

**Summary of Neil Gardner's Interview with the
Arvada, CO, Police Department, 26 April 1999**

Pages 68 – 76, Jefferson County Sheriff's Office's
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Assembled by James Conner
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Ref # 99-12067 Reported Date 04/20/1999 Time 12:39:32

 Type ASSTOA Status RTF
Location 6201 S PIERCE ST

CASE 04/24/1999 042299/BOATRIGHT/SH

Gardner confirmed the aforementioned situation in no way affected his ability to assess and respond to the incident occurring on 04/20/99.

- * Uniform: Standard bicycle patrol uniform, which consists of a bright yellow, polo style shirt, with black BDU pants and department issued footwear.
- * Vehicle: Dark blue, unmarked Chevy Caprice, affixed with antennae and spotlights.
- * Service Weapon: Type - .45 caliber Sig Sauer semi-automatic pistol, Model P220, Serial #G171138. The above described weapon holds seven rounds in the magazine with one in the chamber making the weapon capable of firing eight rounds prior to a reload. Deputy Gardner also carries two additional magazines (seven rounds each/total rounds available - 22).
- * Weapon Familiarization:

Deputy Gardner owned the above weapon for eight years and per department policy, is required to qualify every three months. Deputy Gardner believed his last qualification was possibly February of 1999, however could not be certain. Deputy Gardner reported at no time has he ever failed to qualify and normally qualifies with the rating of "expert."
- * Ammunition: Speer brand, .45 caliber, copper jacketed hollow point bullets.
- * Prior shooting incidents:

Between the years 1990 and 1992, Deputy Gardner was involved in two shootings. Both shootings involved suicidal males, however, neither incident resulted in Deputy Gardner discharging his weapon.

INCIDENT SYNOPSIS

During the interview of Deputy Gardner, the forenamed

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Gardner believed the suspect had returned inside the building.

Deputy Gardner next recalled cover cars arriving on scene. Deputy Gardner specifically recalled seeing Unit 144 accompanied with one of the motorcycle officers approaching from the north in a tactical manner. Deputy Gardner stated at that point, additional units began to arrive, which he identified as Units 149, 147 and 140. Deputy Gardner stated over approximately a three to five minute time span, he along with the previously identified units, began to set up the perimeter.

As the perimeter was being established, Deputy Gardner recalled seeing a "fireball" (explosion) in the "lower commons area ". As the incident continued, Deputy Gardner was notified by Unit 144 (accompanied by the MC unit) there were two victims down in an area to the west of where the southwest doors were located. Deputy Gardner stated he was advised one of the victims was not moving, while the other one periodically would raise up an arm. Deputy Gardner stated at one point, he was able to see the victim who periodically moved his arm, which he described as being approximately 20 feet southwest from the southwest entrance/exit of the school.

For purposes of clarification, Deputy Gardner did prepare a diagram which identified the locations of all responding Jefferson County Units. In respect to Unit 144, Deputy Gardner positioned that unit directly north of his location to the west of the school (southwest entrance/exit), Unit 149 was positioned to the south of the school (south student parking lot), Unit 147 was positioned on Pierce, while Unit 140 was positioned to the north. It should be noted Units 147 and 140 were not identified on the diagram.

Deputy Gardner stated while he maintained his position, he then observed a female lying on the sidewalk area to the east of his location near the commons area. After making that observation, Deputy Gardner next observed the same suspect return to the southwest entrance/exit. According to Deputy Gardner, the suspect then positioned himself behind the right door (Deputy Gardner's right), after which both he along with Unit 144 yelled to each other the suspect had returned. Deputy Gardner next observed the suspect prop the rifle on the metal portion of the door where the window had been located. According to Deputy Gardner, the suspect was using the metal portion of the door as cover. Deputy Gardner related the suspect then began firing at Unit 144. Deputy Gardner could not estimate the number of rounds fired, but indicated they were numerous (more rounds than were fired at him during the earlier volley). At that point, Deputy Gardner stated he again fired four rounds in the direction of the suspect, who at the time was still positioned behind the metal portion of the door. Deputy Gardner was then required to reload utilizing the far left magazine. Deputy Gardner stated it was also possible Unit 144 was returning gunfire.

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Deputy Gardner stated after the above exchange, he then recalled Denver Police Units arriving and were armed with a short rifle style weapon. Deputy Gardner was unable to estimate the number of Denver Units that had arrived on the scene.

Deputy Gardner reported a few minutes after the Denver Units arrived, the suspect previously described was seen through the windows in the library. According to Deputy Gardner, approximately three or four Denver Units began firing in the direction of the suspect. Deputy Gardner recalled seeing the library glass windows breaking and believed there was continuous rounds fired by the Denver officers for approximately 15 seconds. Deputy Gardner reported he believed the suspect was attempting to return fire in, what he described as "short bursts." Deputy Gardner stated, based on the amount of gunfire, he thought it was possible the suspect had been hit.

Deputy Gardner reported approximately five minutes after the last exchange of gunfire, he heard what he believed was approximately six muffled gunshots coming from somewhere inside the school. Around that same time frame, Deputy Gardner observed a juvenile male (not wearing a shirt) run out from the lower commons door in a southwesterly direction. Deputy Gardner remembered hearing the juvenile shout, "don't shoot, don't shoot." Deputy Gardner stated he believed the juvenile male was limping.

Deputy Gardner next directed Andy Martin to exit his vehicle and respond to the west end of the parking lot in order to take a safer position. According to Deputy Gardner, Andy Martin was positioned behind vehicles to the west (north row) of the south student parking area.

Deputy Gardner reported he subsequently yelled to the juvenile male that exited the commons area of the building and taken up cover behind a parked car in the south student parking area (west center row). Deputy Gardner stated he had asked the juvenile if he had seen the suspect. According to Deputy Gardner, the juvenile male responded in the affirmative and described the suspect as a "big guy in all dark clothing." Deputy Gardner stated, after receiving that information, he now believed there were at least two armed suspects in the school.

Deputy Gardner stated he next confirmed with the juvenile male that he had been shot in what was believed the upper hip area. Deputy Gardner stated he subsequently returned to his vehicle and drove to the juvenile male's location and had the victim enter his unit. Deputy Gardner then drove back to an empty parking space which faced north in the south student parking area. Deputy Gardner made efforts to confirm the victim's condition appeared stable and did not require immediate evacuation for lifesaving measures. Deputy Gardner confirmed he remained with the victim

