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21ST JUDICIAL DISTRICT OF COLORADO

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March 23, 2010

John Camper
Chief of Police
Grand Junction Police Department
625 Ute Avenue
Grand Junction, CO 81501

RE: February 28, 2010 shooting incident investigated by the 21st Judicial District
Critical Incident team

Dear Chief Camper:

As you know, members of your agency were involved in a situation which culminated in the death of an individual named Brent Eric Ingram (DOB 10/3/1970) at the Timbers Motel, 1810 North Avenue on February 28, 2010. My understanding is that a request was made that the Critical Incident Team for the 21st Judicial District (CIT) be activated and conduct a complete investigation. That investigation has now been completed and has been submitted to me for my review.

In reviewing this investigation I have carefully considered all evidence which was gathered by the CIT. I have reviewed the entire case file and all reports which were authored by anyone involved in the investigation. I have viewed all of the videotapes and photographs which were taken in connection with this case. The investigation includes interviews with the involved officers as well as with numerous lay witnesses who observed various parts of the incident. I have reviewed the autopsy report prepared by Mesa County Deputy Coroner and Forensic Pathologist Robert Kurtzman and photographs which were taken at the post-mortem examination. I have discussed the entire situation with Mesa County Sheriff's office Investigator Lissah Norcross, who was the lead person on the CIT investigation.

On February 28, 2010 members of the Grand Junction Police Department were dispatched to the Timbers Motel, 1810 North Avenue, on a reported domestic disturbance. Officer Isaac Gallegos was the first responder as the primary unit and Officer Allen Kwiatkowski was dispatched as the cover officer. Officer Gallegos arrived on scene at about 2:03 p.m. and Officer Kwiatkowski arrived at about 2:09 p.m. Both

BRENT ERICH INGRAM

were wearing standard police issued uniforms and were equipped with firearms and tasers.

The officers contacted the wife of the decedent, Ms. Nancy Ingram (DOB 2/5/1973) at the office of the Timbers Motel. She informed them that her husband Brent Ingram was highly intoxicated, had been verbally abusive toward her during the past 48 hours and that she wanted him evicted from unit #18, the room Ms. Ingram had previously rented. Officer Gallegos told Ms. Ingram that he did not have adequate information with which to evict Mr. Ingram from the room at that time. Ms. Ingram then told Officer Gallegos that Mr. Ingram had multiple active warrants out for his arrest. Officer Gallegos contacted dispatch and learned that Mr. Ingram did in fact have three active warrants for his arrest. The officers then decided to attempt to arrest Mr. Ingram, with the consent and assistance of Ms. Ingram.

Ms. Ingram took the officers to unit #18, having agreed to use her key to open the room and to allow the officers into the room in order to contact and arrest Mr. Ingram. As they walked to unit #18, Ms. Ingram told the officers that Mr. Ingram did not have any guns with him although he did own a knife.

Upon arrival at the room the officers found the door to be closed and the interior blinds to be closed. Ms. Ingram called out several times to Mr. Ingram, receiving no response. She then unlocked the door and allowed the officers access to the room. Ms. Ingram immediately walked away and did not witness the officers' subsequent encounter with Mr. Ingram.

Here it should be noted that unit #18 is a small motel room, measuring 18'3" by 12'2". With the door open, the officers could see all the way into the room. They were unable to see anyone in the room from outside. They could see that two beds occupied most of the floor space in the room. They could also see that there was a door at the opposite end of the room which led to a bathroom and which was closed. Numerous civilian witnesses report the officers loudly announced themselves as police officers from outside of the motel room. As the officers entered the room Officer Kwiatkowski had his duty handgun drawn from his holster, while Officer Gallegos did not. Officer Kwiatkowski stayed near the door of the room while Officer Gallegos entered, went in between the beds and began to check under the beds.

At this point the bathroom door burst open and Mr. Ingram came charging out. Both officers could immediately see that Mr. Ingram had a knife in his hand and that he had the knife raised up above his head. Both officers yelled repeatedly at Mr. Ingram to "drop the knife, drop the weapon, drop the knife". It should be noted that a number of civilian witnesses heard or saw most of this incident from the back patio of the Wrigley Field bar, which is approximately 150 feet away from unit #18. These witnesses confirm the officers having ordered Mr. Ingram repeatedly to drop the weapon.

Mr. Ingram came several feet into the middle of the room, still holding the knife up over his head. He then stopped and stood still, looking back and forth between the

two officers. Mr. Ingram never made any intelligible statements, only a number of loud grunts. At this point, since Mr. Ingram had stopped, Officer Kwiatkowski decided to drop his left hand from the grip of his handgun in order to reach down to deploy the taser he had on his duty belt. Mr. Ingram then focused all of his attention on Officer Kwiatkowski, making direct eye contact with him. Mr. Ingram then took a running step toward Officer Kwiatkowski with the knife held up at head level. I estimate that Mr. Ingram was 5-10 feet away from Officer Kwiatkowski as he made this move. Not having had time to deploy his taser, Officer Kwiatkowski took several steps back out of the motel room and fired two shots with his duty weapon, aiming for center mass as all police officers are trained to do. Simultaneously, Officer Gallegos fired two shots from his location caught between the two beds. Mr. Ingram fell face down in the entryway, winding up exactly where Officer Kwiatkowski had been standing.

Officer Kwiatkowski stated during his interview that as Mr. Ingram took the running step toward him "I thought he was going to kill me with that knife, he was coming to kill me". Officer Gallegos stated during his interview that he believed Mr. Ingram was about to kill or injure Officer Kwiatkowski, saying "[H]e just ran, like ran towards him, and I was shocked at how fast he was going".

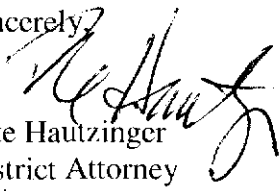
The autopsy conducted on Mr. Ingram by Dr. Kurtzman revealed that he had suffered two gunshot wounds to his chest. One of the gunshot wounds was superficial but the other damaged the left lung, heart and spinal cord and was immediately incapacitating and rapidly fatal. The autopsy also revealed that Mr. Ingram had a very high blood alcohol level (.304%, nearly four times the legal limit) and that there was evidence of recent Cocaine use. Ms. Nancy Ingram reported to investigators that Mr. Ingram had reported using Cocaine in the 2 days prior to the incident and had made vague suicidal statements.

Under the totality of the circumstances present in this case, I conclude that both officers acted in an entirely reasonable and professional manner. It is most certainly regrettable that a human being died as a result of this incident. I am unable to see any reasonable way for the officers to have done anything differently. Given the extremely small distances and tight times involved, there was no possibility of deploying a taser rather than using a handgun. Nor was there any possibility of firing at something other than center mass; indeed doing so would have been directly contrary to all known law enforcement training for situations such as this. As sworn peace officer both Officer Kwiatkowski and Officer Gallegos were duty bound to enter the motel room in order to effectuate the arrest of Mr. Ingram. They had full consent from Ms. Ingram, the renter of the room, to enter and indeed had been specifically asked to do so by her. Once Mr. Ingram charged out of the bathroom brandishing his knife over his head, once he ignored the repeated commands to drop the weapon, once he then took a running step toward Officer Kwiatkowski still holding the knife up by his head, the two officers literally had no other choice but to fire their weapons at center mass.

I further conclude that there is absolutely nothing criminal about the actions taken by the either of the officers involved. Indeed, I believe their actions were exemplary and

entirely consistent with reasonably protecting themselves and the people of this community.

Sincerely,


Pete Hautzinger
District Attorney
21st Judicial District

CC: Investigator Lissah Norcross, Mesa County Sheriff's