



News from the Office of the District Attorney

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INVESTIGATION INTO OFFICER INVOLVED SHOOTING IN WOODLAND PARK ON SEPTEMBER 16, 2007; DISTRICT ATTORNEY FINDS USE OF DEADLY FORCE BY OFFICER WAS JUSTIFIED UNDER COLORADO LAW

The Office of the District Attorney has completed the investigation of the events of September 16, 2007 where the suspect of an armed robbery was shot and killed. This incident occurred at the pharmacy in the Ben Franklin Store at 779 Gold Hill Place, Woodland Park, Colorado. The suspect, Forrest Jennifer Jane Freis, was shot and killed by a responding officer.

Any time an officer fires his weapon and a person is injured, the Office of the District Attorney conducts an independent investigation. The sole purpose of that investigation is to determine if any criminal laws were violated by the law enforcement officer shooting his/her weapon.

C.R.S. §18-1-707(2) allows for a peace officer to use deadly force if he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

After review of the investigation, District Attorney John Newsome concludes that the Woodland Park Police Department officer who fired his weapon on September 16, 2007 was justified in defending himself and other members of the Woodland Park Police Department.

The independent investigation consists of interviewing witnesses, to include the officer who fired his weapon. Physical evidence is carefully examined. Forensic evidence is reviewed. "We look at all of the evidence, witness statements and the totality of the circumstances before making a determination", said DA Chief Investigator Larry Martin. "These types of thorough investigations take time to complete. We were able to determine the following facts during our investigation:

At approximately 10:22 a.m. on September 16, 2007, Officer Caitlin Burgess and Sergeant Keith Ritchie, from the Woodland Park Police Department, responded to a report of an armed robbery in progress at the pharmacy in the Ben Franklin Store at 779 Gold Hill Place, Woodland Park, Colorado. The suspect, Forrest Jennifer Jane Freis, had

entered the store and informed store employees that she had a gun. She pointed the gun at a store employee and demanded narcotics and syringes. She stated that she was suffering from cancer and needed the drugs to control her pain.

Upon arriving at the store, Officer Burgess and Sergeant Ritchie entered the building with their guns drawn. Both officers were in uniform. They proceeded to the pharmacy counter at the rear of the store. The officers encountered Ms. Freis in an aisle in the store. She walked toward them with a shopping basket filled with drugs and syringes that the pharmacist had turned over to her. Ms. Freis matched the description of the robber that dispatch had provided to the officers.

Ms. Freis had folded her arms across her body concealing her hands. Sergeant Ritchie pointed his gun at Ms. Freis and ordered her to the ground, as did Officer Burgess. Ms. Freis responded by raising her right hand and pointing a Taurus .22 caliber revolver at Sergeant Ritchie. Sergeant Ritchie ducked behind some shelving at the end of the aisle for cover and ordered Ms. Freis to drop her weapon. Ms. Freis ignored those commands and walked toward Sergeant Ritchie while continuing to point her gun at him. Sergeant Ritchie fired one round from his Sig Sauer .40 caliber handgun, striking Ms. Freis in the chest. Ms. Freis died at the scene from this wound.”

Under Colorado Law, the operative question is whether, at the instant the officer fired the shot that killed Ms. Freis, that officer reasonably believed he or another person was in imminent danger of bodily injury or death at the hands of Ms. Freis. The question is not whether, in fact, Ms. Freis actually intended to kill or injure another. The question is simply whether the officer, at the time he fired his weapon, had a “reasonable belief” that the use of deadly force was necessary under the criteria set forth in C.R.S. §18-1-707(2). In short, Colorado law does not require the officer refrain from defending himself until a shot was fired or someone was killed or wounded.

Based upon all of the facts developed through the investigation, it is concluded that the evidence supports a determination that Sergeant Ritchie did reasonably believe Ms. Freis presented a deadly threat to him when she repeatedly ignored his commands and walked toward him with her handgun pointed at him. Therefore, on behalf of the People of the State of Colorado, District Attorney John Newsome concludes that the officer’s use of deadly force against Forrest Jennifer Jane Freis was justified under Colorado Law.

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Amy Folsom Mullaney
Assistant District Attorney

October 3, 2007

Chief Bob Larson
Woodland Park Police Department
P.O. Box 7255
Woodland Park, CO 80863

Dear Chief Larson:

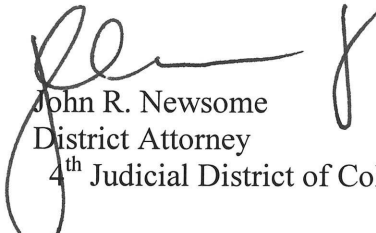
On September 16, 2007, officers from the Woodland Park Police Department responded to a report of an armed robbery in progress at the pharmacy in the Ben Franklin store at 779 Gold Hill Place, Woodland Park, Colorado. The suspect, Forrest Jennifer Jane Freis, pointed a gun at a store employee and demanded narcotics and syringes. Woodland Park Police Department officers repeatedly ordered Ms. Freis to drop her gun. Ms. Freis in response to the commands continued to point her gun at Sgt. Keith Ritchie and move towards him. Faced with the impending possibility of being shot and wounded or killed, Sgt. Ritchie fired one round, striking Ms. Freis. Ms. Freis died at the scene.

The 4th Judicial District Attorney's Critical Incident Team was immediately activated and conducted the investigation in conjunction with detectives from the Woodland Park Police Department and the Colorado Bureau of Investigation.

That investigation and legal analysis of the shooting of Ms. Freis has been completed and on behalf of the People of the State of Colorado, I conclude **that under Colorado law, Sgt. Keith Ritchie was justified in using deadly force** against Ms. Freis.

Attached is the report of Deputy District Attorney Doyle Baker.

Sincerely,


John R. Newsome
District Attorney
4th Judicial District of Colorado

JRN/vr



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Amy Folsom Mullaney
Assistant District Attorney

October 3, 2007

OFFICER INVOLVED SHOOTING REPORT RE: WPPD SGT. KEITH RICHIE/ INCIDENT INVOLVING FORREST JENNIFER JANE FREIS

FACTUAL SUMMARY

At approximately 10:22 a.m. on September 16, 2007, officers from the Woodland Park Police Department responded to a report of an armed robbery in progress at the pharmacy in the Ben Franklin Store at 779 Gold Hill Place, Woodland Park, Colorado. The suspect, Forrest Jennifer Jane Freis, displayed a gun, threatened to shoot a store employee, and demanded narcotics and syringes from the store pharmacist. Freis, who was forty years old, stated that she was suffering from cancer and needed the narcotics to control her pain.

Upon arriving at the store, Sergeant Keith Ritchie and Officer Caitlin Burgess entered the building with guns drawn. Sgt. Ritchie proceeded toward the pharmacy counter at the rear of the store, followed by Officer Burgess. The officers encountered Ms. Freis in a aisle in the store. She walked toward them with a shopping basket filled with drugs and syringes that the pharmacist had turned over to her. Ms. Freis matched the description of the robber that dispatch had provided to Sgt. Ritchie and Officer Burgess.

Ms. Freis had folded her arms across her body, and her hands were not visible. Sgt. Ritchie, who was in uniform, pointed his gun at Ms. Freis and ordered her to the ground, as did Officer Burgess. Ms. Freis responded by raising her right hand and pointing a Taurus 22 caliber revolver at Sgt. Ritchie. Sgt. Ritchie ducked behind some shelving at the end of the aisle and ordered Ms. Freis to drop her weapon. Ms. Freis walked toward Sgt. Ritchie while continuing to point her gun at him. Sgt. Ritchie fired one round from his Sig Sauer 40 caliber pistol, striking Ms. Freis in the chest. Ms. Freis died at the scene from this wound. Sgt. Ritchie audio recorded the entire incident on a digital recorder that he activated before entering the store.

The 4th Judicial District Attorney's Critical Incident Team was activated and conducted an investigation of the shooting in association with personnel from the Woodland Park Police Department and the Colorado Bureau of Investigation. I was assigned to review the case and determine whether criminal charges should be filed against Sgt. Keith Ritchie for causing the death of Forrest Jennifer Jane Freis.

That investigation, along with the legal analysis of the shooting of Forrest Jennifer Jane Freis, has been completed. On behalf of the 4th Judicial District Attorney's Office and the People of the State of Colorado, I conclude that under Colorado law, Sgt. Keith Ritchie was justified in using deadly force against Forrest Jennifer Jane Freis.

MATERIALS REVIEWED

Investigators from the 4th Judicial District Attorney's Office Critical Incident Team, in conjunction with the WPPD and CBI, interviewed witnesses, obtained written statements, collected physical evidence, collected all WPPD reports and records, and photo documented the scene. The reports of the investigators, photographs from the scene, and the audio recording of the incident were submitted to me for review and will be contained and preserved for public view.

SCENE INVESTIGATION AND WITNESS STATEMENTS

On September 16, 2007, Investigators from the 4th Judicial District Attorney's Office, detectives from the WPPD, and personnel from CBI processed the scene at the Ben Franklin Store. The entire scene was photo and video documented and physical evidence was recovered. Investigators recovered the following relevant items:

- a Taurus 22 caliber revolver, containing eight 22 caliber magnum rounds, near the body of Forrest Jennifer Jane Freis;
- one spent 40 caliber casing, consistent with the 40 caliber pistol fired by Sgt. Ritchie.

An investigator from the District Attorney's Critical Incident Team interviewed Ms. Freis' parents, James and Sara Bohanon, on the evening of September 16, 2007. Ms. Freis lived in the basement of her parents' home. According to them, Ms. Freis suffered from osteoporosis, rheumatoid arthritis, lupus, and elevated blood pressure. She had undergone numerous abdominal surgeries and took a variety of prescription medications. Ms. Bohanon stated that her daughter had recently experienced trouble obtaining insurance coverage for her medications.

The Bohanons own two firearms. During the interview, Mr. Bohanon discovered that one of the guns, a Taurus 22 caliber revolver, was missing. The serial number for the missing gun proved to be that of the weapon Ms. Freis used in the robbery.

STATEMENTS OF THE OFFICERS

An investigator from the District Attorney's Critical Incident Team interviewed Sgt. Ritchie and Officer Burgess. A summary of the important facts obtained during those interviews includes the following:

- the officers repeatedly ordered Ms. Freis to get on the ground and drop her gun;

- in response to the officers' commands, Ms. Freis raised her gun and pointed it at Sgt. Ritchie
- Sgt. Ritchie took cover, and Ms. Freis continued to walk toward him with her gun pointed at him;
- Ms. Freis' actions caused Sgt. Ritchie to fear for his life.

APPLICABLE LAW

Colorado Revised Statute §18-1-707(2) provides in relevant part that a police officer may use deadly force if he reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

Under Colorado law, the operative question is whether, at the instant he fired the shot that killed Ms. Freis, Sgt. Ritchie reasonably believed he or another person was in imminent danger of bodily injury or death at the hands of Ms. Freis. The question is not whether, in fact, Ms. Freis intended to shoot Sgt. Ritchie or another. It is inconsequential whether Ms. Freis actually intended to kill or injure someone. The question is simply whether Sgt. Ritchie, at the time he fired his weapon, had a "reasonable belief" that the use of deadly force was necessary under the criteria set forth in §18-1-707(2). In short, Colorado law did not require Sgt. Ritchie to refrain from defending himself until a shot was fired or someone was killed or wounded.

CONCLUSION

Based upon all of the facts developed in this investigation I conclude that the evidence supports a determination that Sgt. Ritchie did, in fact, believe that Ms. Freis presented a deadly threat to him when she repeatedly ignored his commands and walked toward him with her handgun pointed at him. I further conclude, based on the evidence, that Sgt. Ritchie's beliefs were reasonable.

Therefore, on behalf of the People of the State of Colorado, it is my opinion that Sgt. Ritchie's use of deadly force against Forrest Jennifer Jane Freis was justified under Colorado law.



Doyle Baker
Deputy District Attorney
October 3, 2007