thrill Place.)
DPD Dispatcher	Thirty-two clear ... Thirteen sixteen. (This means the time is 13:16 or 1:16 p.m.) I'm getting information that he's trying to stab our complainant (sic), or the mother, at that location ... Fifty Five Fifty East Thrill Place. He's very angry.
Car 215 (Officer Naysmith)	Fifteen ... I'm six on that. (This transmission means that Officer Naysmith has arrived at 5550 East Thrill Place.)
DPD Dispatcher	Fifteen ... I'm clear. (This means the Dispatcher is acknowledging the above communication.)
Unknown Car	Hold the air, we got a party with a knife. (The investigation determined that both Officer Geddes and Officer Naysmith made a "Hold the air" call.)
DPD Dispatcher	Okay. All cars let's hold the air. We have a party with a knife. Thirteen seventeen. (This means no one is to use the air until further notice. The time is now 13:17 or 1:17 p.m.)
Car 232 (Officer Turney)	Thirty-two. Shots fired. Ambulance Code Ten. (This is Officer Turney radioing that shots were fired and indicating that an ambulance is needed—lights & siren.)
Car 215 (Officer Naysmith)	Fifteen ... suspect is down. Officers are okay.

The investigation determined that there were four officers who arrived close in time at the residence and were positioned near the front door at the time of the shooting. Officers James Turney (car 232), Todd Geddes (car 214), and David Naysmith (car 215D) arrived almost simultaneously and approached the residence. Officer Randall Krouse (car 212B) arrived soon thereafter. All four officers arrived in fully marked Denver Police patrol cars and were dressed in full Denver Police uniforms. Officer Turney was positioned with the left side of his body against the open front screen door. Officer Krouse was immediately behind him and slightly to the right of Officer Turney. Officer Geddes was to the right and slightly behind Officer Turney. Officer Naysmith was behind Officer Geddes. Officers Turney and Naysmith had their firearms drawn. Officers Geddes and Krouse are trained and qualified to carry the Taser M-26. Officer Geddes initially approached with his Taser drawn. He re-holstered the Taser and drew his firearm when he determined he was in a deadly-force encounter due to the close proximity of the officers to a suspect armed with a knife. Officer Krouse, observing that the other officers had their firearms drawn, covered them with his Taser drawn. During the confrontation, he activated the Taser, which causes a red laser to appear, but he did not deploy the Taser. Of the four officers

present, Officer Krouse had completed the Critical Incident Team (“CIT”) training program.<sup>3</sup> The pertinent portions of these officers’ statements follow.

On July 5, 2003, at 7:45 p.m., after being sequestered from other officer and citizen witnesses from the time of the shooting, **Officer James Turney** gave a voluntary video-taped statement to Lieutenant James Haney. Chief Deputy District Attorney Doug Jackson was present from the Denver District Attorney’s Office. Officer Turney was represented by Doug Jewell of the law firm of Bruno Bruno & Colin. The statement was taken in accordance with the officer-involved shooting protocol. Officer Turney also confirmed that his firearm had been taken by Crime Laboratory personnel for testing and he received a replacement weapon in accordance with the protocol. (The interview concluded at 8:25 p.m.)

Officer Turney told investigators that he was working solo in car 232-B in District Two. He was dressed in full Denver Police Department uniform and driving a fully marked Denver Police patrol car. Officer Turney said a call came out for 5550 East Thrill Place involving a juvenile with a knife arguing with his mom. He advised the Dispatcher that he would cover in on the call. When he arrived, he parked about three houses from the subject residence. Officer Turney stated, “. . . prior to our arrival, uh, dispatch notified us that the mom was tryin’ to keep the suspect from leaving. They were in the living room an’ he was putting his shoes on. Un, right as I pulled up an’ put my car into park, dispatch then notified us that, uh, the suspect was tryin’ to stab his mother.”

Officer Turney said that as he was approaching the residence, Officer Geddes was also approaching. When Officer Turney reached the front porch area near the front door, he was standing with his left foot forward on the porch and his right foot back. He estimated that the front doorway was 3 feet to 5 feet away. Officer Turney stated, “Uh, the, the complainant, the mother, came to the front door an’ was standing in the entryway. Um, officers, uh, myself an’ Officer Geddes asked, uh, the complainant where, where he was at an’ if he had a knife? She stated that he was behind the door, an’ yes he did have a knife. Uh, I ins- . . . we both instructed, uh, the complainant to exit the house. She fumbled with the l- . . . I don’t know if she fumbled with the door handle or if it was locked, but she fumbled with something an’ finally got the door open. An’ she exited the residence. We instructed everyone in the house to exit. Um, approximately, I’d say three adults an’ three kids came running out the front door.”

Officer Turney said that Officer Geddes was off to his right, but didn’t know if he was to the front or the rear of him. He thought that Officer Geddes had a Taser, but did not know if any other officer had one. As everyone was running out of the house he noticed Officers Krouse and Naysmith were present. He thought Officer Krouse was to his rear and did not know exactly where Officer Naysmith positioned himself. Officer Turney went on to say, “Once everyone exited the residence, um, Officer Geddes informed me that he could see the suspect behind the door like the mom had told us. The mom told us, uh, when we asked her where the s- . . . where her son was at she said he’s standing behind the door an’ he had a knife. Uh, once everyone exited, um, Officer Geddes told me that he could see the suspect behind the door, an’ he d- . . . he did have the knife in his hands. I did not see it at that time. (Later in the statement, Officer Turney said he remembered his arm being

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<sup>3</sup> See attached as Appendix #2, the Crisis Intervention Teams (CIT) Fact Sheet.



against the screen door that opened outward, but didn't recall whether it had to be held open or if it would just stay open by itself.) He told me, he said 'Jim he's behind the door an' he has a knife.' We ordered the suspect to come out with his hands in the air. Um, the suspect, I assume 'cause I couldn't see 'im, was somewhere in here, an' he came up around this way.<sup>4</sup> Uh, he was holding a, I guess I would describe it as a fillet knife, approximately six to seven inches, I believe in his left hand. An' he was holding it like this.<sup>5</sup> Uh, we told him to st- ... drop the knife. An' at that point he started to advance toward the (unintelligible, background noise overriding verbal response) with the knife in his hand."

Officer Turney indicated that Officer Geddes and he told Childs to drop the knife from three to five times before he started to advance from his stopped position. He was not sure whether Officers Krouse and Naysmith were also giving commands. As Childs started to advance, Officer Turney said, "He keeps the knife in this position with the blade up.<sup>6</sup> Uh, he takes some short choppy steps, probably three to five steps towards the door with the knife in his hand." (Later in his statement he states, "He comes around the door. He stops ... then he started to take steps like this. Um, jus', yeah, odd steps. They were, um, staggered, I guess, steps." We order him again to stop an' drop the knife. Um, he does not stop, nor does he drop the knife.") At this time, Officer Turney said he was still half on and half off the porch. He estimated the distance between Childs and he to be five to seven feet. Officer Turney said the suspect never acknowledged or responded to him. He said, "When he first walked around the corner he looked at me (sic). The first thing I noticed was the knife in his hand. And I looked at his face, an' he was staring right at me. An' then I continued to fixate on the knife. An' then as he got closer I started to look at the center of his mass of his body ... at that point, um, that ... it was clear to me that, uh, at any given moment he could've lunged at me with the knife. I was in front o' the doorway so I fired, uh, two to three times center mass. And I fired until he went down to the ground. I think he staggered back a little. He didn't just slump down. He was kinda pushed back, an' he landed on his back." Later in the statement, Officer Turney indicated he did not think the suspect ever got through the door threshold, but "he got really close to it." He also estimated that the time from when the suspect came around the door until the shots were fired was only three to five seconds.

When asked what caused him to fire his weapon, Officer Turney stated, "He was gonna come out, an' he was gonna stab me, an' I was in fear for my life an' the other officers that were nearby. When asked, based on where Officer Turney was positioned, if there was any way he could have retreated, Officer Turney stated, "I felt that ... I was at an elevated position with one foot on an' one foot off. With my gun drawn I didn't ... I felt like if I retreated I could've, um, ... fallen back." (Later in the statement when asked about his training regarding whether to retreat he stated, "As far as retreating I ... we're not required to retreat. And I was at somewhat of an elevated position, and if I would've retreated an' went back I could've fallen on my back which means the suspect could've jumped out an' stabbed me at that point or cut me.") Officer Turney said he stopped firing when "the threat was no longer present." He said, "I immediately got on the air an' notified

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4 Officer Turney showed that Childs came from behind the front door around the end of the door and toward the front doorway.

5 Officer Turney demonstrated that Childs was holding the knife in his left hand in front of him with his arm bent about 90 degrees at the elbow with the blade pointing up.

6 Again, Officer Turney demonstrated that Childs was holding the knife in his left hand in front of him with his arm bent about 90 degrees at the elbow with the blade pointing up.

dispatch that shots were fired, an' that we need an ambulance Code Ten." He went on to say that "Officer Ayers came from the rear an' went in an' secured the home to make sure there were no other parties inside."<sup>7</sup>

Officer Turney said that he walked away from the residence and Sergeant Stern asked him to go sit in his police car. He was then taken away from the immediate scene by Officer John Super. Sergeant Don Lindley met them at the Holly Shopping Center and transported Officer Turney to Denver Police headquarters.

When discussing the critical seconds before the shots were fired, the following exchange occurred between Chief Deputy District Attorney Doug Jackson and Officer Turney:

Mr. Jackson	I know you said that the reason you shot was that you, or at least, you felt like the guy could have lunged at you.
Officer Turney	Yes Sir.
Mr. Jackson	Did he make any movement that made you think he was going to lunge at you?
Officer Turney	No. He just kept advancing at me.
Mr. Jackson	The walking?
Officer Turney	Yes.
Mr. Jackson	What position was the knife in at the time that he was, you said you were, concentrating on the knife an' then you shifted to watching center mass ... Could you still see the knife durin' the time you were lookin' at center mass?
Officer Turney	I wasn't ... at, at that point I was mainly su- ..., you know, shifting towards center mass. I jus' ... the last time I saw, you know, his, his arm was like this, an' he was holding the knife like this. It was kinda peripheral vision where I could still see the knife ... an' to the best of my knowledge it was still in this position when I fired. <sup>8</sup>
Mr. Jackson	Would you say the guy made any sudden, uh, movements at all?
Officer Turney	No, he jus' kept advancing, jus' kept advancing (sic).

When asked by Mr. Jackson whether he considered shooting in somewhere other than the center mass, Officer Turney responded, "No Sir. We're instructed to shoot center mass. The range train usually for center mass. The largest target. Uh, that way you ensure that all your rounds get into the suspect an' don't miss 'im

<sup>7</sup> In response to investigator questions, in his statement Officer Turney indicated he thought that everyone, except the suspect, was out of the house at the time he confronted the suspect.

<sup>8</sup> Again, Officer Turney demonstrated that Childs was holding the knife in his left hand in front of him with his arm bent about 90 degrees at the elbow with the blade pointing up.

an', an' go through a wall an' possibly hurt someone else. The goal is to stop the threat." Officer Turney said he considered the threat was stopped when the suspect "hit the ground an' the knife was no longer in his hand."

When asked if he recalled any prior contact with this subject, Officer Turney stated, "Approximately a month an' a half ago while I was on Detail Three I covered another officer, it was approximately at 38<sup>th</sup> and Dahlia on a theft or attempt theft of a bicycle. And, when we arrived, we contacted the complainant who related that the suspect of the theft (Paul Childs) an' the suspect from today had tried to pick up a bicycle from inside of his fenced yard an' take it with him. And when we confronted him there was almost an altercation about it. Myself and the other officer arrived on the scene. Uh, the other officer attempted to conduct a pat down an' search o' the suspect. And, uh, he tried to pull away so we had to restrain 'im an' put him in the handcuffs. The complainant refused to sign a complaint for the theft and disturbance. We, uh, spent approximately twenty minutes trying to locate where the suspect lived at because he was uncooperative. He rode in the other officer's car an' I followed. An' when it was finally determined where he lived we went up to his residence an' spoke with his mother. Um, at that time, I instructed his mother that he needs to have some type of ID on 'im, uh, with his name an' address, in the future if he's contacted, uh, because he wasn't, uh, tellin' us where he lived at (sic). Um, she related to me that she has numerous problems with him. Um, that he's assaulted 'er an' he's hit her. Uh, a lotta family fights with 'im. And I asked her if he has any problems an' she said, uh, he has some mental problems." When asked if he immediately recognized him prior to the shooting, Officer Turney stated that he did not. He said, "It was probably about the time he started to advance towards, uh, ... when he went around the corner an' I saw the knife I looked up in his eyes an' he was staring at me. An' I looked back down at the knife an' then it, it clicked in my head that, that I know him from somewhere."

When Officer Turney was asked if he recalled whether any comments were made about using a Taser, he said, "I didn't hear anyone yellin' tase him." When asked to speculate as to why the other officers did not shoot, Officer Turney said, "I think I had the ... they ... 'cause he was right in front o' me. Um, he was coming towards me. Um, I don't know if they had ... I don't know if (sic) Officer Krouse would ... if I was in the way. An' I'm not entirely sure what line o' sight, uh, Officer Geddes had. When asked if he and Officer Geddes had an opportunity to discuss a plan before he got up to the porch, he responded, "No Sir. Uh, we went up there. We were both concerned about, you know, when we went Code Six<sup>9</sup> when we arrived, dispatcher notified us that he was tryin' to stab his mother, so we didn't have time. We jus' went up there as quickly as possible."

On July 5, 2003, at 4:45 p.m., after being sequestered from other officer and citizen witnesses from the time of the shooting, **Officer Todd Geddes**, 99053, gave a voluntary video-taped statement to Lieutenant Jim Haney. Chief Deputy District Attorney Doug Jackson was present from the Denver District Attorney's Office. (The interview concluded at 5:17 p.m.)

Officer Todd Geddes told investigators that he was about one block from the house when the dispatcher aired that "the juvenile was attempting to stab the mother at this point." He said that he and Officer James Turney arrived at the same time and they ran to the front door together. Officers Randall Krouse and David

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<sup>9</sup> When officers arrive at the scene to which they have been dispatched, they radio the Dispatcher that they are "Code Six."

Naysmith arrived shortly thereafter. He said he was positioned just outside the short brick wall that surrounded the front porch. As they were getting everyone out of the house, a Black female, later identified as Helen Childs, told them the party (Childs) was still in the house and still had the knife. Officer Geddes said, "I see a hand with a knife stickin' out from the door, held up like this. Officer Geddes stated, "Once I see the knife, at that point I get on the air, I notified dispatch to "hold the air. Because, uh, we got a situation here that's probably not very good. What seemed like a long time, but it probably wasn't more than six seconds, you know. He kinda turns around an' faces out this way.<sup>10</sup> I lose sight of his body just based on the angle of the door as he comes from behind the door an' comes up this way. I can see from about here over on 'im though an' his right side. And he was holdin' the knife, probably it's a kitchen knife about like that. He wasn't . . . he didn't have it down here he had it jus' kinda like this. I mean he w- . . . he didn't raise it up, he didn't have it pointed forward. He was just kinda holdin' it." He came back to this later in his statement and said, "I was the first person he saw right there. As he comes up he never puts the knife down by his side. I mean it's just kinda standin' right there, which I thought that's not good. I mean he's not jus' danglin' it, you know, flippin' it around or whatever. I mean he had it about chest high. It's kinda like this—point up." He thought it was being held in his right hand.<sup>11</sup>

In answering investigator questions, Officer Geddes went on to say that when Childs came around the end of the door, ". . . that's when, uh, you know, I drew down on 'im an' I told 'im . . . I'm screamin' at the top o' my lungs; drop the knife, drop the knife. An' I think other . . . I mean there was a lotta yellin' goin' on by that point once he came clean in the doorway." Officer Geddes stated, "When I first saw the knife I think I yelled over to Turney; Jim he's behind the door, he's got a knife, is what I remember. . . I mean it was a big kitchen knife he had."

Officer Geddes talked about initially having his Taser drawn when he approached the house. He said, "So, initially when I approached I had my Taser out. I thought well if he comes out an' he doesn't . . . he's not armed, but he fights with us, we'll tase 'im an' we'll be done with it. Uh, when I realized how close proximity we were to this guy . . . 'cause this is . . . from where I am to where he is, it's probably about twelve feet, maybe. And, uh, I mean using the seven yard rule. I mean we're well within that twenty-one foot thing. At that point, I quickly holstered the Taser. I thought, you know, if he puts the knife down we'll go from there, you know, we'll deal with that." He went on to say, "Once I saw the knife, I mean I tunnel visioned on him. Based on the angle that I had on 'im there, you know, it w- . . . it woulda been a difficult shot with a Taser anyway. An' I don't know who else had a Taser out or whether it was even feasible, you know. They're, they're a good tool, but they're not a hundred percent reliable either."

Officer Geddes spoke about the moments before the shots were fired. He stated, "He didn't say a word throughout the whole thing. An' as he comes around an' I'm yellin'; drop the knife, drop the knife, I thought for sure based on where Turney was that if he advanced out the door, this is gonna escalate to deadly force. It's

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10 Officer Geddes indicates Childs came around the door and was then facing directly toward the front doorway opening.

11 With each reference to how Childs was holding the knife, Officer Geddes demonstrated that Childs was holding the knife in his right hand in front of him with his arm bent about 90 degrees at the elbow with the blade pointing up.

gonna have to. An' I believe when Turney fired, he was just approaching the door ramp. He was pretty close to being right in the doorway . . . that's when Turney fired. Officer Geddes estimated the distance between Childs and Officer Turney when the shots were fired was about four or four and one half feet. He said, "When he actually fired . . . I mean it was close. It was really close."

When asked by investigators whether he felt threatened at the time Officer Turney fired, Officer Geddes responded, "You know, I don't . . . if I necessarily felt threatened. 'Cause from, from here to me he's still about eight feet. But, I definitely feared for Officer Turney at this point. An' by this point, this kid reaches the front o' this door, he's four feet away from Turney. An', and again he's never put the knife down. He's never . . . he's jus' holdin' it. An' there are cops there with guns pointed at 'im. We're all in uniform. There's police cars all over the street." When investigators later asked him if he felt Officer Turney was in jeopardy, he stated, "Yeah. That's why I'd dropped the thumb safety. An' I initially began to move left to get a better center mass shot on this guy. That's when I realized Officer Krouse was there. An' I don't remember, you know, I think he had his gun drawn as well. I didn't wanna walk into . . . I mean get into a crossfire situation once people start . . . this guy starts movin' . . . it's better that we don't move around a lot I think." When asked his opinion of what precipitated the shooting, he later stated, "I think it's when he makes this corner an' I'm yellin' at 'im an' he kinda . . . he moves really slowly, but he, he jus' keeps advancing. I mean, he's comin'. An' I think Turney at this point is only, like I said he's only four feet away, you know. An' that's one o' the reasons when I initially got there an' was talkin' with the mother. I stepped over the two foot little thing (brick wall) to get up on the porch an' then I realized that that probably wasn't a very bright idea. Because if he comes flyin' outta there, I've got . . . there's wall here, this brick wall extends out through this porch, so I actually step back over it. Because there was no cover an' I . . . even though it's a two foot brick wall, I . . . it's still a distance, which gives me time to do something. To react to whatever this guy's gonna do."

When asked why he didn't fire, he stated, "So, I didn't have a clean shot at 'im at that point. 'Cause just based on the angle here an' Turney was pretty close there an' I didn't, you know, I was concerned about crossfire situations at that point." Later in the statement he commented, "No. He didn't rush, but he wasn't obeying any o' the commands to drop the knife at that point. An' I mean I was getting prepared to fire at that point." He said he didn't fire because "I think basically because I still had eight to ten feet between me. I had that little wall. Uh, you know, I still had that little bit more distance between me. But I, I carry a Colt an' I had already dropped the thumb safety on it, so I'd taken the safety off an' I have a manual safety on my handgun. So all I had to do was pull the trigger." He went on to say, "I didn't feel that I had a good center mass shot. I mean I was at an angle, forty-five degree angle. As he starts to advance is when I'm thinkin' okay, this is escalating into a deadly force. Uh, I'm concerned about a ricochet 'cause this house is built out of all brick. An' I'm concerned if I shoot too close to this brick is it gonna ricochet right off into Turney. I also figured if Jim was in dire straits that he'd do what he had to do if he felt that his life was in danger."

Officer Geddes told investigators that after being shot, Childs "legs crumpled, he went down backwards." He said that Officer Turney got on the air and called for an ambulance and a supervisor—and notified Dispatch that there was an officer-involved shooting. Officer Geddes said that Officer Ayers and he went in and "cleared the remainder o' the house to make sure there was nobody else in the house. Officer

Geddes was then transported to Denver Police headquarters by Officer Phillip Epple, 01036, of District Three whom he had never met before. He said he remained sequestered until giving his video-taped statement.

On July 5, 2003, at 4:50 p.m., after being sequestered from other officer and citizen witnesses from the time of the shooting, **Officer Randall Krouse**, 99059, gave a voluntary video-taped statement to Sergeant Kirk Dunham. Chief Deputy District Attorney Lamar Sims was present from the Denver District Attorney's Office. (The interview concluded at 5:05 p.m.)

Officer Krouse told investigators that the initial call came out about 1:11 p.m. related to a mom arguing with her son and trying to keep him from leaving the house. He responded to the scene when the dispatcher aired that the son was attacking the mother with a knife. When he arrived, Officers Jim Turney, Todd Geddes, and David Naysmith were getting family members out of the house. Several family members were telling the officers that Childs was behind the door armed with a knife. Officer Krouse said he drew his Taser to cover the other officers who had their guns drawn. He said they ordered Childs to drop the knife and come out from behind the door.

Officer Krouse stated, "We ordered the suspect from out behind the door, put the knife down, you know, come out from behind the door, put the knife down. It was at least eight to ten inch knife—brown handle. He stood there. We're yelling, screaming put the knife down, put the knife down. Um, an' all of a sudden he, he made an abrupt move toward us, uh, an' Officer Turney, uh, I believe fired four shots at 'im an' t . . . took 'im to the ground." Officer Krouse said that he was standing just behind and slightly to the right of Officer Turney when the shooting occurred. He estimated that Officer Turney was five to six feet from Childs when the shots were fired. Childs fell to the floor and was then disarmed and handcuffed.

Officer Krouse said that Childs "had the knife in a position of ready to stab somebody, which is up like this.<sup>12</sup> Most people hold a knife or gonna drop a knife they hold it lower. Uh, he, he didn't give me any indication in my opinion, uh, that he was gonna drop the knife at all." He went on to say, "He came out from behind the door. He was holding the knife like I told ya. It probably wasn't more than ten seconds that he made abrupt move toward us. It's again, he was just, just standin' there. An' then all of a sudden, you know, he came towards us. I mean it was (snapping of fingers) it was real quick. It wasn't like he was gonna jump up in the air at us. It was just a real quick movement towards us."

Officer Krouse told investigators, "To me the kid looked like . . . I'll be honest with you, he looked almost high to me. It . . . like he was in a, he was in another world or somethin'. Uh, he wasn't listening to commands. Um, he wasn't there. I mean it, it was like he was talkin' to, to someone that, you know, a brick wall almost. Why he didn't listen to us I don't know."

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<sup>12</sup> Officer Krouse demonstrated the manner in which Childs was holding the knife. He had his arm up above his shoulder and his hand above and to the side of his head indicating the knife was being held so that the blade came out from the bottom of his hand in a downward direction—an overhead stabbing position. This statement is inconsistent with the accounts given by the other seven eyewitnesses.

Officer Krouse had his Taser drawn but did not deploy it. He said, "I didn't even really have that, a chance to do that. Because it probably went . . . from the time he came out from behind the door to the time that the subject was shot, fifteen to twenty seconds. When he came out an' then he hands up, uh, someone says tasing about that same time. Uh, you know, I was gonna deploy, um, an' then I think that's when he made the abrupt move towards us. I will tell you that, uh, I'm very glad that Jim had his gun out because I didn't have my gun out. Uh, I feel the distance between us an' him, he could've easily stabbed one of us. An' the way we was positioned I think it woulda been myself first." Officer Krouse continued, "It went down really fast from the time that he came out from behind the door. Uh, the kid never gave himself a chance or us a chance to minimize the situation. Um, he was told several, several times to put down the knife, which he did not. He still held it in the position that I felt that, uh, to me it looked like he wanted to stab somebody."

Officers Randall Krouse and Todd Geddes are both trained and authorized to carry the ERD/Taser M-26. Both officers had their Taser with them at the time of this incident. Neither officer deployed the Taser. Officer Geddes had his Taser drawn as he approached the residence, but re-holstered it when he determined it was not the appropriate weapon for the circumstances. He then drew his firearm. Officer Krouse was positioned to the rear of Officer James Turney. He maintained cover for the three officers who had their firearms drawn.<sup>13</sup> After the shooting, the two Tasers were retrieved and placed in the Property Bureau under property number 658372, items #16 & 17. On July 7, 2003, Sergeant Steve Palka, 81012, confirmed that neither Taser unit, on scene at the time of the incident, had been fired (deployed). Information cannot be downloaded from the Taser, unless the trigger has been pulled. Neither trigger had been pulled. It will not download if it has only been turned on.

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13 The Denver Police Department Operations Manual, 105.02 Less Lethal Force and Control Options states in section (1) Policy, "The primary duty of police officers is to protect the public, themselves, and other officers. Less lethal force and control options may assist officers in performing these duties, ***but are not intended to substitute for the use of deadly force when it is reasonable and necessary. There is neither a requirement nor an expectation that officers attempt to use or exhaust less lethal options in situations requiring the use of deadly force.***"

One of the less-lethal weapons is the ERD/Taser. It is defined as "Advanced Taser M-26 ERD (Electronic Restraint Device) which uses a 26-watt electrical signal to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the M-26 to physically debilitate a target regardless of pain tolerance or mental focus."

The ERD/Taser is not intended to be a weapon of choice in close proximity encounters with individuals armed with edged weapons. The ERD/Taser is designed for use against unarmed, non-compliant individuals; to incapacitate a combative or physically resistive person from a safe distance so they can be safely controlled and taken into custody. An individual armed with an edged weapon immediately raises the encounter to a possible deadly force threat level. Attempting to use the ERD/Taser in an edged weapon confrontation significantly increases the risk to the officer of serious injury or death. The effective range of the ERD/Taser of necessity would place the officer dangerously close to the armed subject. For this reason, as stated in the policy, ***there is neither a requirement nor an expectation the ERD/Taser will be used in these situations.*** Although not required or expected to do so, there are occasions where individual officers, under certain circumstances, have used the Taser against assailants armed with edged weapons. To the extent this is possible in a given situation, it is obviously preferable to having to use a firearm.

On July 5, 2003, at 5:15 p.m., after being sequestered from other officer and citizen witnesses from the time of the shooting, **Officer David Naysmith**, 98011, gave a voluntary video-taped statement to Sergeant Kirk Dunham. Chief Deputy District Attorney Lamar Sims was present from the Denver District Attorney's Office. (The interview concluded at 5:28 p.m.)

Officer Naysmith told investigators that as he was arriving at the scene the dispatcher aired additional information "that the party now was threatening his mother with the knife trying to stab her inside the house." He said that Officers Turney, Geddes, Krouse and he all arrived at about the same time. He parked his marked police car right in front of the house. He immediately went to the front door and "we ordered all of the people outside . . . several people fled the house. I don't know where they went from there. Officer Geddes told us that he could see the suspect (Childs) through the crack (in the door) armed with the knife." Officer Naysmith said he radioed the Dispatcher to "hold the air."<sup>14</sup> We then began to order him out at gunpoint. Please come out with your hands up is what I said. An' I can't tell ya what the other guys said." Officer Naysmith went on to say

"He was armed with a large knife, I would say twelve inches long with a silver blade, holding it chest level in this manner,<sup>15</sup> an' I don't know what hand he had it in. Uh, we immediately ordered 'im to drop the knife, drop the knife, several times. Uh, at that point he began advancing towards the threshold o' the door. Uh, I . . . he took several steps. I couldn't tell ya how many . . . like (sic) he was approaching. Um, I . . . my guess is that he came within five feet o' these front guys (Officers Turney and Geddes). An' I think I was probably about seven feet from 'em when I heard the shots fired. The suspect fell backwards onto his back an' into the house. We heard that shots had been fired an' we needed an ambulance. Uh, at that point, I went inside, and the knife was located by his hand where he was laying. An' he was turning over to the side. I was able to kick the knife towards the south o' the house."<sup>16</sup>

Officer Naysmith said there was not any specific type of quick motion prior to the shooting other than his continuing to come forward while being ordered not to and to drop the knife. He said the suspect was moving "slowly, but deliberately." He said that at no point did it appear that the suspect was going to comply with the orders. In answer to investigator questions, Officer Naysmith said that he was focused on the knife as the suspect was moving forward and was concerned that the suspect "was gonna hurt my partner."

Officer Naysmith said that he was armed with his H & K, U-S-P, .45 caliber semi-automatic pistol. He did not fire his weapon. When asked why he did not fire, he stated, "I felt I didn't have a clear point o' fire to fire an' Geddes was right in front o' me . . . in my mind. When asked by investigators whether he recalled anyone talking about a Taser during the incident, he said, "I believe as I arrived I said, 'does anyone have a

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14 Officer Naysmith did this because the suspect was armed and the circumstances might require immediate access to the Dispatcher. A review of the Dispatch tapes indicates that this call to the Dispatcher occurred at 1:17 p.m.

15 Officer Naysmith showed the knife being held with his arm bent 90 degrees at the elbow and the knife in front of his chest with the blade pointing upward.

16 The knife was recovered later by Crime Laboratory personnel at the location to which Officer Naysmith kicked it.



Taser.' I don't know if anyone had one or not." In answer to investigator questions, he indicated he had had no prior contact with the suspect.

On July 5, 2003, at 4:10 p.m. a video-taped statement was given by **Natondria Brown**, 6/24/89 (age 14), to Lieutenant James Haney. Also present was Chief Deputy District Attorney Doug Jackson. The following are pertinent portions of her statement. (The interview concluded at 4:33 p.m.)

Ms. Brown said Paul, Helen, Ashley, and she were at the house when "Kisha" (Lakisha Newell) came to get her kids. Ms. Brown stated, "An' then Kisha had noticed what he (Paul) was doin' an' tellin' Aunt Helen like Aunt Helen, Paul is getting' a butcher knife out the kitchen. Kisha was like Paul put the knife down, put it back. An' my Aunt Helen was like Paul put the knife down, what are you doin'. My Aunt Helen was like Paul gots to call the police. To . . . I don't know. So Paul wasn't, he didn't say anything. We kept askin' 'im what the matter, why did he have the knife, why don't he put it down. He was jus' followin' my Aunt Helen everywhere she went with it, with the knife in his hand. Like he was gonna stab her or something."

She said that Paul was holding the knife straight up in front of him. She was asked if she "was afraid that he might stab your aunt?" She responded, "Yes, so then I tried to take the knife from 'im, but he snatched it away. An' Kisha an' Aunt Helen was like Gail don't do that 'cause you're gonna end up hurting yourself or someone else, jus' leave 'im alone. In describing this further later in the statement she said, "He jus' come an' grabbed it from me, pulled it away. An' he, he didn't say anything. He jus' pulled the knife away . . . he didn't even threaten me. He was facin' towards my Aunt Helen an' I was over here. An' he was right there facin' towards my Aunt Helen, lookin' at my Aunt Helen like okay, I'm about's to kill you, you won't let me leave, I'm about's to kill you." She confirmed that she was doing this to try to protect her Aunt Helen because she thought "he was gonna ki . . . stab her right there because they was like this far apart from each other.<sup>17</sup> An' Paul . . . I don't know. An' he just scared me." An' then my Aunt Helen had to walk to, to the kitchen, an' the door slides out in the kitchen part. She shut the door, so she could be on one side o' the door an' Paul could be on the other side. An' so we is like oh, Paul (unintelligible) the poh'lice (sic) you have a choice. Put the knife down or you could go the hard way. Paul didn't put the knife down. My Aunt Helen came out the kitchen an' then all the sudden all the poh'lice (sic) came an' told us to get out the house. Paul made one move an' the poh'lice jus' shot 'im three times."

When asked what the "move" was, Ms. Brown responded, "I don't know if he was tryin' to put the knife down or what, I don't know. Like this (She held both of her hands in front of her chest to show how Paul was holding the knife up in front of him). An' then he jus' made a move, some type o' move an' the poh'lice jus' shot 'im three times." Ms. Brown was asked to demonstrate the move but did not attempt to do so.

Ms. Brown went on to say, "Kisha an' Ashley was tryin' to tell 'im to put the knife down. Kisha's tryin' to move her kids away from him. An' tell Paul put the knife down, put the knife down Paul, the poh'lice is coming, you don't wanna be caught with the knife, you know. 'Cause then they'll . . . no tellin' what they're

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17 She showed with her hands a distance of approximately one foot.

gonna do. We kept tellin' 'im Paul, put the knife down an' he would not listen. He didn't r- ... respond, he didn't say anything to nobody."

At various points in the statement, Ms Brown described Paul Childs' general demeanor prior to the police arriving. "From the moment he got up from this mornin' when he woke up, he didn't say nothin'. 'Cause normally, um, he sees people, he gives 'em hugs an' he talks to 'em an' all that at home (sic), he didn't that. He jus' got up, didn't say anything to anybody. Even when I told him good morning, he jus' looked at me an' jus' went into the baf' room (sic).

Ms. Brown said that when the police arrived, "They're screamin' at everybody, tellin' everybody to get out the house. The last person to run out is Kisha an' her oldest son. An' her little son is sat in a chair, the little baby. An' I'm standin' right here, so I grabbed the baby an' run out the house.<sup>18</sup> An' all the rest o' the peoples already outside. I was the last one to get out 'cause I had to grab the baby. An' then the police is yellin' at Paul, tellin' Paul to put the knife down. They only told 'im like three times. An' then Paul made a move an' the poh'lice officer shot 'im like three times." Ms. Brown estimated that Paul was five or six feet from the officer at the time he was shot. She said the officer was holding the screen door open with his foot.

In response to questions from investigators concerning Childs' actions the moments before the shots were fired, Ms. Brown said "Paul's jus' standin' there lookin' like he was confused or (unintelligible) lost. He's mentally challenged. He doesn't have it all." She confirmed he moved just prior to the shots being fired. It was her impression that it was to either put the knife down or to come outside. At one point she said it was a move he had with the knife. She also later said, "His foot moved or somethin'. An' jus' shot 'im. Paul moved, then the first shot was fired. I started huggin' my Aunt Helen." Ms. Brown said "it was a quick move." She said that it surprised her because she expected Paul to "just put the knife down ... to drop it, do somethin'." Investigators again attempted to get Ms. Brown to demonstrate Childs' movements. She was not able to do so very effectively. She seemed to be demonstrating a partial step forward with the knife in both hands in front of her chest—and then stopping. "He jus' stopped. He jus' stopped." Lieutenant Haney asked, "So again, was it a, a step toward the officer?" Ms. Brown nodded her head in the affirmative. She then confirmed the distance between the two was approximately five to six feet.

On July 5, 2003, at 3:20 p.m. a video-taped statement was given by **Helen Childs**, 5/4/65, to Lieutenant James Haney. Also present was Chief Deputy District Attorney Doug Jackson. The following are pertinent portions of her statement. (The interview concluded at 3:50 p.m.)

Mrs. Childs first told investigators about difficulties she has with her son, Paul Childs, and his mood and unusual behavior on the day of the incident. Mrs. Childs stated, "He woke up this mornin', it's like he was jus' ... I don't know. It, it wasn't Paul. It wasn't my son. I don't know. I mean he wasn't acting himself. An' he woke up an', uh, like I said he tore up his room the night before an' I told 'im I said okay Paul, you know, we need to go get this room cleaned up. An' he was stated to me no. So I said okay. An' then he shoved me away from 'im. So I said okay. So then I went an' sat on the couch an' me an' my daughter was talkin' an', um, he

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18 She showed on the diagram that she was to the southeast of the front door.

was jus' walkin' around the house, jus' walkin' around the house like ... I mean he's a chronic run off. I have a security door on my front door an' the secu- ... an' the security door ... not a security door, but a security lock on my back door. So we're in the house locked up where he cannot get out. An' I believe maybe that's why he was so angry because he's been locked up in the house, well, since Thursday. 'Cause like I said, he's a chronic run off. An' he jus' got back what, Tuesday, from the psychiatric, the Adolescence Psychiatric Unit at Children's Hospital. He was there from the twenty fifth of July 'til ... I mean the twenty fifth of June until the first of July. Just that week. He went in on a Tuesday an' came back on a Thursday. For running off an' not bein' safe. Not ... when he runs off he doesn't have his medicine. He has a seizure disorder an' he takes Tegretol<sup>19</sup> an' he take Zoloff (sp/sic).<sup>20</sup> An' his Tegretol level was real low because he had ran Friday, Saturday, Sunday, Monday an' Tuesday.<sup>21</sup> An' Tuesday he was somewhere off County Line Road an' I-225 an' apparently had a seizure on the bus. So they rushed him to Children's Hospital. His doctor suggested because he's been a chronic run off since, ... runaway since he was thirteen. His doctor knows this, so his doctor suggested that he be admitted in the Psychiatric Ward just to run some tests, do a med-level, do a psych-eval. Just to see why he' doin' this. But we see that didn't work. I went an' pick him up Tuesday and took him to his therapist n' it's like we wrote a contract out for him. He had to clean up his room Clean up the kitchen. Listen to me. An'd he earned his phone back ... I mean he earned phone privileges again an' he earn his bike. With Paul when he runs off like this an' he doesn't listen, I take everything away from him. I take his freedom away. I take his phone away. I take his activities away. I take everything away. Make him sit in his room an' let him, to let him know you jus' can't run off like this. Because when he runs off he tells the police either I'm dead or he woke up on a train in Chicago an' he don't know how he got the Denver or he'll tell 'em that my mom jus' drop me off, told me I was fifteen an' jus' drop me off, so I'm here an' she went back to Chicago. An' then they give me a, a one o' those ... serve me with those papers to go to the Crisis Center. So ... an' it's like he ran ... he came home Tuesday, so he ran Wednesday, he was in, in Boulder Wednesday. The Lafayette Police Department brought him home about nine o'clock, uh, Wednesday."

Mrs. Childs told investigators that when he doesn't take his medicine he sometimes just shuts down. She went on to say, "... this is the first time he ever done pulled a knife or walked around with a knife. It's the first time he's ever done this. He's never been involved in criminal problems. I mean he might shove me, he might tell me no or he might jus' ... I mean you really have to know Paul to understand Paul. Paul has a, like a one track mind an' he's a special needs child. He's not like a normal child an' he has a one track mind. If he, if he wants, if he sets in his mind okay, I'm gonna get up an' I'm goin' here today. An' it's like that's on his mind. An' I believe that's why he runs. That's why I have to lock my house up like I do. But this, when he walked around, an' he did today ... I mean he even had a, a like a glaze or a gloss ... he walked around all day like a zombie. That's the first time I ever saw him ... he was pretty a- ... for him to pull a knife, he was pretty, pretty angry. Because he even, um, as I was talkin' to 'im like I said, he pushed me away from 'im. So then I

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19 Tegretol is the brand name for the generic drug Carbamazepine. This is a commonly used Psychotropic medication for mood stabilization (antimanic). Common side effects include dizziness or lightheadedness, clumsiness or unsteadiness, nausea, weakness, blurred or double vision, or drowsiness.

20 Zoloft is the brand name for the generic drug Sertraline. This is a commonly used Psychotropic medication for depression. Common side effects include nausea, nervousness, drowsiness, headache, and change in appetite.

21 Mrs. Childs told investigators the Tegretol was to control his seizures. The Zoloff (sp/sic) is for his A-D-D and A-H-D. She said he was taking a third drug, Adderall (sp/sic) because doctors think he is depressed.

went an' sat on the couch an' then he sat on the arm o' the couch an' I put my ... looked'd (sic), looked up an' put my head on his shoulder. An' I said mommy loves you. I don't know why, what's wrong, but mommy loves you an' we need to go get that room cleaned. He put his hand over my mouth an' my nose, you know, kinda thrushed (sic) real firm. An' he took his hand off an' I looked at 'im an' the statement oh, so now you're tryin' to kill me. Jokingly. An' that's when he went an' got the knife."

When asked whether she could breathe with his hand over her mouth and nose, Mrs. Childs said, "Well, I can breathe 'cause I was still talkin' to 'im. 'Cause I was still talkin'. It was like firm, but not hard. It was like ... not (unintelligible) 'cause I was still able to talk. An' he took his hand off. An' (chuckling) I said oh, an' I looked at 'im, I started laughin' to myself. An', um, I looked at 'im s- ... laughin' jokingly I said, oh, so now you wanna kill me. So he got up from the arm o' the couch. I heard 'im when he was in the kitchen in the drawers. But I'm thinkin' he in there tryin' to fix him sumpin' (sic) to eat. An' he called Keesha (sp/sic) ... states oh my God Helen, Paul gots a knife. She's like oh my God, Paul has a knife. An' we all start laughin'. Like Paul what are you gonna do with that knife. An' he jus' walked to me with the knife. Jus' holding the knife like this.<sup>22</sup> I mean that's how he walked around with the knife. Like a zombie. He, he didn't ... he w- ...he was not speakin' to no one, not sayin' nothin'. He wasn't ... he had shut down. Wouldn't ... he hadn't said nothin' to nobody. He's jus' plain walkin' around behind me with the knife. I went in my room, closed the door an' Keesha stated to Paul; Paul, put the knife down; I'll take you wit' me if you promise me you won't run off; come on you can go wit' me an' tell me why you so upset wi'ch (sic) your mom; you can go wit' me; put the knife down. Paul didn't say nothin'. I came outta my room an' went in the living room. An' every time I turned around Paul was behind me with the knife. An' I'm like Paul, you need to put that knife down. You need to put the knife down. Why don't you put the knife down. An' then that's when my daughter was on the phone sayin' my brother is walkin' around with a knife behind my mom. I said Paul, Ashley's on the phone with the police, so you better put the knife down. Because if the police come ... an' I showed 'im, they're gonna have their guns drawn jus' like this an' this is... you're gonna make this seem, this worsen (sic) than what it is. All you need to do is put the knife down." I told him. I said stop playin', you're gonna make this worsen than what it is. Police gonna come an' they gonna be jus' like this."<sup>23</sup>

Mrs. Childs went on to say, "So then he attempted to walk over to his sister with the knife an' she was on, layin' on the couch on the phone with Dispatch. She said now he's walkin' over here towards me with the knife. An' then she told him; Paul, you need to get away from me with that knife. Then he walked aw- ... turned around an' went like towards the hallway. 'Cause she said now he's goin' ... well we thought he was goin' in his room. 'Cause she said ... we thought, uh, she said he's goin' in his room, but then she's like no, he's jus' in the hallway now. So then he came out an' I said Paul, why are you walkin' around with this knife. Why? Bout two minutes after I said that, that's when the police came."

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22 Mrs. Childs demonstrated with both her arms extended out in front of her about chest high with the blade pointed up.

23 Mrs. Childs demonstrated how she was showing her son what the police would be doing. She extended her arms straight out from her chest as if holding a gun in both hands. She then moved her arms back and forth.

Mrs. Childs went back to discussing what happened after her son was in the hallway. She stated, "He comes outta the hallway an' he's still walkin' around with the knife. Um, I goes in the kitchen because he's walkin' behind me with the knife now. So I go in the kitchen an' close the kitchen door. An' I'm like to myself ... what has gotten into him; what is wrong with him; why is he doin' this. The police come an' he's walkin' around with this knife. They're gonna shoot him. An' I looked ... an' I know ... I mean it, gosh. An' so I come back out the kitchen an' I'm tryin' to talk to him, but he's jus' walkin' around with the knife. Keesha said Paul, you gotta put that knife down, you better not have that knife in your hand when the police come. Everybody's tellin' him to put the knife down. He wouldn't. So after I come out the kitchen an' we tellin' him his, then five minutes, two minutes later, here come the police. I, a- ... I ... like I said, I my eye-bolts (sic) on my door. I took my keys outta my pocket 'cause everybody sayin' you better open that door before they kick the door in. So I unlocked the door ... an' I'm standin on the wall holdin' the screen door open. Paul is like kinda behind the door 'cause they was like where is he, what's his name. An' I said it's my son, his name is Paul, he's right behind the door. I'm sayin' Paul come on the police are here, drop the knife. Said put the knife down. Um, an' then they ordered all ... they said move ma'am, who else is in the house. I said my daughter, my niece, an' my play daughter. We all in the house. They order all of us out. I'm still standing with the screen door open, tryin' to get him to come out. But he ... they snatch me from the door an' said ma'am, you need to move. So I g- ... I was behind 'im an' I was behind 'im where I can see everything that was goin' on. He then comes to the door. I was behind the police. So then Paul comes to the door an' they say ... I don't know if they said sir drop ... no. They was like come from behind an' you need to come from behind the door or you need to come, come from ... so then he comes from behind the door. An' they says ... I don't know if he said Paul, drop the knife or sir drop the knife or sir you need to drop the knife. I don't recall all the words that the police officer said. Then I heard officers say jus' tase 'im, jus' tase 'im. Next thing we know, I, I'm lookin' pow, pow, pow. An' he falls to the ground."

Mrs. Childs said that she thought the officer who was holding the screen door open with his foot is the officer who fired the shots. She estimated the distance between her son and the officer to be approximately six feet.<sup>24</sup> She said the officer who yelled "tase 'im" was standing near her front-glass window. She described the knife as an old butcher knife about a foot long with a "raggedy" blade and "it doesn't have a point."

When asked about her son's conduct just prior to the shots being fired, Mrs. Childs stated, "Well, then he's came ... when he came to the door he stood ... he came from around the door ... an' he stood (unintelligible) just like this with the knife like this.<sup>25</sup> ... he didn't respond to nobody's commands. I ... he didn't respond to me. I told him that this is what was gonna happen if he didn't put the knife down. So he wasn't respondin' to nobody." She said he didn't move forward or backward. She said, "He just stood there. He didn't say nothin'. He didn't move. He didn't gesture like he was comin' at them. An' he, he jus' stood there."

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24 She indicated the distance was from where she was seated in the video-interview room to where Chief Deputy District Attorney Doug Jackson was seated. This was estimated to be approximately six feet.

25 She demonstrated showing the knife held in both hands, held in close to her chest with the blade pointing up.

Mrs. Childs said that her son had not taken his medication when he was supposed to. When asked if that is why he may have been acting the way he was, she stated, "Maybe. I don't know. I don't know." She also said she did not know why he tore up his room the night before.

Mrs. Childs described an incident that happened July 3, 2003—two days prior to the shooting. She said, "He tried to run an' we, uh, su'dued (sic) him in front yard. An' I was sitting on top of him. An' my daughter ... well, at first before we called the police we tried to call friends an' family to hurry up an' get over here to pull him back in the house. So, uh, then my daughter said mom, I a- ... I don't know, it's late ain't nobody answerin' their phone, I can't ... an' she's w- ... uh, called the police, told the police that my mom is sitting on top o' my brother in front o' the yard. He's, uh, he won't listen, he won't pay attention, he's, uh, what, what was the word she used ... she ... he's, uh, aggressive an', uh, belligerent. An' so when the officers came I was sittin' on 'im. An' she jumped out the car an' said oh my God, they did say a lady was sittin' out here, uh, on a child an' I didn't believe it. So when the two officers got there, I said can I get off of him now. So ... I mean they had to like kinda force him to go in the house. They helped me fix the screen door an' I locked it, so the screen door has been locked since Thursday."

Mrs. Childs concluded her video-taped statement by saying, "That social worker told him you gonna learn the hard way. If you haven't learned why you was in Children's Hospital, you gonna learn the hard way. She told him that."

**Officer Jeffrey Jenkins**, 00040, told investigators that he had responded to 5550 East Thrill Place on July 3, 2003, on a family disturbance. When he arrived he observed Helen Childs sitting on her son, Paul Childs, in the front yard. Officer Jenkins had had prior contact with the family due to Childs running away from home. He has seen Childs act erratically and fight with his mother in order to run away. Helen Childs told Officers Jenkins that when Childs was found in Boulder, he told the police that he had killed his entire family. At the July 3, 2003 incident Officer Jenkins was told that Childs was not taking his medications and that is why he was "acting up." Officer Jenkins informed Mrs. Childs that he could not arrest Childs—that she needed to seek further medical attention.

On July 5, 2003, at 3:25 p.m. a video-taped statement was given by **Ashley Childs**, 6/5/87, to Sergeant Kirk Dunham. Also present was Chief Deputy District Attorney Lamar Sims. The following are pertinent portions of her statement. (The interview concluded at 3:50 p.m.)

Ms. Childs told investigators, "I was the one who made the call to the police, an' my mother had (sic) 'cause he wanted to leave 'cause he likes to run off. An' my mom got a deadbolt on her door so to keep him safe in the house because it's not safe for him to be out in the streets. An' he was mad an' he went in the kitchen an' got a knife. An' he was jus' followin' my mom around the house wit' it. An' then so I had called the police. Then they had came. An' then he ... the police told everybody to get outta the house. Then we did. An' then my brother was hiding behind the door. An' then he came to the door an', an' they were telling him to drop the knife. But he jus' had it up in his hands like that. An' then they jus' shot him."

When describing what Childs was doing prior to the arrival of officers, she stated, “He wasn’t saying anything. He was jus’, he wasn’ (sic), he didn’t have the knife as he wanted to stab her with it. He jus’ had it up like towards his face an’ then jus’ following her around the house.” When asked why she called the police, she responded, “Because, uh, he was jus’ following her around the house an’ my cousin told him to put the knife down an’ he wouldn’t put it down. An’ then she tried to snatch it out of his hand. An’ then he tripped (sic) back. An’ then I seen that he wasn’t gonna put the knife down so that’s what made me call the police.”

Ms. Childs said that when the officers arrived her mother went out first and then the others came out. She said, “... he (Paul Childs) was standin’ behind the door. An’ the officers aksed (sic) him to come out an’ then he came from behind the door an’ stood like towards the radio ‘cause our radio was like not that far away from our door. An’ then they aksed (sic) him to come. An’ they, they told him to drop the knife an’ he wouldn’t. An’ then like they pointed their little laser thing at him. An’ then that’s when he backed up like towards the radio again. An’ then that’s when they shot him.” Ms. Childs said the officers were telling him to drop the knife. She said, “An’ ‘cause everybody was screamin’ like my mother, my cousin. They was all jus’ screamin’ tellin’ him to drop the knife. An’ I jus’ heard one officer like yell real loud drop the knife. An’ then I heard a officer let’s tase ‘im. An’ I didn’t think they was gonna shoot ‘im. I thought they was jus’ gonna like try to wrestle him down to the ground. An’ then that’s when I seen the red light on ‘im. An’ then that’s when they shot ‘im.” She later described the shots by saying, “Like, it was like real fast though like boom, boom, like three shots.” Ms. Childs estimated the officer was standing approximately 5.5 to 6 feet from Childs at the time of the shooting. She estimated “it was jus’ a few seconds” from the time her brother stepped into the doorway until the shooting occurred.

When asked by Sergeant Dunham where Paul Childs was when the officer fired, she stated, “He was like ... he put his ... when he seen them draw their guns ... well they already had the gun drawn on him, but when he seen like the light, I guess, he tried to back up. An’ then that’s when they shot ‘im ‘cause I remember him takin’ a few steps back like towards the radio again.” She said she was sure he was backing up and not coming forward—“Yeah, he was backing up, ‘cause he looked to jus’ terrify (sic).”

When asked by Sergeant Dunham why Paul Childs would not have just put the knife down when he came out from behind the door, Ms. Childs said, “I don’t know. But I know that he jus’ had the knife up in his hand an’ he wasn’t like tryin’ to harm the officers. I know that. An’ I don’t know why he wouldn’t put the knife down. He’s jus’ ... I don’t know.”

When asked by Sergeant Dunham whether Paul Childs has done anything like this in the past, Ms. Childs stated, “No, he’s never did somethin’ like this. This is what shocked me. He never did somethin’ like this, but he’s told the police, when he runs off he tells ‘em these little bizarre stories. Like he’ll say like my ... I killed my mom an’ my sister an’ I escaped from the hospital an’, um, I left or somethin’ like that. Or else he’ll say my mom an’ my dad dropped me off at the bus station an’ told me that I’m fifteen an’ I’m a man now. An’ they’re goin’ back to Chicago an’ they left me in, in

Denver. An' then my mom ... the police will come an' they'll give her those little things to go down to the Crisis Centers."

When asked by Chief Deputy District Attorney Lamar Sims to demonstrate how Paul Childs was holding the knife, she said, "He had it in two hands an' he was holding it like real close to his face—the blade was pointing up.

Ms. Childs commented, "It's like how they jus' shot him. Like really ... an' 'cause he wasn't ... he jus' had the knife in his hand. He wasn't cutting at nobody wh- ... they, when they told 'im to come to the door. An' then for them to do three shots that jus' ... I jus' couldn't understand why they d- ... did that. When like, you know, I watch 'Cops' an' stuff. Well normally they'll tackle somebody on the ground."

On July 5, 2003, at 4:11 p.m. a video-taped statement was given by **Lakisha Newell**, 8/18/81, to Sergeant Kirk Dunham. Also present was Chief Deputy District Attorney Lamar Sims. The following are pertinent portions of her statement. (The interview concluded at 4:37 p.m.)

Ms. Newell told investigators that she arrived at Mrs. Childs' home sometime between noon and 12:30 p.m. to pick up her baby who was being taken care of by Mrs. Childs. She said that later, while talking on her cell phone, "Paul walked in front o' me to the kitchen. Um, as I got off the phone, I seen Paul comin' outta the kitchen with a knife in his hand. He walked towards his mom an' stood in front o' the door to the left of her on the side o' the couch an', um, jus' stood there with the knife. I had walked past Paul while he had the knife an' I aksed (sic) his sister who she was on the phone with. An' I'd seen Paul with the knife in his hand towards his mom. He kinda bent the knife down to her shoulder an' held ... I told Helen ... I told Paul, I said don't be dumb, because if you ... I said I will h- ... I will punch you if you do that, because that's your mom. So Paul kinda jus' stood there. He never said anything an', um, I told Helen to get up because I don't think Paul's playin'. And she got up an' she stood up an', um, Ashley had called the poh'lice (sic), by then. She was on the phone to the poh'lice. An' Paul's ... Helen kinda walked past 'im, but he stood there an' jus' kinda ... every time Helen made a move he kinda jus' ... he didn't move his feet, but he just walked whichever way she went. Um, then Helen had a ... I had got on the phone ... my dad called an' I told 'im I'd call right back. An' I stood in the doorway to the ... kinda like goin' to the bedrooms an' Paul jus' kinda like followed his mom. 'Cause she has to go through the kitchen to get to her bedroom. He followed his mom. An' I followed Paul because the whole time I was talkin' to Paul, tellin' Paul that he needs to put the knife down an' quit bein' dumb, that's not funny. An' he stood in front o' the kitchen with the knife an' just stood there. He never like directly pointed the knife at anyone or his mom, he jus' kinda held it my face (sic), left hand, it was kinda to his chest. Close to his face or whatever. He jus' stood in the kitchen doorway at first an' Helen had walked into the room an' she has a sliding door. An', uh, he stood there at first for about a minute or so and then he walked to the doorway to where Helen ... to her room and stood there for about five minutes. An' walked away from her room an' went to the livin' room. An' kinda jus' stood in front o' the stereo or whatever. An', um, Helen had came out of her room. An' she jus' kept tellin' Paul, um, Paul don't ... that's stupid, don't be that ... or whatever. An' Paul, he never once said anything. He jus' stood there with the knife. Helen walked to the table. I think, if I'm not mistaken, to get her keys because the house is locked so that he can't get out. An', uh, I said Helen what's



wrong with Paul. An' she's like he jus' wants to get out, you ... h- ... have you seen his room, an' I said no. I went to see his room. An', um, he tore it ... he, he flipped everything over in his room. She said he jus' wants to get out the house an' he's mad because I won't let 'im out the house. So he stood there in front of the stereo. Uh, Gail (She mistakenly thinks that Natondria Brown's name is Gail) stood next to Paul. Paul stood left of me, Gail stood next to Paul kinda to the left of him, Helen stood to the right o' me. I put my baby an' my son here (sic) on the couch because I didn't wanna, to be around Paul with the knife. Gail (Natondria) tried to take the knife from Paul, but wasn't successful in takin' the knife. An' so he jus' kept tryin' to go towards his mom with the knife. An' when he, you know, he wouldn't like put the knife towards her or put it in her face, but he jus' you know, he would go towards her with the knife. An' I kept tellin' 'im Paul you need to put the knife down because the poh'lice are comin' an' I don't want anything to happen to you. So finally, Helen walks past 'im again an' he kinda like follows her with the knife towards the kitchen area. An' he comes back towards the livin' room. He sits on the chair an' he puts ... he has the knife in his left hand an' he puts his shoes on with his right. An', uh, we're jus' tellin' Paul you need to stop Paul, this is not funny, an' that's your mom an' why are you actin' like this towards your mom Paul. It was jus' ... he wasn't ... I was on the with, uh, Tasha (sic) an' Tasha (this is a girlfriend) said put 'im on the phone. An' Paul said ... I said Paul do you wanna get on the phone an' he said no. So that was the only thing that he said the whole time. Um, an' that was while he was puttin' his shoes on."

Ms. Newell then described what happened when the police arrived. She stated, "An' then, I ... we were jus' standin' there an' we heard the police cars pull up. An' I said Paul they're here, so you need to put the knife down. An' at that point, um, they had ran up to the house. An' I had my son. The baby was on the chair behind the door an' Gail (Natondria) sittin' in the doorway to the bedroom. My five year old goes on the couch with Ashley an' Ashley was still sitting on the couch. But they had told us that we all need to g- ... um, Helen (unintelligible) was tryin' to get the door to unlock the door because the door locked from the inside. An' that's why he couldn't get out. But I was standin' by the TV, in front o' the TV. Ashley was over on the couch (sic). An' they told us that we had to get out of the house through the back door, but the back door's locked, so we all had went out the front door. An' Gail (Natondria) grabbed the baby. I grabbed my son an' we all stood outside in the yard, um, not too far from the door. Um from then, um, I heard them ... when they first pulled up they asked us where is he at, and we said behind the door. An' then they asked us does he have a knife. An' we said yes. An' that's when they told us to get out the house. An' we stood behind an' they said, they yelled to Paul. I heard in many different voices to put the knife down. Because he kinda came from around the door, stood with the jus' kn- ... knife standin' there. He doesn't, he wasn't sayin' anything or anything like that. An' he has lazy eyes, so you really don't know, you know what I'm sayin'. An' then he jus' stood there with the knife. An' I heard them tellin' 'im to put the knife down. An' then I see a infrared on the wall an' then all the of sudden ... I heard two shots. An' then that was it." Ms. Newell said that, "Paul stood right in the doorway." She said the officers were right in front of the door—"not even four steps to touch Paul."

In response to Sergeant Dunham asking whether she thought Paul heard the officers' requests, she said, "Paul heard everything. Paul can hear any an' everything. He jus' chooses to act the way he does to certain things." She went on to say, "An' then Paul doesn't wanna respond to people, he'll jus', he jus' ... sometimes he jus' sits there an' his eyes will jus' go wherever an' he doesn't say anything. His mouth doesn't move, nothing. He jus', he jus' looks sometimes like somethin' wrong with him. An' that's jus' the way he was

standin' there. He jus' stood there. An' you could tell that Paul was look, he was lookin' up because most o' the time when Paul ... you think Paul is lookin' up an' he's really not, but that's the way he looks at people. An' he was kinda like this an' he jus' stood there. An' they were tellin' 'im to put the knife down. When the shots fired he was jus' ... he fell. I didn't see him exactly fall, but I seen 'im when he was on the ground."

When asked what she thought about Paul having the knife, she stated, "I didn't think that the knife ... him havin' the knife in hand was a joke. Like ... 'cause Paul is good for playin' around an' messin' ... with people an' I didn't think it was a joke when he had the knife in his hand to his mom." When asked what she was worried about concerning her children, she stated, "I grabbed my baby an' put 'im on the chair away from Paul. 'Cause the baby was crawlin' on the floor an' I told Paul ... 'cause Paul had walked around the baby ... to try, to try an' get to his mom. An' I said Paul my baby is right there, so I grabbed the baby an' put 'im on the couch. An' I took my five year old an' walked into the (unintelligible). It's, I jus' didn't want my kids to be in the crossfire of anything. Because I really seriously did not think Paul was playin' about doin' somethin' to whoever. Whether it been his mom or anybody, but his main focus was his mom."

After the shooting, Paul Childs was taken by ambulance to the Denver Health Medical Center Emergency Room for treatment of his multiple gunshot wounds. Efforts to save his life were unsuccessful and he was pronounced dead by Dr. Burch at 2:45 p.m. on July 5, 2003. On July 6, 2003, at 10:00 p.m., **Dr. James W. Wahe**, forensic pathologist with the Denver Medical Examiner's office, performed an autopsy of the body of Paul Childs at the Denver County Coroner's Office. In his Autopsy Report, Dr. Wahe stated "the body is that of a well-developed, well-nourished teenage black child who weighs 150 pounds, is 69 inches in length, and appears compatible with the stated age of 15 years." Dr. Wahe stated his opinion of the cause of death as follows: "This 15 year old male teenager, Paul Childs, died of multiple gunshot wounds to the chest and abdomen." Dr. Wahe identified four (4) gunshot wounds, which he described in his report as follows:

1. Perforating gunshot wound, right upper back
  - a. Indeterminant wound of entrance, right shoulder
  - b. Wound of exit, right upper back
  - c. No missile recovered
  - d. The course of the bullet is right to left, slightly from front to back, and downward
2. Perforating gunshot wound, right thorax and abdomen
  - a. Indeterminant wound of entrance, right thorax
  - b. Lacerations of the diaphragm, liver, and jejunum
  - c. Contusion, right lung
  - d. No missile recovered
  - e. Exit, right back
  - f. The course of the bullet is right to left, front to back, and downward
3. Penetrating gunshot wound, abdomen

- a. Indeterminant wound of entrance, right abdomen
  - b. Moderately deformed bullet recovered, right buttock<sup>26</sup>
  - c. Free blood within the abdomen
  - d. Perforations of small and large bowel
    - i. Status post resections of segments of large bowel
  - e. No wound of exit
  - f. The course of the bullet is right to left, front to back, and slightly downward
4. Perforating gunshot wound, left side of abdomen
- a. Indeterminant wound of entrance, left abdomen
  - b. Perforation of small and large bowel
  - c. Wound of exit, left buttock
  - d. No missile recovered
  - e. The course of the bullet right to left, front to back, and downward

Toxicology testing identified 7.9 ug/ml of “postmortem blood Tegretol.” This is a therapeutic drug to treat Paul Childs’ seizure disorder. In the “History” section of his report, Dr. Wahe stated, “The decedent had a prior history of seizures and Attention Deficit Disorder for which he was taking Tegretol and Adderall. The decedent was mildly retarded. A prior workup for the cause of the retardation, including chromosome studies, electroencephalographic testing, and neurologic examination revealed no definite etiology.”

Officer James Turney’s Glock, model 21, .45 caliber semi-automatic pistol was examined by Denver Police Department Crime Laboratory firearms examiners Detectives E. D. Frushour, 77030, and Frank Kerber, 73043. The weapon has an over-all length of 8.25 inches and a barrel length of 4.62 inches. The weapon has 8 lands and groves and a right twist. The serial number is CUN635US. This weapon has a magazine capacity of thirteen (13) rounds and may be carried with an additional round in the chamber. The “Firearms Unloading” form indicates one (1) live round in the chamber and nine (9) live rounds in the magazine. This is consistent with four (4) rounds being fired. The weapon was determined to be in good mechanical condition and will fire and will chamber the next cartridge from the magazine. The Firearms Examination Report indicates that the “examiners compared the test fired cartridge cases to the four (4) Speer, .45 caliber cartridge cases from Property Bureau #658372 listed as items #8, 9, 10, and 11. All of the cartridge cases and the test fired cartridge cases were identified to each other as having been fired in the above firearm (firearm of Officer James Turney).”

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<sup>26</sup> A moderately deformed copper jacketed bullet #3 is recovered and submitted under the description “Bullet Right Back” and seal #38349. This bullet was submitted to the Denver Police Department Crime Laboratory Bureau for analysis. This bullet was recovered from the wound that was described as, “An irregular gunshot wound of entrance #3 is located on the right anterior flank.”

The “Firearms Examination Report” also stated, “The test fired bullets from the above firearm were compared to the two bullets from Property Bureau #658372 listed as items #12 and 13, and to the bullet received from the Denver Coroner’s Office under seal #38349 from the body of Paul Childs. Items #12 and 13 are consistent with being .45 caliber JHP bullets with weights of 194.09 grains and 201.61 grains, with 8 lands and grooves with a right twist. The bullet received from the body of Paul Childs is consistent with being a .45 caliber JHP bullet weighing 199.64 grains having 8 lands and grooves with a right twist. All of the bullets are consistent in caliber, make and class characteristics; however, the recovered bullets lack sufficient individual characteristics for identification purposes. These three bullets cannot be identified nor eliminated as having been fired from the above firearm.”<sup>27</sup>

Detectives Frushour and Kerber conducted gunshot residue testing on the blue jeans and black T-shirt worn by Paul Childs at the time of the shooting. In their report they indicate, “The absence of powder particles on any of the holes examined on Item #7 “black T-shirt” or on Item #1 “Blue Jeans,” is indicative of the garments being at a distance greater than the firearm can deposit gun powder particles, or there may have been an unknown intervening object or objects between the firearm and the garments.”<sup>28</sup> Examiners using the firearm listed as Item #1 of Property Bureau #658361 (Officer Turney’s firearm) and the ammunition received with the firearm, shot the firearm at distances of 2 feet, 3 feet, 4 feet, and 4 feet 6 inches. The firearm will deposit powder in a discernable pattern to a distance of 2 feet.”

During the investigation of this shooting, it was determined that Officer Turney allegedly made a threatening telephone call to his mother-in-law in Page County, Iowa the day before the shooting. The investigation of that incident by Iowa law enforcement officials resulted in a Restraining Order being issued and a Harassment charge being filed against Officer Turney. As part of this officer-involved shooting investigation, investigators spoke to a number individuals who had contact with Officer Turney during the period of time between the alleged threatening phone call and the shooting the following day. This additional investigation did not disclose any information to establish a connection between the two events. Consequently, Officer Turney is the only person who knows whether the incident the day before played any role in his actions in this shooting incident.

I requested that **Lieutenant Jon Priest** of the Denver Police Department Homicide Unit complete a Crime Scene Analysis and Interpretation in this death investigation.<sup>29</sup> This involves a crime scene reconstruction and analysis based on the review of available reports, statements, photographs, drawings, diagrams, and physical evidence. From this information, the analyst forms an expert opinion as to the most

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27 Who fired the four shots and from what weapon is not in dispute in this case. We know from Officer James Turney’s own statement and from the other evidence in the case that the four cartridge cases and the three recovered bullets were fired from his Glock service pistol.

28 Based on the totality of the facts in this case, it is unlikely there was any object between the firearm and the garments.

29 Attached as Appendix #3 is “Section II: Opinion” of Lieutenant Jon Priest’s “Review and Report—Crime Scene Analysis and Interpretation—Officer Involved Shooting.” The entire report and supporting documentation is part of the investigative case file. Appendix #4 is a not-to-scale diagram of the scene. Appendix #5 is photos showing the area of the shooting.

probable sequence of events during the commission of the acts that resulted in the death. An opinion is also given as to what some of these actions most probably indicate. The opinion is based on the available evidence and relies on the analyst's expertise, education, and training. While all events and segments may not be explained, those that are explained reflect the most probable sequence based on the known facts. If additional information becomes available, the analyst can consider its importance and can revise the pertinent portions of the event analysis.<sup>30</sup> Lieutenant Priest's attached "Opinion" should be read before proceeding.

### LEGAL ANALYSIS

Criminal liability is established in Colorado only if it is proved beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and it is proved beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being and causing their death is generally prohibited as homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of deadly physical force by a peace officer is justified. As the evidence establishes that Paul Childs was shot by Officer Turney, the determination of whether their conduct was criminal is primarily a question of legal justification.

Section 18-1-707(2) of the Colorado Revised Statutes defines the circumstances under which a peace officer can use deadly physical force in Colorado. In pertinent part, the statute reads as follows:

- (2) A peace officer is justified in using deadly physical force upon another person ... only when **he reasonably believes** that it is necessary:
- (a) **To defend himself or a third person** from what he reasonably believes to be the use or imminent use of deadly physical force; or
  - (b) To effect the arrest or to prevent the escape from custody of a person whom he reasonably believes:
    - 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
    - 2. Is attempting to escape by the use of a deadly weapon.

Section 18-1-901(2)(e) of the Colorado Revised Statutes defines the term "Deadly weapon" as follows:

(2)(e) "Deadly Weapon" means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury: (I) A firearm, whether loaded or unloaded;

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<sup>30</sup> It should be noted that on August 19, 2003, Lieutenant Jon Priest of the Denver Police Department Homicide Unit was denied access to the residence by Helen Childs when he requested access to obtain some additional information for the crime scene reconstruction. If he were permitted to obtain the additional information, he would then incorporate that information into his opinion.

(II) **A knife**; (III) A bludgeon; or (IV) Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (*Boykin v. People*, 22 Colo. 496, 45 P. 419). This, of course, does not mean that an officer cannot retreat, if he or she chooses to do so.

Also pertinent to the facts and circumstances of this case is Section 18-3-202 (1)(e), Assault in the first degree, of the Colorado Revised Statutes, which reads as follows:

- (1) A person commits the crime of assault in the first degree if:
  - (e) With intent to cause serious bodily injury upon the person of a peace officer or firefighter, he or she threatens with a deadly weapon a peace officer or firefighter engaged in the performance of his or her duties, and the offender knows or reasonably should know that the victim is a peace officer or firefighter acting in the performance of his or her duties.

In reference to the pertinent section of the “Assault in the first degree” statute in which the victim is a peace officer, in *People v. Prante*, 177 Colo. 243, 493 P.2d 1083 (1972), the Colorado Supreme Court stated:

“The General Assembly recognizes that peace officers are placed in a position of great risk and responsibility, so to invoke a special punishment for an assault upon a peace officer acting in the scope of his official duties is neither arbitrary, capricious, nor unreasonable.”

Therefore, the question presented in this case is whether, at the instant Officer Turney fired the shots that killed Paul Childs, he reasonably believed that Childs was directing or was about to direct deadly physical force against him or another person or was attempting to escape by the use of a deadly weapon. In order to establish criminal responsibility for an officer knowingly or intentionally causing the death of another, the state must prove beyond a reasonable doubt that the officer doing the shooting either did not really believe in the existence of these requisite circumstances, or, if he did hold such belief, that belief was, in light of all available facts, unreasonable.

## **CONCLUSION**

When the officers responded to the 9-1-1 call for assistance, they had limited information about the incident and Paul Childs’ conduct, as described in this letter. It is important to keep in mind what the officers actually knew when responding to this call and prior to the shooting. In this case, the responding officers were dependent on the quality of the communications from Ashley Childs to the 9-1-1 Operator and the transfer of that information by the 9-1-1 Operator to the Dispatcher and from the Dispatcher to the responding officers. The officers must take action based on the information available to them at the time. In responding to this call from the family for assistance, the officers were faced with circumstances that were tense, uncertain, and rapidly evolving. The information provided by the dispatcher to the officers clearly portrayed a deadly threat environment at the Childs’ residence. The final dispatch to the officers as they were arriving was, “I do have extensive domestic violence an’ also family disturbance history here. I’m getting information that he’s trying to stab our complainant, or the mother, at that location. He’s very angry.”

As a result of the information radioed to them, the officers approached with a heightened sense of urgency. The four officers arrived close in time and quickly approached the house. They came from different

directions, all with the intent to protect the family members and control the suspect. Because they perceived an immediate and direct threat to life, they were stripped of the luxury of time, distance, cover, and more deliberate planning. The perceived life-threatening urgency of the event defined their first objective—rescue the victims from harm’s way. Of necessity, to accomplish this, they had to potentially place themselves in close proximity to the armed suspect. As they rescued the victims, the encounter instantly transitioned into the direct engagement of Childs. These events all occurred in seconds—in a chaotic environment where commands were being shouted by officers and family members alike. The window of opportunity to control the suspect and attempt to de-escalate the confrontation was severely compressed into a matter of seconds. The transition from rescue mode to suspect control became a seamless event.

There was no break in the rapid flow of the encounter. Where use of a knife is involved, a threat can instantaneously turn into an attack, particularly when that action is in concert with other non-compliant behavior—most significantly, closing distance on the officer(s) while still in possession of the knife. These two actions not only intensify the danger; they are indicative of a bad intent on the part of the assailant. The distance that separates the suspect from the officer becomes critical in the officer’s assessment of the level of danger and the available response options. The greater the distance of separation—the broader the range of options. Where the encounter is at close range, the options are severely limited. It was Childs’ failure to comply with the officers’ commands to drop the knife in concert with his movement toward the officers that incrementally reduced the distance between him and the officers and moved this encounter on a collision course. The officer’s expectation is that the knife will be dropped. Here, the distance had closed from Childs being behind the door to a distance of approximately 4 to 6 feet—well within the range where it is too late for the officer to react and avoid potential serious injury or death to himself or a third party. In these circumstances, officers become focused on the weapon and the assailant, almost to the exclusion of other surroundings. All of their senses are focused on the threat. At that close range, as Childs moved incrementally closer, Officer Turney’s defensive reaction time was reduced to near zero. At that point, it is simply a question of how much risk he was willing to assume. Absent a safe opportunity and decision by the officer to retreat, or Childs dropping the knife or not continuing to close distance, a decision to shoot was predictable. During the few tense seconds that Childs and the officers were on a collision course, neither side took an off ramp in time to avert this tragedy. As stated previously and for purposes of this analysis, Colorado law is clear that Officer Turney is not required to retreat. Due to the presence of numerous lay persons and officers behind Officer Turney, a retreat on his part could have increased the risk to those individuals.

We will never know what Childs was thinking in the moments before he was shot. He may or may not have actually been intending to attack Officer Turney. He may have just been very frightened or confused. His mental disability or failure to properly medicate may have played a role. Paul Childs is the only person who could know with certainty what his intentions were when he armed himself with the 13-inch knife and confronted his mother and others who were present in the house. He is also the only person who could know with certainty what his intentions were when he approached the officers with the knife still in hand. We will never know why he first refused to drop the knife when told to do so by his mother and family members and again when told to do so by the officers. Just as his family members could not understand his actions and intentions that day, which were outside his normal behavior, we cannot expect the officers to know that either. The family members who knew Childs better than anyone



were perplexed by his behavior that was inconsistent with the son, brother, cousin, and friend they knew and loved. To their knowledge, he had never before armed himself with a knife and acted in this way. They expressed uncertainty and concern as to his intent. Lakisha Newell described it in this way: "It's, I jus' didn't want my kids to be in the crossfire of anything. Because I really seriously did not think Paul was playin' about doin' somethin' to whoever. Whether it been his mom or anybody, but his main focus was his mom."

**The officers who are dispatched to handle these matters must react to the sometimes chaotic, tense, quickly evolving, and dangerous circumstances which confront them. In that process, they must make judgments based on the information they possess at the time and the often non-compliant actions of the individual they seek to control. Officers have a right to act on reasonable appearances to protect themselves and other citizens. Under circumstances such as those presented here, the officers were confronted with a rapidly-evolving confrontation that at any moment could turn to a split-second decision whether to shoot. This decision is generally thrust upon the officer by the non-compliant conduct of the offender. It is a decision that often does not provide the luxury of a bright-line determination. And, it often does not provide time for reflection, tactical planning, and strategy. Under the facts of this case, we could not prove beyond a reasonable doubt that it was unreasonable for Officer Turney to perceive that Childs was an imminent deadly threat to him or the other officers at the instant he fired. That is in spite of the fact that Childs' true intent may have been different than Officer Turney's perception and belief. It is fair to say that had Childs complied with any of the repeated requests to drop the knife by his family or the police, this incident would have concluded peacefully. Sadly, the circumstances of this contact led to a tragic and unwanted result.**

**Even with this analysis, this question may still be asked: "Why didn't the officers use a Taser on Childs?" This issue is addressed by the officers in their statements and in comments in the body of this letter. The Taser is a less-lethal force option designed and deployed for use in non-deadly force encounters. When a party is armed with a firearm or edged weapon, the confrontation is immediately a potential deadly-force threat. Under the specific facts of this case, while the officers considered its use, the close proximity of the officers and the actions of the armed, non-compliant Childs, severely restricted the possibility of that occurring. In fact, Officer Geddes had approached with his Taser drawn, but quickly re-holstered it because of the deadly-force nature of the confrontation. He then immediately drew his firearm. Officer Krouse also approached with his Taser drawn. The other three officers already had their firearms drawn to protect against the deadly-force nature of the confrontation. Protected by them, Officer Krouse was able to continue to assess the potential use of the Taser. He, in fact, had activated the Taser in preparation for deployment. Time and position prevented him from attempting to tase Childs. There have been confrontations where the Taser has been successfully used against assailants with edged weapons, but the Taser is not designed and intended for that type of encounter. While it is fortunate that on occasion under the right set of circumstances a Taser can be deployed to end an encounter without serious injury or death, there should be no expectation that a Taser will be used in confrontations with assailants armed with firearms and edged weapons. This is clearly stated in the Denver Police Department Operations Manual at "105.02 Less Lethal Force and Control Options," as previously discussed in this letter.**

Some would take the position that Officer Turney fired too quickly—that he should have waited to see if Childs would make a more intense, clear-cut attack or that he should have elected to shut the door or to disengage and retreated. There are, perhaps, officers who may have hesitated longer under these circumstances or shut the door or attempted to disengage and retreat. There also may be officers who would not have permitted the non-compliant, armed Childs to get as close as he did before they would fire. Nevertheless, the issue we must decide here is not whether other officers may have hesitated longer, shut the door, or retreated, but rather whether we can prove beyond a reasonable doubt that it was unreasonable for Officer Turney to believe that Childs was an imminent threat by his actions at the instant the shots were fired.

Clearly, human life should not be taken without just cause. It is understandable why shootings such as this can become controversial. By their very nature these cases can give rise to uncertainties, doubts, and varied opinions. They do not lend themselves to bright-line determinations. They cause people to ask the question, “Could it have been avoided?” The shooting death of any person should be scrutinized. We expect police officers to not only comply with professional performance standards, but to strive for excellence and to avoid needless harm. The criminal law is not designed to assess and determine the level of professionalism associated with an incident of use of force. Nor is the criminal law capable of making the sometimes subtle distinctions between appropriate and desirable police decisions and undesirable conduct and outcomes. The criminal law cannot give guidance to officers and the public about how police can best do their very difficult work. The desire is, of course, that officer conduct exemplifies the behavior that is consistent with the values and goals of the department and the expectations of the community. A difficult and delicate balance must be struck between insuring our officers are able to properly protect our citizens and themselves while avoiding unnecessary and inappropriate harm. This is a very difficult and complex issue. It does not lend itself to simple solutions. The limit of our jurisdiction and the purpose of our review is only to determine whether the shooting is criminal. We conclude that, under the facts of this case and the applicable laws that control Officer Turney’s actions and our decision, we could not prove criminal conduct beyond a reasonable doubt.

As in every case we handle, any interested party may seek judicial review of our decision under C.R.S. 16-5-209.

Very truly yours,



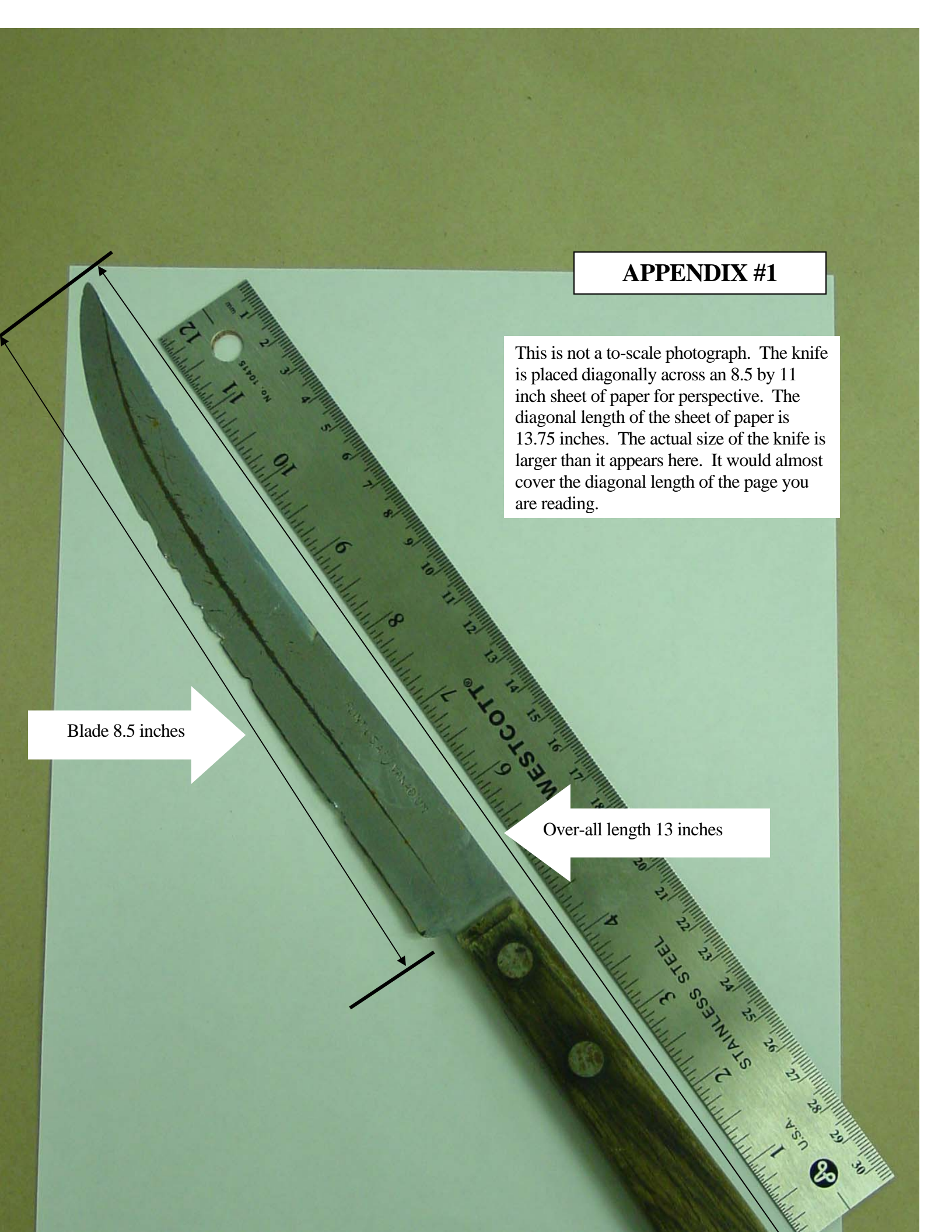
Bill Ritter, Jr.  
Denver District Attorney

cc: Officer James Turney  
David Bruno, Attorney at Law  
John W. Hickenlooper, Mayor  
All City Council Members  
Alvin J. LaCabe, Jr., Manager of Safety  
Marco Vasquez, Deputy Chief  
Michael Battista, Deputy Chief

Dan O'Hayre, Division Chief  
Dave Fisher, Division Chief  
Steve Cooper, Division Chief  
Mary Beth Klee, Division Chief  
Dave Abrams, Captain, Crimes Against Persons Bureau  
Jim Haney, Lieutenant  
Jon Priest, Lieutenant, Homicide  
Cynthia Hill, Detective, Homicide  
Dave Neil, Detective, Homicide  
John Lamb, Commander, Civil Liability  
Chuck Lepley, First Assistant District Attorney  
Lamar Sims, Chief Deputy District Attorney  
Doug Jackson, Chief Deputy District Attorney  
Henry R. Reeve, General Counsel, Deputy District Attorney  
Justice William Erickson, Chair, The Erickson Commission

## APPENDIX #1

This is not a to-scale photograph. The knife is placed diagonally across an 8.5 by 11 inch sheet of paper for perspective. The diagonal length of the sheet of paper is 13.75 inches. The actual size of the knife is larger than it appears here. It would almost cover the diagonal length of the page you are reading.



Blade 8.5 inches

Over-all length 13 inches

**APPENDIX #1**



Some of the positions in which Paul Childs held the knife as described by the witnesses.



**CRISIS INTERVENTION TEAMS (CIT)****APPENDIX #2**

FACT SHEET  
SEPTEMBER 2, 2003

**Program Description and Background**

Crisis Intervention Teams (CIT) gives police officers new strategies and tools for identifying, preventing and de-escalating mental health crisis calls. CIT decreases arrest and injury rates for people with mental illness, increases officer and citizen safety, and enhances public involvement in law enforcement efforts.

CIT results in a corps of police officers specially trained to handle calls for service for persons who suffer from mental health illness and other disabilities. These specially trained officers comprise the Crisis Intervention Team. Given sufficient time and distance, CIT officers can successfully prevent and/or de-escalate volatile mental health crisis situations -- calls that all too often become violent interactions that threaten both officer and civilian safety.

When available, CIT trained officers respond to calls for service that indicate a consumer may be experiencing a crisis and is suffering from mental health illness. And, when circumstances warrant, CIT Officers follow up with the consumer, consumer's family, and/or a mental health agency to determine if further action is necessary.

Created by the Memphis, Tennessee Police Department in 1981, CIT has been replicated in over 24 major cities across the country. What is unique about the Colorado effort is that CIT is not limited to one police department; rather, CIT in Colorado began as, and continues to grow as, a multi-jurisdictional initiative across the State.

In July of 2000, the Division of Criminal Justice began organizing CIT by facilitating educational meetings and presentations for community leaders and stakeholders. The result of these meetings was the decision (based on community support and commitment) to pilot CIT in two of Colorado's most populated regions: Jefferson and Denver Counties. The first CIT classes were held in May and June of 2002. Since that time, the Division has hosted 8 additional classes; a total of 287 law enforcement professionals have graduated from CIT. Between September of 2003 and March 2004, the Division of Criminal Justice will hold 10 additional CIT classes for Denver Police Department, as well as Jefferson, Arapahoe and Douglas County's Police and Sheriff's Departments. Nearly 300 officers are expected to graduate from these classes.

The Division of Criminal Justice continues to lead the charge for CIT across the State; providing staff support, class development, program coordination, technical assistance, and funding.

The core components of the CIT program include: 1) Selective recruitment and intensive, 40 hour, training of police officers who become specialists in crisis intervention and de-escalation.; and 2) Improved understanding and access to mental health care and services. More often than not, the CIT officer's efforts result in voluntary transports to appropriate mental health and psychiatric care.

**The CIT Partners**

Currently, 15 Colorado law enforcement agencies have trained CIT officers: Denver, Arvada,

**Partners** *(continued)*

Crisis Intervention Teams is built upon partnerships between law enforcement agencies, mental health and social service providers, hospitals, and advocates. In addition to the police and sheriff's departments, several community agencies are engaged in the planning and development of CIT. Leading community organizations include: The Mental Health Corporation of Denver, Jefferson County Mental Health, Arapahoe Douglas Mental Health Network, Pike Peak Mental Health, HealthOne, Exempla Lutheran Hospital, St Anthony's Hospital, the National Alliance for the Mentally Ill (NAMI) of Colorado, Denver, Jefferson County, Colorado Springs and Durango, Denver Probation Office, Community Intersections, Jefferson County Corrections, Jefferson County District Attorney's Office, Colorado Mental Health Services, and Denver Department of Public Safety.

In addition, over 40 volunteer trainers, most of whom are PhD's well-known for their work on the local, state and national level, have joined, and remain committed to, the CIT training program. All of these outstanding practitioners volunteer their time to teach one or more of the lecture sessions during the week-long CIT course.

**Why CIT?**

Across the country, there is a dramatic increase in incarceration rates of people with mental illness. Colorado is no different. Since 1990, the percentage of persons with serious mental illness in the Colorado prison population has increased from 4% to 16%. Alarmingly, over 24% of juveniles in the Colorado Division of Youth Corrections have a serious emotional disorder. Criminal justice practitioners believe that a large number of these individuals enter the criminal justice system as a result of their untreated mental illness.

Accessing treatment in Colorado is not an easy task. According to a 2002 Colorado "Population in Need" study, over 66,000 Coloradoans with *serious* mental illness are unable to access any treatment. Adding to the problem is the fact that public funding for mental health services is shrinking. The budget for Colorado's public mental health system was recently cut by \$12 million dollars. Denver's public mental health center alone suffered \$5 million in budget reductions.

With a growing number of Coloradoans unable to access mental health services, law enforcement officers are increasingly becoming the "first responders" to mental health crisis calls. Aside from the risk of arrest for inappropriate and sometimes dangerous behavior, both officers and citizens run the risk of these calls escalating into volatile and even violent interactions. Prior to CIT, Colorado's law enforcement agencies had no program to teach officers the skills needed to safely and effectively handle these calls.

**Achievements**

Within days of the first CIT graduation, CIT officers report that their newly acquired skills and knowledge changed both their response to crisis calls as well as the outcome of the calls. The officer's written reports have supplied data that certainly support their claims, for example:

- Over 76% of CIT calls have resulted in transport to hospitals, detox centers and mental health centers -- the vast majority of which are voluntary.
- 91% resulted in no injuries to the individual or the officer

Reconstruction Report-Paul Childs, Case #2003-29741

## SECTION II

## APPENDIX #3

### OPINION

All evidence regarding this crime scene is consistent with a shooting incident, which resulted in the death of Paul Childs.

Review of the information included within this case indicates that after the officers arrive at the home, 5550 Thrill Place, a confrontation begins between Officer James Turney and Paul Childs. This confrontation is exacerbated by the fact that Officer Turney had his handgun out in a tactical position and Childs was armed with a kitchen knife and approaching the officer.

### **Officer James Turney Gunshot Sequence**

Lieutenant Priest reviewed the videotaped statement<sup>4</sup> of Officer Turney and confirmed the synopsis version contained within the supplemental report. Further review was conducted for the purpose of determining his recollection of the shots fired.

- Officer Turney relates that he was at the front door when he was advised by Officer Geddes that there was a subject behind the door with a knife.<sup>5</sup> He recalls ordering the subject to “drop the knife” three to five times as the subject advanced toward him in short choppy steps.
- When the subject did not obey the order, Officer Turney believed that he was about to be injured and was incapable of retreating. He then fired two to three times, with his handgun, at center mass on the subject. The subject fell and he ceased firing.
- Officer Turney stated that from the initial contact by command (order to drop the knife) to the first shot being fired was approximately three to four seconds.

### **Firearm testing results**

Four rounds are fired causing four entrance wounds to the subject. Three projectiles and associated fragments are recovered from the subject at autopsy<sup>6</sup> or from the crime scene.

These items are presented to the Denver Police Department Crime Laboratory for testing. Each is consistent with .45 caliber projectiles. The three recovered projectiles are compared to the known projectiles fired from the Glock 21 pistol, serial # CUN635US, of Officer James Turney.<sup>7</sup> The projectiles were found to be consistent in class characteristics to the known projectiles from the firearm of

<sup>4</sup> DPD case #2003-29741, VT#03-339

<sup>5</sup> DPD case #2003-29741 VT#03-338 and VT#03-339

<sup>6</sup> Autopsy bullet #3 was recovered from the right rear buttocks. See Autopsy report #2003-2849



## Reconstruction Report-Paul Childs, Case #2003-29741

Officer Turney, however, they lacked sufficient identifiable markings to be positively identified as having been fired from this pistol.

Statement evidence from the four officer witnesses, four known civilian witnesses, and the involved officers have multiple areas of comparable and consistent recall. These areas include:

- Subject Paul Childs was armed with a knife.
- Subject held the knife at chest level.<sup>8</sup>
- Subject and officer were 5 to 6 feet apart.<sup>9</sup>
- Officers as well as civilians were telling the subject to drop the knife.
- Subject was unresponsive to orders.
- Knife was 7" to 12" in length
- Some witnesses saw Tasers, heard the word Taser, and/or saw a red dot.<sup>10</sup>
- Subject moved toward officers.<sup>11</sup>
- Officers (4) near the door, witnesses, (4) on the sidewalk, Officer (Sergeant Towne) with civilian witnesses on the sidewalk.<sup>12</sup>
- Only one officer fired.
- No one, including the firing officer, heard more than three shots.

### Officer Statements

Each of the officers describes a quick event from start to end. Four of the five officers present are in relatively close proximity to each other and to the door to the home. The fifth officer, Sergeant Towne, was on the sidewalk attending to the civilian witnesses. With the exception of Officer Krouse and his recollection of the knife position, there is no significant difference in the officer statements.

<sup>8</sup> Helen Childs states he held the knife in both hands. VT#03-335. Lakisha Newell states he held the knife in front of his face, VT#03-336. Officer Randy Krouse states he held it raised over his head, VT#03-337

<sup>9</sup> Lakisha Newell states "4 steps" away from each other, VT#03-336.

<sup>10</sup> Ashley Childs saw the "laser" just prior to the shots being fired, VT#03-336. Lakisha Newell saw the "infrared" on the wall, VT#03-336. Helen Childs saw "Red Lasers." VT#03-335. Officer Krouse states that the "Laser dot" came from his Taser. VT#03-337. Officer Geddes states his Taser was out when he first arrived, then put it away when opted for handgun. VT#03-338.

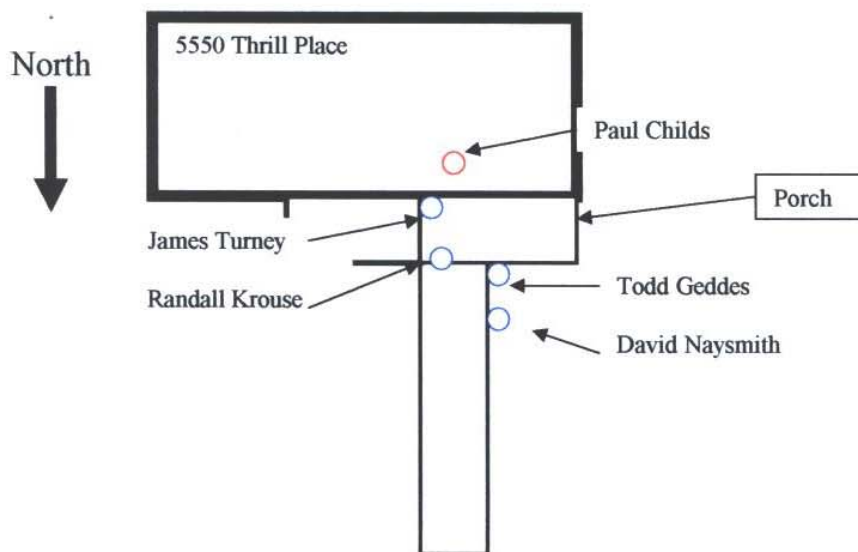
<sup>11</sup> Ashley Childs states that brother backup as officer fired, VT#03-336, Lakisha Newell speaks in terms of "Step" from the officer, VT#03-336. Helen Childs states that Paul "comes to the doorway," VT#03-335. Natandria Brown states that Paul made a "quick move" and the police shot, VT#03-335. Officer Krouse states subject made an "abrupt move" and "quick forward move," VT#03-337. Officer Naysmith states that the subject "advanced" and made "slow, deliberate" movement toward Officer Turney, VT#03-337. Officer Towne states he did not see the subject, but heard the commands. VT#03-337. Officer Geddes states that the shooting was the result of the subject making "continuous, forward movement," VT#03-338. Officer Turney states that the subject made "short, choppy, steps" toward him. He specifically stated that the subject "never lunged, just kept advancing," VT#03-339.

<sup>12</sup> Sergeant Towne's statement, VT#03-337. Two children were in the civilian group at the time the shots

Reconstruction Report-Paul Childs, Case #2003-29741

During their statements, each officer is asked to describe their location as well as that of the other officers present. The positions were similar in description, although not every officer knew the other officers present at the time of the shooting.

The positions were similar to those indicated below:



**Civilian Statements**

Each of the civilians present made statements about the event. Their statements are consistent with the others as well as the officers. The significant area that each civilian relates is that the subject, Paul Childs, was behaving outside his norm.

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### **Shooting Incident**

The shooting occurred moments after contact with the subject. Officer Turney was the only officer to fire and fired four times. Each of the four projectiles fired struck the subject.

### **Position event**

Officer Turney was standing on the porch at the time the shots were fired. Paul Childs was just inside the doorway at the time the shots were fired.

Evidence that supports this conclusion includes:

- Statements by officers and witnesses place Turney and Childs 5'-6' apart at the time the shots are fired.<sup>13</sup>
- Powder pattern tests suggest that the muzzle of the firearm had to be in excess of 2' from the target at the time the shots were discharged.<sup>14</sup>
- The doorway is a 36" standard entryway. When both doors are open, from edge to edge there is a minimum 6' difference.<sup>15</sup>
- All shell casings landed outside the home, to the right of the officer, consistent with semi-auto port ejection.<sup>16</sup>

### **Shot sequence event**

The shots were most probably fired from low to high with the first round fired being to the lower left hip of the subject and then moving progressively upward to the right.<sup>17</sup>

Evidence that supports this conclusion includes:

- Training, for the officer, would suggest that after drawing his handgun, he would have gone to the "tactical ready." This would be a muzzle down position with the finger off the trigger.
- The first shot most probably struck the subject in the lower left hip. The projectile struck the pelvis. This action causes the subject to begin to twist to the left and bend slightly at the waist. The angle path of this projectile is approximately 42 degrees down and 19 degrees to the left.
- The second shot is two inches higher and five inches to the right of the first. This projectile did not exit as it too struck the pelvis.
- The third shot move up six inches and in line with the second. The projectile angle is approximately 24 degrees down and 19 degrees to the left.

<sup>13</sup> Refer to all video statements

<sup>14</sup> Firearms lab report for #03-04541

<sup>15</sup> Refer to crime scene and reconstruction drawings

<sup>16</sup> Refer to crime scene and reconstruction drawings

<sup>17</sup> Refer to autopsy report #2003-2849 and the wound diagram prepared by Detective Hill

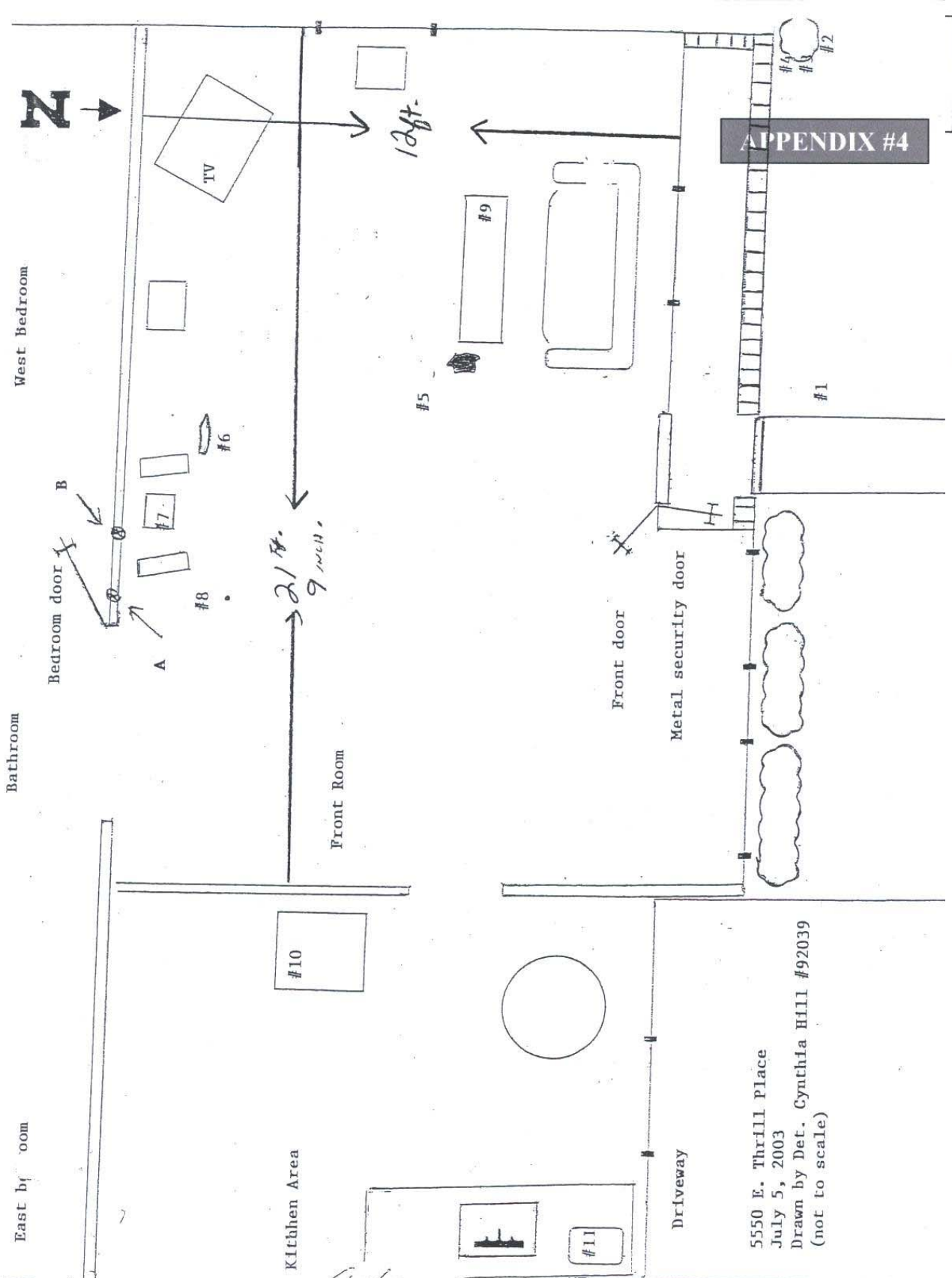
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- The final shot strikes the subject's shoulder, eleven inches above the third and four and ½ inches to the right of the third. The projectile angle is approximately 42 degrees down and 38.6 degrees to the left.
- Each of these angles supports a body that is twisting to the left and bending as the subject collapses.
- The projectiles that caused autopsy wound #1 (forth shot) and autopsy wound #2 (third shot) are most consistent with the projectile paths that would have resulted in defects "B" and "A," respectively.

Questions may be directed to:

Lieutenant J.W. Priest  
Crimes Against Persons Bureau  
(720) 913-6697



5550 E. Thrill Place  
July 5, 2003  
Drawn by Det. Cynthia Hill #92039  
(not to scale)

## Crime Scene Legend

APPENDIX #4

Location: 5550 E. Thrill Place  
Date: July 5, 2003  
Detective Cynthia M. Hill (92039)

### Placards:

#1	Shell Casing (45 cal)	29' South of South curblin & 8'3" East of West wall
#2	Shell Casing (45 cal)	33' South of South curblin & 1'1" East of West wall
#3	Shell Casing (45 cal)	35'1" South of South curblin & 5" East of West wall
#4	Shell Casing (45 cal)	35'9" South of South curblin & 2" East of West wall
#5	Black Tee Shirt	13'2" West of East wall & 5'7" North of South wall
#6	Knife	13'11" West of East wall & 1'8" North of South wall
#7	Pill Bottle (Tegretol)	Paul Childs
#8	Bullet	10' West of East wall & 3' North of South wall
#9	Paper work (protection order)	
#10	2 Liquid medicine bottles (Tegretol), 1 bottle Zoloft, & 1 bottle Adderall	
#11	1 bottle Adderall	

### Bullet Strikes:

A	9'10 1/2" West of East wall & 3'1 1/2" from the floor
B	11'7" West of East wall & 3'9" from the floor

**APPENDIX #5**



5550 East Thrill Place

