



September 1, 2026

RE: July 15, 2026, officer-involved shooting at 3326 Banyan Ave., Loveland, CO.

Larimer Sheriff (lead agency) – case # SO 26-6373; Fort Collins Police – FC 26-10518; Colorado State Univ. Police - CS 26-940; Windsor Police - WP 26-4135; Estes Park Police; Loveland Police – LP 26-5630.

Dear Chief Doran,

Pursuant to §16-2.5-301 and §20-1-114, C.R.S., and the 8th Judicial District Critical Incident Protocol, the District Attorney's Office reviewed the July 15, 2026, fatal shooting of Brant Valvo, which occurred near 3326 Banyan Ave., in Loveland, Colorado. This legally mandated review is to determine whether any Loveland Police personnel (specifically, Sergeant Burke Baldwin and Officer Joshua Mielke) or any citizens violated any Colorado criminal statutes with respect to the shooting.

I. EXECUTIVE SUMMARY

Applying the law to the facts of this incident, as described in greater detail below, I conclude Sergeant Burke Baldwin and Officer Joshua Mielke were legally justified in their use of deadly physical force to defend other officers and the public from the threat posed by Brant Valvo on July 15, 2026. Because I have concluded that both peace officers were justified in their use of force, no criminal charges will be filed against them by the District Attorney.

II. THE STATUTORY FRAMEWORK FOR OFFICER INVOLVED SHOOTING INVESTIGATIONS AND REVIEW

C.R.S. § 16-2.5-302 (1)(a), governs investigations into peace officer-involved shootings. It provides, in relevant part:

Each police department, sheriff's office, and district attorney within the state shall maintain protocols for participating in a multi-agency team, which must include at least one other police department or sheriff's office, or the Colorado bureau of investigation, in conducting any investigation, evaluation, or review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death, or other use of force by a peace officer that resulted in death. The law enforcement agencies participating need not be from the same judicial district.

The investigation into this shooting incident was conducted by a multi-agency team consisting of personnel from 8th Judicial District agencies who are members of the district's Critical Incident Response Team (CIRT). The Larimer County Sheriff's Office was the lead agency, and it was

assisted by Fort Collins Police Services, the Colorado State University Police Department, the Windsor Police Department, the Estes Park Police Department, the District Attorney's Office, and the Loveland Police Department.

C.R.S. § 20-1-114 provides:

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.

This document constitutes a report of the District Attorney's findings and includes the basis of the decision not to charge the involved peace officers with any criminal conduct.

III. MATERIALS REVIEWED

I have received materials produced during the CIRT investigation into the shooting of Mr. Valvo. The agencies and respective case numbers are Larimer County Sheriff's Office case # SO 26-6373; Fort Collins Police Servs. case # FC 26-10518; Colorado State Univ. Police Dept. case # CS 26-940; Windsor Police Dept. case # WP 26-4135; and Loveland Police Dept. case # LP 26-5630.

The information I have considered in this review includes:

- Relevant body-worn camera footage of involved and witness officers
- Reports/summaries of the CIRT investigators
- Recorded interviews of involved and witness officers
- Recorded and summarized interviews of other witnesses (including lay witnesses)
- Photographic and video evidence, including but not limited to comprehensive scene documentation and drone footage
- Physical evidence (*e.g.*, firearms, ballistics, items recovered from scene, etc.)
- Medical evidence, including autopsy findings and photographs describing the injuries sustained by Valvo and his cause of death

IV. APPLICABLE LAW

The District Attorney's review of this event is guided by Colorado statutes pertaining to the use of force by peace officers, as well as general defense of self or others. Sergeant Baldwin and Officer Mielke and any other persons referred to as "officers" in this letter are "peace officers" per statute. *See* §16-2.5-101-103, C.R.S.

By using their rifles and causing the death of Valvo, the peace officers' conduct implicates Colorado's peace officer use of force and self-defense statutes. As the use of force caused death, the deadly physical force provisions of the statute also apply.

Colorado's relevant use of force statutes and legal definitions:

§18-1-901 (3)(d), C.R.S. "Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

§18-1-901 (3)(e), C.R.S. "Deadly weapon" means: (I) A firearm, whether loaded or unloaded; or (II) A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

§18-1-707, C.R.S. (Use of force by peace officers—definitions), states in relevant part:

(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 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.

§18-1-704, C.R.S., Colorado's general self-defense statute states in relevant part:

[A] person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

Under Colorado law, a person acts legally to defend themselves or others when both a “reasonable belief and actual belief” exist on behalf of the actor. *See Sanchez v. People*, 820 P.2d 1103, 1108 (Colo. 1991). The law requires the fact finder to “weigh all relevant circumstances to determine whether a person asserting the defense of self-defense has acted as a reasonable person would act in similar circumstances.” *Id.*

V. SUMMARY OF LEGAL STANDARD AS APPLIED TO THIS EVENT

As outlined above, Colorado law addresses the use of physical force and deadly physical force by peace officers. While the issues may – and often do – overlap, it is helpful to distill the legal authority down to an applicable standard. In this review we must attempt to answer the following legal questions:

Use of force - general.

- 1) Whether Sgt. Baldwin and Officer Mielke reasonably believed the use of physical force – and degree of force employed - was necessary to defend themselves or others from what they reasonably believed to be the use, or imminent use, of physical force by Mr. Valvo?

Use of physical force – peace officers.

- 2) Whether nonviolent means would have been ineffective in preventing an imminent threat of injury to Sgt. Baldwin and Officer Mielke or other person(s) in this situation?
- 3) Did Sgt. Baldwin and Officer Mielke identify themselves as a peace officers and give a clear verbal warning of their intent to use firearms, with sufficient time for the warning to be observed, and if not, are they exempted from having given that warning because it: a) would have unduly placed them or their fellow officers at risk of injury, or b) would have created a risk of death or injury to other persons?
- 4) Did Sgt. Baldwin and Officer Mielke or their fellow officers ensure that assistance and medical aid were rendered to Mr. Valvo as soon as was practicable after the shooting?
- 5) Did the involved peace officers or other peace officers ensure that Mr. Valvo’s identified relatives or next of kin were notified as soon as practicable?

Use of deadly physical force – additional questions.

- 6) If Mr. Valvo was being arrested, whether all other means of apprehension – less than deadly force - were unreasonable given the circumstances, and
 - a. whether Valvo was suspected of more than a minor or nonviolent offense;

- b. whether the arrest was for a felony involving conduct including the use or threatened use of deadly physical force;
 - c. whether Valvo posed an immediate threat of death or serious bodily injury to the peace officer or another person, and
 - d. whether the force employed did not create a substantial risk of injury to other person.
- 7) Notwithstanding any other provision of law, were Sgt. Baldwin and Officer Mielke justified in using deadly force because:
- a. they had an objectively reasonable belief that a lesser degree of force was inadequate and
 - b. they had objectively reasonable grounds to believe, and did believe, that they or another person was in imminent danger of being killed or of receiving serious bodily injury?

VI. SUMMARY OF RELEVANT FACTS. (This summary is derived from multiple sources and represents an accurate version of events)

On July 15, 2025, at approximately 10:27 a.m., police were called regarding a domestic violence incident that occurred at 3326 Banyan Avenue in Loveland, Colorado. The victim reported that her estranged husband, Brant Valvo, had threatened her with a handgun at approximately 1:30 a.m. in the residence they both shared. She reported the couple was separated but still living together in the Banyan Ave. home. She advised she primarily resided on the lower level of the home and Valvo resided on the main level.

The victim told police she went upstairs to smoke a cigarette and encountered Valvo in the kitchen area on the main floor, and he appeared to be intoxicated. She reported he retrieved a silver or chrome-colored handgun from the kitchen island and from approximately ten feet away he pointed the handgun directly at her, and stated, “I’m gonna shoot your ass.” Valvo made additional threats to shoot the victim if she came upstairs again. The victim shared with the police a recording she made in which Valvo made statements acknowledging the threats.

Below is an excerpt from the recorded exchange:

Victim:	“You fucked up pointing that gun at me, Brant.”
Valvo:	“Oh, you fucked up talking to me.”
Victim:	“No, you fucked up pointing that fucking gun at me. Now you’re saying that you’re going to fucking shoot me and that you have no fucking problem shooting me.”
Valvo:	“That’s right. Don’t come up here. Do not talk to me.”
Victim:	“Or you’re going to fucking shoot me if I come upstairs?”
Valvo:	“Yep. I threatened you.”

In addition to describing the domestic violence incident, the victim provided background information to the police about Valvo, including that he had a lengthy history of alcohol abuse, and had recently completed a detox program then resumed drinking shortly after returning home

from the program. She also reported that Valvo had stated in the past that if law enforcement attempted to contact or arrest him, he would force officers into a “suicide by cop” situation. Shortly after she recorded Valvo, the victim left the residence and sought safety at her sister’s home.

Based on the victim’s report, the Loveland Police obtained an arrest warrant for Brant Valvo for charges of Menacing – deadly weapon (class 5 felony), Prohibited use of a weapon (misdemeanor), and Criminal tampering (misdemeanor). All crimes were designated as acts of domestic violence. A search warrant was also obtained for Valvo and for access to the residence and evidentiary items within the home. Both warrants were authorized by a judge on July 15th.

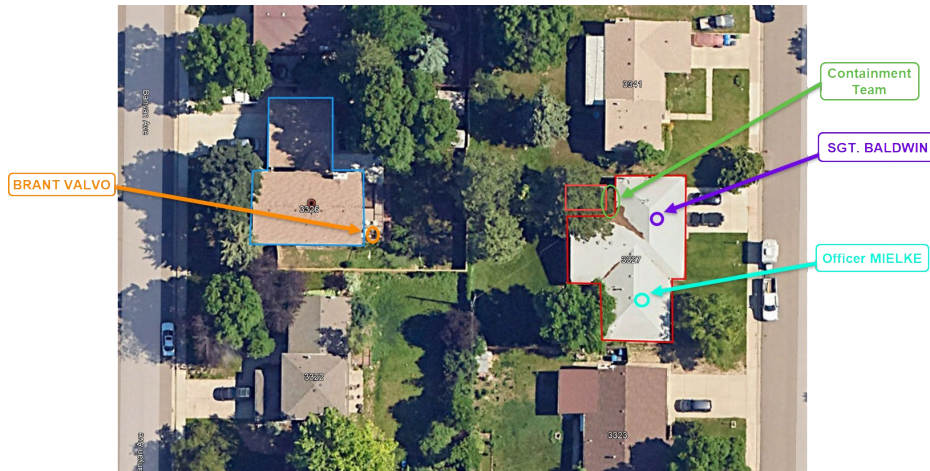
In determining the type of warrant execution that would occur, the police considered several factors, including 1) the nature of the domestic violence offense - including the threat to shoot the victim, and the brandishing of a firearm; 2) Valvo’s use of alcohol and suspected intoxication; and 3) Valvo’s history, including prior suicidal statements and specifically, “suicide by cop” statements. Because of the potential danger to police and civilians, it was determined the execution of the arrest and search warrant required a mandatory SWAT response.

Between 5:30 p.m. and 6:00 p.m., the SWAT team established positions around the Banyan Ave. residence before making any attempt at entering the home. In addition to officers outside the front of the home, the containment included a SWAT “rear containment team” that set up in the backyard of the property directly to the west of the Banyan Ave. home (3327 Chestnut Ave.). The goal of this strategy was to ensure containment around the house for safety of the officers and the public. Once in place, the officers began broadcasting announcements from within an armored vehicle parked in front of the home. They repeated announcements including identification of the team as Loveland Police, direct commands to Valvo (identifying him by his first name) to exit the home without anything in his hands, that a warrant existed for his arrest, and that failure to comply could result in use of force. These announcements were broadcast at a volume that Valvo would have been able to hear clearly from within the house.

Shortly after 6:00 p.m., members of the rear containment team (in the backyard of 3327 Chestnut) saw Valvo near the sliding-glass door of his home. Officers shouted verbal commands, including, “Let me see your hands,” and “Come on out,” while pointing their firearms at him. Valvo looked toward the officers, closed the door, and retreated back into the residence. SWAT officers continued public-address announcements at multiple points throughout the incident (which lasted more than 75 minutes), repeatedly advising Valvo he was under arrest and providing him instructions to surrender safely. At about the same time, two members of the SWAT team, Sgt. Burke Baldwin and Officer Josh Mielke, assumed lethal cover as snipers on the rooftop of 3327 Chestnut and remained at that tactical location for the duration of the incident (Lethal cover is a SWAT measure in which secondary teams ensure the safety of other officers in more vulnerable positions). They were approximately 130 feet away from Valvo’s position.



Body worn camera shows Valvo looking out rear sliding door toward containment team



Aerial scene diagram shows relative positions of Valvo, rear containment team, Sgt. Baldwin, and Officer Mielke

The attempts to secure Valvo's arrest safely included use of the Loveland Police's Crisis Negotiations Team, who began attempting telephone contact with him near 6:04 p.m. The CIRT investigators determined that negotiators made 25 outbound contact attempts with two different telephone numbers associated with Valvo, including 18 attempts to his known cell phone number. A review of the call records showed numerous successful connections including several periods of contact with Valvo (e.g. calls lasting four mins, 18 mins, six mins, another at six minutes, and one exceeding 22 minutes). The final telephone contact remained open during the events immediately preceding and following the shooting. While there were technical problems with the hostage negotiation system that resulted in a failure to record the conversations with Valvo, other sources of information make clear that the team was either engaged -or attempting to engage- with Valvo consistently, including relaying use of force warnings and advising him he was under arrest.

While speaking with negotiators, Valvo revealed that he could see members of the rear containment team in the adjoining yard. Valvo told a negotiator that if police entered the residence, they were going to "have problems," before hanging up. Because of the lack of progress and termination of the call by Valvo, SWAT determined they would attempt to breach the front door.

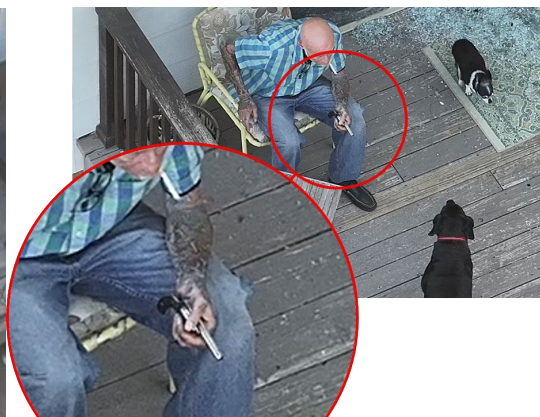
The breach was unsuccessful, as the door was damaged but did not fully open. The team began using various less-lethal options to break entry into the house with the goal of compelling Valvo to surrender. The efforts included using less-lethal rounds to break the rear sliding-glass door to improve visibility, permit the introduction of less-lethal chemical agents, and provide an access point for a police drone. Negotiators reestablished telephone contact after the attempted breach of the front door. Valvo continued making vague threats regarding officers entering the residence. Valvo was again provided with an arrest and use-of-force advisement. It was clear from his statements that Valvo was aware there were officers in the front and the back of the house.

By approximately 6:44 p.m., negotiators had reached a stalemate, with Valvo refusing to exit and making vague threats toward the SWAT team. Eventually, SWAT began introducing chemical agents into the house to gain Valvo's compliance through discomfort. He continued to refuse to surrender. The measures used by police included repeated public-address announcements, direct verbal commands, prolonged telephone negotiations, arrest and use-of-force advisements, diversionary devices, 40mm less-lethal rounds, PepperBall projectiles, and various chemical agents. Direct (physical) tactical actions were delayed on at least two occasions to allow negotiations to continue. Also relevant to the less-lethal options available to the SWAT team is that three dogs were also moving inside and outside the home; this prevented police canine deployment for the safety of the pets.

After the police increased the potency of the chemical agent introduced into the home, Valvo eventually emerged from the back patio door onto a small, elevated deck with a silver revolver in his left hand. Drone footage from above Valvo's position provides very clear video-only footage of his actions for the rest of the incident. Simultaneously with recording Valvo's movements, the drone operator provided real time information to the entire team. Once on the deck, Valvo sat on a chair still holding the gun in his hand. With the gun in his left hand, he lit a cigarette with his right hand and then placed the gun on a shelf of small wood table. After approximately 40 seconds, the SWAT team began deploying less-lethal projectiles (PepperBall) at Valvo to attempt to separate him from the firearm.



Drone footage shows Valvo emerging from patio door, gun in left hand



Clear picture of gun in left hand while seated

The rear containment officers reported continuing to give loud and clear commands to put the gun down and not to reach for it. According to investigators, more than 70 PepperBall projectiles were

directed toward Valvo in short bursts, with the projectiles striking the deck, railing, exterior wall of the home, and Valvo's body, including his head. This barrage of less-lethal rounds from the rear containment team is clearly depicted in the drone footage, as is Valvo's subdued reaction to being struck by the initial rounds, all while continuing to sit and smoke his cigarette. After being hit multiple times, Valvo's discomfort became more apparent. Then, while coughing and holding a cigarette in his left hand, Valvo grabbed the gun off the shelf with his right hand and pointed it in the direction of the rear containment team (i.e. from where the less lethal rounds were being fired). Valvo clearly aimed his weapon for approximately five seconds before firing a round from his revolver. Within two to three seconds of firing, he is struck by the return fire of Sgt. Baldwin and Officer Mielke. Sgt. Baldwin fired two rounds from his .223 caliber carbine and Officer Mielke fired one round from his .308 caliber rifle. The round count that was conducted after the shooting confirmed the number of rounds fired by each peace officer.



Valvo aiming gun toward rear containment team just before firing (approximate trajectory line drawn in). The blood on Valvo's head is a result of prior PepperBall strike.

After Mr. Valvo was down and slumped over in the chair with neither his hands nor the weapon visible, the SWAT team continued to deploy less-lethal rounds to confirm he was no longer a threat. Within about 2 minutes and 30 seconds the SWAT team approached Valvo, secured the deck and called trained medics (Tactical Emergency Medical Services personnel) to approach and render aid. Given the nature of his injuries, it was obvious Mr. Valvo was beyond medical assistance. Mr. Valvo was determined to be deceased at 7:23 p.m.

Crime scene investigators found and collected the firearm which had fallen into a planter next to the chair in which Valvo was seated.



Valvo's revolver found in planter

No officers or civilians were struck by the round fired by Brant Valvo, but crime scene investigators found what appeared to be a fresh impact mark on a structural pillar of the house just a few feet from where the rear containment team was positioned.



Photos showing approximate view of officers from deck (top); view of defect location in relation to location of officers near shed (middle); and defect in pillar (bottom)

VII. OFFICER INTERVIEW SUMMARIES

Sgt. Burke Baldwin

- Sgt. Baldwin summarized the background information he had about Mr. Valvo as including, Valvo threatening his wife with a handgun during an act of domestic violence, he was likely armed, he had been drinking alcohol, he had refused to surrender to police and warned officers not to enter the home.
- He had obtained the information through a review of Computer Aided Dispatch (CAD) notes, the felony warrant affidavit, and other sources of information, including discussions with other peace officers.
- Baldwin explained that Mr. Valvo's background was assessed as part of the SWAT consult, and he was determined to be an extremely high-risk subject requiring a mandatory SWAT deployment.
- Baldwin told CIRT investigators that throughout the operation command staff relayed information received from crisis negotiators. From the information conveyed through the negotiators it appeared Valvo was implying he would shoot officers if they attempted entry.
- Baldwin described seeing Valvo emerge through the patio door onto the deck before he took position on the roof. He and another SWAT officer immediately pointed their rifles at Valvo, identified themselves as law enforcement officers, and issued loud verbal commands. He said Valvo looked directly toward them before retreating inside the residence and closing the sliding glass door.
- Baldwin observed from the roof as the rear containment team shot multiple pepper balls at Valvo to separate him from his handgun. He reported Valvo's behavior, including his lack of reaction to being struck with multiple less-lethal rounds, was unusual and concerning.
- Baldwin reported observing Valvo pick up his gun and point it at the rear containment officers. He said he believed Valvo was about to shoot the officers who were positioned out of cover (i.e. vulnerable). He also discussed his concern for the safety of neighboring residents, including a child that had been going in and out of the residence next door.
- Sgt. Baldwin felt that deadly force was immediately necessary to protect officers and nearby civilians, including those in the neighboring occupied residence, so he fired two rounds at Valvo in rapid succession. Baldwin believed Valvo fired a shot at approximately the same time but acknowledged he could not state with certainty whether the sound he heard was Valvo firing or Officer Mielke simultaneously firing his rifle.

Officer Josh Mielke

- Officer Mielke responded to the Loveland Police Department and attended the SWAT operational briefing, where he learned about the underlying domestic violence incident. He recalled the suspect (Valvo) was alleged to have pointed a silver or chrome handgun at the

female victim and threatened to kill her if she went upstairs. He was advised that Valvo was drinking and apparently intoxicated and had access to that handgun and other guns in the residence. He also learned Valvo had reportedly made vague suicidal statements in the past.

- Through the negotiators he learned that Valvo repeatedly refused to surrender, hung up on negotiators, failed to answer calls, or answered calls without communicating.
- Mielke explained that negotiators reportedly heard Valvo choking, which indicated the gas had entered the residence, but Valvo still refused to exit. He recalled that Valvo reportedly stated, "If the cops come in here, we're gonna have a problem." Because of his reported violence toward the victim, access to firearms, refusal to surrender despite gas, his vague suicidal statements, and warning to officers, Mielke became increasingly concerned Valvo was committed to resisting and might emerge firing at officers or might attempt to provoke a lethal confrontation.
- While situated on the roof, Mielke described hearing officers making repeated announcements from the front of the residence, including police identification, arrest advisements, commands to Valvo to exit with empty hands, and warnings that force and a police canine could be used.
- Mielke saw Valvo exit the home with a gun in his hand and called out to other officers "he's got a gun!" He also ordered Valvo to drop the weapon, to which he did not respond.
- He watched Valvo being struck by pepper balls and having little reaction and continuing to smoke his cigarette while holding the revolver in his hand. He found this lack of reaction concerning given the typical human reaction to pepper ball exposure.
- Mielke saw Valvo look in the direction of the containment officers who had deployed the less-lethal rounds and through the gaps in the deck railing saw Valvo raise the chrome revolver. He described Valvo's movement as deliberate and purposeful versus careless or incidental. He believed Valvo was aiming the revolver toward the containment officers and looking along the handgun's sights; he estimated Valvo aimed in that direction for approximately two seconds.
- While looking through his scope, Mielke shifted his focus from Valvo's head to the rising revolver and then back to his crosshairs and heard a "pop" that he believed was the suspect firing toward the containment officers. Fearing Valvo was attempting to shoot and kill his fellow officers and believing deadly force was necessary to stop that threat, he fired one shot at the suspect's head.

VIII. MEDIA.

The most helpful media in this case was the clear aerial drone footage which recorded the portion of the incident that occurred on the rear deck, to include:

- 1) Valvo emerging with a handgun;
- 2) Valvo sitting down placing the gun on the shelf and lighting his cigarette;
- 3) the use of many less-lethal projectiles by the SWAT team;

- 4) Valvo retrieving the revolver from the shelf and aiming it toward the team for almost five seconds;
- 5) Valvo shooting one time in the direction of the team on the adjoining property; and
- 6) Valvo being shot by Loveland SWAT snipers within 2-3 seconds of shooting at the team.

The other media in the case includes photographs, crime scene documentation, and body worn camera footage. All media evidence is substantially consistent with the reported accounts by witnesses as to what occurred on July 15, 2026. The body-worn camera firmly corroborates the extent of use of force warnings and commands being shouted at Mr. Valvo by various officers throughout the contact.

IX. ADDITIONAL EVIDENCE

1) Weapons evidence (all operable):

- a. Valvo's firearm: Iver Johnson Arms & Cycle Works Revolver - .32 S&W Auto
 - i. One round fired
- b. Sgt. Baldwin's firearm: M4-style patrol Carbine - .223 Remington
 - i. Two rounds fired
- c. Officer Mielke's firearm: Accuracy International rifle - .308 Winchester
 - i. One round fired
- d. Rounds:
 - i. While a total of four rounds were fired in the incident, the path of one of the M4 carbine rounds is unknown, as there is not a conclusive associated injury to Mr. Valvo, and no identifiable .223 spent round or fragment was located.

2) Medical/autopsy evidence:

- a. At least two distinct gunshot wounds were obvious from the autopsy
 - i. One projectile traveled through Mr. Valvo's arm, then apparently traveled through his torso*
 1. **As no second wound was found in Valvo's torso it is possible that Baldwin's second shot may have traveled through same wound path or that the wounds to Valvo's arm and torso reflect two distinct gunshot wounds.*
 - ii. One projectile traveled through Mr. Valvo's head (front to back)

X. POTENTIAL CHARGES FOR VALVO.

In addition to the domestic violence charges outlined in the warrant (including Menacing with a deadly weapon; C.R.S. § 18-3-206, a class 5 felony), probable cause for the following felonies existed based on Valvo's actions *after* the police arrived at the residence:

1. Criminal Attempt to commit murder in the first degree – extreme indifference (multiple counts); C.R.S. §§ 18-3-102 (1)(d) and 18-2-101.
2. Criminal Attempt to commit murder in the first degree – after deliberation; C.R.S. §§ 18-3-102 (1)(a) and 18-2-101, a class 2 felony

3. Assault in the first degree on a police officer (multiple counts); C.R.S. § 18-3-202 (1)(e), class 3 felonies.
4. Menacing with a deadly weapon (multiple counts); C.R.S. § 18-3-206, class 5 felonies.

XI. CONCLUSIONS.

The CIRT investigation in this case conformed to the letter and the spirit of §16-2.5-301, C.R.S. The investigation was thorough, objective, and all necessary materials were provided in a timely manner. Finally, the investigation yielded sufficient evidence from which factual and legal conclusions could be reached.

Loveland Police Officers cooperated with the CIRT investigation and provided voluntary interviews. They appeared genuine in their responses and the independent evidence supported their version of events.

The District Attorney's Office finds that:

1) Regarding questions 1 and 2 above:

Sergeant Baldwin and Officer Mielke had a reasonable belief that using deadly physical force was necessary to stop the threat posed by Brant Valvo, and that nonviolent means would have been ineffective in preventing an imminent threat of injury to other officers, or civilians in the area. Further, there was no lesser degree of force that was reasonable under the circumstances, as Valvo had aimed and fired one round in the direction of the rear containment team. It was also clear that less-lethal options were having little to no effect on Valvo.

Based on the totality of circumstances facing both officers, they were legally justified in shooting Valvo. Upon review of the drone video, Valvo clearly had his gun aimed toward the rear containment team for almost five seconds before firing a round toward them. It is also clear from body-worn camera footage that almost two full seconds transpired before the officers fired their rifles in response to that shot.

2) Regarding question 3 above.

It is clear from body worn camera footage and several witness accounts that multiple members of the SWAT team, including the front and rear containment teams and negotiators, identified themselves as police officers and gave use of force warnings to Valvo. Sgt. Baldwin and Officer Mielke did not identify themselves as police officers before they fired their weapons, but given the developing situation, their roles as lethal cover, and their proximity to Valvo, they are exempted from giving specific warnings of their intent to use firearms and are covered by the full context of the situation.

The evidence confirms that Mr. Valvo knew the threat he was facing by having seen the Loveland Police throughout the encounter, including seeing rifles pointed at him when he initially emerged onto the deck, and having heard the numerous warnings through SWAT verbal commands, including use of loudspeakers.

As rooftop snipers positioned approximately 130 feet away in the dynamic situation presented here, it would not be reasonable for Baldwin and Mielke to be expected to break their focus and provide the statutory “clear verbal warning of their intent to use firearms, with sufficient time for the warning to be observed.” In the few seconds between Valvo raising his gun and shooting at the officers, to attempt such a warning would have increased the risk to all involved. Thus, to do so would have unduly placed them or their fellow officers at risk of injury or death and they are therefore statutorily exempted here.

3) Regarding question 4 above.

As stated above, once the team determined Valvo was no longer a threat, he was assessed by Tactical Emergency Medical Services personnel. It was clear based on his injuries that Valvo was beyond any life saving measures.

4) Regarding question 5 above.

The CIRT investigators ensured that the victim and Mr. Valvo’s mother were notified about his death as soon as practicable.

5) Regarding question 6 above.

Under the circumstances here, when the Loveland officers used deadly force, it was not to arrest or apprehend Mr. Valvo; rather, it was to neutralize the active threat he posed against other officers and any civilians by shooting his firearm in their direction. However, even if assessed under the deadly force - arrest criteria in § 18-1-707 (3), the conduct would be lawful, as (1) Valvo was not suspected of only a minor or nonviolent offense, (2) the offense of felony menacing involved the threatened use of deadly force, (3) Valvo posed an immediate threat of death or serious bodily injury to the peace officers and (4) Baldwin and Mielke’s use of force was tactically sound and did not create a substantial risk of injury to other persons.

6) Regarding question 7 above.

Finally, and notwithstanding any other subsection, Sgt. Baldwin and Officer Mielke were justified in using deadly physical force because they both had an objectively reasonable belief that a lesser degree of force was inadequate and they had objectively reasonable grounds to believe, and did believe, that their fellow officers were in imminent danger of being killed or of receiving serious bodily injury.

Both Baldwin and Mielke expressed fear that their fellow officers on the rear containment team, as well as civilians in a nearby occupied home, could be shot and killed. Their fears were objectively reasonable given Mr. Valvo’s conduct in firing a shot in the direction of the officers staged in the backyard of 3327 Chestnut Ave. Based on Valvo’s use of a firearm, there is no reasonable question that a lesser degree of force would have been inadequate under the circumstances.

The totality of the evidence presented through the CIRT investigation reveals that both the actual and perceived circumstances Sgt. Baldwin and Officer Mielke faced on July 15, 2026, justified their actions in discharging their rifles and causing the death of Brant Valvo. As a result, the District Attorney's Office concludes that no criminal charges can or will be brought against either peace officer for the shooting of Mr. Valvo.

The District Attorney thanks the 8th Judicial District Critical Incident Response Team for a thorough, professional, and expedient investigation.

Respectfully,

Matt Maillaro

Matt Maillaro,
Assistant District Attorney
8th Judicial District Attorney's Office