

# OFFICE OF THE DISTRICT ATTORNEY

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April 12, 2021

Chief Jack Cauley
Castle Rock Police Department
100 Perry Street
Castle Rock, CO 80104

RE: Officer Involved Shooting of James Earl Woodall (DOB \_\_\_\_\_/70)

Dear Chief Cauley,

On December 8, 2020, the 18<sup>th</sup> Judicial District Critical Incident Response Team ("CIRT") responded to investigate an officer involved shooting by Castle Rock Police Department officers. Castle Rock officers were dispatched to 1517 Short Grass Court for a domestic violence incident. Dispatch advised the officers that James Woodall was armed with a handgun.

Shortly after the police arrived on scene, James Woodall appeared in the driveway with a knife which the officers believed was a handgun. Mr. Woodall refused to obey police commands to show his hands and drop the gun (knife). Mr. Woodall was animated, aggressive, and refused to drop the knife.

Officer James Dinges fired a Colt M4 rifle and Officer Luke Godfrey fired a Remington 870 less lethal shotgun at James Woodall. After being shot, Mr. Woodall fell to the ground. The police handcuffed him and immediately rendered him emergency aid until fire and rescue arrived on scene. Fire and rescue rendered Mr. Woodall emergency aid and transported him to the hospital. Since Mr. Woodall's medical records are confidential, there is limited information available regarding the extent of his injuries. Mr. Woodall sustained gunshot wounds to his abdomen, the back of his arm, and his hip. He sustained internal injuries and underwent at least two surgeries and was released from the hospital after several months.

I reviewed all of the evidence provided by the 18<sup>th</sup> Judicial District's Critical Incident Response Team to determine whether there was any illegal use of force by the officers.

### **EXECUTIVE SUMMARY**

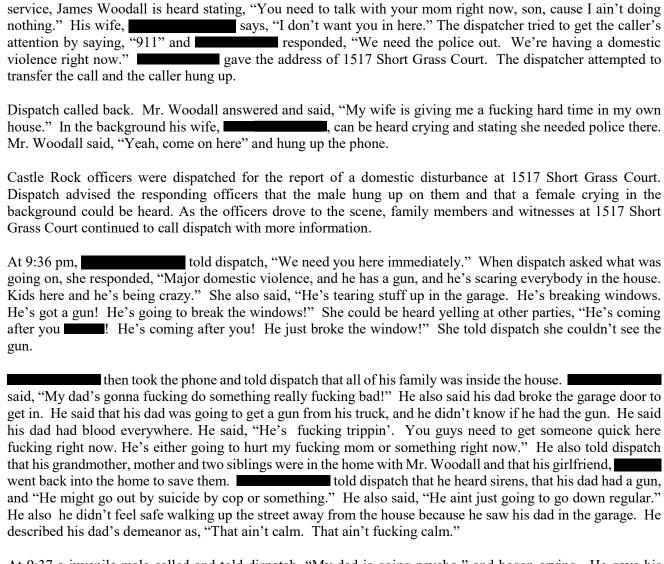
Applying the law to the facts of this incident, as described below, I conclude that Officer Dinges and Officer Godfrey were legally justified in their use of force. The use of force, including the use of the rifle and less lethal shotgun, was reasonable, necessary, and appropriate in order for the officers to defend themselves and others from the threat posed by Mr. Woodall on December 8, 2020.

## MATERIALS REVIEWED AND INFORMATION CONSIDERED

Detective Matthew Tallman is the lead Critical Incident Response Team Investigator. I reviewed all materials provided by Detective Tallman including dispatch notes, reports regarding interviews with involved officers and witnesses, written reports, and photographs. Additionally, on the night of the officer involved shooting I responded with the Critical Incident Response Team to the Castle Rock Police Department and reviewed body camera recordings of the officers who responded to the scene.

### **SUMMARY OF THE FACTS**

On December 8, 2020, at 9:33 pm, dispatch received a phone call from 1517 Short Grass Court. In that call for



At 9:37 a juvenile male called and told dispatch, "My dad is going psycho," and began crying. He gave his address as 1517 Short Grass Court. He also said, "He threatened to shoot himself." When dispatch asked if his dad had a gun right now, he said, "yes." Multiple parties could be heard yelling in the background. The juvenile male said, "He's tearing up the house" and that his dad was laying in the kitchen, had hurt his mom, pushed her to the floor, "broke the house up" and his dad was bleeding from his hands.

Dispatch advised responding officers to "Step it up." Before the officers arrived on scene, dispatch advised the officers that Mr. Woodall was armed with a gun, threatening suicide and "won't go down without a fight." While responding, some officers' mapping features were not working and they had to use their phones to map the route to the scene. Other officers didn't have the notes from dispatch, or their car radio was not working. Based on the information they did receive, however, all of the officers believed that they were responding to a domestic disturbance involving a firearm.

When the officers arrived on scene, the street was dark. There were no streetlights, and the street was dimly lit by ambient light coming from the surrounding homes, lighting from Christmas décor, and patrol car headlights.

At 9:40 pm, Officers Dinges and Lane arrived at the 1500 block of Short Grass Court with a clear view of 1517 Short Grass Court. Officers Victoria Breadroot and Rabon arrive immediately behind them.



At 9:41 pm, Officer Luke Godfrey arrived on scene and obtained his less lethal shotgun from his patrol car as Mr. Woodall exited the garage of 1517 Short Grass Court and walked into the roadway. The officers were in the middle of putting on protective gear when Mr. Woodall emerged onto the roadway.





Officers Dinges, Lane and Godfrey saw a silver-colored metal object in Mr. Woodall's hand which they believed was a handgun. Officer Ford did not see an object in Mr. Woodall's hand, but later reported that he saw him "clinch" which made him think Mr. Woodall had something in his hand. Officer Rabon was putting on her gear so she was not in a position to see Mr. Woodall. Officer Bredehoeft didn't see Mr. Woodall's hand, but believed Mr. Woodall was armed with a handgun based on the information from dispatch that the man was armed with a gun and he heard Officer Dinges give orders that Mr. Woodall drop the gun.

Upon seeing the silver object he believed was a gun, Officer Dinges immediately began yelling repeated commands to Mr. Woodall to, "Show me your hands!", "Show me your hands right now!", "Show me your hands!", "Drop the gun!", and "Drop the gun!" Officer Bredehoeft also repeatedly yelled, "Put it down!"

Mr. Woodall responded by yelling, "Fuck you", "Shoot me" and "Fucking shoot me." Mr. Woodall physically responded to police commands by moving his arms up and down repeatedly and taking off his shirt and throwing it on the ground. Mr. Woodall refused to drop the knife. Officer Godfrey approached Mr. Woodall and realized he was holding a knife, but he did not announce it was a knife.

Mr. Woodall was approximately 35 yards away from the officers. Officer Godfrey said he believed Mr. Woodall posed an immediate risk to himself, the people in 1517 Short Grass Court if he ran inside the home and to the officers. He explained that at that moment it was his best opportunity to fire his less-lethal shotgun to stop Mr. Woodall. He said the window of opportunity was quickly closing so he did not announce he was going to fire less lethal.

At 9:41:21 pm Officer Godfrey shot from his less-lethal shotgun, striking Mr. Woodall's upper body. After being struck with the less-lethal round, Mr. Woodall began to turn to the left and his right hand began to lower towards his waist, pushed out towards Officer Dinges. Officer Dinges believed Mr. Woodall was armed with a gun and had shot at the officers (unbeknownst to Officer Dinges the single gunshot he heard was from Officer Godfrey's less-lethal round). Officer Dinges believed Mr. Woodall posed immediate risk to the officers and believed he did not have the time or opportunity to give a warning to Mr. Woodall that he would be shot.

At 9:41:22 pm Officer Dinges fired 9 rounds at Mr. Woodall, striking him at least twice. He shot Mr. Woodall once in the upper right arm and once in the abdomen. While Officer Dinges was firing, Officer Godfrey shot an additional three less-lethal rounds and immediately announced, "No! This is less-lethal!" Officer Bredehoeft acknowledged by announcing, "Less-lethal!" No other officers fired their weapons. The last shot fired was at 9:41:25 pm.

Approximately sixteen seconds passed from Mr. Woodall emerging from the garage until the discharge of the last round.





Woodall struck by Super Sock, right hand turns towards Officer Dinges -Dinges / Lane patrol car



Officers approached Mr. Woodall who was lying incapacitated on his side and handcuffed him. At 9:42:13 pm, officers began rendering life-saving first aid while other officers ran to their patrol cars to retrieve medical kits. The officers applied a chest-seal to Mr. Woodall's abdominal wounds, a tourniquet to his right arm at his shoulder and stuffed his other abdominal wound with gauze.

Castle Rock Fire/Rescue responded and transported Mr. Woodall to the hospital. Mr. Woodall said, "He didn't want to hurt anyone," and he "wanted to be shot by the cops so he could meet Jesus."

The officers found a fixed blade knife within close proximity to where Mr. Woodall fell after being shot.



### SCENE DOCUMENTATION AND EVIDENCE COLLECTION

Law enforcement searched the interior and exterior of the home at 1517 Short Grass Court. Evidence was located consistent with the 911 callers stating that Mr. Woodall broke a door, his hands were bleeding and that he left and returned in his vehicle before the police arrived on scene.

Red drops of apparent blood were on the sidewalk at the front door. The garage door was open, and red drops were on the ground leading into the garage to the interior garage door. Red smears were located on both sides of the interior garage door. Red drops were also inside the home on the hall floor near the family room and on the kitchen floor. Red smears were on the kitchen cabinets and dishwasher door. The rear sliding glass door frame was damaged and broken plastic shards from the door frame were on the floor. Red drops were also on the back steps leading from the rear sliding glass door.

The home at 1517 Short Grass Court, and Mr. Woodall's car, were searched. Although several rifles were found in the home, the handgun possessed by Mr. Woodall was not located. In Mr. Woodall's bedroom, an empty gun holster was found in his nightstand. Mr. Woodall's car had a red substance on the front driver door handle, steering wheel and driver floormat which were consistent with the statements of 911 callers that Mr. Woodall's hands were bleeding and that he left and returned in his vehicle.

### **WITNESS INTERVIEWS**

Investigators with the Critical Incident Response Team assisted in interviewing all involved officers. Their accounts are summarized in this review. Family members and other lay witnesses were also interviewed and

their interviews that evening were consistent with the information provided in the 911 calls as indicated in this review; however, these individuals have since become uncooperative and/or recanted their prior statements.

#### APPLICABLE LAW AND ANALAYSIS

My review of this event is guided by the Colorado statutes pertaining to the use of force. Colorado law applies different standards to the use of force depending on whether the force can be described as "deadly physical force" or not. Deadly physical force is described as "force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death." C.R.S. 18-1-901(3)(d). Since Mr. Woodall survived, the law regarding deadly physical force does not apply. Instead, the law regarding physical force applies.

Whether a peace officer may lawfully use physical force other than deadly physical force is described in C.R.S. 18-1-707(1),(2b) and (4) which states in relevant part:

"Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to 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 a peace officer or another person."

"When physical force is used, a peace officer shall: only use a degree of force necessary with the minimization of injury to others."

"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 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."

When officers arrived on scene, they had information from dispatch that they were responding to a domestic disturbance involving a firearm. Mr. Woodall was aware the police would be arriving because he was on the phone with dispatch when his crying wife said that the police needed to come right now and Mr. Woodall told dispatch, "Yeah come on here" and hung up the phone. When police arrived on scene, Mr. Woodall was ready to challenge them.

Within a minute of the police arriving on scene, Mr. Woodall walked out of his garage holding a knife in his hand that the police believed to be a gun. The officers' belief that it was a gun was reasonable. They had information from dispatch that Mr. Woodall had a gun and they saw he had a shiny silver object in his hand. Additionally, the law defines a knife as a deadly weapon. The officers first utilized nonviolent means to deescalate the situation and persuade Mr. Woodall to drop the gun (knife).

Officer Dinges immediately yelled repeated commands to Mr. Woodall of, "Show me your hands!", "Show me your hands!", "Drop the gun!", and "Drop the gun!" Officer Bredehoeft also repeatedly yelled, "Put it down!"

Mr. Woodall did not comply with their requests to drop the deadly weapon. Instead, he verbally and physically escalated the situation. Mr. Woodall responded by yelling, "Fuck you", "Shoot me" and "Fucking shoot me." Mr. Woodall physically responded to police commands by moving his arms up and down repeatedly, taking off his shirt and throwing it on the ground. Mr. Woodall refused to drop what was in his hand and instead took a fighting stance by taking off his shirt and throwing it on the ground.

The officers' use of nonviolent methods by commanding Mr. Woodall to show his hands and drop the gun proved ineffective. Mr. Woodall's verbal and physical actions became more aggressive. After the officers utilized nonviolent methods, Mr. Woodall continued to ignore officers' commands, refused to drop the weapon and took a fighting stance. He was approximately 35 yards away from the officers and indicated that he was going to do whatever was necessary to get the officers to shoot him.

His statement to the paramedics afterwards that he "wanted to be shot so he could meet Jesus" demonstrates that he was attempting to provoke the officers to shoot him. Mr. Woodall's post shooting statement substantiates that the officers correctly ascertained they were in imminent threat of serious bodily injury or death by Mr. Woodall. The officers were justified in using physical force to prevent an imminent threat of serious bodily injury or death to a peace officer or another person.

Officer Godfrey saw Mr. Woodall was holding a knife and, based upon Mr. Woodall's statements and gestures, he believed Mr. Woodall posed an imminent threat to the officers and to the occupants in 1517 Short Grass Court. Officer Godfrey was aware of the 911 calls which described Mr. Woodall as threatening, breaking windows, "psycho" and that the callers thought he was going to hurt or kill someone. Officer Godfrey was in a situation where nonviolent methods proved ineffective and the danger was escalating. Officer Godfrey believed he had a limited window of opportunity to diffuse the situation by using his less lethal shotgun. He said the window of opportunity was quickly closing so he did not announce he was going to fire less lethal rounds from the shotgun.

After being struck with the less lethal round, Mr. Woodall still did not drop the knife. Instead, Mr. Woodall swung left to Officer Dinges with his right hand holding the knife (which Officer Dinges believed to be a gun) and pushed the knife towards Officer Dinges. Officer Dinges believed the gunshot he heard was Mr. Woodall shooting at officers, and Officer Dinges believed Mr. Woodall would continue shooting because he saw Mr. Woodall turn towards him with his hand outstretched towards him with a gun (knife.) Fearing an imminent threat of serious bodily injury to himself or other offices, he fired several rounds at Mr. Woodall.

The situation quickly unfolded and Officer Dinges did not have time to warn Mr. Woodall that he would fire his gun. Officer Dinges had a split second to assess the situation and defend himself and other officers from another gunshot from Mr. Woodall. At 9:41:21 pm Officer Godfrey fired his less lethal round. At 9:41:22 pm Officer Dinges fired his first shot at Mr. Woodall. At 9:41:25 pm Officer Godfrey fired his last round. At 9:42:13 pm Officer Godfrey requested a medical kit, and the officers quickly rendered lifesaving first aid to Mr. Woodall until the emergency medical personnel arrived.

## **CONCLUSION**

Based on my review of all of the evidence in this case, I find Officer Godfrey and Officer Dinges complied with all of the Colorado statutes with respect to the use of force by a peace officer.

Elizabeth Oldham

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Elizabeth Oldham
Chief Deputy District Attorney
18th Judicial District Attorney's Office