



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

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Press Release

The District Attorney's Office announced today that the investigation and legal analysis of the shooting of a stolen car driven by Keith Beyer (DOB:4/4/89) on August 10, 2020, involving Longmont Police Department Officer Kenneth Nix, has been completed.

The Critical Incident Team for the 20th Judicial District, also known as the Boulder County Investigation Team ("BCIT"), investigated this case. This multi-agency team is designated to investigate use-of-force incidents in which any law enforcement officer used deadly, or potentially deadly, physical force against a person while acting under the color of official law enforcement duties. This team protocol is broader than that required by state law, which is limited to incidents involving the discharge of a firearm that results in injury or death.

Following this incident, the Longmont Police Department ("LPD") immediately notified the BCIT. The BCIT quickly responded and conducted a thorough investigation. Consistent with protocol, the LPD did not participate in the investigation involving the discharge of the firearm.

Through the investigation, it was determined that the BCIT was not required to investigate since this incident did not actually involve the use of deadly, or potentially deadly physical force, against another person. The investigation revealed that the Police Officer Nix intentionally fired his weapon at a car tire to stop the car. The bullet, in fact, travelled through the tire. However, since the Team responded and conducted the investigation, it was decided that the report should be completed and made public.

The evidence established that, on August 10, 2020, the Longmont Police Department received multiple calls from residents in the area surrounding the 800 Block of Bross Street, regarding a person who was breaking into cars, climbing on roofs, entering residents' garages, and had entered at least one home. Callers described the individual as a heavier set, shirtless, white male who was heavily tattooed.

While officers were searching for the suspect, a homeowner reported that she had just seen the individual enter her garage without permission. Two police officers headed up a narrow driveway towards the garage, which is located behind the homeowner's house. Officer Nix was behind them, also heading towards the garage. In the area in front of the house there were civilians, including the homeowner.

As the police officers started to approach the garage, the garage door opened, the reverse lights of a Suburban inside the garage came on, and the driver reversed very quickly down the narrow driveway. The police officers yelled loud, clear commands at the driver to stop the vehicle. The driver of the stolen Suburban matched the description of the individual who had been breaking into cars and entering garages in the area. The driver of the stolen Suburban was ultimately identified as Keith Beyer.

Mr. Beyer did not stop or comply with lawful commands and continued to reverse down the narrow driveway at a high rate of speed. While doing so, he crashed into the fence and a terracotta pot that were located on either side of the driveway. Officer Nix ran out of the driveway into the area in front of 819 Bross Street. Officer Nix intentionally fired one shot into the Suburban's tire. Officer Nix stated in a voluntary interview that he fired into the tire because he wanted to stop the stolen car and that he believed lives were in danger.

Mr. Beyer continued to reverse out of the driveway at a high rate of speed. When he entered the roadway, he rapidly left the scene with multiple police cars in pursuit. The round that Officer Nix fired had struck the Suburban's tire, causing the tire to deflate as Mr. Beyer continued to drive. At Bowen Street and Spruce Avenue, Mr. Beyer abandoned the vehicle and was taken into custody after a brief foot chase. Many of these events were captured on video and/or audio from body-worn cameras, which were generally consistent with the interviews of the officers and civilians.

Under applicable Colorado law, no criminal charges can or should be filed against Officer Nix or the other police officers. Officer Nix was legally justified in his use of reasonable and appropriate physical force to effect a felony arrest and in response to the imminent risk of death or great bodily injury to numerous individuals.

District Attorney Michael Dougherty stated, "Based on the investigation, the police officers performed lawfully in their response to the alleged offenses and actions of Mr. Beyer. I appreciate that the Boulder County Investigation Team conducted an independent review of this incident. The integrity and outcome of these investigations is important to our community."

The District Attorney's detailed report, along with the video presentation prepared by the Critical Incident Team, can be found here: <https://www.bouldercounty.org/district-attorney/officer-involved-shooting-decision-letters/>.

Mr. Beyer is charged with Burglary in the Second Degree, Motor Vehicle Theft, Reckless Endangerment, Leaving the Scene of an Accident and related offenses. He is set for a Preliminary Hearing at 9:00 am on September 3, 2020. As in every case, these criminal charges are an accusation and the defendant is presumed innocent unless or until proven guilty.

For community members interested in discussing the process and the detailed findings, District Attorney Michael Dougherty will conduct a Town Hall at 9:00 am on September 4, 2020. You can submit questions in advance through boulder.da@bouldercounty.org. The link to join the meeting is <https://tinyurl.com/y5ygod5g>. Community members are, also, welcome to call into the meeting by using Phone Number: [+1 720-400-7859](tel:+17204007859), Conference ID: 965 967 967#.