



MEDIA RELEASE – OCTOBER 1st, 2018

OFFICER INVOLVED SHOOTING

Sheriff's note: this release is being provided in the interest of disclosure to the public of an incident where law enforcement use of force led to the death of another.

A copy of this document, along with one of two video clips from sheriff's office in-car video systems, can be found on the Morgan County Sheriff's Office website at www.morgansheriff.net/mcso/2018-media-release/. Full video files and any documents created by the Morgan County Sheriff's Office related to this incident, are in the custody of the Fort Morgan Police Department as the FMPD was the lead agency in the shooting investigation. Their case file was then turned over to the 13th Judicial District Attorney's Office to determine if charges would be filed.

Anyone wishing to obtain additional information regarding this case, should contact the Fort Morgan Police Department for Open Records/Criminal Justice Record requests.

BE ADVISED: images in this document, along with the videos referenced above are graphic. The images and videos are used to help describe the situation as it unfolded, as well as demonstrate the actions of the suspect which resulted in the force used.

On the morning of May 24th, 2018, an Officer Involved Shooting (OIS) occurred outside of the Fort Morgan Wal-Mart store, in the 1300 Blk of Barlow Road, which is immediately south of Exit 82 on I-76.

Just before 6:00 am that same morning, 911 dispatchers with the Morgan County Communications began airing "BOLO" (Be On the Look Out) information to deputies and police officers on-duty in Morgan County, for a vehicle and a suspect involved in a double homicide from New Mexico. The suspect was in a red Volkswagen Jetta with a New Mexico license plate and may be en-route to our area.

Initial information indicated the suspect may be suicidal and could possibly be en-route to the Cargill plant in Fort Morgan, or to Sterling.

Sometime later, dispatchers received information the suspect's cell phone had been "pinged" at locations in Morgan County, and this was also aired by radio to local law enforcement.

At about 7:38 am, Morgan County Deputy Sheriff Steve Berlanga radioed that he had located the Jetta, parked and unoccupied, at the Wal-Mart store. Deputy Berlanga, a uniformed deputy in a marked car, parked a distance away to surveil the car. Undersheriff Dave Martin responded to the area in his unmarked vehicle and parked a short distance away where he had a clear view of the Jetta.

The Jetta was parked at the far-east end of a parking row, closest to the store, about halfway between the north and south entrances. The car was facing northeast and that particular parking spot was bordered with a concrete curb at the front end of the car, and alongside the passenger side. A small tree was growing directly in front of the car, so basically the only way out of that parking spot was to back up.

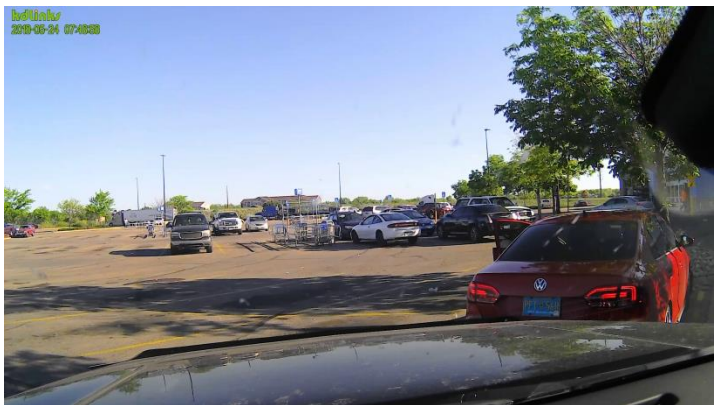
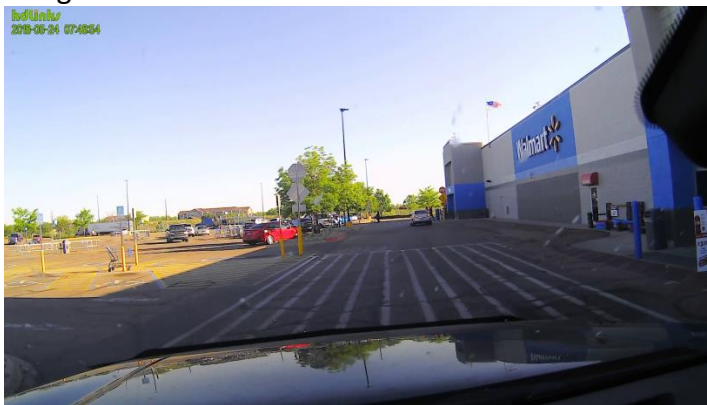
Because of the radio traffic, Fort Morgan Police Officers and Colorado State Patrol Troopers responded to the area and set up positions out of sight of the Jetta. Sheriff Jim Crone, also in an unmarked vehicle, parked on the south side of the building where he had limited sight of the Jetta.

The number of vehicles in the parking lot was fairly sparse at that time, and there were no cars parked in close proximity to the Jetta. People walking in and out of the store were many yards away.

New Mexico authorities were contacted and they confirmed they wanted the Jetta driver held. The decision was made between Undersheriff Martin and Sheriff Crone to make the arrest if/when the driver returned to the car, versus attempting to make an arrest within the store. By blocking in the Jetta and making the arrest at the car, it would also help avoid a possible high-speed vehicle chase.

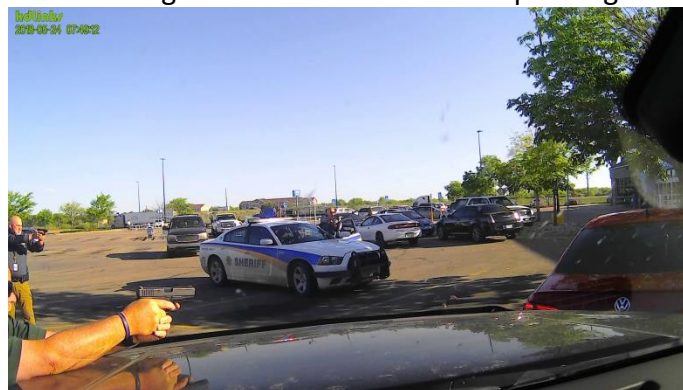
It was decided to send a plainclothes investigator into the store to attempt to identify and locate the suspect, however just before that investigator could arrive, Undersheriff Martin saw a subject approaching the Jetta. Undersheriff Martin saw the male subject was carrying a grocery sack in his hand, but no weapon was visible.

Undersheriff Martin radioed that information and said he was moving up on the car. Undersheriff Martin drove his vehicle up to the driver's side of the Jetta. Sheriff Crone drove up to the rear and parked behind the Jetta, effectively blocking it in. CSP Trooper Ryan Eldridge, Cpl. Ken Nelson and Deputy Berlanga pulled up facing the car near Undersheriff Martin.

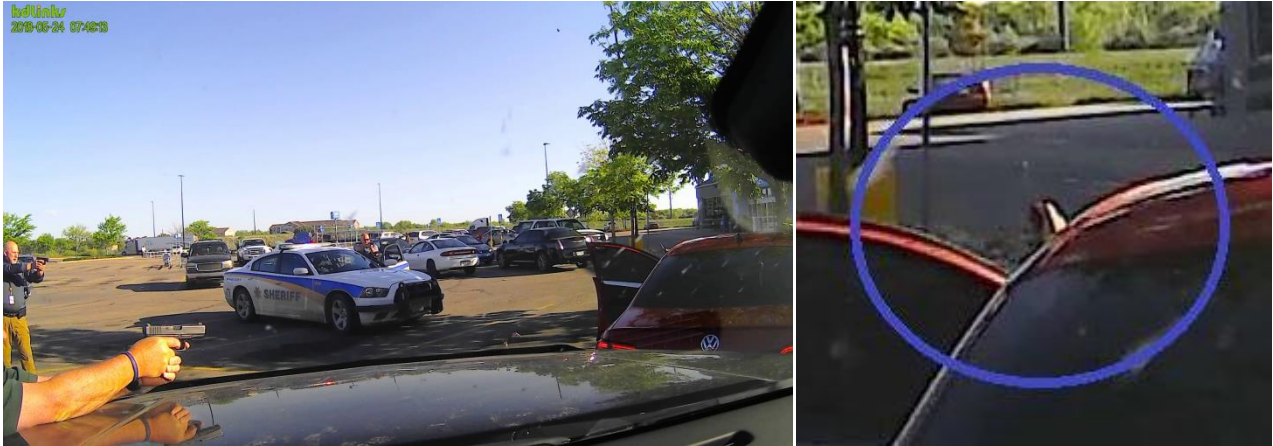


The suspect was still at the driver's door getting in as the law enforcement vehicles approached. Both Undersheriff Martin and Sheriff Crone got out of their vehicles, which had emergency lights flashing, identified themselves as "police officers" and yelled "don't move" at the suspect.

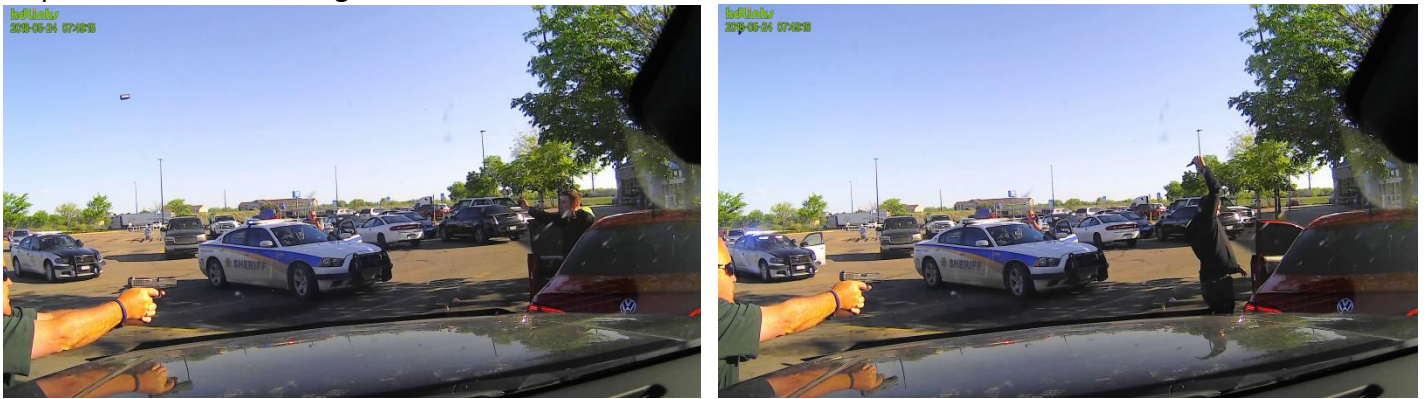
The suspect got into the driver's seat, Undersheriff Martin saw the suspect reach over to the front passenger seat, despite commands being yelled at the suspect to not move. The suspect slammed the door and at that point Sheriff Crone felt the suspect would start the car and ram his patrol vehicle in an attempt to get out. Again, the suspect could be seen directing his attention to the front passenger seat area.



The driver's door to the Jetta suddenly flew open and Sheriff Crone and Undersheriff Martin immediately felt by the way the door came open, the suspect was coming out to fight or run, not surrender. The suspect's right hand came out of the car first and both Undersheriff Martin and Sheriff Crone could see the suspect holding what appeared to be a handgun.



Sheriff Crone fired one shot toward the suspect, who then came out of the car facing Undersheriff Martin, who not only thought the item in the suspect's hand was a gun, but also felt by the suspect's gaze looking directly at him, the suspect intended to kill him. Both Undersheriff Martin and Sheriff Crone fired shots at the suspect and he fell to the ground.



From the time the suspect threw open the door until he fell to the ground was four (4) seconds.

As the officers approached the suspect to disarm him, the suspect yelled at them, "why didn't you just shoot me in the fucking head" and "just kill me". The object in his hand had fallen on the pavement and was now seen to be a black lock-blade knife, with the blade open.



The suspect was handcuffed, an ambulance was requested and several sheriff's office personnel, Log Lane Marshal Darin Sagel and troopers began rendering medical aid to the suspect. The suspect was taken by Morgan County Ambulance Service paramedics to Colorado Plains Medical Center and then flown by helicopter to Medical Center of the Rockies for advanced care.



Other officers immediately checked the area toward the north entrance to insure none of the fired rounds hit anyone else.

The area was secured and members of the Morgan County Major Crimes Investigative Team were dispatched to conduct the investigation.

The Team is made up of investigators and other personnel from the Morgan County Sheriff's Office, Fort Morgan Police Department, Brush Police Department and Log Lane Marshal's Office. Because personnel from the sheriff's office fired the shots, and since the incident actually occurred within the city limits, the Fort Morgan Police Department took the lead in the investigation.

The suspect was identified as Dustin Brian MONTANO, age 31 who had been living in Albuquerque, New Mexico. Despite surgeries and some 150+ pints of blood, the suspect died on May 25th.

Seven of the eight rounds fired at the suspect hit him, the first shot hit the Jetta. Besides gunshot wounds to the torso and one arm, one round shattered an upper leg (femur) bone, causing life-threatening bleeding. Officers applied a tourniquet to the leg and medical personnel later said the tourniquet would have saved the suspect's life, had the torso wounds not caused fatal internal hemorrhage.



During the subsequent investigation officers;

- interviewed a number of citizens who were present in the area of Wal-Mart and heard or saw parts of the confrontation,
- collected and documented numerous pieces of evidence,
- attended MONTANO's autopsy,

- collected and reviewed several patrol in-car videos, officer-worn body cameras, and video from surveillance systems located at nearby establishments
- radio traffic and dispatch records,
- forensic examination of MONTANO's cell phones,
- assisted Albuquerque Police with executing a search warrant on the car MONTANO was driving, and
- received information from the Albuquerque Police Department regarding the homicide case.

MONTANO was formerly from Sterling but had moved to Louisiana as a young man. While there, he was arrested for fatally stabbing another eighteen-year old man to death and sentenced to 10 years in prison for manslaughter.

At some point after his release, MONTANO ultimately moved to New Mexico. Albuquerque Police investigators determined hours before MONTANO was shot, he stabbed to death his aunt, Debra MARTINEZ age 53, and her daughter, seventeen-year old Irisa MONTANO, whom he had been staying with at their apartment in the 3500 Block of Atrisco Drive NW in Albuquerque for the past two months.

Investigation from Albuquerque Police indicated MONTANO was apparently trying to set up a marijuana distribution business out of his aunt's apartment, and it appears MONTANO killed her when she confronted him about it.

MONTANO was texting with a female immediately before and after killing Debra and Irisa. He not only told this female he had killed both women but sent photos of their bodies to show her.

MONTANO then arrived at the home of another relative in New Mexico after he had made threats to kill her as well. He was unable to gain entry and left, driving to Colorado. He also apparently sent text messages to other relatives in the Sterling area, threatening to kill them as well. Investigators speculate MONTANO was headed there to do just that.

The knife MONTANO came out of the car with was thought to be the one used to kill his aunt and cousin.

MONTANO's text messages following the killings of Debra Martinez and her daughter also indicated he expected to die.

The Jetta was also found to have been stolen from the Albuquerque area and the car was searched regarding the officer involved shooting investigation. Later, local investigators assisted Albuquerque detectives when they processed the car related to their homicide investigation.

Standard procedure for officers involved in a deadly force incident, is to remove them from duty to give them a chance to recover from the event, especially if they have been wounded or injured during the incident. This also gives time for the investigation into the incident to be completed.

During the time an officer is on "administrative leave", they are interviewed after they have had adequate sleep, no different than when interviewing victims or witnesses involved in critical events.

In addition, the officers involved meet with a psychologist or psychiatrist who has experience in dealing with trauma and law enforcement, to evaluate their readiness to return to work.

Once law enforcement's investigation into a deadly force incident is completed, the case is forwarded to the district attorney's office to determine if an officer(s) use of force was justified. In some agencies, an officer is not returned to full duty until after a ruling has been made by a district attorney whether or not any criminal charges would be filed against an officer.

Our agency evaluates a number of factors before returning a deputy back to duty and no situation is the same. In only exceptional cases would a deputy be kept on leave by our agency until the criminal investigation is completed AND the district attorney has issued their decision.

Both Sheriff Crone and Undersheriff Martin took a few days off until they had their formal interview with investigators, followed by the evaluation with our agency psychologist. It is rare for a sheriff or undersheriff to be involved in deadly force situations, much less both, and with those positions within the agency, their role within the agency is obviously a little different than line staff and supervisors.

However, both returned to work full duty status within a few days (aside from coming in from time to time when regular duties still needed attended to). As they did at the scene of the shooting, other supervisors within the sheriff's office stepped up and took over those duties when the sheriff and undersheriff were out of the office.

The decision from the district attorney which indicated the use of deadly force was justified, was received by the sheriff's office and Fort Morgan Police Department late on Friday, September 7th. The link to that report may be accessed by going to <http://13thda.com/officer-involved-shootings> and clicking on "OIS Fort Morgan".

The sheriff's office wishes to express their appreciation to the Colorado State Patrol and Fort Morgan Police Department for their immediate assistance during the initial incident, as well as all the personnel involved in the investigation. We realize a significant amount of time and manpower to conduct a thorough investigation such as this, especially during all of the other cases going on at the same time.

In addition, many citizens and other law enforcement acquaintances reached out to both Undersheriff Martin and Sheriff Crone to express their appreciation for the job they had to do, and make sure they were doing okay. Those comments are appreciated so much following such an event.

We also realize citizens witnessed the shooting that morning and we regret they were exposed to this incident. However, it is always beneficial when there are independent witnesses in these situations. Those people are always free to reach out to us and ask questions, or talk about the incident if they so choose.
