



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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No Charges in May 24, 2020 Officer-Involved In-Custody Death

The 4th Judicial District Attorney's Office has completed its review of the in-custody death of Chad Burnett that occurred in Colorado Springs, CO on May 24, 2020. Because that death occurred during a Colorado Springs Police Department (CSPD) investigation and arrest, it was investigated by a multi-agency team, a Deadly Force Investigation team. The following review is a courtesy report as this was not an officer-involved shooting and does not fall under the reporting requirements of Colorado Revised Statute 16-2.5-301.

On Sunday, May 24, 2020, CSPD officers were dispatched to the Ashgrove Street neighborhood of Colorado Springs following two 911 calls from residents. The callers reported their neighbor, Chad Burnett, had just threatened to kill one of his neighbors with a knife and had broken another neighbor's window before going back into his own house. One caller also reported that the day before, Mr. Burnett had claimed to have a gun.

On May 24, 2020, CSPD Officers Joseph Daigle and Matthew Fleming responded to investigate. When they arrived at the neighborhood, Broadmoor security informed them that they had received a report that Mr. Burnett had threatened a neighbor with a knife. They also said he had a history of causing problems with neighbors, had previously been threatening towards authority figures, and had a family member who had sought a protection order against him in the past. The officers were soon joined by CSPD Sergeant Michael Inazu, who was aware of an increasing number of calls to this area regarding Mr. Burnett and concerns about his mental state. Sergeant Inazu has special training in crisis negotiation. Officer Caroline Barth also later arrived on scene to assist with evidence gathering.

Neighbors informed officers that Mr. Burnett's dog was found wandering around the neighborhood that morning. Two neighbors retrieved the dog and tried to return it to Mr. Burnett at his home, but he didn't answer the door. Later that morning, Mr. Burnett came over to the house of one of those neighbors. Mr. Burnett appeared to have been drinking and was carrying a stack of books that he claimed were valuable and tried to gift them to a male neighbor who was the husband of one of the assisting neighbors, who politely refused to accept the books. At that, Mr. Burnett became angry and threw the books onto the ground of the male neighbor's property. Mr. Burnett then obtained a weighted, metal object and threw it at another neighbor's house, breaking her window. He then retrieved his dog and went back inside his own home.

A short time later, Mr. Burnett returned to the male neighbor's house where he saw the male neighbor attempting to pick up the books that had been thrown down on his property. Mr. Burnett became angry, advanced on the man to within two to three feet, pulled out a knife, and

held it with the blade pointed towards him. Mr. Burnett threatened to kill the male neighbor if he didn't leave his property alone. The male neighbor spoke to Mr. Burnett and was able to somewhat calm him by reminding him that he believed they were friends, and Mr. Burnett made additional strange statements that confused the male neighbor. Mr. Burnett then returned to his own home. Officers also learned that this male neighbor had made efforts to befriend Mr. Burnett in the past and had helped Mr. Burnett to retrieve his Corvette the day before this incident.

During their initial investigation, officers attempted to contact Mr. Burnett at his home. Mr. Burnett came to his front door and, through the glass near the front door, officers saw Mr. Burnett holding a knife and a bottle of alcohol that he set down on a table by the door. Sergeant Inazu also saw another knife inside of the house in the same area. Sergeant Inazu spoke calmly to Mr. Burnett and attempted to create a rapport with him. Mr. Burnett spoke to the Sergeant Inazu about various topics. Mr. Burnett denied having had a knife outside that morning. Despite repeated polite requests, Mr. Burnett refused to open his door and come outside. Officers then left the immediate area of Mr. Burnett's home to contact other witnesses.

Several times during the investigation, while officers were standing away from Mr. Burnett's home and yard, Mr. Burnett emerged and communicated from a distance. He also tossed random items of property out into his front yard several times, one of which was a folding knife. During one such outing, Mr. Burnett emerged with a thick wooden dowel that resembled a baton, stood in his driveway, and swung the baton around in the air while threatening to kill officers before going back inside his home.

Following their investigation, officers concluded that they had probable cause to arrest Mr. Burnett for the felony crime of Menacing against the male neighbor. Because Mr. Burnett appeared to pose an ongoing, unpredictable threat to his neighbors, because he had been repeatedly uncooperative with officer requests and had threatened officers, and because of concerns about his access to weaponry, officers decided to take him into custody using force. Body worn camera of the arrest event has already been compiled and publicly released by CSPD.

When Mr. Burnett again went into his front yard and started speaking with officers about random topics, Sergeant Inazu and Officers Daigle, Fleming, and Barth quickly approached Mr. Burnett to physically arrest him. Mr. Burnett ran into the house away from officers, but they pursued and physically detained him in the front living room area. Mr. Burnett, a former athletic cyclist who was six feet, eight inches tall and weighed at least 220 pounds, physically struggled with all four officers, resisted efforts to handcuff him, called for help, insulted and swore at officers, and ignored multiple verbal commands to stop resisting. At one point during the struggle, Sergeant Inazu saw Mr. Burnett attempt to access another officer's firearm. A few compliance strikes were used on areas that were not Mr. Burnett's head, but officers primarily wrestled with Mr. Burnett and tried to control him by holding his body.

Early in the arrest, about 9 seconds after it began, Officer Barth attempted to incapacitate Mr. Burnett with her taser and deployed 1 taser cartridge aimed at Mr. Burnett's lower torso. The prongs deployed, and an automatic post-deployment, 5 second shock was discharged. About 20 to 25 seconds afterwards, Officer Barth discharged 2 additional, 1 second shocks separated by a 3 second break between them. None of the taser shocks were effective at incapacitating Mr.

Burnett, which is believed to be due to the taser prongs deploying too close together to cause an effective incapacitating shock and 1 prong having partially snagged in Mr. Burnett's heavy clothing. About 30 seconds after deploying the taser, Officer Barth requested medical staff to respond to the scene as per standard CSPD protocols on taser deployment.

About 2 minutes after the arrest began, officers were able to handcuff Mr. Burnett and control Mr. Burnett sufficiently to begin walking him to the door of the house, at which point, Mr. Burnett began to struggle again, shouted repeatedly that they were not getting him out of his house, swore at officers, and threw himself forward, causing him to fall face-down to the ground on the front concrete step. Officers spoke to Mr. Burnett and attempted to calm him down to make the arrest go more smoothly. Mr. Burnett appeared to calm, and officers attempted to raise him up again to walk him to a police vehicle, but Mr. Burnett again yelled that officers were not getting him out of the house and threw himself back into the house using his body weight. Mr. Burnett continued to struggle, swore at the officers, and called them "fake police." Officers were able to control his body and held him in place in the front hallway of the home. Officer Jacob Carroll arrived during this time and assisted with applying leg restraints to Mr. Burnett.

Approximately 2 minutes after throwing himself back into the house, Mr. Burnett had stopped actively struggling and began to speak less. Officers believed that he might be feigning calm to throw them off guard, so they kept him in place and didn't attempt to move him out of the house. When Mr. Burnett remained still, officers checked, and found, a pulse several times. At one point, approximately 10 minutes after the arrest first began, one officer noted that he had lost a pulse, but then affirmed that he did feel one, and Mr. Burnett was noted to be blinking a minute afterwards. When Mr. Burnett's pulse and breathing stopped, officers began to administer CPR chest compressions until ambulance staff that Officer Barth had previously called to the scene arrived. Loss of pulse was confirmed by an officer approximately 14 minutes after the arrest had first begun. CPR techniques and lifesaving measures were unsuccessful in reviving Mr. Burnett, and he was pronounced dead on the scene.

Deadly Force team investigators were dispatched to the home following Mr. Burnett's death. Within and around Mr. Burnett's house, investigators located multiple open containers of alcohol and weapons. In the front yard near the front walkway leading from the front door, investigators found a knife in the grass. In the master bedroom, the only inhabited bedroom in the residence, investigators found a knife stabbed blade-first into a bedside table that also bore dozens of suspected stab marks on its surface. Investigators found a baton-like, approximately 24 inch-long wooden dowel on the bed that resembled the one used to threaten officers earlier that day. In the living room, investigators found a knife that was wedged blade-first into the base of a wall near the floor and appeared to possibly have been flung across the room. In the master bedroom's bathroom, investigators found a loaded and chambered semi-automatic .45 caliber handgun.

Investigators also learned that, in the weeks leading up to May 24, 2020, CSPD had become aware of a pattern of erratic, threatening, and harassing conduct on the part of Mr. Burnett. Based on those concerns, CSPD elected to send out their mental health Community Response Team (CRT) to his house. Each CRT unit is composed of one civilian clinician, one civilian paramedic, and one police officer, and is dispatched to provide mental health resources during check the welfare calls. For safety and therapeutic reasons, CRT does not respond to in-progress criminal offenses or warrant arrests. On May 9, 2020, CRT had gone to Mr. Burnett's

house on a check the welfare call and spoke to him briefly at his door. They later spoke to him on the phone and advised him about available mental health resources in the community. It is unknown if he chose to seek those resources. On another occasion, May 18, 2020, CRT attempted another check the welfare call after a family member expressed concerns for his welfare. Officers saw him inside of the house and spoke to him briefly, but he left the door and went elsewhere in his house. Officers tried calling his record numbers and left him voicemails, but he didn't answer the phone and didn't return those voicemails.

Additionally, in the weeks leading up to this incident, Mr. Burnett had expressed a belief to an associate that his neighbor's wife had killed his mother, and that he would take a knife over there if he had to. At another point leading up to this incident, he had accused a completely different neighbor of having killed his mother. There is no evidence to substantiate those claims, as Mr. Burnett's mother had passed away at home in bed a year and a half before this incident and no foul play was suspected. The investigation also revealed that, on the morning of May 24, 2020 at around 11:00 am, Mr. Burnett had left a voicemail for a long-time family friend and physician threatening to slit the physician's throat if he didn't return Mr. Burnett's call.

The El Paso County Coroner's Office's autopsy of Mr. Burnett concluded that he died "as a result of sudden death associated with physical altercation, taser deployment, cardiac hypertrophy with myocardial fibrosis, and bipolar disorder featuring acute psychotic episode." The primary coroner conducting the autopsy, Dr. Daniel Lingamfelter, has clarified that, while all of the listed factors in the autopsy opinion were potential contributors to the death, the most likely causal factors of this sudden death were heart failure due to severe heart disease and a rapid heart rate brought on by agitation from the stress of the physical altercation with the officers.

Dr. Lingamfelter informed that Mr. Burnett had a severely diseased heart, which would not have been apparent to non-physicians, and Dr. Lingamfelter would not have expected a person with a healthy heart to have died from this incident. Dr. Lingamfelter further clarified that the physical altercation was significant to the death because it raised Mr. Burnett's heart rate, and he noted that Mr. Burnett's heart rate could have been dangerously raised by any other significant physical exertion or agitation even if the officers were not involved. Dr. Lingamfelter ruled the death a "homicide" because of the involvement of other persons in this physical altercation that resulted in death, and clarified that a medical finding of "homicide" means death at the hands of another person, but does not imply wrongdoing or criminal intent.

Dr. Lingamfelter opined that the taser was less likely to have been a primary causal factor of the death due to Mr. Burnett's continuous and repeated physical resistance towards officers after the taser deployment and the approximately nine-to-ten minute break between the taser deployment and Mr. Burnett's first noted loss of pulse. Dr. Lingamfelter saw no evidence that officers had used any chokeholds or asphyxiating techniques.

A blood toxicology screen taken from autopsy samples revealed Mr. Burnett had a blood alcohol content (BAC) of .076% and a blood THC content of 12.4 ng/mL. Witness statements from family obtained during the investigation indicated that Mr. Burnett had been prescribed mental health medication in the past, but the autopsy blood toxicology screen showed no evidence of any active mental health medications in Mr. Burnett's system. His urine screen showed that he may have previously used Bupropion (Wellbutrin), an anti-depressant medication.

Following our review of all relevant evidence, the District Attorney's Office has concluded that the force used by the officers during this arrest was reasonable and appropriate and did not even rise to the level of deadly force. There is no evidence of officers using any chokeholds or asphyxiating techniques. Without Mr. Burnett's severe heart disease, which was unknown to the officers and would not have been physically apparent to them, the evidence indicates that Mr. Burnett would not have died from this encounter.