



September 28, 2022

RE: September 2, 2022, Officer-Involved Shooting at 1220 East Stuart Street, Fort Collins, Colorado. Case numbers: LCSO 22-7704; LPD 22-6804; FCPS 22-12075.

Dear Chief Swoboda,

The District Attorney's office has been asked to review the shooting of Michael Cordova which took place on September 2, 2022, at 1220 East Stuart Street in Fort Collins. This statutorily mandated review is to determine whether the police or anyone involved in the incident 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 Officer Phillip Selgren was legally justified in his use of physical force to defend himself, other officers, and the public from the threat posed by Michael Cordova on September 2, 2022. Because I have concluded that Officer Selgren was legally justified in his use of physical force, no criminal charges will be filed.

II. LIMITATIONS

As Michael Cordova was charged with crimes related to the September 2nd incident, the information in this letter will be limited where necessary to ensure compliance with the legal requirements of Colorado Rules of Criminal Procedure 3.6 and 3.8, and Colorado Revised Statutes § 20-1-114. Michael Cordova was charged with two counts of Criminal Attempt to commit Murder in the First Degree - Peace Officer (class 2 felonies); two counts of Assault in the First Degree – Peace Officer (class 3 felonies); two counts of Menacing – Deadly Weapon (class 5 felonies); and mandatory sentencing for violent crime enhancement.*

**All charges against Michael Cordova are merely allegations and he is presumed innocent of all charges filed against him unless and until proven guilty beyond a reasonable doubt.*

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

C.R.S. § 16-2.5-301 governs investigations into peace officer-involved shooting investigations. It 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.

The investigation into this shooting incident was conducted by a multi-agency team consisting of personnel from agencies within the jurisdiction who are members of the district's Critical Incident Response Team (CIRT). Specifically, the Larimer County Sheriff's Office was the lead agency, and they were aided by other agencies, including the Loveland Police Department, Fort Collins Police Services, and the District Attorney's Office.

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 officer(s) with any criminal conduct.

Finally, as Michael Cordova has been charged criminally in relation to the incident at issue, the District Attorney must abide by Colorado's ethical rules to protect the integrity of the criminal case and rights of the defendant. Rule 3.8. (Special Responsibilities of a Prosecutor) provides in relevant part:

The prosecutor in a criminal case shall:

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused unless such comments are permitted under Rule 3.6(b) or 3.6(c) and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule. *C.R.P.C. 3.8.*

IV. MATERIALS REVIEWED

I have been provided materials produced during the CIRT investigation into the shooting of Michael Cordova. The information I have considered includes:

- Relevant body worn camera footage of the involved peace officers
- Reports/summaries of the CIRT investigators
- Recorded interviews of involved peace officers
- Photographic evidence
- Physical evidence (*e.g.*, firearms, ballistics, etc.)
- Limited medical evidence
- An escorted walk through of the scene of the shooting

V. APPLICABLE LAW

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

By using his service weapon and shooting Cordova twice and causing him injury, Officer Selgren's conduct implicates Colorado's peace officer use of force and self-defense statutes. As he did not cause death, the deadly physical force provision of the statute does not legally apply to his actions on September 2nd. *See* §18-1-901(3)(d) ("Deadly physical force" means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death). However, I have included the deadly force statutory language below as it is relevant to my conclusions regarding this event.

§ 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, for a person to act legally to defend themselves or others requires the presence of "both reasonable belief and actual belief" 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.*

VI. SUMMARY OF LEGAL STANDARD AS APPLIED TO THIS EVENT

Distilling the legal authority down to an applicable standard to apply to this event, we must determine:

- 1) Whether Officer Selgren reasonably believed that the use of physical force – and degree of force employed - was necessary to defend himself or others from what he reasonably believed to be the imminent, or continued, use of physical force by Michael Cordova, and
- 2) Would "nonviolent means ... [have been] ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person" in this situation?

Additionally, the statute requires us to ask:

- 3) Did Officer Selgren identify himself as a peace officer and give a clear verbal warning of his intent to use his firearm, with sufficient time for the warning to be

observed, and if not, is he exempted from having given that warning because it would have unduly placed him or his fellow officers at risk of injury or would have created a risk of death or injury to other persons?

- 4) Did Officer Selgren or his fellow officers ensure that assistance and medical aid were rendered to Cordova as soon as was practicable?
- 5) If Cordova sustained serious bodily injury, did Officer Selgren or fellow officers ensure that Cordova's identified relatives or next of kin were notified as soon as practicable?

VII. SUMMARY OF RELEVANT FACTS

Overview of events up to and including the shooting of Michael Cordova.

The following factual overview is derived from body worn camera footage, interviews of involved peace officer witnesses, and the results of additional investigation performed by members of the Critical Incident Response Team (CIRT). Additional findings from body worn camera footage and other evidence is discussed below.

On September 2, 2022, at approximately 11:00am, Fort Collins Police Officers were dispatched to 1220 East Stuart Street, Unit #8, in Fort Collins, Colorado, in relation to a reported disturbance. A concerned party called 911 and reported that a young child called them and stated that Isaac Cordova was at her mom, Brandi Cordova's, home. The concerned party, the boyfriend of Brandi Cordova, stated to dispatch, "it ain't good" and requested the police to "get over here." The caller stated Isaac Cordova who was Brandi's ex-husband, was not supposed to be at the residence, and was known to carry firearms. He also told the dispatcher who else was in the home; this included a five-year-old, nine-year-old, and Brandi Cordova's 18-year-old son, Michael Cordova. The caller stated that Michael was "on his dad's side, which isn't good."

Upon running Isaac Cordova's name, officers determined that he had an active felony arrest warrant for a Burglary of a Dwelling charge. Officer Phillip Selgren was the first officer to respond and spoke with Brandi Cordova on the west side of the apartment complex. Ms. Cordova told Officer Selgren that Isaac was there earlier but left after he dropped off their son. She claimed that Isaac left in his Jeep and denied that any disturbance had occurred. Officer Koby Northen arrived soon after and the two officers then asked if they could speak to the kids just to make sure everything was okay. Ms. Cordova permitted the police to do so.

Ms. Cordova's residence (Brandi Cordova's father, Gilbert Mason, is the primary resident) was located on the second floor and was accessible from an outdoor, partially enclosed staircase. On their way up to the apartment, the officers saw a compound bow laying on the landing between the 1st and 2nd floor. The bow was "loaded" with a razor-edged hunting arrow (as opposed to a target arrow). Ms. Cordova stated that the bow was her son Michael's and that he was probably messing around with it. Before entering the residence, the officers noticed Isaac Cordova's Jeep in the parking lot with its doors open and items laying on the ground near it. The officers became

concerned that Isaac Cordova was in fact in the area, contrary to what Ms. Cordova reported. She continued to deny that Isaac was there and said he perhaps had just walked away from the area.

Officer Northen then spoke to Michael Cordova and asked him whether his father was in the apartment. At one point Officer Selgren heard Officer Northen say, "well, go get him," thus he presumed Isaac Cordova was still inside the apartment. Michael Cordova came back to the door and told the officers he could not find his father inside the apartment.

After some discussion between Michael Cordova (in the 2nd floor apartment) and his mother (outside on the first floor), she told him to "shut up and get down here." Michael Cordova came down the stairs and his mother told him to go inside the first-floor apartment where she had previously directed her younger daughters to stay (this apartment apparently belonged to a friend of Ms. Cordova). Officer Selgren said after Michael Cordova went into the first-floor apartment, Ms. Cordova grabbed the door handle as if trying to keep someone from coming out, and that it was obvious that someone was trying to open the door and she was holding it shut.

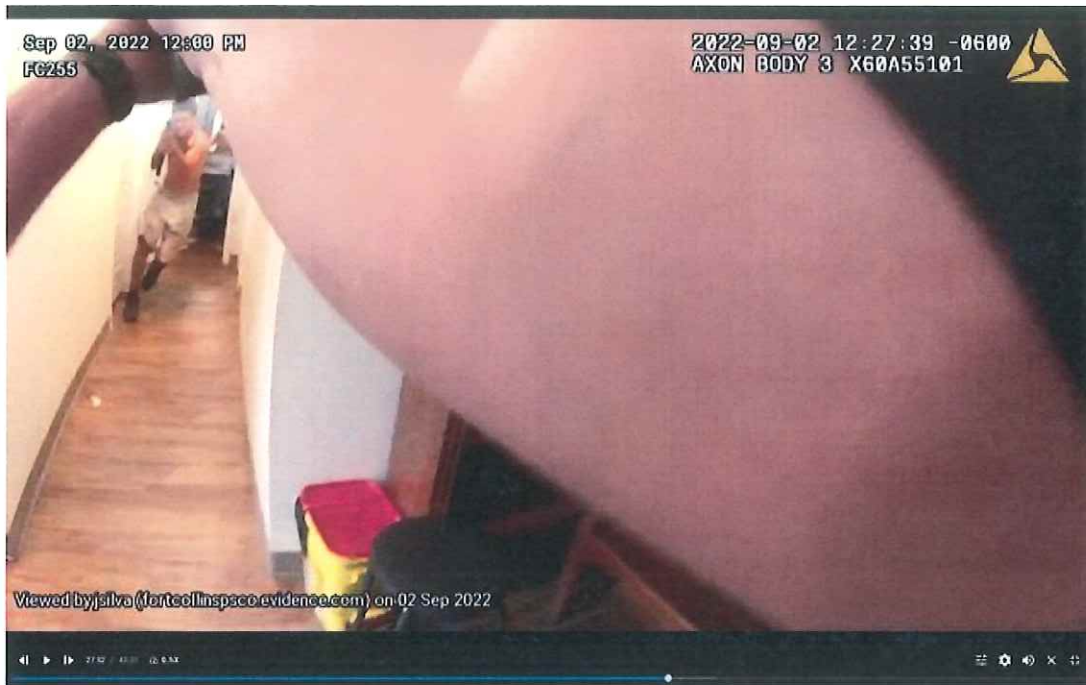
On scene, the officers discussed the behavior of Michael Cordova as they tried to figure out whether his odd behavior was because he was protecting his father, Isaac, because he was under the influence of alcohol or drugs, or if he was intentionally trying to "mess with [them]." Upon further questioning, Ms. Cordova told the police that she had asked Isaac to bring Michael back to her residence, because he had been living with Isaac and Isaac was getting Michael into "some bad situations." She said Michael did not want to live with her and was unhappy about being brought back to her.

Gilbert Mason arrived a few minutes later and was initially argumentative with officers, but eventually he and Brandi agreed to permit officers to go into the apartment and look for Isaac Cordova. Isaac Cordova was not located in the apartment after a relatively short search by the officers.

The officers decided to leave and search for Isaac Cordova, but prior to leaving the area they were advised that he had returned to the residence. While officers were planning their contact and arrest of Isaac Cordova, they saw a downstairs resident speaking to him and possibly pointing out the officers' location (officers had positioned themselves across the parking lot near some bushes and trees). The officers saw Isaac Cordova on the balcony in front of Brandi Cordova's apartment. Officers Selgren and Northen, and Sgt. Kinhead (who had arrived minutes before) approached the front of the residence. All three were wearing full uniforms with identifying information such as badges and name tags. Other officers established a perimeter in case Isaac Cordova tried to flee.

The officers approached the apartment again, this time identifying themselves and giving verbal commands to Isaac Cordova to come outside and that he was under arrest. The commands issued to Cordova were unsuccessful, so the officers began to climb the stairs toward the apartment. In listening to the body worn camera, a female voice is heard yelling "Michael!" before the officers arrive on the second floor. In the recording, Ms. Cordova is seen motioning toward the apartment and stating "my son is right there and he - please be careful because my son . . ." with the remainder of the sentence inaudible.

Officer Northen entered the residence first, with Officer Selgren a few feet and just moments behind him. Officer Northen had his taser drawn as he walked toward the back of the residence. As Officer Selgren walked into the entryway and neared an intersecting narrow hallway on the left, which led to other rooms in the apartment, the sound of a live round being chambered into a firearm is audible in the body worn camera recording. Officer Selgren turned toward the hallway from where the sound was emanating. Within a second or two, Michael Cordova emerged from the back bedroom into the narrow hallway, running toward Officers Selgren and Northen. It is clear in the video that Michael Cordova was taking a shooting position with a large assault-style firearm pointed directly at Officer Selgren (see photos below).



(Still photo from body worn camera footage – Michael Cordova advancing toward Selgren with a loaded semi-automatic shotgun just before Selgren fires twice.)



(Close up of Michael Cordova, as recorded by the body worn camera of Officer Selgren.)

Officer Selgren, upon seeing Cordova advancing with the gun leveled at him, fired two rounds – both striking Cordova before he was able to fire his shotgun toward Officers Selgren and Northen. After being shot and prior to retreating into the bedroom at the end of the hall, Cordova dropped his weapon in the hallway. Michael Cordova stayed in the bedroom for several seconds before complying with commands given by Officer Northen to come out. While hard to discern, after retreating to the bedroom Michael Cordova is heard yelling something about “my dad,” and then, “I’m helping you.” While being treated for his injuries by Officer Northen, Cordova repeatedly said, “I’m helping you, I was helping you.”



(Officer Selgren’s view moments after he fired and Cordova retreated into the bedroom.)

Officer Selgren emotionally described to the CIRT investigator that the firearm was leveled at him and his fellow officer. He remembered thinking, “oh shit, that’s a gun,” and that he did not have time to say anything to Cordova. He thought Cordova was going to kill him or Officer Northen, so he raised his service weapon and pulled the trigger. Officer Selgren said it all happened very fast and that he never had a chance to give Cordova any commands. He believed if he took the time to give commands, Cordova would have killed him or Officer Northen. Officer Selgren did not know how many rounds he fired, but knew it was more than one and he thought it was likely two.

Michael Cordova was assisted out of the apartment and medical aid was rendered by Officer Northen on the front porch/landing area of the residence until taken over by paramedics. While this incident was unfolding, it was learned that Isaac Cordova had run through the apartment, out onto the back balcony, and then jumped from the second story balcony to the ground below. He was quickly placed under arrest by Fort Collins Police officers who were at the back of the apartment complex.

Additional information and evidence gathered after the shooting of Michael Cordova.

After Michael Cordova was transported to the hospital, the 8th Judicial District CIRT protocol was invoked and officers from several agencies began the investigation. As part of the investigation, a search warrant was obtained to permit the collection and documentation of evidence within the apartment.

Firearms and ballistics:

- The firearm Michael Cordova pointed at Officers Selgren and Northen was a 12-gauge assault-style shotgun with a loaded magazine and one live cartridge in the chamber. While firearms testing is yet to be completed, the shotgun was determined to be real and appeared to be capable of firing.



(Shotgun used by Michael Cordova.)

- The CIRT investigators found multiple firearms scattered throughout the house, several of which were loaded with live cartridges in the chamber. One firearm, a Ruger Arma Lite 15, which is also an assault style weapon, was found hidden under the living room couch, easily and quickly accessible by any person inside the home.
- Inside the bedroom closet (the bedroom from which Cordova initially emerged and then retreated after he was shot), there was another shotgun and a pistol, as well as another loaded semi-automatic shotgun magazine. Inside the closet were distinct blood drops on the wall within a few inches of the magazine, which contained the same ammunition as the firearm possessed by Michael Cordova. The blood spatter evidence supports the conclusion that Cordova approached the magazine *after* being shot, dripping blood near the magazine during

his approach. There was a loaded .45 caliber pistol inside the closet on a shelf, which was also easily accessible.



(Inside bedroom closet – blood drops and shotgun magazine circled in red.)

- Officer Selgren's 9mm Glock 17 firearm was the only one discharged during this event.
- Officer Selgren fired two total rounds, both of which hit Cordova.
- One bullet went through Cordova and was recovered from the bathroom at the scene (likely the shot that perforated his face); the additional round/fragments were recovered from Cordova's torso at the hospital (likely from the round that entered his chest area).
- Two 9mm shell casings were recovered; one from the apartment and one that fell from Selgren's vest after he left the apartment and checked himself for injuries (the casing was ejected from the chamber and lodged itself under his vest during the shooting). The 9mm casings are consistent with only one shooter - Officer Selgren.
- An examination of Officer Selgren's 9mm handgun revealed two cartridges were missing, which is consistent with the two bullets fired and the associated injuries to Cordova.

Cordova's injuries:

- Cordova suffered injuries to his head and his torso that were consistent with having been caused by two gunshot wounds. It is obvious from the body worn camera footage that the injuries to Cordova were caused by the bullets fired by Officer Selgren. While the specific nature of Cordova's injuries is unknown as of the writing of this letter, it seems obvious that the injuries would constitute "serious bodily injury" under Colorado law.

Isaac Cordova's statements:

- Isaac Cordova told police that he and Michael had been smoking methamphetamine together for approximately a month. Isaac claimed they used methamphetamine daily – approximately one to two "bowls" a day.
- Isaac Cordova stated he believed he and Michael were being followed by people with guns who were trying to cause harm to him and Michael. He claimed the people "drugged him with sugar." He said Michael tried to tell him about the people putting "things in the trailer," drugging him with gases that were created from the things that were being burned, plus other bizarre happenings, which at first made Isaac think Michael was crazy, but then he started to believe this himself.
- Isaac Cordova told police that he and Michael used methamphetamine on the morning of September 2, 2022. He also claimed that he and Michael fled where they were staying to bring firearms to Brandi for protection, and to run from the people chasing them. He said the firearms he brought were for protection of their small children from the people chasing him.
- Isaac Cordova told police that Michael grew up hunting and was proficient in firearm use and safety. He said his children have attended hunter's safety courses and that he has taken Michael hunting numerous times.
- Isaac Cordova told police that Michael was helping him take the guns from his Jeep into the apartment near the time the police arrived.

VIII. CONCLUSIONS

This CIRT investigation comported with both the letter and the spirit of §16-2.5-301, C.R.S. The investigation was thorough, objective, well-resourced, and all relevant materials were provided in a timely manner. Finally, the investigation yielded ample evidence from which factual and legal conclusions could be reached.

Officer Selgren cooperated with the CIRT investigation and provided a voluntary interview, lasting approximately 90 minutes. He appeared candid and genuine in his responses. His account was consistent with the other evidence, including the body worn camera footage and physical evidence. Pursuant to CIRT protocols, Officer Selgren did not watch his body worn camera footage before the interview.

As stated above, in applying the law to the facts in this incident we must ask the following questions:

1. Did Officer Selgren reasonably believe that firing his weapon was necessary to defend himself or others from what he reasonably believed to be the imminent, or continued, use of physical force by Cordova?
2. Would nonviolent means have been ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to Officer Selgren or another person in this situation?
3. Did Officer Selgren identify himself as a peace officer and give a clear verbal warning of his intent to use his firearm, with sufficient time for the warning to be observed, and if not, is he exempted from having given that warning because it would have unduly placed him or his fellow officers at risk of injury or would have created a risk of death or injury to other persons?
4. Did Officer Selgren or his fellow officers ensure that assistance and medical aid were rendered to Cordova as soon as was practicable?
5. Did Officer Selgren or fellow officers ensure that any identified relatives or next of kin of Cordova were notified as soon as practicable?

To avoid redundancy, questions 1 and 2 will be addressed together. Subsequently, questions 3, 4, and 5 will be addressed independently.

(Questions 1 and 2) Conclusion: Officer Selgren had both a reasonable belief that shooting was necessary, and that nonviolent means would have been ineffective in stopping Cordova.

The evidence is clear that Officer Selgren was faced with an imminent and deadly threat without warning when he shot Michael Cordova two times. He had but a second or two to react to the threat of a male rapidly approaching and pointing a shotgun directly at him in a very confined space. Officer Selgren believed that either he or Officer Northen, or both of them, were at risk of being shot and killed by Michael Cordova when he fired his duty weapon.

Officer Selgren's belief that he needed to shoot was reasonable, and further, it was clear that nonviolent means would have been entirely ineffective. As captured in the body worn camera footage, Michael Cordova's clear shooting stance and aim at Officer Selgren (with a shotgun determined to be loaded) renders it likely that had one more second expired, Michael Cordova would have fired at both Officer Selgren and Officer Northen. Even though Officer Northen seemed to have just passed the hallway intersection, there is no way of knowing whether he too may have been injured or killed if a shotgun blast was delivered in such a tight space. Officer Selgren would also have been justified in using deadly physical force given the circumstances he faced.

(Question 3) Conclusion: Officer Selgren was exempted from giving the verbal warning because it would have unduly placed him or his fellow officers at risk of injury or would have created a risk of death or injury to other persons.

As outlined above, Officer Selgren was exempted from giving a verbal warning to Michael Cordova, as to have done so would have wasted critical time and placed him and others at risk of injury or death.

(Question 4) Conclusion: Officer Selgren or his fellow officers ensured that assistance and medical aid were rendered to Cordova as soon as was practicable.

Fort Collins officers called paramedics and Officer Northen rendered immediate medical aid to Michael Cordova on scene until the paramedic team arrived to treat Cordova and transport him to the hospital.

(Question 5) Conclusion: Investigating peace officers ensured that any identified relatives or next of kin of Cordova were notified of his injuries as soon as practicable.

Michael Cordova's relatives and next of kin were present, observed, or were otherwise made aware of Michael Cordova's injuries. Michael Cordova's mother and grandfather were taken to the hospital where Michael was admitted and treated.

The totality of the evidence presented through the CIRT investigation reveals that the circumstances Officer Selgren faced on September 2, 2022, justified his actions in shooting Michael Cordova. As a result, I find that no charges can, or will, be brought against Officer Selgren or any other officer.

Further details of the investigation will not be released at this time due to our ethical obligations pursuant to Colo. R Crim. P. 3.6 and 3.8 to limit publicity on open cases in order to protect an accused's presumption of innocence and right to a fair trial. All charges against Michael Cordova are merely allegations and he is presumed innocent of all charges filed against him unless and until proven guilty beyond a reasonable doubt.

The District Attorney's Office thanks the Critical Incident Response Team for conducting a thorough and expeditious investigation of this incident.

Sincerely,

Gordon P. McLaughlin
District Attorney
Eighth Judicial District

9/28/22