



OFFICE OF THE DISTRICT ATTORNEY

JOHN KELLNER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

April 23, 2024

Chief Heather Morris
Aurora Police Department
15001 East Alameda Parkway
Aurora, Colorado 80012

Re: Findings Regarding the Officer-Involved Shooting in Aurora on August 23, 2023

Dear Chief Morris,

On August 23, 2023, at 2:30 a.m., officers of the Aurora Police Department (APD) approached a suspect who they had just witnessed pointing a handgun at another individual. This occurred at the southwest corner of E. Colfax Avenue and N. Havana Street in the City of Aurora, County of Arapahoe, State of Colorado. The suspect with the gun, Joan Dejesus Rodriguez-Godinez, fled from the approaching officers in the direction of many other people. Officer Caleb Parrella stepped out of his car and shouted for Mr. Rodriguez-Godinez to put his hands in the air. Mr. Rodriguez-Godinez continued to run and, as he did, he turned towards Officer Parrella. It is unclear if Mr. Rodriguez-Godinez had the gun in his hand or was reaching for it in his waistband. Officer Parrella fired his own gun at Mr. Rodriguez-Godinez, striking him. Mr. Rodriguez-Godinez died from his injuries.

I reviewed all the evidence provided by the Critical Incident Response Team (CIRT) to determine whether there was any illegal use of force by Officer Parrella.

SUMMARY

Applying the law to the facts of this incident, as described in more detail below, I conclude that Officer Parrella was legally justified in using lethal force against Mr. Rodriguez-Godinez. The police officer's use of force was reasonable, necessary, and appropriate to defend himself and others from the threat posed by Mr. Rodriguez-Godinez.

STATUTORY FRAMEWORK

C.R.S. § 16-2.5-301 governs investigations into police officer-involved shootings. This statute provides, in relevant part: "Each police department, sheriff's office, and district attorney within the state shall develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a

firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district.” C.R.S. § 16-2.5-301(1).

The investigation into this shooting incident was conducted by the 18th Judicial District Critical Incident Response Team (CIRT). The lead investigator was Investigator Brett Pinover with the Littleton Police Department (LPD). Other investigators participated from the District Attorney’s Office as well as numerous police departments and sheriff’s offices throughout the jurisdiction.

C.R.S. § 20-1-114 provides, in relevant part: “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.” C.R.S. § 20-1-114(1).

This document constitutes a report of the findings of the District Attorney for the 18th Judicial District, and includes the basis of the decision not to charge the involved officer with any criminal conduct.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

I reviewed all materials provided by the lead investigator and members of the CIRT, including body-worn camera video, surveillance videos, dispatch notes, radio traffic, forensic analysis, reports of investigating officers and crime scene technicians, the interview of the involved officers, all reports and recorded interviews with witnesses, and photographs and video of the scene.

SUMMARY OF THE FACTS

On August 23, 2023, APD Officers Caleb Parrella and Kevin Carbajal were parked in their fully-marked patrol vehicles in the parking lot of the First Baptist Church of Aurora, located at 1550 Havana Street. Both officers were in their police uniforms and were wearing standard police equipment for patrol operations. Officer Parrella was watching the intersection of North Havana Street and East Colfax Avenue. This area of Aurora is known to be very active in the late-night hours. While Officer Carbajal ate his mid-shift “lunch,” Officer Parrella watched the city’s MESH cameras on his vehicle’s Mobile Data Computer (MDC) screen.

At 2:31 a.m., Officer Parrella panned the camera to the bus stop on the southwest corner of North Havana Street and East Colfax Avenue. Officer Parrella observed several parties apparently arguing over a backpack. The two involved parties were later identified as Mr. Rodriguez-Godinez and Mr. Dominique Harris.

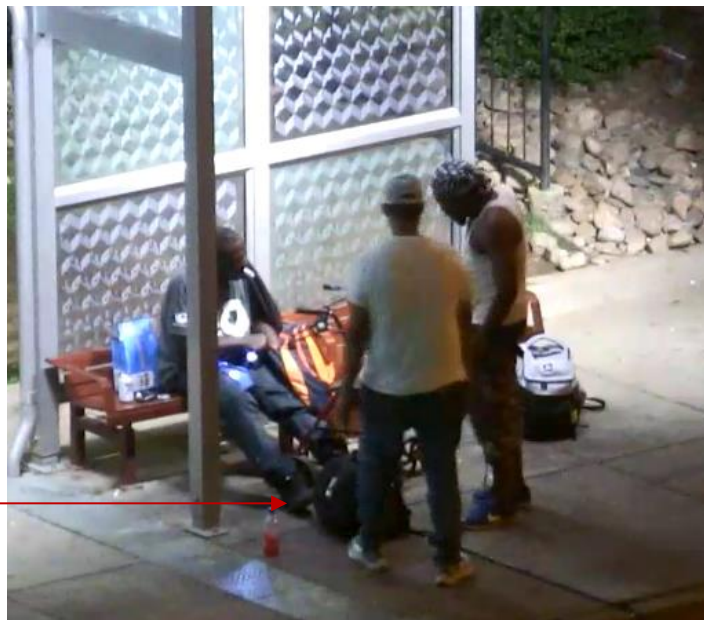
Mr. Rodriguez-
Godinez



Mr. Harris

At 2:32 a.m. Mr. Rodriguez-Godinez placed his black backpack on the ground in between himself, Mr. Harris, and an unidentified male who is sitting at the bus stop bench.

Backpack



(The party sitting on the bench does not appear to be involved in the argument and left the area before Officers/Investigators could identify or speak with him.)

Mr. Rodriguez-Godinez and Mr. Harris both reached for Mr. Rodriguez-Godinez's backpack but Mr. Harris was able to grab it before Mr. Rodriguez-Godinez.

Backpack



Mr. Rodriguez-Godinez immediately pulled a black handgun from his front right pocket or waistband and chased after Mr. Harris for several steps. Mr. Harris quickly dropped the backpack and ran westbound behind the bus stop.





Officer Parrella observed Mr. Rodriguez-Godinez point the gun at Mr. Harris on his MDC screen.

Officer Parrella told Officer Carbajal he just observed someone point a gun at someone else and gave Officer Carbajal a suspect description of a white or Hispanic male with a white shirt.

At approximately 2:33 a.m., Officer Parrella began driving towards the bus stop and advised APD dispatch over the police radio that he “Just watched a party at the bus stop at Colfax and Havana pull a gun out on someone, I’m gonna stop him, Hispanic male with a white shirt.”

The cameras showed that Mr. Rodriguez-Godinez turned around and placed his black handgun into his front right jeans pocket and picked up his backpack. Mr. Rodriguez-Godinez put on his backpack on and began walking southeast, away from the bus stop.



Officer Parrella activated his vehicle's emergency lights and siren as he drove through the intersection of East Colfax Avenue & North Havana Street. Officer Parrella continued into the eastbound lanes of East Colfax Avenue where he stopped his vehicle several yards in front of the bus stop. Officer Carbajal also approached with his vehicle (emergency lights activated) on the right side of Officer Parrella's vehicle.



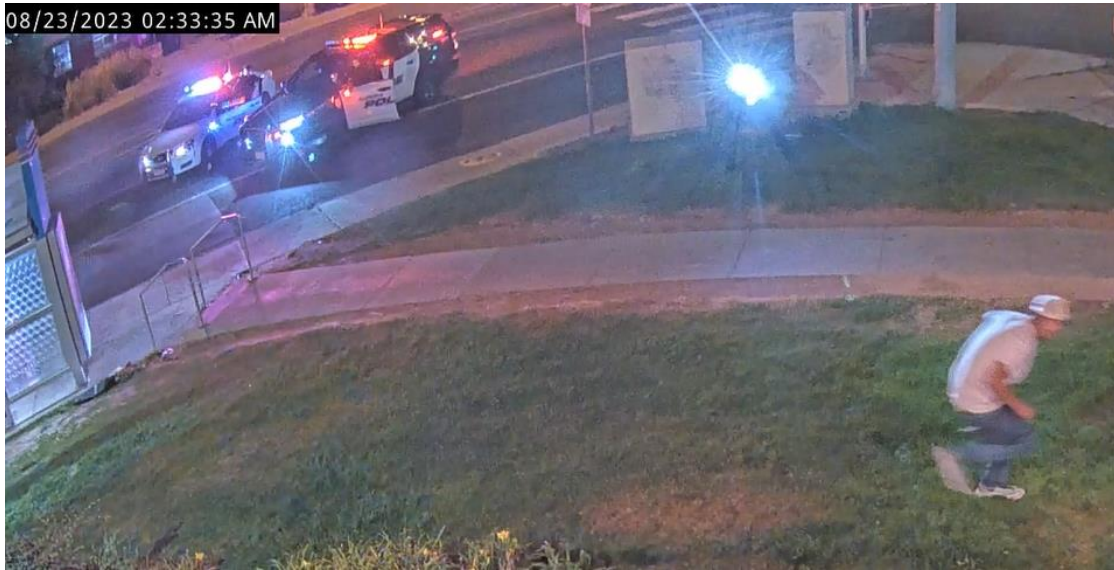
Seeing the police cars, Mr. Rodriguez-Godinez quickly dropped his backpack and began running southeast.

Officer Parrella immediately stepped out of his vehicle with his handgun drawn and yelled at Mr. Rodriguez-Godinez, "Hey, put your hands in the air!" as they both ran southeast. Officer Carbajal stopped his vehicle next to Officer Parrella's vehicle.



Officer Parrella ran parallel with Mr. Rodriguez-Godinez for a few yards and yelled a second time, "Put your hands in the air or I'll fucking shoot you!"

Officer Carbajal stepped out of his vehicle as Officer Parrella fired shots at Mr. Rodriguez-Godinez as Mr. Rodriguez-Godinez continued to run southeast away from the bus stop.



Mr. Rodriguez-Godinez fell to his knees momentarily before lying on his stomach with his hands underneath his body.



Following the shots, Officer Parrella continued to give Mr. Rodriguez-Godinez commands to put his hands in the air as Officer Carbajal approached with his gun drawn. Officer Parrella radioed “Shots fired!” to APD dispatch.

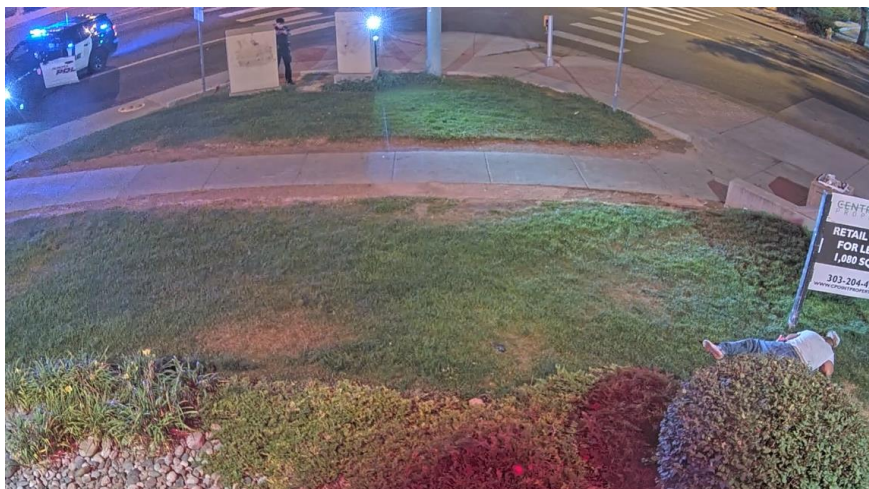
Officer Parrella told Officer Carbajal, “Get back, get back!” as they stepped backwards and found concealment behind several large metal traffic control/electrical boxes.

The officers continued to give Mr. Rodriguez-Godinez commands in English and Spanish to put his hands in the air.

Officer Parrella told Officer Carbajal “He’s got a gun under his waistband.”

Officer Parrella radioed, “We have one party down, he’s got the gun under his waistband, start Fire, he’s not complying.” to APD dispatch.

For the next three minutes Officer Parrella and Officer Carbajal held Mr. Rodriguez-Godinez at gunpoint while maintaining concealment as cover officers arrived.



As the additional APD officers came to the scene, Officer Parrella told them that Mr. Rodriguez-Godinez had a gun under his waistband. Officer Parrella, Officer Carbajal and several APD officers approached Mr. Rodriguez-Godinez and took control of his arms and legs. The officers placed Mr. Rodriguez-Godinez into handcuffs and rolled him onto his back. The officers removed Mr. Rodriguez-Godinez’s shirt and located a gunshot wound to his upper left arm and armpit. One officer began CPR while another officer applied a tourniquet to Mr. Rodriguez-Godinez’s left arm. An officer packed the wound in Mr. Rodriguez-Godinez armpit with a hemostatic dressing.

While approaching Mr. Rodriguez-Godinez, Officer Ryan Sebastopoli located a black semi-automatic handgun several feet away from Mr. Rodriguez-Godinez’s feet. Officer Sebastopoli stood over the gun until an evidence placard was placed with the gun and the scene was secured. The gun was later determined to be a stolen 9mm handgun with a round in the chamber and a magazine loaded with eight additional rounds.



Mr. Rodriguez-Godinez was loaded into an ambulance and transported to University Hospital. A doctor pronounced him dead at 3:01 a.m. An autopsy by the Coroner's Office found the cause of death was a gunshot wound.

APPLICABLE LAW

The ethical obligation of prosecutors and the policy of the District Attorney's Office is to only prosecute a case when 1) there is a good faith basis to believe the individual to be prosecuted has committed the crime, and 2) there is a reasonable likelihood of conviction at trial. This is a higher standard than the probable cause standard used by police officers making arrest decisions. Criminal liability for charging is established when there is a good faith basis to believe the individual committed the crime, and there is sufficient evidence to prove all of the elements of the crime beyond a reasonable doubt, to include the criminal conduct and the criminal mental state. Additionally, the prosecution must disprove any statutorily recognized justification or defense beyond a reasonable doubt.

The District Attorney's review of an officer-involved shooting event is guided by the statutes pertaining to the affirmative defenses applicable to use of force by peace officers, specifically C.R.S. § 18-1-707:

- (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 serious bodily injury or death 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 injury 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 of death or serious bodily injury to the peace officer or another person; (c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(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.

ANAYSIS AND CONCLUSION

The question presented to the District Attorney's Office for the 18th Judicial District is whether Officer Parrella, when firing his weapon at Mr. Rodriguez-Godinez, reasonably believed his use of deadly physical force was necessary to defend himself or others from what he believed to be the imminent use of deadly physical force by Mr. Rodriguez-Godinez.

Officer Carbajal was interviewed on August 25, 2023, at Littleton Police Department Headquarters by CIRT Investigating Detectives Brett Pinover and Robert Shiller. Officer Carbajal had not reviewed his BWC recording prior to the interview. Officer Carbajal said, in part, the following, as summarized by the CIRT detectives:

- *Just before this incident, he met with Officer Parrella at a church parking lot located at approximately 16th and Havana.*
- *He would describe this area as "a high crime area" with a lot of hand-to-hand drug deals and "there's always people there."*
- *They parked driver side to driver's side and Officer Parrella told him he was going to do some proactive work and watch the MESH cameras while he (Carbajal) ate.*
- *As he was eating, Officer Parrella told him he just observed someone point a gun at someone else, live on the MESH camera located at Havana and Colfax.*

- *Officer Parrella described the suspect to him as a white or Hispanic male with a white shirt before Officer Parrella drove off.*
- *Officer Parrella aired their location and something about what was going on.*
- *He was facing the wrong way to exit the parking lot, so he had to make a U-turn to follow behind Officer Parrella.*
- *He did not air anything to dispatch prior to their contact with the suspect.*
- *As he approached the intersection, he was trying to figure out who matched the suspect description.*
- *He felt their reason for contacting the suspect was because, "It's reasonable to believe he's, he's, a, a threat to the public. He's going around pointing guns at people."*
- *He was so focused on locating the suspect he drove over the center median separating the east and westbound lanes of the roadway.*
- *He observed Officer Parrella pull up to the bus stop.*
- *As he pulled up to the bus stop, he located the suspect based on the description given to him by Officer Parrella. The suspect looked at both of them and started running. "Just kind of looked at us, he acknowledged us and then from there he started running away."*
- *He stated that, as the suspect was running, "his arms were around his waist area."*
- *"I knew he was armed" and "I thought he was reaching for a firearm."*
- *The suspect was running south towards a 7-Eleven which he described as "busy 24/7."*
- *"As he was running, he was making a lot of gestures towards his waistband" and he believes he saw both of the suspect's hands go towards his waistband.*
- *He placed his car into park and activated his emergency lights.*
- *He did not give any commands himself before Officer Parrella fired gunshots.*
- *As he exited his car, he heard a series of gunshots (3-4) and observed the suspect falling to the ground.*
- *He knew the suspect was injured when he fell to the ground.*
- *Both officers began giving the suspect orders and he told the suspect, "Show me your hands" in English and Spanish.*
- *Officer Parrella told him he believed the suspect still had the firearm under him and he did not know if the suspect, "possibly fell on top of it, you know, we weren't sure he could possibly ambush us."*
- *At that time, they moved back behind some electrical boxes until more cover officers arrived so they could make an arrest team.*
- *After they radioed that shots were fired and they needed cover, he specifically asked for Fire to respond.*

- *The suspect did not say anything to them.*
- *He and Officer Parrella had their patrol vehicle red and blue emergency lights activated and they were both in full uniform.*

Officer Parrella was also interviewed on August 25, 2023, at 2:00 PM at Littleton Police Department Headquarters by the same CIRT investigating detectives. Officer Parrella had not reviewed his BWC recording prior to the interview. Officer Parrella said, in part, the following, as summarized by the detectives:

- *On the night of this incident, he was in a black and white APD Chevy Tahoe that has large APD logos on both sides of the doors and a large red and blue light bar on the roof. When the emergency lights are on, additional red and blue lights are activated on the front and sides of the Tahoe.*
- *On the night of this incident, he was wearing his APD short sleeve patrol shirt he described as having APD patches on each shoulder and his APD badge on the front chest. He was also wearing his department issued cargo pants and duty belt.*
- *On his duty belt, he carries his pistol, OC spray, handcuffs, radio, flashlight, baton ring, taser and extra handgun magazines. His wooden baton stays in his car until he exits on a call.*
- *His pistol is a Glock 45, 9mm, equipped with a Trijicon RMR red dot sight and a weapon mounted light that is activated through a pressure switch when he applies pressures to his middle finger on the pistol grip.*
- *His Glock 45 carries 17 rounds in the magazine and 1 round in the chamber for a total of 18 rounds in the pistol.*
- *The ammunition and gun are department issued.*
- *He carries 2 extra 17 round magazines.*
- *He wears a body cam (BWC) just to the right center of his chest.*
- *On the night of this incident, he believes his BWC was automatically activated when he turned on his emergency lights on his patrol car.*
- *He can tell his BWC is activated/recording by a tone or a red indicator light.*
- *Prior to this incident, his shift was busy, which he described as typical for Aurora. His first call of the night was to pick up property from the hospital. He then went to assist another officer on follow-up, before responding to a trespass call at a homeless shelter. He then made several traffic stops and assisted another officer on a traffic stop where they made an arrest.*
- *Following that arrest, he went to a church parking lot located at approximately 16th and Havana, which he estimates is half a block northeast of where this incident took place.*
- *He would describe this area as “extremely high activity” comprised of a large homeless population. They get called there nightly for people openly engaging in a*

drug market, especially at this bus stop. At the 7 Eleven across the street, they get called for “tons of stuff” to include weapons offenses, assaults and thefts.

- *He was watching the camera for approximately 10 minutes the first time then approximately 5 minutes just before he saw the gun.*
- *He can manipulate the cameras and zoom them in and out. The image is “pretty good quality” and “clear as day, especially in that area cause it’s lighted.”*
- *He went to this area because the city has “MESH cameras” at the intersection of Colfax and Havana, which in his opinion is one of the worst parts of the city because of the open drug market consisting of distribution and use.*
- *He describes the MESH cameras as a “proactive way for us to get on top of crime,” and he likes to zoom in on the bus stop where he often observes people engaging in drug activities. Earlier in his shift, using the MESH cameras, he observed people openly smoking meth at the bus stop but was unable to conduct a stop because he was called away to assist another officer.*
- *At the church parking lot, he contacted Officer Carbajal and asked him to come over to see if they could observe anything on the MESH cameras.*
- *When Officer Carbajal arrived at the church, they “windowed up” and talked while Officer Carbajal was eating his lunch.*
- *While viewing the MESH camera on his car’s MDC he observed three people at the bus stop who appeared to be arguing and going in and out of a backpack. One of the parties who was sitting, looked to be openly smoking narcotics.*
- *When he zoomed in, it appeared they were arguing about the backpack and he, “kind of thought nothing of it” because people in this area are always arguing about stuff.*
- *He wasn’t paying too much attention to the cameras until he saw the gun come out. He “wasn’t sure like if it was like possibly like a gun deal gone bad or, or a drug deal gone bad, or like if, uh, you know, homeless people were just arguing about a backpack.”*
- *He has never seen any of the parties on camera before.*
- *The Hispanic male and the black male looked like they were arguing about something, possibly the backpack.*
- *While talking with Officer Carbajal, “The Hispanic male kind of puts the backpack on the ground and the black male like picks it up and then, um, the Hispanic male pulls out a gun and it’s not like he did it in a self-defense manner. It was like, he was like run, like the black male started running and he was like chasing him with a gun, like pointing it at him. Um, like in aggressive way to, towards like, I believe someone was gonna die if I didn’t intervene.”*
- *He told Officer Carbajal that he just observed, “someone pointing a gun at someone at the bus stop” and he immediately felt like they had to intervene because, “I felt like if we didn’t intervene, like someone’s gonna die.”*

- *He saw the Hispanic male pull the gun from his waistband and put it back in his waistband.*
- *The gun looked like a black, semi-automatic pistol.*
- *He wanted to contact the male, “to preserve life and potentially save someone from dying.”*
- *He was going to investigate a “felony menacing or a theft.”*
- *He put his car in drive, they did not form a plan because this “required immediate response.”*
- *He drove to the bus stop and aired on the radio that he saw someone pointing a gun at someone else as he activated his patrol cars red and blue lights.*
- *He stopped his patrol car and the Hispanic male was standing at the corner of the bus stop. The suspect had the “I’m in trouble look as soon as he saw me, and I think that’s why he started running.”*
- *As he exited his car, he yelled something like “stop” or “put your hands up.”*
- *The suspect did not acknowledge his commands and began to run as soon as he stopped his patrol car.*
- *The direction the suspect was running was towards a bus stop that was heavily occupied by numerous people.*
- *“So, I was planning to go and like, just tackle him. If he was gonna run there, I was gonna cut him off but as soon as I got like, kind of, I crossed like a, um, it's like a metal barrier, I crossed that and I kind of lost sight of him. So, I just drew just in case cause I, I couldn't see him anymore and I knew he was armed. And as I crossed that, I remember stepping up a little bit and I just see like his hands go into his waistband exactly where I knew the gun was. I watched it live of him putting it there and I've never felt like, like a feeling like that and like my four years of patrol. I was like, I thought he was, he looked like he was aggressively grabbing the gun in a way that he was either gonna shoot me or shoot my partner that was with me. So that's when I started, uh, shooting at him.”*
- *“I thought he was grabbing the gun to shoot me.”*
- *He never saw the gun while the suspect was running because the suspect was angled, and they were paralleling each other.*
- *As the suspect was grabbing at his waist, it wasn't like he was, “grabbing it to like dump a gun. It was, it appeared to be an aggressive manner where he was trying to take like an offensive action to, to shoot at me.”*
- *He is unsure how many rounds he fired.*
- *He stopped firing when the suspect stopped and began falling to the ground.*

- *He said, "I think when I shot him, I think I hit him somewhere in the arm to where he dropped the gun and he kept going and then eventually collapsed. So the gun dropped just before he collapsed."*
- *He knew he hit the suspect because he saw blood coming out of the suspect's shirt and when he fell to the ground, his arms went underneath his stomach, and he was still moving.*
- *He aired that shots had been fired, a suspect was down, and he needed more cars.*
- *He believed he also called for medical but cannot remember. He knows based off what he was telling dispatch that medical would be called either way.*
- *He believed the gun was still in the suspect's hand or waist area, so he was giving him commands to put his hands up.*
- *Once the suspect was down, he gave the suspect orders to put his hands up in English and Spanish. Officer Carbajal is fluent in Spanish and also gave orders Spanish.*
- *After he shot, he backed up behind the metal barriers and told Officer Carbajal to do the same.*
- *He was unsure what the suspect's injuries were.*
- *He did not want to approach the suspect in fear he or Officer Carbajal would be shot.*
- *He thought the suspect may have the gun in one of his hands underneath his stomach.*
- *When cover officers arrived, he told them he believed the suspect still had the gun in his waistband area.*
- *He felt they "all need to be careful moving up cause I didn't want him to, to shoot up off round at one of us while we're moving up at, to try to give some lifesaving measures because I don't know is he immobilized? Is he just laying there? Like what? I, I didn't know."*
- *Once enough cover officers arrived, they moved up and he saw two officers grab the suspect's arms, turn him over and start CPR. That was when he saw the gun was back by the suspect's feet.*
- *They waited to approach until they "could have more officers to safely approach this armed party."*
- *Where the bus stop is located, the lighting is good but where the shooting took place, the lighting is not as good.*
- *His weapon mounted light turned on automatically when he drew his pistol because he had pressure on the finger that activates the light.*
- *His original plan was to tackle the suspect but "Once I saw him grabbing a gun, that's the only tool I could use to, to stop him because I, I wasn't gonna go hands on with someone pulling a gun out of me." And "there wasn't enough room for me to be able to move in and tackle him before he would've drew and shot me."*
- *He did not deploy his taser because "We were too far and he was moving."*

- *He was not going to pull a taser on someone with a gun, especially if he did not have lethal cover.*
- *After they approached the suspect, he saw the black male who had the gun pointed at him by the suspect and he approached the male because “I believed he was a victim in a felony menacing case or a robbery maybe with a backpack.”*
- *Once he felt the scene was safe, he walked back towards his car and found a sergeant and got in a car and waited until he was transported to APD HQ.*
- *He has not discussed this incident with anyone other than his attorney.*

CIRT Investigating Detectives Brett Pinover and Robert Shiller reviewed the officers’ body-worn cameras (BWC) as well as surveillance cameras operating in the area. They determined the following facts, which are included in the bullet points below.

Officer Parrella’s BWC:

- *This recording (audio and video) in its entirety is 6m:37s long. It includes Officer Parrella’s observations just after the suspect pulls a gun on Mr. Harris, the shooting, officers’ approach to the suspect, officers beginning lifesaving efforts and Officer Parrella locating and contacting Mr. Harris.*
- *In closely reviewing the video, as the suspect runs, his left arm can be seen swinging as expected when someone is running. However, the suspect’s right arm does not appear to swing and stays down towards his waistline. The suspect also turns his torso towards Officer Parrella as he runs which is abnormal for his direction of travel. Both actions can be seen in the following 8 images:*





Officer Carbajal's BWC:

- *This recording (audio and video) in its entirety is 22m:34s long. The critical section is from the start of the video through 5m:30s. It includes from just after Officer Carbajal is advised of Officer Parrella's observations, the shooting, the officers' approach to the suspect and officers beginning lifesaving efforts.*
- *It should be noted, Officer Carbajal is exiting his patrol vehicle as the shooting takes place. Therefore, audio of the shots being fired can be heard, but visually the shooting is obstructed by Officer Parrella's patrol vehicle.*

Officer Sebastopoli's BWC:

- *This recording (audio and video) in its entirety is 55m:05s long. The critical section is from 3m:55s to 4m:00s. It includes officers' approach to the suspect and Officer Sebastopoli locating the gun just below the suspect's feet.*

Review of APD MESH camera footage:

- *This recording (video only) in its entirety is 1h:00m:01s long. The critical section is from 9m:25s to 11m:25s. It includes the suspect and Mr. Harris’s interaction at the bus stop, to include Mr. Harris grabbing the suspect’s backpack and the suspect subsequently pulling a gun and pointing it at Mr. Harris.*

Review of Century Square surveillance footage:

(The view from this recording shows the entire OIS event, however it is from the opposite view of Officer Parrella. Any actions seen from this point of view would not have been available to Officer Parrella during the event and none of his decisions could have been based on information from this vantage point. As such, caution should be exercised in utilizing this camera view’s information in the use-of-force analysis.)

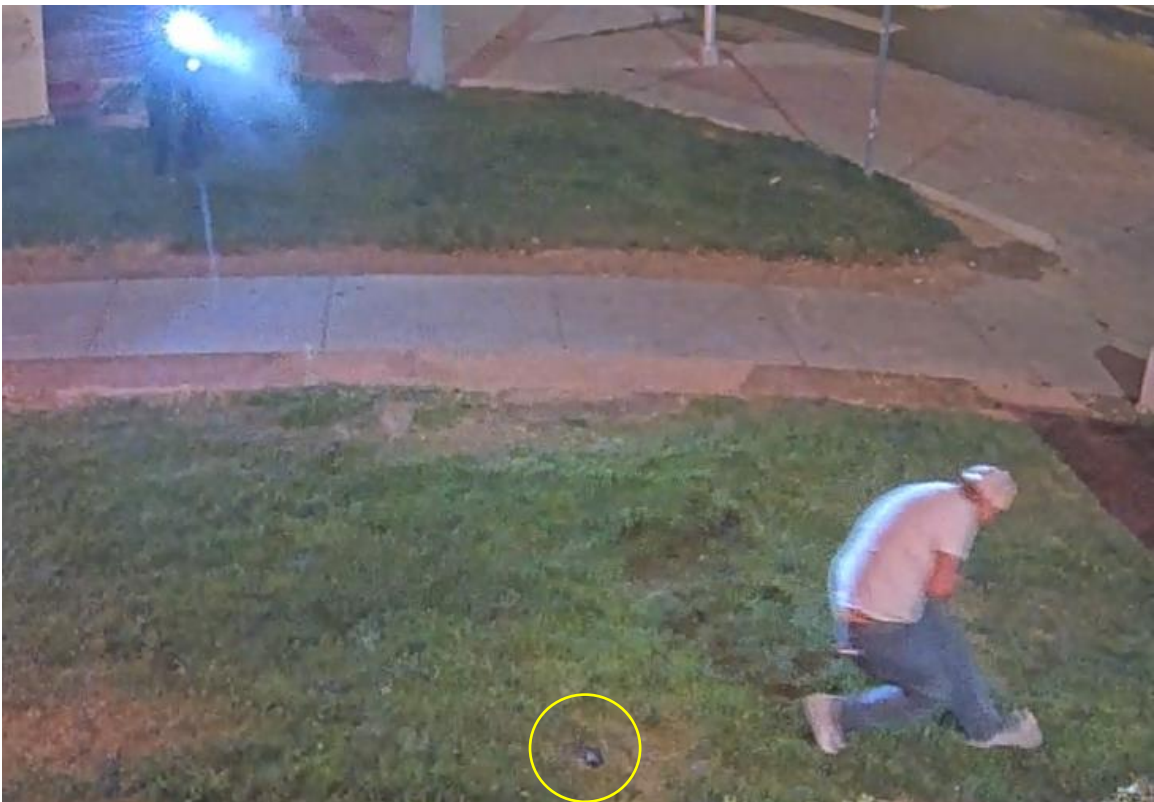
- *This recording (video only) in its entirety is 10m:00s long. The entire video assists in corroborating Officer Parrella and Officer Carbajal’s descriptions of the area being “high activity”. The critical section of the recording specific to this OIS, is from 8m:30s through the end of the recording. It includes the shooting and Officers Parrella and Carbajal holding the suspect at gunpoint as they await cover officers.*
- *As described earlier in the review of Officer Parrella’s BWC, while the suspect runs, his left arm can be seen swinging as expected when someone is running. However, the suspect’s right arm does not appear to swing and stays down towards his waistline. The suspect also turns his torso towards Officer Parrella as he runs which is abnormal for his direction of travel. Both actions can be seen in the following 6 images:*





- *In closely reviewing the video, as Officer Parrella appears to fire his first shot (indicated by muzzle smoke), the suspect begins to buckle forward at the waist and his black firearm can be seen falling from his body and onto the ground. The suspect continues forward for several feet before falling to his knees, then slowly lying prone on the ground. This can be seen in the following 5 images:*







CIRT investigating detectives Shiller and Pinover reviewed the autopsy report of Mr. Rodriguez-Godinez, and determined the following:

- *Conducted by the Arapahoe County Coroner's Office Forensic Pathologist Dr. Amanda Hersh on August 23, 2023.*
- *Autopsy Examination found an entrance gunshot wound of the posterolateral left arm with an exit wound on the anteromedial left arm. The bullet re-entered the body on the lateral left chest and a moderately deformed bullet was recovered from the right lung. Associated injuries included hemorrhages along the wound path and hemothoraces.*
- *Postmortem toxicology results were positive for:*
 - *Fentanyl (and metabolite)*
 - *Methamphetamine (and metabolite)*
 - *Cannabinoids*
- *Coroner's Opinion: "This 21-year-old man, Joan Rodriguez-Godinez, died as the result of a gunshot wound of the left arm and chest. With the information presented to me at this time, the manner of death is homicide."*

The CIRT investigators determined the following facts:

- *No inconsistent or contradictory statements were found in any officer's statements.*

- *No independent eyewitnesses to this event were located or willing to speak with investigators.*
- *All physical, audio and video evidence were consistent with the involved officers explanations and observations.*
- *All expected evidence (except 1 missing casing) is present and accounted for.*
- *No relevant crime lab examination results are outstanding.*
- *The suspect had 4 outstanding arrest warrants to include, 1 felony and 3 misdemeanor.*
- *Officer Parrella observed the suspect point a gun at Mr. Harris and explained he was going to investigate a felony menacing. He felt that if he did not intervene, someone could die.*
- *Upon contact, Officer Parrella gave the suspect multiple commands to put his hands in the air and the suspect had the opportunity to obey and surrender to officers but failed to do so.*
- *Officer Parrella observed the suspect place a firearm in his waistband after pointing it at Mr. Harris. When Officer Parrella attempted to contact the suspect, the suspect ran from him, failed to obey his commands and Officer Parrella saw the suspect's hands going to his waistband where he believed the firearm was located based on his observation's moments earlier.*
- *Officer Parrella did not believe any other less lethal force options were valid once he saw the suspect reaching for his gun.*
- *Officer Parrella believed the suspect was going to shoot him or his partner.*
- *Officer Parrella recognized the immediate life-threatening actions by the suspect towards himself and Officer Carbajal. Officer Parrella shot the suspect to stop that threat.*
- *Immediately after shots were fired, both officers moved to a position of concealment and gave verbal commands in English and Spanish.*
- *Once sufficient cover arrived, officers developed a plan of approach. The suspect and his firearm were secured, and medical attention was immediately provided to him.*
- *Officer Parrella was aware of his surroundings/background and no other persons were placed at risk by his actions.*
- *Officer Parrella and Officer Carbajal were in full Aurora Police Department patrol uniforms. They were driving fully marked Aurora police vehicles with sirens and overhead lightbars activated.*
- *Officer Parrella knew the suspect was armed with a handgun and based on the suspect's own actions, Officer Parrella believed the suspect was reaching for that handgun while aggressively turning towards him. Officer Parrella believed the suspect was an active, imminent threat to himself, his cover officer, and members of the public in the immediate area. Officer Parrella fired at the suspect to stop his threatening actions. Once the suspect*

was no longer a threat to anyone else, Officer Parrella stopped firing and did not further escalate or reengage the use of force.

CIRT Investigators Shiller and Pinover reported that they believed, based on Officer Parrella's BWC, that the officer fired six times. Only five shell cases were found near where Officer Parrlla fired. The sixth casing was never located. No shell casings were found near Mr. Rodriguez-Godinez, who did not fire his weapon.

After reviewing all the reports, videos and evidence, I conclude that the actions of Officer Parrella, in firing his duty weapon at Mr. Rodriguez-Godinez, was reasonably justified. Mr. Rodriguez-Godinez, while fleeing from Officer Parrella, was armed with a handgun. The evidence indicates Mr. Rodriguez-Godinez, turned toward Officer Parrella with the gun either in his hand or while reaching for the gun in his waistband when he was confronted by Officer Parrella. Due to the actions of Mr. Rodriguez-Godinez, there was no opportunity for Officer Parrella to use a lesser amount of force. Mr. Rodriguez-Godinez, by his actions, placed Officer Parrella in fear for his life, and the lives of others, as he attempted to escape from apprehension for what appeared to be a felony crime involving the use of a deadly weapon. Mr. Rodriguez-Godinez's actions were the proximate cause for the use of deadly force by Officer Parrella. Officer Parrella fired at Mr. Rodriguez-Godinez to defend himself, Officer Carbajal, and others in the area.

I find that Officer Parrella reasonably believed that Mr. Rodriguez-Godinez posed an imminent threat of deadly physical force to the officers and others in the vicinity. Officer Parrella did not have the time or the ability to use lesser force or attempt to deescalate the situation. Officer Parrella was justified in using deadly physical force against Mr. Rodriguez-Godinez to defend himself from the unlawful, imminent, and attempted use of deadly physical force against him. Officer Parrella did not commit any crime and criminal charges will not be filed against him.

Clinton McKinzie

Chief Deputy District Attorney
18th Judicial District