

OFFICE OF THE DISTRICT ATTORNEY

22nd Judicial District
Montezuma and Dolores Counties
Christian Hatfield - District Attorney

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For Public Release

DATE: 9/11/24

INVOLVED: Sgt. Bryan Hill and Deputy Cayden Worcester (Montezuma County Sheriff's Office)

RE: Investigation into the fatal shooting of John Thompson on July 18th, 2024, involving the above-listed Peace Officers

DA INVESTIGATIVE REPORT

District Attorney Christian Hatfield

The investigation and legal analysis of the fatal shooting of John Thompson involving Sgt. Bryan Hill and Deputy Cayden Worcester have been completed.

The Colorado Bureau of Investigation ("CBI") investigated this case. The Montezuma County Sheriff's Office immediately requested that the investigation be handled by CBI, an agency that investigates incidents involving the discharge of a firearm by a peace officer that results in injury or death for Montezuma County.

The CBI investigation was conducted to determine whether criminal charges were warranted against Sgt. Hill and Deputy Worcester for the fatal shooting of John Thompson (DOB: 5/9/1982) on July 18th, 2024, within the County of Montezuma. Investigation and review of this incident does not evaluate nor review the appropriateness of police tactics or whether internal administrative policies and procedures may have been violated. Such determinations are within the purview of the involved agency.

BACKGROUND

CBI completed a thorough investigation into this incident and generated detailed reports and documentation. The file included recorded interviews of Sgt. Hill and Deputy Worcester, witness statements, police communications and reports, photographs, and video recordings related to the shootings, including Sgt. Hill and Deputy Worcester's body camera footage capturing the incident.

CBI completed a full presentation and review of the evidence with the Office of the District Attorney, 22nd Judicial District. I have been fully briefed regarding this incident by CBI. Based on the results of this investigation by CBI, I conclude that there is no basis under Colorado law for criminal charges against Sgt. Hill or Deputy Worcester.

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My findings, analysis, and conclusions of law concerning Sgt. Hill and Deputy Worcester's use of force in this incident are included below.

SUMMARY OF DECISION

Section 20-1-114(1), C.R.S., states, *"The district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request."*

As District Attorney, I am required to comply with this statutory obligation. In addition, this report is necessary to inform the public of the nature and reasons for my decision.

Applying the applicable statutes to the facts presented through this investigation, neither Sgt. Hill nor Deputy Worcester are subject to criminal prosecution for their actions. In all cases, including those involving law enforcement officers, the district attorney's office's criminal filing standard requires that there be a reasonable likelihood of conviction to bring criminal charges against an individual. As in other cases prosecuted by this office, this legal and ethical requirement guides our decision-making process and exercise of prosecutorial discretion.

Based on the information available to this District Attorney, Mr. Thompson confronted Sgt. Hill and Deputy Worcester as they arrived at his address to conduct a welfare check on his mother. Mr. Thompson was confrontational and retrieved a rifle from his nearby pickup. He walked toward Sgt. Hill and Deputy Worcester with the rifle in a "low-ready" position. Sgt. Hill and Deputy Worcester ordered him to drop the weapon numerous times. As Mr. Thompson continued to walk toward them, he raised the rifle to his shoulder in a firing position. Sgt. Hill and Deputy Worcester, who had taken cover behind their patrol vehicle, fired shots from their duty sidearms, striking Mr. Thomson several times. Mr. Thompson went to the ground as a result of the gunshot wounds. Sgt. Hill and Deputy Worcester immediately rendered aid but Mr. Thompson was declared deceased by responding medical personnel. Sgt. Hill and Deputy Worcester's use of deadly force did not violate Colorado law. This District Attorney will not be pursuing charges against them for their actions in this incident.

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DETAILED STATEMENT OF FACTS

All times are approximate

On 7/18/2024 at 8:55 am, Cortez dispatch sent Sgt. Hill and Deputy Worcester (riding in the same patrol vehicle) to 37813 Road M, Mancos, to check the welfare of an elderly woman who lived at the address with her son, John Thompson. Mr. Thompson had been involved in an incident earlier on that date in La Plata County in which he seemed to be under the influence of illegal drugs and displayed a rifle (he did not threaten anyone with it). A person at the La Plata address knew the elderly woman lived with Mr. Thompson and was concerned for her welfare. She dialed Cortez Dispatch, which led to Sgt. Hill and Deputy Worcester's response to check on her.

Sgt. Hill and Deputy Worcester arrived at the home and parked their vehicle in the driveway. The driveway paralleled the residential structure and continued beyond it into a parking area with an open gate. When they exited their patrol vehicle (Deputy Worcester out of the driver's side and Sgt. Hill out of the passenger side), Mr. Thompson stood in the middle of the driveway at the gateway to the parking area.

Mr. Thompson was agitated and began telling Sgt. Hill and Deputy Worcester that he "Needed help" but their office (MCSO) kept "Turning people away". They told him they did not know what he was speaking of but he continued to tell them they had not allowed people on the property to help him. Deputy Worcester told him he would try to figure it out but he was there to do a welfare check on his mother. Mr. Thompson indicated she was inside but immediately began to talk about needing help and the MCSO not letting people on the property. The following are the interactions that followed:

SERGEANT HILL: "We're not turning anybody away".

MR. THOMPSON: "Well, somebody in your department is, 'cause I hear the gunshots down the damn highway. Are you deaf?"

SERGEANT HILL: "There's no gunshots".

MR. THOMPSON: "Well, what the hell was that just now?"

SERGEANT HILL: "I don't really know. I..."

MR. THOMPSON: "You're not going to either 'cause you're about to be dead".

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SERGEANT HILL “What are you talking about? Is that a threat?”

MR. THOMPSON: “If you do, do you hear the fucking gunshots?”

DEPUTY WORCESTER: “2-14, 2-17” (on radio to another deputy).

MR. THOMPSON: “...Alright...”

Mr. Thompson then turned and walked toward a pickup that was parked behind him. He retrieved a lever-action rifle from the cab, turned, and started walking toward Sgt. Hill and Deputy Worcester. They took cover behind their patrol vehicle and the following is the exchange between them:

SERGEANT HILL: “Gun, gun, gun, gun”.

SERGEANT HILL: “Put the gun down now”.

DEPUTY WORCESTER: “2-17 one at gunpoint” (On radio to dispatch).

SERGEANT HILL “Put the gun down now. Put the gun down now. Put the gun down now”.

DEPUTY WORCESTER: “It’s that subject from earlier”.

MR. THOMPSON: “Just do what I ask”.

SERGEANT HILL: “Put the gun down”

MR. THOMPSON: “I’m not going to. Shoot me”.

SERGEANT HILL: “Put the gun down now”.

MR. THOMPSON: “I told you...shoot me”

SERGEANT HILL: “Put the gun down”

MR. THOMPSON: “I’m not going to”.

SERGEANT HILL: “Put the gun down”.

MR. THOMPSON: “I am not going to”.

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DEPUTY WORCESTER: “Put the gun down now”.

[DEPUTY WORCESTER’s body camera recording depicts MR. THOMPSON’s shadow raise or shoulder the rifle].

MR. THOMPSON: “Take that”.

[SERGEANT HILL discharges 8 rounds, DEPUTY WORCESTER discharges 1 round]

DEPUTY WORCESTER: “Shots fired. Shots fired. Shots fired” (on radio to dispatch).

SERGEANT HILL: “Shots fired. Shots fired. One male down. Send medics” (on radio to dispatch).

Sgt. Hill and Deputy Worcester provided medical aid/CPR until medical personnel arrived. Mr. Thompson was declared deceased at the scene.

Five of the nine shots fired struck Mr. Thompson. An autopsy was performed on 7/22/2024 and the Forensic Pathologist found the cause of death to be Multiple Gunshot Wounds and noted they would have been, “Rapidly fatal”.

The firearm Mr. Thompson pointed at Sgt. Hill and Deputy Worcester was recovered on scene. It was a .284 Winchester, lever action rifle. It was found with one unfired bullet in the chamber and four unfired bullets in the magazine. Testing found it to be operational.

Sgt. Hill and Deputy Worcester’s firearms, magazines, and ammunition were collected and examined. They were found to be consistent with the sequence of events uncovered by the investigation.

LEGAL AUTHORITY

Criminal liability is established in Colorado only if it is proven beyond a reasonable doubt that someone has committed all of the elements of an offense defined by Colorado statute, and further proven beyond a reasonable doubt that the offense was committed without any statutorily-recognized justification or excuse. While knowingly or intentionally shooting another human being is generally prohibited by statute as an assault or attempted homicide in Colorado, the Criminal Code specifies certain circumstances in which the use of physical force by a peace officer is justified.

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C.R.S. § 18-1-707 defines the circumstances under which a peace officer can justifiably use physical force in Colorado. In pertinent part, the statute reads as follows:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

...

(2) When physical force is used, a peace officer shall:

(a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;

(b) Use only a degree of force consistent with the minimization of injuries to others;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

...

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

C.R.S. § 18-1-707.

LEGAL ANALYSIS

In this case, the actions of Sgt. Hill and Deputy Worcester were legally justified under Colorado law. The investigation established that Mr. Thompson retrieved a rifle from his vehicle and walked toward them. He refused numerous orders to drop the weapon and raised the barrel toward Sgt. Hill. Sgt. Hill and Deputy Worcester fired shots from their pistols to stop the threat.

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After viewing the totality of the evidence in the case, Sgt. Hill and Deputy Worcester's actions were legally justified under the applicable statutory provisions and not subject to criminal prosecution.

CONCLUSION

We find in our review of this incident that no conduct by Sgt. Hill or Deputy Worcester rose to the level of a criminal offense. It is the conclusion of my office that, based on the applicable law and the facts and circumstances of this case, law enforcement's actions during this incident were legally justified as set forth in C.R.S. § 18-1-707. Sgt. Hill and Deputy Worcester were legally justified in their use of reasonable and appropriate physical force in response to an imminent risk of death or great bodily injury to themselves. As a result, my office will not be filing criminal charges against Sgt. Hill, Deputy Worcester, or any other member of law enforcement involved in this incident.

I appreciate the cooperation provided by the MCSO and the extremely thorough investigation conducted by CBI.

This report shall be made publicly available per statutory requirements.

End of report

/s/ Christian Hatfield

Christian Hatfield

District Attorney

Colorado 22nd Judicial District