

CRIME

Body camera video showing officer berating suspect shocks DA, sparks plea deal

9NEWS Investigates found the Edgewater officer was fired from another department for similar conduct in 2019.



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EDGEWATER, Colo. — An Edgewater police officer berated and threatened to shoot a suspect in an arrest captured by his body-worn camera — video that helped convince prosecutors they could not present the case to a jury, 9NEWS Investigates has learned.

The same officer had been fired by another department four years earlier for similar behavior.

In the Edgewater incident, which occurred Dec. 28, the 19-year-old suspect had tried to steal two vehicles, had pointed a gun at two people, and had fired at least eight shots.

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The body camera footage — and the failure of Edgewater officers to collect and properly process evidence in the case, such as fingerprints — prompted a plea agreement in the case.

“It’s only by the grace of God that no one was killed or injured,” Jefferson County District Judge Philip McNulty said in court Tuesday before sentencing the man to 36 months in an intensive community corrections program, where he’ll also get treatment aimed at steering his life in a new direction.

The body cam footage captured the officer in a foot chase with the suspect, who tossed away a gun as he ran.

“Let me see your hands mother-f----- — do it,” the officer screamed at one point. “I’m going to shoot you right now. Don’t move ... Get down. Get down. Get down.”

After the man dove on the ground, the officer threatened to shoot the man repeatedly.

“I’m going to f----- blow your brains out if you move you b-----,” the officer said at one point. “Don’t f----- move.”

The officer also held his handgun against the back of the man’s head for more than 30 seconds.

> **Content Warning:** This video contains strong language and video of a gun being pointed at a suspect.

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Alexis King, the district attorney in Jefferson County, described the video as “abhorrent” and “problematic.”

“I’ve never seen a body worn camera quite like that,” King said. “The body-worn camera, and his decision to hold a gun to that man’s head was not OK.”

Ed Obayashi, a national expert in police use of force, said that is not taught or condoned.

“It’s improper, it’s unsafe, the individual could suddenly jerk, and then the hand could react, the finger – the trigger finger – could pull the trigger accidentally,” Obayashi said.

The only time an officer could justify putting a gun against a suspect’s body is in “a life-or-death struggle, handle to hand,” Obayashi said.

“You’re really both on the ground wrestling,” he said. “You determine that your firearm is the last resort, that you’re losing – you’re losing the battle – you’re going to be overcome, the individual is going to take your gun, and you have no other choice.”

The officer, Paul Perez, declined a request for an interview from 9NEWS Investigates. So did Edgewater Police Chief Eric Sonstegard, who in a written response to questions pointed out that he had disciplined Perez for his actions in that case and two others.

Internal affairs documents obtained by 9NEWS Investigates show that Perez’s dealings with an intoxicated man were an issue in one of the other cases.

In that incident, Sonstegard wrote, “Officer Perez’s tone, which I can only describe as screaming and borderline out of control, coupled with excessive profanity, gave the impression of a police officer that was losing control and did not have the skillset to de-escalate and deal with difficult persons.”

In the incident capture on his body cam footage, Sonstegard wrote, “while the safe apprehension of the suspect was meritorious, we observed tactics, language and demeanor from Officer Perez that were inconsistent with best practices.”

Sonstegard ordered Perez to undergo additional training in de-escalation, to see the department’s psychologist, and to surrender his status as a field training officer for at least a year.

In written responses to questions from 9NEWS Investigates, Sonstegard said he is “confident in Officer Perez.”

“We also recognize our officers are not perfect and as mothers, fathers, husbands, and wives that they go through ups and downs in their lives and we help them through those times,” Sonstegard also wrote.

Perez began his law enforcement career at the Boulder County Sheriff’s Office in July 2018. In June 2019, supervisors extended his one-year probationary period for six months “to address performance related issues,” according to documents obtained by 9NEWS Investigates.

Those records show he was fired less than two months later for his actions in four incidents:

- An Aug. 7, 2019, traffic stop in which he violated multiple department policies. Internal documents show he was “abusive, rude, and condescending” – telling the woman he didn’t “give a s--- what you think” and threatening to write her a ticket when she called him a liar.
- An Aug. 11, 2019, incident in which he pulled a gun on a man he thought was having a medical issue – despite the fact he “had no articulable reasons to justify the use of deadly force.”
- An Aug. 19, 2019, incident in which he stopped an “obviously intoxicated” man, pulled a gun, pointed it at the man “gangster style,” and threatened him by saying, “I’ll shoot you where you stand, partner.”
- An Aug. 21, 2019, traffic stop of a woman driving a car with a stolen license plate on the front of it. It turned out to be a mixup – her rear plate had been stolen, and she’d replaced it, but forgot to change the front plate. A commander concluded that Perez had “no articulable reason justifying the use of deadly force.” The supervisor wrote: “Once it became obvious, based upon the female driver’s reactions, dress, and demeanor that no threat presented itself, Deputy Perez failed to de-escalate his use of force.”

According to the documents obtained by 9NEWS Investigates, “Deputy Perez stated that it is his philosophy that to de-escalate a situation he must escalate his use of force. This is in direct conflict, and violation, with the philosophies and training of the sheriff’s office.”

> **Content Warning:** This video contains strong language.

Body camera: Boulder police officer fired for response to 2019 calls



Five months after he was fired from the Boulder County Sheriff's Office, Edgewater PD hired Perez.

Obayashi, the use-of-force expert, reviewed body camera footage of the Edgewater incident and three of the four cases in Boulder that led to Perez's firing there. He found numerous problems – like pointing a gun sideways at someone.

"It's dangerous," Obayashi said. "It's not trained. It's not sanctioned by any department that I'm aware of. You lose your focus, your line of sight. And it's just – it's just a display of just unnecessary bravado, in my opinion."

He was also critical of Perez's statement that he de-escalates situations by ramping up his use of force.

"I've never heard such an absurd justification for escalating the use of force," Obayashi said. "It makes absolutely no sense."

Obayashi, an attorney who once worked as a public defender, said he understands why Jefferson County prosecutors hesitated to show the Edgewater body cam to a jury.

"Any jury listening to this would be turned off," he said. "It's a type of conduct, especially in this day and age that the public does not want to hear or see."

> Contact 9NEWS investigator Kevin Vaughan with tips about this or any story: kevin.vaughan@9news.com or 303-871-1862.

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