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January 14, 2019

Sheriff Justin Smith
Larimer County Sheriff's Department
2501 Midpoint Drive
Fort Collins, CO 80525

Re: Opinion concerning- People v. Bret Hanson/19CR87
LCSO #19-219

Dear Sheriff Smith:

On today's date, our office filed criminal charges against Bret Hanson, based upon his conduct which was investigated by your agency in Larimer County Sheriff's Office (LCSO) case number 19-219. My review of the January 8, 2019, incident also included my determination of the degree of force used by Larimer County Sheriff's Deputy Ethan Powers and whether it was legally justified under pertinent Colorado statutes.

My review is based upon whether the following Colorado statute involving the use of force was violated:

Section 18-1-704 of the Colorado Revised Statutes provides:

(1)...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.

The following is a summary of the facts in this case:

On January 8, 2019, at approximately 5:58 pm, LCSO deputies were dispatched to 4220 West County Road 4 on a neighborhood complaint/welfare check. Two different neighbors of Bret Hanson had called the Sheriff's Department to report that Mr. Hanson was out in his yard screaming, blowing a horn, and generally acting bizarre. Mr. Hanson's neighbors have previously expressed concerns about the mental health of Mr. Hanson.

Deputy Neil Baker was the first deputy to arrive at the Hanson residence, followed

by Deputy Powers who arrived shortly thereafter. Deputy Powers parked his car facing the Hanson residence and turned on his white emergency lights to illuminate the residence. Both deputies then began walking from their patrol cars towards the residence. Deputy Baker was in the lead, followed by Deputy Powers. The residence had two doors facing the road; however, one of those doors was partially obscured by some bushes. Deputy Baker passed by the door behind the bushes and was heading to the second door, when Deputy Powers saw the door behind the bushes open and observed a male individual with a handgun come partially out of the door. Deputy Powers observed the male go back inside the doorway and then immediately saw the squared off barrel of a handgun pointed at him. Deputy Powers drew his weapon, moved to his left, and fired his weapon in self-defense. The male inside the home was not struck by any of the shots fired by Deputy Powers.

Deputy Baker reported that as he was approaching the house there were dogs running around and barking at him and Deputy Powers. Deputy Baker, who had been to this residence previously, went past some bushes in front of the house walking towards a kitchen door that he knew the occupants traditionally used. Deputy Baker says he saw a door behind him open, which was partially obscured by the bushes, and he heard a male yelling "who's there?" Deputy Baker identified himself as a sheriff's deputy and almost simultaneously heard gunshots. Deputy Baker also heard Deputy Powers yelling "gun."

Mr. Hanson retreated into his house and engaged in a standoff with law enforcement for approximately an hour before surrendering to authorities. A subsequent search of Mr. Hanson's residence resulted in the seizure of multiple weapons and a large cache of ammunition. One of the weapons seized matched the description of the handgun which Deputy Powers observed being pointed at him.

Based upon my review of the facts of this case, I find that Deputy Powers was legally justified in his use of force at the time he observed a weapon being pointed at him. Deputy Powers had a reasonable belief that he and Deputy Baker were about to be shot; therefore, Deputy Powers had a right to defend himself and Deputy Baker.

Respectfully,

Clifford E Riedel
District Attorney