

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <i>Boulder Police Department</i>			Case# <i>19-02207</i>		
	ORI <i>CO0070100</i>			Date / Time Reported <i>03/01/2019 08:30 Fri</i>		
	Location of Incident <i>2333 Arapahoe Ave, Boulder CO 80302-</i>			Premise Type <i>Residence/home</i>		Zone/Tract
						Last Known Secure <i>03/01/2019 08:30 Fri</i>
					At Found <i>03/01/2019 08:30 Fri</i>	
#1	Crime Incident(s) (Com) <i>Incident - No Crime INCIDENT - NO CRIME</i>			Weapon / Tools		Activity
	Entry	Exit		Security		
#2	Crime Incident ()			Weapon / Tools		Activity
	Entry	Exit		Security		
#3	Crime Incident ()			Weapon / Tools		Activity
	Entry	Exit		Security		

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V I C T I M	# of Victims <i>0</i>		Type: <i>INDIVIDUAL</i>				Injury:						
	V1		Victim/Business Name (Last, First, Middle)				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
							Age						
	Home Address										Home Phone		
	Employer Name/Address								Business Phone		Mobile Phone		
	VYR	Make	Model	Style	Color	Lic/Lis		VIN					

O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)											
	Type: <i>INDIVIDUAL</i>						Injury:					
	Code	Name (Last, First, Middle)				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	IO	<i>ATKINSON, ZAYD LAWRENCE</i>					<i>Age 26</i>	<i>B</i>	<i>M</i>		<i>Resident</i>	
	Home Address										Home Phone	
	<i>2333 Arapahoe Ave - 304 Boulder, CO 80302</i>											
Employer Name/Address								Business Phone		Mobile Phone		
Type: <i>INDIVIDUAL</i>												
Code	Name (Last, First, Middle)				Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
Home Address										Home Phone		
Employer Name/Address										Business Phone		Mobile Phone

P R O P E R T Y	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)												
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description				Make/Model		Serial Number

Officer/ID# <i>SMYLY, J. (OPR, PAT) (7728)</i>			Invest ID# <i>(0)</i>			Supervisor <i>SEPER, D. (PAT) (457)</i>		
Complainant Signature		Case Status <i>Open</i>		Case Disposition: <i>03/05/2019</i>		Page 1		

INCIDENT/INVESTIGATION REPORT

Boulder Police Department

Case # 19-02207

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers
SEPER, D. (457), MCAULEY, R. (9445), PARKER, C. (5496), BIEKERT, B. (2638), MOORE, J. (9446), PLYTER, B. (12723), PELLE, B. (14468), LOLOTAI, W. (13932)

Suspect Hate / Bias Motivated: *NONE (NO BIAS)*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 19-02207

Boulder Police Department

NARRATIVE

This report documents an incident that occurred on 02-28-19 at approximately 0830 hrs at 2333 Arapahoe, City and County of Boulder, State of Colorado. Zayd Lawrence Atkinson (DOB: ██████████) was contacted for a potential trespass violation and was subsequently released after I learned that he was a resident at 2333 Arapahoe. This case is closed.

REPORTING OFFICER NARRATIVE

Boulder Police Department

		OCA 19-02207
Victim	Offense <i>INCIDENT - NO CRIME</i>	Date / Time Reported <i>Fri 03/01/2019 08:30</i>

SYNOPSIS:

This report documents an incident that occurred on 02-28-19 at approximately 0830 hrs at 2333 Arapahoe, City and County of Boulder, State of Colorado. Zayd Lawrence Atkinson (DOB: [REDACTED]) was contacted for a potential trespass violation and was subsequently released after I learned that he was a resident at 2333 Arapahoe. This case is closed.

NARRATIVE:

On 03-01-19 at approximately 0820 hrs I, Ofc. Smyly, was driving N/B on Folsom St approaching Grove St. I observed a male party sitting alone in a partially enclosed patio area directly behind 2333 Arapahoe - he was manipulating an unknown object in his left hand as he held it close to his mouth. I decided to get closer to the male to see what he was doing.

I turned my vehicle around and pulled into a driveway to the east of 2380 Grove St and watched the male party further. He was still seated on a bench in the patio area and had a large backpack on his back. I watched him for approximately 1 minute from my patrol vehicle during which he did not attempt to enter 2333 Arapahoe. The male was wearing a dark colored coat and had a bag slung over his shoulder. The male also had a beard and his hair appeared to be braided on top. I exited my vehicle and approached the male on foot. As I did so, I could see a red and white sign clearly posted on the back side of 2333 Arapahoe that read `Private Property`. The male stood up and wandered around the area S/W of 2333 for a short time and then returned to the area he had been sitting at. As I approached from the north, the male began walking away from me S/B along the west side of 2333 Arapahoe. I could see that he was holding a long metal object in his left hand and it appeared that he was making contact with it up against the stone benches surrounding the patio. As I got closer to the male I could see that he had a white plastic bucket in his right hand. As he walked he was picking items up off the ground with the long metal object and putting them in the bucket. I mistakenly called out my location to dispatch as 2333 Folsom (instead of 2333 Arapahoe) and activated my body worn camera.

The male paused on the sidewalk in front of 2333 Arapahoe where I asked if I could speak with him. The male removed his headphones from his ears so he could hear me. I informed him that I had observed him in the patio area of 2333 Arapahoe and that there was a sign posted that marked it as private property. I further explained to the male that I was just doing my job and wanted to check and make sure he had the right to be there. The male advised that he both worked and lived at the building. I asked the male what the building address was and he immediately turned to look at the numbers which were clearly posted on the front of the building. The male pointed at the numbers and read them aloud saying, "2333 Arapahoe." I thought it was unusual that the male felt the need to look at the address and read it to me as opposed to recalling it from memory if he did in fact live there. I inquired further and asked the male which unit he lived in. The male responded by saying, "I don't think I actually have to tell you that." I attempted to explain to him that I was only asking about this information in order to determine that he had the right to be on the property. As I spoke with the male my tone was casual and conversational. I did not give him any commands, use any force, or display any official authority.

REPORTING OFFICER NARRATIVE

Boulder Police Department

OCA 19-02207
Date / Time Reported Fri 03/01/2019 08:30

Victim	Offense <i>INCIDENT - NO CRIME</i>	Date / Time Reported Fri 03/01/2019 08:30
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The male eventually asked, "What do you need from me?" I replied, "If you have an ID with your address on it, that'd be great." I informed Atkinson that if I could determine that he had the right to be on the property at 2333 Arapahoe that I would `be on my way`. The male retrieved a Naropa school ID from his person and handed it to me. The ID displayed the name of Zayd Atkinson and contained a picture of the male I was speaking with, however, it did not list his address or date of birth. I asked Atkinson if he had anything with his address listed on it. At this point Atkinson became frustrated, and stated, "No," and reached for the ID he had given me. I instructed Atkinson to relax and did not return his ID to him. At this point I attempted to detain Atkinson because I was unable to verify that he had been lawfully on the premises of 2333 Arapahoe. I asked for his date of birth but he refused to provide it. I requested a cover unit respond to assist.

Atkinson started walking away from me E/B on the north sidewalk of Arapahoe. I asked him to please have a seat to which he replied, "No." I told him to put the metal object that he was holding down but he refused and continued walking away. I informed Atkinson that he was currently obstructing a police officer and asked him again to sit down. I also explained to him that he was being detained and investigated for the crime of trespass. Atkinson replied in a raised voice, "I fucking live here, dumbass!" as he gestured with the metal object in his right hand. I repeated commands to Atkinson to sit down but he again said, "No," and continued walking away E/B on Arapahoe. I advised dispatch that Atkinson was failing to comply and was armed with a blunt metal object as I continued to follow him at a distance around the east side of 2333 Arapahoe as he walked N/B. Due to Atkinson`s hostility and possession of the metal object, I removed my CEW (Conducted Electrical Weapon) from my belt and kept it pointed towards the ground in case I felt the need to use it. Atkinson noticed this and started berating me for displaying the CEW. I told Atkinson to put down the metal object he was carrying. Atkinson then stated, "I'm not going to listen to you," and continued walking away from me. I informed dispatch of Atkinson`s non-compliance and that he was armed with the metal object. I continued to follow him at a distance.

At one point on the east side of the building Atkinson stopped and faced me. I told him several times to sit down and he refused. I reminded him that I was detaining him to investigate a potential trespass violation. Atkinson again stated that he lived there and that he wasn`t doing anything illegal. I warned him that he would be tased if he did not put down the metal object (the object was capable of causing serious bodily or death if used as a weapon to strike a person). Atkinson resumed walking away from me N/B and turned the corner of 2333 Arapahoe and began walking W/B as he called me a `jackass`.

Once on the south side of 2333 Arapahoe, I continued giving Atkinson orders to sit down and he continued to be non-compliant. I then holstered my CEW and transitioned to my firearm in case Atkinson elected to attack me with the metal object he was carrying (it was thin and approximately 2.5 - 3 feet in length). I removed my handgun from its holster and kept it pointed at the ground. I never pointed it at Atkinson. I gave Atkinson repeated commands to drop the weapon. Atkinson again refused to comply and argued that he was not in possession of a weapon. Atkinson walked to a location in between 2333 Arapahoe and 2319 Arapahoe (Backcountry Pizza) and I informed dispatch that I was now on the east side of Backcountry Pizza.

Ofc. McAuley arrived and positioned himself to the west of Atkinson while I maintained my position to the north of Atkinson. I repeatedly told Atkinson to sit down and drop the object he was holding. Atkinson

REPORTING OFFICER NARRATIVE

Boulder Police Department

OCA 19-02207
Date / Time Reported Fri 03/01/2019 08:30

Victim	Offense <i>INCIDENT - NO CRIME</i>	Date / Time Reported Fri 03/01/2019 08:30
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argued back that he wasn't doing anything wrong and that he was on his property. He refused to drop the metal object as he made his way back onto the patio area directly behind 2333 Arapahoe. A CUPD officer arrived and joined officer McAuley. Ofc. Parker arrived and positioned himself to the east of Atkinson. Ofc. McAuley and Ofc. Parker attempted to speak calmly with Atkinson in order to gain his compliance but neither one of them was successful. At one point Atkinson shouted, "Don't tell me what to do! You guys don't have a goddamn fucking right!" Atkinson also demanded that all officers on scene put their weapons away. He consistently disregarded verbal commands and talked over officers as they attempted to speak with him.

Atkinson continued to express his displeasure at the presence of officers and yelled, "Put your fucking gun away and I will talk to you!" I told Atkinson that I was not going to put my gun away and again instructed him to sit down and drop his weapon. Atkinson continued behaving aggressively by shouting at me and advancing towards my position at certain times. I told him to back up and drop his weapon. Atkinson eventually backed up but refused to drop the metal object in his right hand. Ofc. Biekert and Sgt. Seper also arrived on scene to assist.

I told Atkinson that if he put the metal object down that I would put my gun away. After approximately 3.5 minutes of negotiating with Atkinson on the rear patio of 2333 Folsom, he finally put the metal object he was carrying into his white bucket and set it on a bench. Ofc. McAuley was able to secure the weapon. Despite this, when asked to sit down, Atkinson replied, "I do not feel comfortable sitting down around a bunch of fucking murderers," and refused to sit down.

During the course of my exchange with Atkinson, Ofc. Parker was able to confirm that Atkinson was indeed a resident at 2333 Arapahoe by speaking with some of the other residents of the building. Sgt. Seper was able to speak with a Naropa University official who seemed to know Atkinson and could potentially provide us with more of his identifying information. I muted my body camera temporarily to confer with Sgt. Seper. Ultimately, after determining that Atkinson was lawfully present on the premises of the apartment building where he resided (unit #304) I handed Atkinson's Naropa ID back to him and left the area along with other officers who had responded. Atkinson continued his attempts to incite officers by making inflammatory statements and asking questions such as, "Why don't you go do some real work?"

Using law enforcement databases, I was able to obtain a copy of Atkinson's Colorado Driver's License which is currently expired (as of 08-10-2013). It identified Atkinson as Zayd Lawrence Atkinson (DOB: [REDACTED]) with a previous address listed of [REDACTED]. The license described Atkinson as being 6 feet 1 inch tall, weighing 160 lbs, having brown hair and brown eyes and showed him to be a black male. The driver's license picture was consistent with Atkinson's appearance on scene except that Atkinson did not have a beard in his driver's license photo.

CASE SUPPLEMENTAL REPORT

Boulder Police Department

OCA : 1902207

Case Status: OPEN

Case Mng Status: NA

Occurred: 03/01/2019

Offense: INCIDENT - NO CRIME

Investigator: SEPER, D. (457)

Date / Time: 03/06/2019 13:47:27, Wednesday

Supervisor: MCNIVEN, A. (3310)

Supervisor Review Date / Time: 03/06/2019 17:39:31, Wednesday

Contact:

Reference: Supplement - No Change

On 03-01-19, at 0840 hours, I, Sgt Seper, responded to a dispatched radio request for cover by Officer Smyly, who was in contact with a non-compliant male with a blunt object. Ofc Smyly aired that he was in the 2300 block of Folsom (which later turned out to be 2333 Arapahoe).

Once I arrived on the West side of the apartment building in question, 2333 Arapahoe, I exited my patrol car and turned on my BWC (I later learned that my BWC never activated in the on video position). Since other officers were now arrival and in order to deploy additional less-lethal resources to the call, I immediately retrieved my orange colored Less-Lethal Shotgun and tactical shield. From the West side of the apartment building, I could hear officers in verbal contact with a male (later identified as Zayd Atkinson) who was verbally loud, irate, and refusing to drop a silver metal colored rod (later identified as an apx 32" long mechanical extended trash grabber tool).

While Officer Parker was attempting to de-escalate Mr Atkinson through conversation, I walked to the far Northwest side of Mr Atkinson, remaining an apx 30` distance, and placed my shield at the base of a nearby tree and attempted to hide my Less-Lethal shotgun while holding it behind my leg.

Within apx 12 minutes of my arrival, I was able to consult with Ofc Smyly regarding his initial consensual contact with Mr Atkinson for the trespassing, confirm that no overt threats were made on officers, and confirmed that Mr Atkinson was not trespassing and is a current resident at 2333 Arapahoe. I then cleared all of the officers from the scene and requested Ofc McAuley to photograph the metal trash grabber and Ofc Smyly to complete an incident report.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/14/2019 12:19

Boulder Police Department

OCA : **1902207**

Case Status: *OPEN*

Case Mng Status: *NA*

Occurred: *03/01/2019*

Offense: *INCIDENT - NO CRIME*

Investigator: *PARKER, C. (5496)*

Date / Time: *03/06/2019 16:01:10, Wednesday*

Supervisor: *SEPER, D. (457)*

Supervisor Review Date / Time: *03/06/2019 16:07:40, Wednesday*

Contact:

Reference: *Supplement - No Change*

On 03/01/19 at approximately 0830 hours I, Officer Parker was on patrol and became aware that Officer Smyly had requested additional patrol units to respond to his location, due to being in contact with an uncooperative subject, who was armed with a blunt object, and refusing to comply. The initial location was given as 2333 Folsom. I was also aware that at least two units were en route emergency to assist him and that routine supervisor notification had been made. When a corrected address of 2333 Arapahoe (behind Back Country Pizza) was provided, I believed that I was now the closest patrol unit to Officer Smyly and responded directly to him.

Upon arrival I exited my vehicle, drew my service pistol due to the aforementioned nature of the call, and approached the scene on foot (when outside of my holster, my pistol was kept at a low ready pointed directly at the ground in front of me). Upon arriving at the involved location, I observed that there were already other patrol units and more arriving simultaneous to myself. I then holstered my pistol prior to speaking with the involved party.

Investigator Signature

Supervisor Signature

Boulder Police Department

OCA : 1902207

Case Status: OPEN

Case Mng Status: NA

Occurred: 03/01/2019

Offense: INCIDENT - NO CRIME

Investigator: MCAULEY, R. (9445)

Date / Time: 03/07/2019 08:21:26, Thursday

Supervisor: SEPER, D. (457)

Supervisor Review Date / Time: 03/07/2019 11:02:44, Thursday

Contact:

Reference: Supplement - No Change

This report will document supplemental information to an incident that occurred on 03-01-19 at approximately 0830 hours. The incident occurred at 2333 Arapahoe Ave, City and County of Boulder, CO. This case is closed.

On 03-01-19 at approximately 0830 hours I Ofc. R. McAuley responded to the area of 2333 Arapahoe Ave to assist Ofc. J. Smyly, who was on a pedestrian contact. Ofc. Smyly aired that he was in contact with a non-cooperative male, who was refusing to put down a "blunt object," and was trying to walk away. Other units began responding to Ofc. Smyly's request for cover (some of them emergent), and Ofc. Smyly updated his location as being somewhere in the 2300-blk of Folsom Ave.

This did not make sense to me, as this location is almost 15 blocks north of where Ofc. Smyly originally called out. Responding from the police department, I decided to drive to the area of 23rd/Arapahoe to see if I could assist. As I drove behind Backcountry Pizza I observed Ofc. Smyly to the east of the Backcountry Pizza parking lot, standing near the back patio of 2333 Arapahoe Ave. I drove my marked patrol vehicle towards his location and as I exited, I noticed that Ofc. Smyly has his handgun in his right hand at the "low ready" and there was a male party standing at the other end of the patio with a silver metal pole in one hand and a bucket in the other.

I moved south from my patrol vehicle and un-holstered my Taser, creating an "L" between Ofc. Smyly and the suspect (ultimately identified as Zayd Atkinson); the 3 of us were approximately 25` from each other. Zayd appeared to be very agitated, and was constantly yelling profanities at Ofc. Smyly and refusing to obey any of his commands. I yelled to Zayd multiple times to "Just relax," and he replied by constantly yelling "You have a fucking gun in your hand!"

Other officers began arriving on scene, and many were trying to give Zayd directions. I asked him to "Focus on me" because he was visibly agitated with Ofc. Smyly and Ofc. Parker. I asked Zayd to "Relax, we just want to talk to you." Ofc. Smyly was continuing to ask Zayd for his name and to put down the objects (metal pole/bucket) that he had in his hand; Zayd refused to comply.

Zayd began yelling that he wanted the officers on scene to put away their weapons, so in an effort to calm him down, I told him I would holster my Taser and did so. Soon after Zayd placed his metal pole and bucket on a bench behind him, and I said "There you go, now were doing good." Zayd was still angry and yelled, "What are you gonna do, shoot me!" I replied, "No, nobody's gonna shoot anybody." Zayd continued to yell that we were going to "beat the shit" out of him.

Zayd eventually seemed to calm down a little, and continued to argue with Ofc. Smyly about why he had his gun out, and why all the police were there when he felt he had done nothing wrong. Zayd then picked up his metal pole and bucket, and Ofc. Smyly told him that if he would put it away he (Ofc. Smyly) would holster his weapon. Zayd put the objects back on the bench, and Ofc. Smyly holstered his weapon. Ofc. Smyly again asked Zayd to sit down so they could talk, but he refused and began engaging Ofc. C. Parker in conversation. As Zayd began walking

Investigator Signature

Supervisor Signature

Boulder Police Department

OCA: 1902207

Case Status: OPEN

Case Mng Status: NA

Occurred: 03/01/2019

Offense: INCIDENT - NO CRIME

Investigator: MCAULEY, R. (9445)

Date / Time: 03/07/2019 08:21:26, Thursday

Supervisor: SEPER, D. (457)

Supervisor Review Date / Time: 03/07/2019 11:02:44, Thursday

Contact:

Reference: Supplement - No Change

towards Ofc. Parker, I saw an opportunity to separate Zayd from the metal pole and bucket. I then quickly and quietly walked towards the bench where Zayd had left these objects. With Zayd's back to me I grabbed them and took them away from the patio, placing them behind a parking block in the Backcountry Pizza parking lot.

Ofc. Parker tried to engage Zayd in conversation, trying to confirm Zayd's identity and that he lived at this address; Zayd continued to ignore repeated requests to sit down. At this point I was standing next to Sgt. D. Seper, who was holding an orange colored less-lethal shotgun behind his back. Zayd saw this, and began getting further agitated about the presence of this piece of equipment. Zayd again demanded that we all leave the premises and "find some real goddamn criminals."

At this point, I noticed that no officer's had a hand gun out or any other weapon displayed. Zayd continued to refuse repeated requests to sit down and accused us of "bullshit accusations." Zayd maintained that all he was doing was picking up trash on his property when officers "pulled a weapon because he says I'm threatening." Ofc. B. Plyter eventually aired that the suspects name was "Zane," and seconds later a male came running across Arapahoe Ave towards my location.

This male began yelling to Zayd, "Take a time out! Take a time out! Just sit down!" Zayd then yelled back, "I'm not sitting!" I asked this male if he knew the suspect, and he said "Yeah, he works for us, he's our work study." I asked this male to step aside so I could speak with him, and he then received a phone call from someone named "Nathan" on speakerphone. This male then told me, "He's out here picking up trash," referring to Zayd. I asked him what the suspects name was, and he replied, "Zed." I asked him, "Is it Zane or Zed?" and the person on the phone replied, "Zane."

I asked this male in front of me he worked for Naropa, and he said yes, that he was the director of safety and facilities (ultimately identified as Aaron Cook). I asked him if this building (2333 Arapahoe) was one of their properties and he said, "It absolutely is," and again told me that Zane [Zayd] was a student of theirs. I asked this male if Zayd had permission to be there, and he said "yes." I asked this male if he would be willing to speak with Zayd to calm him down, and he said "yes." This male asked if he could walk over to Zayd to speak, but I told him to stay here for safety because Zayd was so agitated. I told the male that if this was all a big misunderstanding, we would probably be walking away from it soon.

I then walked over to Sgt. Seper to relay the information I had learned, and the director (Aaron Cook) began talking to Zayd. He stated, "Hey, just calm down. They're walking away. We can pick this up again in a different manner. This isn't over. Just take a deep breath and we'll take care of it." Zayd again began talking about "people out here committing crimes." The director then said, "You're angry and escalated. It's likely you got profiled. Okay. So well pick it up at a different time. Not here, not now." Sgt. Seper then walked over to the director and explained that we would be leaving the scene.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 05/14/2019 12:19

Boulder Police Department

OCA : **1902207**

Case Status: *OPEN*

Case Mng Status: *NA*

Occurred: *03/01/2019*

Offense: *INCIDENT - NO CRIME*

Investigator: *MCAULEY, R. (9445)*

Date / Time: *03/07/2019 08:21:26, Thursday*

Supervisor: *SEPER, D. (457)*

Supervisor Review Date / Time: *03/07/2019 11:02:44, Thursday*

Contact:

Reference: *Supplement - No Change*

Moments later, officers cleared the scene. This ends my involvement in this case.

BWC utilized.

Investigator Signature

Supervisor Signature