

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

ESTATE OF RAJON BELT-STUBBLEFIELD;
TANDRA BLANKSON;
ZION MURPHY;
EMEREE BARROTT, by and through her mother JACQUILLA ROPER;
JAYEON BARROTT, by and through her mother JACQUILLA ROPER;
RYDER BELT, by and through her mother RONNETTE MATTHEWS;
REESON BELT, by and through her mother RONNETTE MATTHEWS;
SAMARA AMBROSE, by and through her mother HUNTER AMBROSE;
LAYANA AMBROSE, by and through her mother HUNTER AMBROSE; and
MAVERICK BENNETT, by and through his mother ALLY BENNETT,

Plaintiffs,

v.

MATTHEW NEELY, in his individual capacity; and
CITY OF AURORA, COLORADO, a municipality,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiffs, for their Complaint and Jury Demand, state and allege as follows:

INTRODUCTION

1. For years, Black residents of Colorado have avoided driving through Aurora for fear of the brutality and racism of the Aurora Police Department.
2. Those sentiments were based on experiences both mundane and tragic – whether being targeted for driving while Black on the one hand and the fear for their lives on the other.

3. In spite of years of community outcry for change, a finding by the Colorado Attorney General that the Aurora Police Department engages in excessive force, biased policing, and excessive force on Black people, and millions and millions of dollars of civil rights settlements and judgments, Aurora refuses to change.
4. This is the story of how those institutional failures; the choices that Aurora has made over and over to placate and bend to a toxic, dangerous, and often racist, policing culture, resulted in the needless death of Rajon Belt-Stubblefield on August 30, 2025.
5. But the killing of Mr. Belt-Stubblefield was not an aberration, and it was not bad luck. It was the predictable product of the Aurora Police Department's longstanding customs and practices of unnecessary escalation, excessive force, and racially biased policing. In September 2021, after a fourteen-month investigation, the Colorado Attorney General found that Aurora Police "has a pattern and practice of racially biased policing, using excessive force, and failing to record required information when it interacts with the community." Aurora then signed a court-enforceable consent decree and promised to reform. It never did. When Defendant Neely killed Mr. Belt-Stubblefield nearly four years later, Aurora had never achieved full operational integrity in a single one of the consent decree's subject areas governing use of force, bias-free policing, documentation of stops, or accountability.
6. Aurora cannot claim it lacked warning. One hundred thirty-seven days before Defendant Neely killed Mr. Belt-Stubblefield, the Independent Consent Decree Monitor told Aurora, in writing, that its early intervention system for identifying dangerous officers "simply is not working well," that the system had failed to flag an officer with documented performance problems before he pointed his gun at an unarmed Black man during a traffic

stop, and that the incident was “a cautionary tale about the real-world consequences of poor decision-making in policing.”

7. The Monitor’s description of this killing speaks for itself: “a solo officer—without backup—used deadly force against an unarmed Black male subject, raising difficult questions about tactics, deployment, less-lethal options, and APD’s public communications in the incident’s aftermath.”
8. Aurora’s response to the killing followed its playbook. Within three days, Aurora’s Chief of Police held a press conference, declared that Defendant Neely had acted in the exact way he was supposed to act and blamed Mr. Belt-Stubblefield for his own death. The Chief made those pronouncements before the administrative investigation had begun in earnest and before Defendant Neely had given a single statement. Aurora has never disciplined Defendant Neely.
9. Defendant Neely has since been indicted for murder.
10. Rajon Belt-Stubblefield was thirty-seven years old. He was a devoted father of eight children, a new husband, and a forklift driver who had gone back to school to become an electrical engineer. Defendants took his life, took a father from eight children, and took a husband from his wife.
11. Plaintiffs bring this action to vindicate Mr. Belt-Stubblefield’s rights under the Fourth and Fourteenth Amendments to the United States Constitution and Article II of the Colorado Constitution, and to obtain justice for his murder.

THE PARTIES

12. Plaintiff Estate of Rajon Belt-Stubblefield was opened on March 31, 2026. Tandra Blankson, Mr. Belt-Stubblefield’s surviving spouse, serves as the Estate’s duly appointed

personal representative. Rajon Belt-Stubblefield, the decedent, was a citizen of the United States and a resident of the State of Colorado during the relevant times described herein.

13. Plaintiff Tandra Blankson, the surviving spouse of Rajon Belt-Stubblefield, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
14. Plaintiff Zion Murphy, the eldest son of Rajon Belt-Stubblefield, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
15. Plaintiff Emeree Barrott, daughter of Rajon Belt-Stubblefield, by and through her mother Jacquilla Roper, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
16. Plaintiff Jayeon Barrott, daughter of Rajon Belt-Stubblefield, by and through her mother Jacquilla Roper, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
17. Plaintiff Ryder Belt, daughter of Rajon Belt-Stubblefield, by and through her mother Ronnette Matthews, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
18. Plaintiff Reeson Belt, daughter of Rajon Belt-Stubblefield, by and through her mother Ronnette Matthews, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
19. Plaintiff Samara Ambrose, daughter of Rajon Belt-Stubblefield, by and through her mother Hunter Ambrose, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.

20. Plaintiff Layana Ambrose, daughter of Rajon Belt-Stubblefield, by and through her mother Hunter Ambrose, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
21. Plaintiff Maverick Bennett, son of Rajon Belt-Stubblefield, by and through his mother Ally Bennett, is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein.
22. Defendant Matthew Neely is a citizen of the United States and was a resident of the State of Colorado during the relevant times described herein. At all times relevant to this Complaint, Defendant Neely was a peace officer, as defined by C.R.S. § 24-31-901(3), employed by the Aurora Police Department, and was acting within the scope of his official duties and employment and under color of state law. Defendant Neely is sued in his individual capacity.
23. Defendant City of Aurora (the “City” or “Aurora”) is a Colorado municipality. The Aurora Police Department (“APD” or the “Department”) is a subdivision of the City of Aurora. Aurora is responsible for the policies, customs, and practices of APD and for the hiring, training, supervision, and discipline of APD officers, including Defendant Neely. Aurora acts through its final policymakers, including its Chief of Police.

JURISDICTION AND VENUE

24. This action arises under the Constitution and laws of the United States and contains claims brought pursuant to 42 U.S.C. § 1983. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331. Supplemental jurisdiction over Plaintiffs’ state-law claims is conferred by 28 U.S.C. § 1367(a). Jurisdiction supporting Plaintiffs’ claim for attorney fees and costs is conferred by 42 U.S.C. § 1988 and C.R.S. § 13-21-131(3).

25. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to the claims occurred in the District of Colorado and all Defendants reside in the District of Colorado.
26. Plaintiffs provided timely written notice of their state-law tort claims pursuant to C.R.S. § 24-10-109 on February 23, 2026 within 182 days after the claims accrued, and this action is filed after the expiration of the statutory waiting period. No such notice is required for Plaintiffs' claims brought pursuant to C.R.S. § 13-21-131, because the Colorado Governmental Immunity Act "does not apply to claims brought pursuant to" that statute. C.R.S. § 13-21-131(2)(a).

FACTUAL ALLEGATIONS

Rajon Belt-Stubblefield was a devoted husband and father of eight

27. Rajon Belt-Stubblefield was only 37 years old on August 30, 2025.
28. Mr. Belt-Stubblefield had strong family relationships, many friendships, and many joys in his life, including sports, music, and 1990s television.
29. He was a father of eight children: Zion Murphy, age 19; Emeree Barrott, age 13; Samara Ambrose, age 11; Layana Ambrose, age 10; Ryder Belt and Reeson Belt, ages 8; Jayeon Barrott, age 8; and Maverick Bennett, age 7.
30. Mr. Belt-Stubblefield had a deep and committed relationship with each of his children.
31. Mr. Belt-Stubblefield had recently married Tandra Blankson, with whom he shared a deep and loving relationship.
32. The couple lived together, and were planning for Zion, Mr. Belt-Stubblefield's eldest son, to move in with them in September 2025.

33. At 36, Mr. Belt-Stubblefield decided to go back to school and began pursuing a degree in electrical engineering from Lincoln Technical College. He was nearly a year into his studies while still working his day job as a forklift driver.
34. Mr. Belt-Stubblefield was living, and continuing to build, a happy life with his family.
- August 30, 2025 - Defendant Neely escalated a routine traffic stop into an execution***
35. In the early evening of Saturday, August 30, 2025, Aurora Police Officer Matthew Neely shot and killed Rajon Belt-Stubblefield.
36. That day, Rajon-Belt-Stubblefield had spent the day with his son, Zion, heading to his house to celebrate a birthday with Zion and Zion's girlfriend.
37. At approximately 7:30 p.m., Defendant Neely was on patrol when he observed a white Jeep Compass, which was being driven by Rajon Belt-Stubblefield, driving over the speed limit.
38. Defendant Neely was assigned that evening to a holiday-weekend driving-under-the-influence saturation enforcement operation, and was operating an unmarked black Chevrolet Caprice equipped with interior-mounted emergency lights. He was conducting laser speed detection at East 6th Avenue and Toledo Street. He observed a white Jeep Compass at a visually estimated fifty-five miles per hour and confirmed its speed by laser at fifty-four miles per hour. He waited for a break in traffic, pulled out, and activated his emergency lights and siren in order to get around traffic while catching up, at which point the Jeep accelerated away.
39. Defendant Neely activated his lights and began a pursuit, seeking to pull over Mr. Belt-Stubblefield for speeding.
40. After a brief pursuit arising from an alleged speeding violation, Mr. Belt-Stubblefield lost control of his vehicle and was involved in a serious auto accident, causing his airbags to

deploy and his engine to smoke.

41. Notably, several years prior, Mr. Belt-Stubblefield suffered a traumatic brain injury.
42. Mr. Belt-Stubblefield had just been in a collision violent enough to deploy his airbags and cause his engine to smoke. A reasonable officer confronting a person who has just been in a serious crash — who is moving slowly, is speaking, and has complied to the extent of discarding his only weapon — is required to account for the possibility of injury, disorientation, or impairment in assessing whether that person's conduct reflects a deadly threat or a diminished capacity to comply. Defendant Neely did not do so.
43. While there are no known injuries from the August 30, 2025 car accident involving Mr. Belt-Stubblefield, the accident was not minor.
44. As Defendant Neely was already engaged in a pursuit, Defendant Neely responded immediately to the scene of the car accident.
45. Officer Neely immediately pulled out his firearm, pointed it at Mr. Belt-Stubblefield, and demanded that Mr. Belt-Stubblefield remain in the car.



46. At the time, the vehicle was smoking and posed a potential danger to Mr. Belt-Stubblefield.

47. Defendant Neely radioed his location to the police dispatcher and said to “get a couple cars here now.”
48. Defendant Neely did not inform the dispatcher that Mr. Belt-Stubblefield had eluded him or caused the crash, that there may be injured motorists at the scene, or that Defendant had unholstered his pistol and was attempting to hold Mr. Belt-Stubblefield at gunpoint.
49. Less than three minutes elapsed between the moment Defendant Neely pulled behind Mr. Belt-Stubblefield’s vehicle and the moment Defendant Neely fired his first shot.

Mr. Belt-Stubblefield disarmed himself and attempted to walk away

50. Mr. Belt-Stubblefield opened the door of his vehicle and said “Don’t shoot me.”
51. Mr. Belt-Stubblefield then got out of the car, and without threatening Defendant Neely in any way, attempted to slowly walk to the sidewalk.
52. Zion Murphy, Mr. Belt-Stubblefield’s eldest son, who had been driving behind Mr. Belt-Stubblefield in a separate vehicle, had at this point exited his vehicle and was feet away from Mr. Belt-Stubblefield and Defendant Neely.
53. Zion at all times observed the interaction between his father and Defendant Neely.
54. Defendant Neely, while still holding his firearm, then attempted to take Mr. Belt-Stubblefield to the ground.
55. Defendant Neely first attempted this takedown by pulling on the back of Mr. Belt-Stubblefield’s shirt.
56. While Defendant Neely was doing this, Mr. Belt-Stubblefield threw the firearm he had had in his car away, disarming himself.
57. Defendant Neely did not see that Mr. Belt-Stubblefield had a gun until he threw it into the grass.

58. At no point had Mr. Belt-Stubblefield attempted to present his weapon to Defendant Neely, or attempt to use it.
59. Defendant Neely observed Mr. Belt-Stubblefield throw his firearm into the grass and knew that Mr. Belt-Stubblefield had disarmed himself.
60. While Defendant Neely did initially push Mr. Belt-Stubblefield towards the ground, Defendant Neely was not successful and did not keep him there.
61. Because Defendant Neely was still holding his firearm while attempting to take Mr. Belt-Stubblefield to the ground, he was unsuccessful.
62. Attempting a physical takedown while holding a drawn firearm unnecessarily escalated the encounter and created an additional risk of an accidental discharge.
63. Defendant Neely, lacking control and balance, had to use the hand holding his firearm on the ground to steady himself:



64. Defendant Neely then completely fell to the ground himself, while Mr. Belt-Stubblefield had stood up and regained his footing:



65. Mr. Belt-Stubblefield did not attack or otherwise attempt to harm Defendant Neely while he was vulnerable on his back.
66. Rather, Mr. Belt-Stubblefield started to walk away:



Neely Reinitiated and Escalated Physical Force After Mr. Belt-Stubblefield Walked Away

67. Instead of allowing the separation to continue, Defendant Neely stood back up, reclosed distance, and again pointed his firearm at the unarmed Mr. Belt-Stubblefield.

68. Mr. Belt-Stubblefield, still unarmed, took slow steps toward Defendant Neely. His hands were not raised in a fighting posture, and he had not swung at, punched, or otherwise attempted to injure Defendant Neely.

69. Defendant Neely, while keeping his firearm in his right hand, punched Mr. Belt-Stubblefield with his left hand:



70. Mr. Belt-Stubblefield again took slow steps toward Defendant Neely, and Defendant Neely punched him a second time, this time in the face:

71. Before those blows, Mr. Belt-Stubblefield had not raised his fists, assumed a boxing stance, swung at Defendant Neely, struck Defendant Neely, or attempted to take Defendant Neely's firearm.

72. The physical aggression at this stage came from Defendant Neely, who had reinitiated the confrontation after Mr. Belt-Stubblefield declined an opportunity to attack him while he was on the ground and instead walked away.



73. Zion, still feet away, told both his father and Defendant Neely to “chill.”
74. Zion repeatedly told Mr. Belt-Stubblefield “dad, chill,” and he repeatedly told the officer to “chill,” and to not shoot his dad.
75. Zion repeatedly addressed Mr. Belt-Stubblefield as “dad.”
76. Defendant Neely heard Zion repeatedly address Mr. Belt-Stubblefield as “dad.” Defendant Neely knew that the young man pleading with him was Mr. Belt-Stubblefield’s son.
77. Zion was trying to deescalate the situation.
78. Defendant Neely held Mr. Belt-Stubblefield at gunpoint as Defendant Neely backed up down the sidewalk.
79. Defendant Neely knew that a firearm was not the appropriate weapon under the circumstances.
80. Defendant Neely’s own effort to transition away from his firearm demonstrates that he recognized a firearm was not the appropriate tool for gaining control under the circumstances.
81. At one point, Defendant Neely attempted to holster his pistol so that he could transition to his retractable baton less lethal device, but he was unable to get the pistol into his holster.

- 82. Defendant Neely spent approximately seven (7) seconds trying to holster his weapon but was not successful in doing so.
- 83. Under Aurora Police policy, Defendant Neely was not required to carry a Taser and did not have a Taser on his belt as a less-lethal option.
- 84. The collapsible baton and pepper spray were the only less-lethal options available to Defendant Neely at the time.
- 85. At no time did Defendant Neely tell Mr. Belt-Stubblefield that he was under arrest.
- 86. Defendant Neely did not radio the police dispatcher that Mr. Belt-Stubblefield was not complying with his commands or that he had and threw a gun into the grass when he got out of the Jeep, or that he believed Zion and at least one other unrelated man at the scene to be “associates” of Mr. Belt-Stubblefield.

Defendant Neely shot Mr. Belt-Stubblefield twice in the chest, watched him stop, and then executed him with a third shot to the head.

- 87. Mr. Belt-Stubblefield later turned his back to Defendant Neely and faced toward his son and the area where he had discarded the firearm approximately forty (40) feet away.
- 88. Defendant Neely, still holding his pistol in his right hand, followed Mr. Belt-Stubblefield, stepped up behind him, and punched him in the head with his left hand:



89. Only after this third blow—including a punch delivered from behind while his back was turned—did Mr. Belt-Stubblefield turn toward Defendant Neely, raise his empty fists, verbally challenge him, and begin walking in what Defendant Neely later characterized as a “boxer’s stance.”
90. The first time Mr. Belt-Stubblefield raised his fists or adopted the posture later described as a “boxer’s stance” was *after* Defendant Neely had repeatedly punched him in the head and face.
91. Mr. Belt-Stubblefield’s empty-handed posture was not an independent, unprovoked condition that Defendant Neely merely encountered. It was an immediate and foreseeable reaction to physical force that Defendant Neely initiated and repeatedly escalated.
92. Per official Aurora police policy and training, these repeated punches to the head were characterized as de-escalation.
93. No reasonable police department would train its officers that repeatedly punching an individual in the head is likely to calm the situation or otherwise de-escalate the interaction.

94. Defendant Neely later relied on that resulting posture as the asserted basis for deadly force even though he had created or materially intensified the close-quarters confrontation and still had the ability to use distance, warning, cover, arriving backup, and nondeadly options.
95. Defendant Neely continued to command Mr. Belt-Stubblefield to get on the ground and to stop.
96. Zion continued to ask both Mr. Belt-Stubblefield and Defendant Neely to “chill.”
97. Neely and Mr. Belt-Stubblefield were approximately five to eight feet apart as Neely backed away with his pistol trained on Mr. Belt-Stubblefield.
98. Neely had multiple unobstructed routes by which he could continue creating distance, move laterally, use nearby cover, or await the officers already responding. Instead, Neely selected a backward path into the westbound travel lanes while keeping the pistol pointed at Mr. Belt-Stubblefield.
99. Mr. Belt-Stubblefield did not run, charge, or lunge. He moved slowly in a measured boxing-style shuffle, placing one foot forward and then dragging the other, while Neely continued moving backward.
100. Mr. Belt-Stubblefield’s hands were visibly empty. He never touched Neely, never struck him, never grabbed at Neely or Neely’s firearm, and never made an overt act to disarm Neely. *Exhibit 1* (Grand Jury Indictment) ¶¶ 30-42.
101. The handgun Mr. Belt-Stubblefield had thrown into the grass remained approximately at least fifty (50) feet away. Mr. Belt-Stubblefield never moved toward it or attempted to retrieve or rearm himself, and no bystander retrieved it. Although Neely later interpreted Mr. Belt-Stubblefield’s words and gestures as asking others to retrieve the gun for him,

- Zion and other witnesses understood Mr. Belt-Stubblefield to be asking that the gun be removed from the scene. *Exhibit 1* ¶¶ 20-21, 41-42.
102. Neely did not tell Mr. Belt-Stubblefield that he would be shot if he continued moving and did not give any warning immediately before firing.
103. Neely later explained that he intentionally withheld a warning because he wanted to maintain an “element of surprise.” *Exhibit 1* ¶ 38.
104. Neely fired the first two rounds in close succession into Mr. Belt-Stubblefield’s upper torso. The cadence of those shots was grouped and rapid.
105. The first two rounds stopped Mr. Belt-Stubblefield’s forward movement. Mr. Belt-Stubblefield ceased advancing and began to fold or bring a hand toward his wounded torso.
106. Mr. Belt-Stubblefield did not resume moving toward Neely, did not swing, did not touch Neely, and did not reach toward any weapon after the second shot.
107. The cadence then distinctly changed. Approximately two seconds elapsed between the second and third shots - many times longer than the interval between the first two shots.
108. That sequence — two rounds in rapid succession, followed by a pause during which Defendant Neely observed, re-aimed, and selected a new target, followed by a third round — satisfies the test Aurora itself uses to determine when a second use of force requires independent justification.
109. During that interval, Neely had time to observe that Mr. Belt-Stubblefield had stopped. Neely visibly changed the angle of his firearm, re-aimed from Mr. Belt-Stubblefield’s torso toward his head, and made what Neely later described as a conscious decision to “change the target.” *Exhibit 1* ¶¶ 39-40.

110. Neely then fired the third round at Mr. Belt-Stubblefield's head. The third shot followed a cessation of movement, a pronounced pause, observation, re-aiming, target selection, and a separate trigger pull; it was not an unavoidable component of one reflexive volley.
111. Defendant Neely's conduct immediately after the third shot is probative of his state of mind when he fired it. Rather than transition from a force posture to any assessment or rescue effort, Defendant Neely lifted Mr. Belt-Stubblefield by a limp arm, repositioned his body, conducted a pat-down search, declined a bystander's offer of trauma aid, and directed the first arriving officer to locate the discarded handgun rather than to render care.



112. Zion witnessed Neely shoot his father from nearby and saw the entire encounter that preceded the shots.
113. Zion shouted "no" when he saw his father shot, was immediately in severe distress, and initially ran from the scene.
114. Zion then returned with his girlfriend and witnessed the immediate aftermath of his father's shooting.

115. Zion watched Neely forego any immediate attempt to provide lifesaving care and instead lift Mr. Belt-Stubblefield by a limp arm, reposition his body, and conduct a pat-down search:



116. Neely did not begin CPR, apply pressure, assess breathing or pulse, or otherwise provide meaningful lifesaving care to Mr. Belt-Stubblefield.
117. A bystander approached and offered a tourniquet or trauma aid for Mr. Belt-Stubblefield.
118. Neely declined, stating that it was “not a tourniquet kind of thing.” The statement is relevant not because an extremity tourniquet necessarily would have treated the wounds, but because Neely did not transition from a force posture to any meaningful assessment or rescue effort.
119. Zion suffers and continues to suffer severe emotional distress from witnessing the shooting and killing of his father and its immediate aftermath.
120. When another officer arrived and appeared ready to put on gloves and begin rendering aid, Neely instead directed the officer to locate the gun Mr. Belt-Stubblefield had discarded.

121. Backup arrived within approximately one minute after the third shot. Additional officers then began rendering medical aid and accepted assistance from the bystander who began CPR life saving measures.
122. The forensic autopsy documented two gunshot wounds through Mr. Belt-Stubblefield's upper torso. One perforated his right clavicle, two ribs, and right lung; the other perforated his right clavicle, three ribs, and right lung.
123. The torso wounds immediately stopped his advance and materially changed his movement, capacity, and apparent threat before Neely fired again.
124. The head shot perforated Mr. Belt-Stubblefield's frontal, temporal, and occipital hemispheres, lacerated the basal ganglia, and fractured his skull. It inflicted a separate and catastrophic injury.
125. The autopsy identified the cause of death as the three gunshot wounds sustained during the encounter.
126. Plaintiffs therefore allege that the third shot independently caused Mr. Belt-Stubblefield's death. Plaintiffs plead in the alternative that each unconstitutional shot caused bodily injury and constitutional harm, and that the separately selected third shot in any event caused additional catastrophic injury, accelerated or ensured death, and was a substantial factor in causing death.
127. The wounds were not equivalent. The two torso rounds perforated Mr. Belt-Stubblefield's right clavicle, ribs, and right lung. Upon information and belief, those injuries were survivable with prompt medical intervention, and Mr. Belt-Stubblefield remained alive, conscious, and moving after they were inflicted. The third round perforated the frontal, temporal, and occipital hemispheres of his brain, lacerated his basal ganglia, and fractured

his skull. That wound was catastrophic and not survivable. Mr. Belt-Stubblefield died immediately upon its infliction.

128. By deliberately selecting Mr. Belt-Stubblefield's head as the new target and firing at close range after he stopped, Neely acted with knowledge that death or catastrophic injury was practically certain and affirmatively chose the head over other targets such as the legs.
129. The approximately two-second pause, changed cadence, cessation of movement, changed gun angle, and conscious target selection contradict any characterization of all three shots as one indivisible "split-second" decision.
130. Neely's shot-by-shot conduct, together with his deliberate withholding of a warning and his failure to render meaningful aid, supports punitive damages and a finding that he acted knowingly, recklessly, willfully, wantonly, maliciously, or with callous disregard for Mr. Belt-Stubblefield's rights.

Defendant Neely's History, Return to Duty, and Post-Shooting Treatment

131. In 2019, an Arapahoe County judge found Neely and another APD officer not credible, found their testimony inconsistent with body-worn-camera video, declined to credit their account of events outside the video's view, found that the arrest was unjustified and unlawful, found that the search was unconstitutional, and found that the officers had not articulated facts sufficient to justify the degree of force used.
132. APD opened Internal Affairs Case 19-17. The Chief's Review Board sustained Conduct Unbecoming, Unsatisfactory Performance, and Constitutional Requirements, but declined to sustain Making a False or Untruthful Declaration or Use of Physical Force notwithstanding the judicial findings. Acting Chief Paul O'Keefe imposed only a ten-hour

unpaid suspension through an accelerated disciplinary process. Neely accepted the disposition and waived further review.

133. APD did not impose a sustained truthfulness finding, a sustained force finding, any known meaningful restriction from enforcement duties, any known fitness-for-duty process directed to the incident, or any known individualized scenario-based retraining adequate to address unlawful seizure, escalation, force, and video-inconsistent justification.
134. Aurora also accumulated complaints alleging profiling or discriminatory traffic enforcement by Neely, including complaints in 2014, 2020, and 2022, as well as a July 2025 complaint alleging selective speeding enforcement. These complaints were officer-specific risk information relevant to supervision, early intervention, and the decision to return Neely to armed traffic enforcement.
135. These were not undifferentiated citizen grievances. Aurora's own records classify the 2014, 2020, and 2022 matters as complaints of racial bias-based profiling, and classify the 2014 matter under Department Directive 8.32, Bias-Based Profiling. Aurora closed each of them Unfounded. Aurora separately coded the 2020 matter as a complaint of untruthfulness or dishonesty and closed that allegation Unfounded as well.
136. In a 2023 complaint review, a supervisor described Neely as "an excellent officer with no history of making false statements," even though Aurora possessed the 2019 judicial findings and IA 19-17 record. The statement supports an inference that Aurora's personnel, credibility, complaint, and supervisory systems did not reliably aggregate or communicate material officer history.
137. By the time that statement was made, Aurora possessed the 2019 judicial findings that Defendant Neely had testified inconsistently with body-worn-camera video, Internal

Affairs case 19-17, and a 2020 citizen complaint that Aurora had itself coded as alleging untruthfulness or dishonesty. A personnel, credibility, and complaint system that permits a supervisor to write that such an officer has “no history of making false statements” is not aggregating officer risk information; it is obscuring it.

138. Upon information and belief, multiple APD officers familiar with Neely have shared that Neely had a longstanding reputation inside APD for problematic policing and uses of force and that additional conduct known informally to officers was not consistently entered into formal complaint, force, or performance systems.
139. Upon information and belief, Aurora returned Neely from administrative leave within days after he killed Mr. Belt-Stubblefield and permitted him to perform police work from early September 2025 until his indictment in July of 2026. Aurora has announced no excessive-force finding and imposed no known discipline arising from the killing. APD has not interviewed Zion, the closest eyewitness, and has not contacted the driver of the first vehicle Mr. Belt-Stubblefield struck, although she witnessed the encounter.
140. On July 31, 2026, an Arapahoe County grand jury returned an indictment charging Neely with second-degree murder and manslaughter. The independent grand jury found probable cause to allege, among other things, that Neely withheld a warning to preserve an “element of surprise,” punched Mr. Belt-Stubblefield from behind, fired two rounds into his chest, made a conscious decision to “change the target,” fired at his head, and acted knowingly and recklessly without justification under Colorado’s peace-officer deadly-force defense.

Exhibit 1.

Monell Liability - Aurora’s Deliberate Return to a Defend-First Accountability Model

141. The constitutional violations alleged here were not an isolated departure from otherwise effective municipal practices. They were a foreseeable manifestation of longstanding and interrelated customs, practices, decisions, training failures, supervisory failures, and accountability failures within APD. Those failures included unnecessary escalation; disproportionate gunpoint tactics; inadequate use of time, distance, containment, communication, coordinated backup, and less-lethal options; deficient shot-by-shot and whole-encounter review; ineffective early intervention; inconsistent remediation and discipline; and racially biased policing. Most importantly, after Aurora learned what meaningful reform required and briefly demonstrated that it could impose accountability, City policymakers chose a defend-first model that publicly validates officers, blames civilians, minimizes warning signs, and investigates contested force only after announcing its justification.

Aurora Had Years of Notice Before the Attorney General Investigation

142. The Attorney General did not discover Aurora Police Department problems in a vacuum. By the time Colorado began its formal pattern-and-practice investigation in 2020, Aurora had already experienced a series of highly publicized deaths, excessive-force incidents, racialized gunpoint encounters, accountability failures, and disciplinary controversies that placed municipal policymakers on notice that APD had systemic problems with force, escalation, supervision, training, and accountability.

143. On December 17, 2018, Aurora officers encountered David Baker during a domestic disturbance. In attempting to restrain him, officers deployed Tasers nearly a dozen times, punched him, repeatedly struck him with batons, and ultimately restrained him face-down with four sets of handcuffs linked together. Mr. Baker died about an hour after being taken

into custody. The coroner determined that he died from restraint asphyxia and classified the death as a homicide. Prosecutors declined criminal charges. The incident later resulted in wrongful-death litigation alleging excessive force. The Attorney General itself identified this incident as one of the events that raised serious concerns about APD accountability, training, and decision-making. *Exhibit 2 at 7-8.*

144. For *Monell* purposes, this catalog supplied notice, accumulating over two decades, that APD officers used unnecessary and often brutal force against Black residents in ordinary, low-level encounters; that officers met hesitation, noncompliance, or mere questioning with immediate violence; that officers charged the subjects of that force with crimes that were then dismissed or rejected by juries; that supervisors and review bodies found no wrongdoing; and that Aurora settled claim after claim without disciplining anyone or correcting anything. It supports the widespread-custom, failure-to-train, failure-to-supervise, failure-to-discipline, and equal-protection theories alleged here.
145. In September 2018, APD officers responding to another car accident beat and tased Andre Williams, a Black man who was having a seizure, for failing to respond immediately to their orders. After Mr. Williams complied with an order to get on his stomach and was surrounded by at least three officers, the officers punched him in the head, struck his legs with their knees, and tased him twice. In November 2018, an APD officer responding to a noise complaint wrenched Jamie Torres's arm behind his back and slammed him to the ground repeatedly, including after he was handcuffed, because Mr. Torres paused momentarily before complying with an unlawful order to leave his own garage. Officers charged him with resisting arrest and failure to obey; a jury acquitted him. APD reviewed its officers' force and found no wrongdoing. Aurora settled the resulting excessive-force

and racial-bias lawsuit. Also in November 2018, APD officers detained Tevon Thomas, a Black man, and prolonged the stop to search his car; a federal judge later ruled that APD “unlawfully extended” the encounter, and Aurora settled his claims.

146. In April 2017, APD officers responding to a car accident repeatedly tased Brandon Washington, a Black man who had hit his head on the steering wheel and dazedly tried to stand, hospitalizing him. Aurora disciplined no one. In July 2017, an APD officer choke-slammed Vanessa Peoples, a Black woman, during a welfare check in her own home, and officers hogtied her so tightly that they dislocated her shoulder, leaving her hogtied for approximately thirty minutes despite her cries of pain. Officers charged her with obstruction; the charges were dismissed. Aurora settled and disciplined no one.
147. In February 2016, an APD officer tased Darsean Kelley, a Black man, in the back as he stood with his hands up and said, “I know my rights.” Officers had stopped him with no reason to believe he had committed any crime, then charged him with failure to obey a lawful order. The charge was dismissed. Aurora paid to settle, found no misconduct, and imposed no discipline. In March 2016, APD officers ejected Omar Hassan, a Black man, from a coffee shop because of his appearance, telling him his “kind of business [was] not welcome [t]here” while one officer placed her hand on her gun. In August 2016, APD officers slammed to the ground and cited Julian Campbell, a Black minor who had obeyed every command; the criminal case ended in a judgment of acquittal. In September 2016, an APD officer stormed into a jail cell, smashed Dennis Seabaugh’s face into a bench, and pulled on his arm hard enough to break his humerus. Aurora settled each matter.
148. In November 2015, two APD officers ordered Dwight Crews, a sixty-year-old disabled Black man, out of his home under threat of force without a warrant, then threw him to the

ground because he momentarily delayed complying in order to keep his cat from getting out. Officers charged him with resisting arrest; the judge dismissed the charge mid-trial. In December 2015, APD officers tackled, choked, and stomped on the head of OyZhana Williams, a Black woman visiting her boyfriend in the hospital who refused an officer's unlawful demand for her car keys. Officers then charged her with a crime. The charges were dismissed, Aurora paid to settle, and no officer was disciplined.

149. In June 2015, seven APD officers responded to a report of an attempted wallet theft in which, the caller said, no force, threats, or weapon had been used. Officers handcuffed Jeffrey Gale, an unarmed, one-hundred-fifty-pound Black man with gout in both ankles, forced him to the ground, kicked him in the head and back, hogtied him, and tased him at least three times in the ribs and the back of his head while he was handcuffed, hogtied, and face down. Every body camera was turned off or its recording destroyed, except a fragment in which Mr. Gale can be heard crying out in pain while an officer tells him, "You better shut the fuck up or this is going to get really ugly for you." Aurora settled.
150. In March 2015, an APD officer shot and killed Naeschylus Vinzant-Carter, an unarmed Black man, as Aurora's SWAT team confronted him near an elementary school. Aurora settled his family's claims and disciplined no one.
151. In June 2012, APD officers searching for three suspects described as white stopped Stetson Fields, a Black man, without any legal basis, chased him, and, after he complied with their commands, released a police dog to attack him. In July 2014, an APD officer took a neck hold on Adam Bentz, who was peacefully recording officers with his cellphone, and maintained it for approximately eighty seconds while other officers restrained his limbs, causing Mr. Bentz to lose consciousness and stop breathing before he was revived. That

same month, an APD officer with a history of unusually aggressive conduct toward Black people took Gaye O'Malley, a fifty-five-year-old Black woman who had called 911 to get medical help for a friend, to the ground with an arm-drag takedown and prone control hold. Aurora settled each matter.

152. In December 2010, APD officers responding to a family's 911 call for medical help jumped on Rickey Burrell, a Black man lying helpless in his bed after a seizure, wrenched his arm behind his back, handcuffed him, and dragged him outside, fracturing his wrist. Aurora settled and disciplined no one. In January 2011, an APD officer called Jovan McGlothin, a Black man, a racial slur during an arrest, and an officer kicked him in the mouth, chipping his tooth, after officers had him entirely under control. Aurora settled. In July 2011, an APD officer shot and killed Juan Contreras, a Latino man who had found a set of lost car keys and was attempting to return them to their owner. Aurora settled his family's claims.
153. In February 2009, an APD officer kicked Carla Meza, a handcuffed Latina woman, in the head because she did not comply with his commands, breaking her eye socket. Aurora conceded that the officer used excessive force. In May 2009, APD officers entered David Walker's home without a warrant, tased Mr. Walker, a Black man, at least seven times without justification, and beat him with batons, causing nerve damage. At least one of the officers involved had an extensive history of excessive-force allegations. Aurora settled.
154. In June 2006, an APD officer choked, slapped, and slammed to the ground twelve-year-old Cassidy Tate, a Black girl, after saying of her and her mother, "can you believe these fucking N's," a reference to a racial slur. Aurora settled the family's claims. Aurora did not discipline the officer. Aurora promoted him. That officer was Charles DeShazer. Years later, Lieutenant DeShazer was recorded on another officer's body-worn camera describing

Black residents gathered near an officer-involved-shooting scene as “Alabama Porch Monkeys.” Aurora’s failure to discipline racist conduct by this officer in 2006 was followed by the same officer’s racist conduct in a position of greater authority.

155. The pattern stretches back decades before the events the Attorney General examined. In December 2003, APD officers shot and killed Jamaal Bonner, an unarmed young Black man, during a sting operation. When officers burst into his hotel room, Mr. Bonner stood up in surprise. Officers tased him, causing him to fall face down. Although Mr. Bonner was unarmed, had already been tased, and was surrounded by officers, an APD officer shot him three times, killing him. Aurora settled his family’s claims and disciplined no one.
156. The Department’s response to the Baker death also reflected a recurring public-communications pattern. Before the Department had completed its own Force Review process, then-Chief Nick Metz publicly framed the incident around the violence and resistance attributed to Mr. Baker, describing it as among the most violent altercations of his career. That justification-first framing preceded final administrative review of whether APD tactics, restraint methods, repeated Taser deployments, or positional restraint were appropriate.
157. For *Monell* purposes, the Baker matter supplied Aurora notice concerning repeated electrical-weapon and impact-weapon force, prone and extended restraint, restraint-asphyxia and medical-monitoring risks, de-escalation, whole-encounter force review, and leadership’s premature public defense of severe force. It supports the alleged customs and failures in training, supervision, force adjudication, remediation, and critical-incident communications.

158. In March 2019, two residents found on-duty APD Officer Nate Meier unconscious and unresponsive in the driver seat of a running police vehicle. He was in uniform, armed, on duty, and the vehicle was running and in gear. APD internally determined that Meier was alcohol-impaired and had violated multiple policies. He was not arrested for DUI and remained employed. Aurora later commissioned former United States Attorney John Walsh to independently review the Department response. That review found significant deficiencies and expressly criticized the decision to retain Meier. The Attorney General later cited the episode as evidence bearing on APD accountability. *Exhibit 2 at 8.*
159. For *Monell* purposes, the Meier matter supplied notice concerning inconsistent accountability and preferential treatment of sworn personnel, retention after grave on-duty misconduct, and whether discipline and early-intervention systems meaningfully assessed the future risks presented by armed officers. It supports the alleged customs and failures in investigation, discipline, retention, supervision, and risk management.
160. Also in March 2019, APD officers shot and killed Shamikle Jackson, a man experiencing a mental-health crisis, after responding to an apartment where Jackson had falsely reported hostages and deaths. Jackson was alone in the apartment. His family later alleged that officers had been told he was alone and unarmed. APD did not discipline the involved officers after they reported that Jackson charged them with a machete. The Attorney General cited the incident among the pre-investigation events raising concerns regarding force, training, and decision-making. *Exhibit 2 at 8.*
161. For *Monell* purposes, the Jackson shooting supplied notice concerning crisis identification, tactical planning, de-escalation, containment, threat assessment, less-lethal alternatives, command coordination, and the adequacy of force investigation and discipline after a fatal

encounter. It supports the alleged training, supervision, force-review, crisis-response, and accountability failures.

162. On August 24, 2019, APD officers stopped Elijah McClain, an unarmed 23-year-old Black man who was walking home and was suspected of no crime. Within approximately one minute of the initial contact, officers used physical force. Officers wrestled Mr. McClain to the ground, applied carotid control holds, continued force while he repeatedly apologized and complained that he could not breathe, and restrained him until paramedics administered ketamine. Mr. McClain went into cardiac arrest and died days later.
163. Aurora does not dispute what happened to Mr. McClain. In litigation in this District, Aurora stated as undisputed that Mr. McClain was “forcibly and illegally detained by white APD officers because he allegedly looked ‘sketchy,’ injected with a high dose of ketamine by white Aurora paramedics, and died six days later.” Aurora likewise did not dispute the description of Shataeah Kelly’s arrest — that she was “hog tied with her hands and feet behind her back and then tied together, lying face down in the patrol car, crying that she couldn’t breathe,” and saying to the officer “Master, I’ll be good” while begging for help — conceding that “the restraint was inappropriate.”
164. APD did not discipline the officers who used force on Mr. McClain for their conduct during the fatal encounter. APD’s Force Review Board instead concluded that the officers had a lawful basis to contact Mr. McClain and that the force, including the carotid hold, was within policy and consistent with training. The Department publicly announced those conclusions.
165. That institutional exoneration later proved deeply unreliable. A City-commissioned independent investigation concluded in 2021 that officers lacked an adequate basis to stop

or frisk Mr. McClain, that officers escalated within seconds, that the Major Crimes investigation failed to ask basic critical questions, and that the Force Review Board's examination of the force was cursory and summary at best. The independent panel found that the Force Review Board failed to separately and carefully examine each use of force, failed to assess whether force could have been avoided or reduced as circumstances changed, and lost important opportunities to identify misconduct and weaknesses in policy, training, and supervision. Later, these officers were charged with homicide with one officer being convicted.

166. The culture surrounding the McClain incident also manifested itself in the conduct of other APD officers. Months after Mr. McClain's death, APD officers posed smiling near the location of his encounter while reenacting the carotid hold used on him and circulated the photographs to other officers. One of the officers involved in Mr. McClain's fatal encounter received the photographs and responded with laughter. Chief Vanessa Wilson later terminated officers involved in the photographs, but the episode demonstrated how little fear of institutional consequence some officers had for mocking a death that resulted from APD force.
167. On June 27, 2020, when thousands gathered at the Aurora Municipal Center to protest Mr. McClain's killing and to celebrate his life with a violin vigil, dozens of APD officers in riot gear dispersed the peaceful crowd with batons, pepper spray, and smoke grenades, as violinists played in Mr. McClain's honor.
168. Aurora's other responses to the McClain killing deepened the notice. When members of the City Council's public-safety committee called for an independent, neutral, third-party review of Mr. McClain's death, Aurora's City Manager announced that the City had

already hired an “independent investigator.” The investigator was in fact a municipal defense attorney whose firm advertised its experience “[d]efending municipalities, police chiefs, and individual officers from law enforcement liability claims.” Aurora terminated the contract only after the arrangement was publicly revealed.

169. Aurora’s treatment of Officer Nathan Woodyard, who applied the first carotid hold to Mr. McClain, completed the picture. After Woodyard was acquitted at trial, Aurora reinstated him with back pay and thereafter paid him a further sum as part of a resignation agreement.
170. A state grand jury indicted three officers and two paramedics for killing Mr. McClain. Officer Randy Roedema was convicted of criminally negligent homicide and third-degree assault. Paramedic Peter Cichuniec was convicted of criminally negligent homicide and second-degree assault, and paramedic Jeremy Cooper was convicted of criminally negligent homicide. Aurora paid \$15 million to settle the McClain family’s civil rights lawsuit.
171. APD’s initial response to Mr. McClain’s death was not to discipline the involved officers but to validate their conduct. Even after the later independent panel concluded that APD’s stop, force, investigation, and Force Review process suffered serious defects, the Aurora Police Association publicly declared that the officers had done nothing wrong. The institutional dispute over whether the Department should defend officers or critically examine their conduct became a recurring feature of Aurora police leadership and labor relations.
172. For *Monell* purposes, the McClain matter supplied notice concerning unsupported seizures, immediate escalation against an unarmed Black person, dangerous restraint, failure to reassess as circumstances changed, medical response, body-camera and narrative accuracy,

cursory Force Review, discipline, and institutional resistance to acknowledging wrongdoing. It supports the alleged customs and failures in training, supervision, force adjudication, medical aid, discipline, racial-bias correction, and justification-first public communications.

173. Three days after Mr. McClain's fatal encounter, on August 27, 2019, APD Officer Levi Huffine arrested Shataeah Kelly, a Black woman, and restrained her by linking her handcuffed hands and feet behind her. During transport she slid head-first from the patrol-car seat and remained inverted on the floorboard for approximately twenty-one minutes. Body-worn camera recorded Ms. Kelly repeatedly asking for help, saying that she could not breathe, asking not to be allowed to die in the car, and referring to the officer as "master." Huffine ignored her pleas. Chief Wilson later terminated Huffine and publicly characterized the treatment as inhumane and potentially deadly. *Exhibit 2* at 8.
174. For *Monell* purposes, the Huffine matter supplied notice concerning restraint positioning, positional-asphyxia risk, transport monitoring, failure to respond to repeated pleas of medical distress, treatment of a restrained Black person, supervision, and the adequacy of discipline. It supports the alleged training, medical-response, supervisory, force-review, and accountability failures.
175. In March 2020, APD Officer Jason Henderson held Dr. P.J. Parmar, an Indian-American physician, at gunpoint while Dr. Parmar attempted to park at the refugee center that he owned and operated. Dr. Parmar had honked because the officer's cruiser blocked access. Henderson exited, drew his firearm, demanded to know what Dr. Parmar was doing, and required him to prove that he owned the property. Chief Wilson suspended Henderson for forty hours and required de-escalation training. Dr. Parmar publicly criticized that

- discipline as inadequate and brought civil litigation alleging excessive force. The Attorney General later cited the incident as evidence of APD's broader problems. *Exhibit 2* at 8-9.
176. For *Monell* purposes, the Parmar matter supplied notice concerning firearm pointing during a low-level property-access dispute, use of a gun as a compliance tool, racialized threat perception, de-escalation, verification, supervisory review, and the adequacy of discipline and remedial training. It supports the alleged gunpoint custom, failure-to-train, failure-to-supervise, discipline, and equal-protection theories.
177. These incidents were accompanied by prior civil litigation alleging racially disparate and excessive policing. Aurora had settled claims involving Black and Latino residents who alleged that APD officers unlawfully escalated minor encounters, including Dwight Crews and Jamie Torres Soto. Such lawsuits and settlements provided additional notice that community members were repeatedly alleging the same types of excessive and racialized force later confirmed by the Attorney General.
178. Aurora possessed this statistical picture no later than 2020, when it was placed before the City in the McClain litigation — a full year before the Attorney General published the State's own statistical findings.
179. APD's own departmental data showed that in 2019 nearly half of the people against whom APD officers used force were Black, although Black people made up approximately sixteen percent of Aurora's population, and that the Black share of APD's force subjects had remained between thirty-eight and fifty-three percent every year since 2014. Aurora's annual use-of-force reports made no attempt to explain that persistent disparity.
180. A July 2020 expert statistical analysis of APD's own data found that APD's use of force per arrest was approximately 1.26 times greater against Black arrestees than against

arrestees of other races; that its deadly and injurious force per arrest was approximately 1.43 times greater; that its Taser use per arrest was approximately 1.40 times greater; and that in 2017 its rate of force per person was approximately 5.5 times greater against Black people. The same analysis found that Black arrestees presented no higher risk of injury to officers than white arrestees, which eliminates officer safety as an explanation for the disparities.

181. By 2020, statistical evidence assembled in the McClain litigation confirmed what the incident history showed. From January 2013 through December 2019, APD ranked eighth out of the one hundred largest cities in the United States for police killings per capita, and it killed Black people at approximately four times the rate at which it killed white people.

The 2021 Colorado Attorney General Investigation Was an Extraordinary Formal Notice

Event

182. In 2020, the Colorado Attorney General opened a civil pattern-and-practice investigation of APD pursuant to C.R.S. § 24-31-113. The investigation lasted approximately fourteen months. It was not a limited review of a single shooting or a handful of complaints. It examined APD stops, arrests, uses of force, discriminatory enforcement, policies, procedures, hiring, training, discipline, recordkeeping, and culture. *Exhibit 2* at 4-6.
183. The investigation was unusually extensive. The Attorney General interviewed current and former APD personnel, including command staff, union representatives, academy personnel, and patrol officers; conducted more than 190 hours of police ride-alongs across all three police districts and an additional 30-plus hours of Aurora Fire ride-alongs; observed most Force Review Board meetings from December 2020 through September 2021; attended internal review and community-police meetings; interviewed community

leaders and residents; and collected public submissions concerning APD conduct. *Exhibit 2* at 5-6.

184. The Attorney General also obtained and analyzed APD’s own records. The investigation reviewed approximately 2,800 use-of-force reports from 2016 through 2020. It obtained data from APD’s Records Management System and Administrative Investigations Management system, producing a preliminary dataset of more than three million records covering roughly twenty years of APD activity. The State retained statisticians and economists to conduct formal analyses of APD interactions, arrests, and uses of force. *Exhibit 2* at 5-6, 40-41.
185. The statistical team analyzed APD activity from January 2018 through February 2021 and did not simply compare raw totals. It used statistical significance testing, including chi-squared analyses and regression techniques, and evaluated whether racial disparities persisted after accounting for repeated interactions, geography, offense severity, case type, gender, age, and neighborhood income. The Attorney General reported that the racial disparities were statistically significant and persisted across multiple controls. *Exhibit 2* at 40-56.
186. The Attorney General ultimately made an unqualified finding that APD had a pattern and practice of violating state and federal law. It specifically found that “Aurora Police has a pattern and practice of racially biased policing,” “a pattern and practice of using excessive force,” and “a pattern and practice of failing to record required information when it interacts with the community.” *Exhibit 2* at 1-3.

The Attorney General Found a Pattern and Practice of Racially Biased Policing

187. The Attorney General concluded that, from at least January 2018 through February 2021, APD disproportionately interacted with, arrested, and used force against people of color, particularly Black people, as compared with white non-Hispanic people. The State concluded that the disparities extended to nearly every significant facet of police contact with the community. *Exhibit 2* at 37, 41.
188. Aurora was approximately 16.5% Black during the period analyzed. Yet APD's own annual use-of-force reports showed that Black people constituted 53.8% of use-of-force subjects in 2015-2016, 44.2% in 2017, 48.0% in 2018, 47.3% in 2019, and 36% in 2020. Even the lowest of those annual figures was more than twice the Black share of the City's population; in several years, the share was approximately three times the population benchmark. *Exhibit 2* at 6, 37-39, 43-44.
189. For the Attorney General's January 2018 through February 2021 dataset, APD recorded 39,873 interactions with Black people and 47,745 interactions with white non-Hispanic people. Relative to residential population, those interactions equaled approximately 65.5% of Aurora's Black population compared with 29.2% of its white non-Hispanic population. The disparity was statistically significant at $p = 0.000$. *Exhibit 2* at 47-50.
190. The State separately analyzed unique individuals so that repeat police contacts would not artificially inflate the disparity. On that measure, APD interacted with approximately 46.1% of Aurora's Black residents compared with approximately 23.9% of its white residents. The same racial pattern remained. *Exhibit 2* at 48-50.
191. APD also arrested Black residents at markedly disproportionate rates. During the period analyzed, APD recorded 16,904 arrests of Black people and 18,334 arrests of white non-Hispanic people. Measured against residential population, APD arrested an amount

equivalent to 27.8% of Aurora's Black population compared with 11.2% of its white population, a ratio of approximately 2.5 to 1. *Exhibit 2* at 50-52.

192. The disparity did not disappear when the Attorney General removed population as the denominator and asked what happened after APD made contact. APD arrested 42.4% of the Black people with whom it interacted compared with 38.4% of white non-Hispanic people. The Attorney General found that difference statistically significant, demonstrating that the arrest disparity was not explained merely by APD having more contacts with Black residents. *Exhibit 2* at 51-52.
193. The use-of-force disparity was more pronounced. APD recorded 605 uses of force against Black people and 374 against white non-Hispanic people. Relative to population, the force incidents amounted to approximately 1.0% of Aurora's Black population compared with approximately 0.2% of its white population. On a unique-person basis, the Attorney General described the disparity as roughly five to one. *Exhibit 2* at 53-55.
194. Again, the disparity persisted without using residential population as the denominator. APD used force in approximately 1.5% of interactions with Black people compared with 0.8% of interactions with white non-Hispanic people, nearly twice the rate per police contact. *Exhibit 2* at 54-55.
195. Nor could the force disparity be explained merely by differences in arrest rates. APD used force in approximately 3.6% of arrests of Black people compared with 2.0% of arrests of white people, an approximately 1.8-to-1 disparity per arrest. The Attorney General reported a p-value of 0.000 for that difference. *Exhibit 2* at 55.
196. The Attorney General found that the disparities persisted across income, gender, geography, and offense classifications. They persisted even after accounting for people

with multiple police interactions; persisted when comparing APD conduct to the demographic makeup of the people APD actually encountered; persisted for both misdemeanor and felony arrests; and appeared across police districts. *Exhibit 2* at 49-58.

197. The income analysis was particularly important. Even within Aurora's highest-income areas, the Attorney General found statistically significant disparities in police interactions affecting Black residents. The State reasoned that if socioeconomic status rather than race explained the disparity, the racial disparity should diminish materially in the highest-income areas. It did not. *Exhibit 2* at 57-58.
198. The Attorney General also found that racial disparities were especially pronounced where officers possessed greater discretion. In "suspicious activity" cases, APD used force in approximately 4.3% of interactions with Black people compared with 1.7% of interactions with white people, approximately 2.5 times as often; measured against arrests in that category, APD used force in approximately 7.8% of Black arrests compared with 3.9% of white arrests. By contrast, the Attorney General did not find a statistically significant racial disparity in force in domestic-violence cases, where Colorado law substantially constrains officer discretion through mandatory-arrest requirements. *Exhibit 2* at 53-55.
199. The Attorney General expressly reasoned that the near disappearance of racial force disparities in circumstances where officers had little or no discretion provided additional evidence that bias played a role where officers exercised greater discretion. *Exhibit 2* at 54-55.
200. The Attorney General therefore concluded that APD had engaged in a pattern and practice of racially biased policing against people of color generally and Black people in particular since at least 2018. That conclusion supplied direct and formal notice to Aurora

policymakers that racial disparities were not anecdotal, isolated, or attributable solely to population distribution or crime rates, but were statistically significant and persisted across multiple analytical controls.

The Attorney General Found a Pattern and Practice of Excessive Force and Officer-Created Escalation

201. The Attorney General separately found that APD had a pattern and practice of using force excessively. The State found that APD generally approached force with a “what-can-be-justified-under-the-outer-limits-of-the-law” approach rather than a “what-force-is-necessary” approach. *Exhibit 2* at 72.
202. The Attorney General observed officers using force to take people to the ground without first providing adequate time to comply with commands; using additional force when people subjected to pain-control techniques exhibited predictable resistance; and repeatedly announcing “stop resisting” even when body-worn camera and other information did not demonstrate resistance. *Exhibit 2* at 72.
203. The State found that APD misunderstood de-escalation in a way directly relevant here. APD often treated de-escalation as requiring an officer to calm down after force had already been used rather than requiring officers to avoid unnecessary escalation before force became necessary. *Exhibit 2* at 72.
204. The Attorney General further observed that APD officers often approached scenes with a “show-of-force mentality,” including the disproportionate use of gunpoint and threatened force compared with the actual risk presented. *Exhibit 2* at 72.
205. The State contrasted encounters in which officers used traditional high-show-of-force approaches with encounters in which officers used low-key, problem-solving tactics. The

high-show-of-force encounters tended to escalate situations; the lower-key approaches generally produced quicker and safer outcomes. *Exhibit 2* at 72, 78-80.

206. In one ride-along example, APD responded to a Black man in mental-health crisis who said he possessed a knife and intended to kill himself. Although the supervising sergeant reminded officers that deadly force should be a last resort, officers rapidly took cover, pointed numerous firearms at the man, and shouted commands. The Attorney General concluded that officers immediately escalated the confrontation and made no meaningful effort to consider less confrontational approaches before resorting to threatened force. *Exhibit 2* at 78-79.

207. On the very next call during the same ride-along, APD encountered a white man who was intoxicated, belligerent, mentally distressed, and had thrown a cane toward officers and fire personnel. A junior officer approached without drawing a weapon, introduced himself, acknowledged the man was hurting, asked how officers could help, and peacefully persuaded him to accept transport. The Attorney General expressly contrasted the two approaches, noting that community members had just watched multiple white officers yell at a Black man held at gunpoint while a less confrontational approach to the white man succeeded. *Exhibit 2* at 79.

208. The Attorney General also observed Force Review Board incidents in which APD failed to evaluate the entire chain of events that produced force. In one matter, officers tased a Black man in crisis after he struck a paramedic. The State noted that the Taser use might appear policy-compliant if the review began only at the instant of the strike, but the larger incident lacked coordinated planning designed to recognize the man's volatile condition and avoid putting numerous personnel close to him. The Attorney General concluded that

better tactical coordination could have reduced the likelihood that force became necessary. *Exhibit 2* at 79-80.

209. That whole-encounter analysis is directly relevant to Mr. Belt-Stubblefield. Aurora had been expressly warned that a force review limited to the final seconds of an encounter can miss whether an officer's preceding decisions created, intensified, or prolonged the asserted need for force.

The Attorney General Found Training Deficiencies That Made the Pattern Foreseeable

210. The Attorney General found that APD's training was "ad hoc" and did not address specific needs demonstrated by actual officer behavior. It found that APD policies were short on practical guidance and frequently did little more than recite legal standards. In the State's words, APD had "failed to create and oversee appropriate expectations for responsible behavior." *Exhibit 2* at 2-3, 7.
211. APD personnel themselves described historical in-service training as inadequate. One sergeant characterized in-service training as a "check-the-box" exercise. Officers asked for fewer online trainings and more scenario- and skills-based training concerning community interactions, nighttime decision-making, firearms, de-escalation, report writing, and other tactics. *Exhibit 2* at 17.
212. The Attorney General found that anti-bias training needed to become more realistic and scenario-based so officers would practice decisions in real-world circumstances rather than merely receive abstract concepts. The State found that there had not been widespread scenario-based training concerning the new legal requirements imposed by Colorado police-reform legislation. *Exhibit 2* at 66-67.

213. Most importantly for the excessive-force claim here, the Attorney General reported a consistent theme from APD interviews: training needed to move away from teaching officers what they could do and instead teach what they should do. The State agreed that APD training should focus on what officers ought to do in an encounter rather than merely what could be justified under Department policy or constitutional outer limits. *Exhibit 2* at 66-67.
214. The Attorney General identified the August 2020 gunpoint detention of Brittney Gilliam and four young Black girls as an example of the consequences of that training philosophy. APD personnel themselves identified an overemphasis on what was technically permissible rather than what was proper as a contributor to officers using felony-stop tactics against an innocent family. *Exhibit 2* at 66-67.
215. The Attorney General concluded that APD needed improved scenario-based training concerning bias, deliberate decision-making, recordkeeping, articulation of encounter justifications, de-escalation, and tactical choices. It also recommended that APD use actual critical incidents and body-worn-camera footage as training material so that lessons from force incidents would change future officer conduct. *Exhibit 2* at 66-67.
216. The Attorney General also identified a structural obstacle to discipline. Aurora's Civil Service Commission holds the power to reverse, on de novo review, the meaningful discipline that the Chief of Police imposes, and it has overturned discipline in high-profile matters in ways that undermine the Chief's authority. As a result, Aurora police officers who violate law or policy often remain on the force.
217. Aurora's academy was part of the problem. Aurora designs, implements, and operates its own police academy, which all APD officers must complete.

***The Attorney General Found That APD Accountability Systems Favored Exoneration and
Failed to Produce Learning***

218. The Attorney General found that APD did not meaningfully review its officers' uses of force. It concluded that APD relied on formal and informal systems that "favor findings that officers followed policy" and "hamper candid feedback on how to improve." *Exhibit 2* at 7.
219. The produced records reference approximately two hundred sixty distinct Performance Appraisal Entries. The performance appraisal entry is the mechanism through which Aurora addresses officer conduct without opening a disciplinary proceeding, and it is what Aurora used in place of discipline when its own Force Review Board found that the officer at the May 15, 2021 traffic stop had failed to maintain emotional control, had communicated in a manner that placed other responding officers in an excited state, and should have been "more professional" in his initial contact. Plaintiffs allege on information and belief, and will establish through discovery, that Aurora systematically routed conduct of this kind into performance appraisal entries rather than into sustained findings, discipline, or early-intervention review.
220. Aurora's records also show the practice operating on a single officer without triggering any intervention. One APD sergeant appears in the produced records as the subject of three separate allegations of Use of Physical Force — adjudicated in November 2017, September 2018, and February 2020. Each was closed Exonerated or Unfounded. That same sergeant was later the supervisor assigned to author the performance appraisal entry that constituted Aurora's response to the escalation findings arising from the May 15, 2021 traffic stop, and was himself the subject of a corrective action for failing to document a Tier Zero use

of force. Three force allegations against one supervisor across three years produced no sustained finding, no discipline, and no early intervention.

221. The disposition pattern is not merely a difference in outcomes. It is a difference in what Aurora treats as a violation. Where force is used, Aurora sustains the administrative and tactical conduct surrounding the force and declines to sustain the force itself. Aurora's Internal Affairs disposition of Defendant Neely in case 19-17 follows that pattern precisely: sustained for Conduct Unbecoming, Unsatisfactory Performance, and Constitutional Requirements; not sustained for Use of Physical Force, and not sustained for Making a False or Untruthful Declaration. Aurora's disposition of the officer in the April 10, 2021 less-lethal shotgun incident follows it as well: sustained for Unsatisfactory Performance; not sustained for Use of Physical Force and for Less Lethal Devices, Weapons and Techniques. In each case Aurora recorded that the officer's decisions were unsatisfactory and that the force those decisions produced was not a violation.
222. Over the same set of records, Aurora adjudicated six separate allegations that an officer had violated Directive 5.3, Use of Physical Force. Those allegations involved five different officers and spanned 2017 through 2022. Aurora closed each of them Unfounded, Exonerated, or Not Sustained. It sustained none. Aurora also adjudicated an allegation under Directive 8.32, Bias-Based Profiling, and did not sustain that either. A department willing to sustain a violation against an officer for missing a court date, for an incomplete report, or for failing to wear a face covering had not, on this record, sustained a single violation for the use of physical force.
223. Aurora's own disciplinary records bear that finding out. In the set of administrative records Aurora produced in litigation concerning its police department, Aurora sustained twenty

allegations of directive violations against its officers. Those sustained allegations were for failing to carry out responsibility for preliminary investigations; failing to complete firearms inspections; failing to appear in court; deficiencies in mobile data computer reports and in report writing; mishandling deposits; improper driving; conduct toward a superior; arrest procedure; traffic enforcement actions; adherence to law during an emergency; unsatisfactory performance; and failing to comply with a procedure for wearing face coverings.

224. The State found that APD's Force Review Board continued analyzing force principally under constitutional outer limits instead of Colorado's more restrictive statutory requirements, which generally require officers to attempt feasible nonviolent alternatives before force. *Exhibit 2* at 72.
225. The Attorney General further found that APD accountability information was fragmented and difficult to use. From 2018 through 2020, residents generated more than 1,500 allegations against sworn officers and APD sustained 951 policy allegations, yet APD's method of tracking allegations, cases, and officers made it impossible even for the Attorney General to determine how many individual officers were involved or how discipline correlated to sustained findings. *Exhibit 2* at 18.
226. The State concluded that this accounting disconnects obscured the complaint process and made it difficult to determine whether APD used complaints to identify recurring behaviors, policy gaps, or problem officers. It also could not determine how many officers actually received discipline from the serious Internal Affairs matters reviewed. *Exhibit 2* at 18.

227. The Attorney General further concluded that civil litigation was not being converted into organizational learning. It found “no evidence of a coordinated approach” by the City to provide direct feedback to officers or supervisors whose conduct generated lawsuits; allegations in civil cases did not reliably launch formal review to identify patterns of rights violations; and litigation complaints were not incorporated into an early-warning database that could trigger intervention. *Exhibit 2* at 18-19.
228. The State ultimately concluded that Aurora’s accountability mechanisms were too cumbersome, ad hoc, and diffuse to provide meaningful feedback and that APD had to improve them to comply with law. *Exhibit 2* at 20.
229. Thus, by September 2021 Aurora had formal notice not only that unconstitutional force and racial disparities existed, but also of the mechanisms that allowed them to persist: inadequate scenario-based training; permissive, justification-oriented force culture; deficient whole-encounter review; fragmented complaint and litigation information; ineffective early intervention; and inconsistent discipline.

Aurora Entered a Court-Enforceable Consent Decree Requiring It to Correct the Identified Failures

230. On November 23, 2021, the Colorado Attorney General filed a civil enforcement action against Aurora based on the pattern-and-practice findings. Aurora entered a court-enforceable consent decree that same day. Although Aurora denied liability in the decree, the City agreed to extensive reforms directed at the precise problems the Attorney General identified.
231. The Independent Consent Decree Monitor (the “Monitor”) in April 2025 that APD’s early-intervention system “simply is not working well” and that its replacement was not yet

operational. APD's own Force Investigation Unit found in the same period that a majority of supervisory use-of-force forms were late and a majority of supervisory narratives incomplete. APD declined to implement the disciplinary matrix the Monitor had long recommended. APD declined the reclassification of firearm pointing that its own outside analyst said would reduce unjustified shootings. And APD's anti-bias training remained at the statutory minimum of approximately two hours once every five years, notwithstanding a formal state finding that APD engaged in a pattern and practice of racially biased policing. A consent decree measures what a city has promised. It does not establish what a city has done.

232. Aurora's compliance has since regressed rather than completed. In April 2026 the Monitor found that "full public transparency has not been achieved regarding any of the requirements for Mandate 7, relating to how APD engages, arrests, and uses force in the community, including any racial disparities in these enforcement actions," and concluded that APD "is no longer in substantial compliance" with that mandate. The Monitor further reported that, given the mandates not yet in substantial compliance and those that will not have satisfied the requirement to maintain three years of compliance, "it is clear, at this point, that the Monitor will not be able to report to the Court that full substantial compliance with the CD has been achieved."
233. The Monitor's assessment of this killing is a matter of record. Reporting on the period in which Mr. Belt-Stubblefield was killed, the Monitor wrote that in that officer-involved shooting "a solo officer—without backup—used deadly force against an unarmed Black male subject, raising difficult questions about tactics, deployment, less-lethal options, and APD's public communications in the incident's aftermath."

234. The distinction matters to the deliberate-indifference inquiry. A municipality that does not know its systems are broken may be careless. A municipality that has retained an independent monitor, received that monitor's written findings across successive reporting periods identifying the same deficiencies, and has left those deficiencies uncorrected has made a choice about which risks it is prepared to carry. Aurora's participation in the consent decree establishes the completeness of its notice. It does not establish the adequacy of its response.
235. Aurora may not claim the benefit of the monitorship while declining what the Monitor identified. A consent decree and an independent monitor are mechanisms for finding deficiencies and correcting them. Aurora obtained the findings. What it did with them is the subject of this Complaint. The Monitor identified the absence of a functioning early-intervention system in its first reporting period and was still reporting that the system was not working, and its replacement not operational, in the report issued one hundred thirty-seven days before Mr. Belt-Stubblefield was killed. The Monitor recommended a disciplinary matrix from the outset of the monitorship, and Aurora had not adopted one. APD's outside analyst recommended reclassifying the pointing of a firearm out of Tier Zero expressly to "reduce the risk of accidental or unjustified shootings," and Aurora did not reclassify it. The Monitor's own Force Review Board criticism, its early-intervention findings, and its recommendation for periodic review of the quality of supervisory investigations each concerned the specific mechanisms that failed here.
236. Among other requirements, the consent decree required APD to prioritize de-escalation; adopt more detailed force policies; incorporate proportionality and the entire sequence of events into force review; implement scenario-based training; improve bias-free policing;

document police contacts; improve Internal Affairs and Force Review Board processes; implement effective early-intervention systems; track trends and patterns; and provide independent monitoring and public reporting.

237. The decree therefore gave Aurora not merely generalized notice that improvement was desirable, but judicially enforceable notice of particular deficiencies and particular corrective mechanisms. By the time Mr. Belt-Stubblefield was killed, Aurora had possessed this notice for nearly four years.

The Problems Identified by the Attorney General Continued After the Report and Consent

Decree

238. The years following the Attorney General report produced repeated incidents demonstrating that the identified problems had not been eliminated. Some incidents occurred shortly before the Report was issued but were investigated, disciplined, litigated, or used as reform examples afterward; others occurred years into the consent decree. Together they provided continuing notice that APD still confronted recurring problems involving escalation, gunpoint tactics, use of force against Black residents, tactical planning, force review, early intervention, and discipline.
239. The Monitor documented the institutional dimension of these failures in real time. In its report issued October 15, 2022, the Monitor identified mandates on a cautionary track and stated that the “major concern in these mandates is the apparent reluctance of APD, through its Force Review Board (FRB), to critically assess use of force when current policies are not violated but where practices can be improved.” That is the same review failure that later left Defendant Neely’s accumulated warning signs uncorrected.

240. On August 22, 2021, weeks before the Attorney General released the report, an APD officer stopped Antonio Johnson, a forty-three-year-old Black man, for incorrectly displaying a temporary license plate. When Mr. Johnson did not perfectly follow the officer's orders, the officer dragged him out of the car, tased him, and arrested him. Mr. Johnson was unarmed, was not violent, and had not threatened the officer. On June 13, 2022, months into the consent decree, APD officers held a Black family at gunpoint, accusing them of stealing the car they were riding in. The car was their own. On August 14, 2022, an APD officer grabbed the neck of a handcuffed man walking peacefully in front of him during a transport out of an Aurora hospital and threw him to the ground.

Brittney Gilliam and Four Young Black Girls

241. On August 2, 2020, APD officers conducted a high-risk stolen-vehicle stop of Brittney Gilliam, a Black mother, and four young Black girls. Officers pointed firearms at the family, ordered them onto hot pavement, and handcuffed some of the children. They laid on the pavement for hours. The supposed stolen vehicle was associated with the same plate number from another state and was reportedly a motorcycle, not Ms. Gilliam's SUV. The error was readily verifiable before officers imposed felony-stop tactics.

242. The Attorney General specifically used the Gilliam incident when explaining APD's training problem: officers were being taught to focus on what they could justify rather than what they should do. The incident therefore is not merely another controversial stop; it was identified by the State as an example of the very training and discretion failures supporting its pattern-and-practice findings. *Exhibit 2* at 66-67.

243. Aurora later paid \$1.9 million to resolve the Gilliam family's civil claims. APD's own records, and the Attorney General's reliance on the incident supplied direct notice of the

danger created by disproportionate gunpoint tactics and insufficient verification during low-level encounters involving Black residents.

244. For *Monell* purposes, Gilliam implicated Aurora's customs of premature and racialized gunpoint control; failures to train on verification, proportionality, and high-risk stops; failures to supervise and review firearm pointing; and failures to collect and analyze whether gunpoint tactics disproportionately burdened Black residents. The same mechanisms operated when Neely approached Rajon at gunpoint and continued pointing after Rajon disarmed.

Robert Rosen

245. On August 10, 2020, APD Officer Robert Rosen responded to assist another officer who was attempting to arrest a man for trespassing. The man was on the ground with his arms underneath him. Rosen did not activate his body-worn camera, punched the man multiple times in the ribs, and deployed his Taser five times for approximately twenty-seven seconds over roughly two minutes. APD later concluded that Rosen had escalated the situation, used excessive force, failed to attempt lesser means, and failed to de-escalate in accordance with APD training. Chief Wilson terminated him in February 2021.
246. Rosen demonstrates that APD knew, from its own administrative process, that an officer can manufacture greater resistance and additional force by escalating a low-level encounter rather than using communication, time, and lesser options.
247. For *Monell* purposes, Rosen implicated officer-created escalation, failure to use communication and lesser means, de-escalation training, body-camera compliance, supervision, force review, discipline, and early intervention. It gave Aurora direct notice

that an officer's own tactics can manufacture resistance and increase the force the officer later claims was necessary.

Kyle Vinson, John Haubert, and Failure to Intervene

248. On July 23, 2021, APD Officer John Haubert responded to a trespass call involving Kyle Vinson, an unarmed Black man who remained seated near his bicycle while two other men fled. Haubert forced Mr. Vinson to the ground, held a pistol against his head and neck, repeatedly struck him in the face and head with the pistol, choked him, and threatened to shoot him. Publicly released body-camera footage depicts approximately a dozen pistol strikes. Officer Francine Martinez was present and failed to intervene promptly; Officer Michael Dieck later arrived and deployed a Taser.
249. Haubert was never disciplined and instead resigned. Chief Wilson terminated Martinez, and Martinez was later convicted of failure to intervene. Aurora reportedly paid approximately \$850,000 to resolve Mr. Vinson's civil claims.
250. The hiring record made the incident still more significant. APD had hired Haubert despite a prior alcohol-related criminal matter involving prohibited use or pointing of a firearm at a roommate. The Attorney General identified the incident as illustrating how hiring, retention, supervision, and accountability failures can converge in a serious force event. *Exhibit 2* at 9-10.
251. Vinson supplied direct notice that an APD officer could use a firearm not merely as a weapon of last resort but as a compliance and impact tool; that another officer might fail to intervene; and that inadequate screening, supervision, and accountability could leave foreseeable firearm-related risks uncorrected.

252. For *Monell* purposes, Vinson implicated firearms used as compliance and impact weapons, close-quarters gun handling, failure to intervene, hiring and screening, retention, supervision, discipline, and remediation. It supplied notice that uncorrected firearm-related warning signs and permissive supervision could culminate in extreme force against an unarmed Black person.

***Preston Nunn: APD's Ordinary Review Cleared the Conduct Until the Chief Personally
Intervened***

253. On May 15, 2021, APD Officer Gabriel Nestor stopped Preston Nunn, an unarmed Black motorist. After Nestor requested Nunn's license and registration and Nunn reached to comply, Nestor drew his firearm and pointed it at Nunn, shouting put your hands on your fucking face. Officers later took Nunn to the ground, used a prohibited neck restraint, and deployed a Taser.

254. The "prior documented performance issues" the Monitor later referenced were specific and recent. On April 10, 2021 — thirty-five days before the traffic stop — Officer Nestor responded to a reported burglary in progress, bypassed the reporting party, entered the residence immediately, took a lead position with a less-lethal weapon, separated from other officers "creating unnecessary risk," and discharged a less-lethal shotgun, striking the suspect twice. Aurora's Chief's Review Board found that he "made a series of unsatisfactory decisions and tactics which ultimately led to the use of force," and sustained a violation of Directive 14.2.15, Unsatisfactory Performance. It returned findings of NOT SUSTAINED on Directive 5.3, Use of Physical Force, and Directive 5.8, Less Lethal Devices, Weapons and Techniques. A commander then reclassified the matter to a written

reprimand. That disposition was not completed until September 13, 2021 — four months after Officer Nestor stopped Mr. Nunn.

255. The Force Review Board further recorded that Officer Nestor’s “tone was very excited on the radio, which likely led to other responding officers being in an excited state,” that his “[i]nitial contact could have been more professional,” and that he “needed to ensure he had emotional control of self.” Aurora’s response to those findings was a performance appraisal entry. The Board separately concluded that the Taser drive stun was “objectively reasonable, however is contrary to training” — recording, in a single sentence, the distinction between what an officer may be permitted to do and what an officer should do that the Attorney General identified as the central defect in APD’s force culture.
256. The adjudication also documents what Aurora’s supervisors did not do. On the Force Review Board’s own checklist of tasks required of the first-line supervisor at the scene of a use of force, four boxes are left unchecked: canvass for additional video, canvass for witnesses, collection of evidence, and witness statements taken. Those are the same four supervisory failures that APD’s Force Investigation Unit found in a majority of supervisory use-of-force narratives when it audited every Tier 2A use of force between January and May 2025. Aurora identified the deficiency in 2021, recorded it in writing, and was still finding it in a majority of its files four years later.
257. The Force Review Board’s adjudication made four recommendations. The first concerned which supervisor had made the data entry. The second noted that no baton was available. The third referred the Taser drive stun to the training academy for remediation. The fourth generated a complaint against the on-scene sergeant — for failing to conduct a driving-under-the-influence investigation of Mr. Nunn. Aurora’s formal institutional output from

an encounter in which officers pointed a firearm at, tackled, restrained, and twice drive-stunned a one-hundred-forty-pound Black man stopped for a traffic violation was an equipment note, a data-entry note, a training referral, and a complaint that the department had not charged him with enough.

258. Preston Nunn was twenty-four years old, Black, five feet four inches tall, and one hundred forty pounds. Aurora's Force Review Board adjudicated the incident as case 2021-TIER2-0036. Its written adjudication inventories each officer's force by type: Officer Nestor, Taser drive stun twice; Officer Goetz, takedown; three additional officers, techniques to overcome resistance. Officer Nestor's decision to point a firearm at Mr. Nunn is not listed as a use of force at all. It appears in the adjudication only as background — "Ofc. Nestor has him at gunpoint" — because under Aurora's Tier Zero classification the pointing of a firearm generates no use-of-force entry to evaluate.

259. The Force Review Board's synopsis of the encounter reproduced the involved officer's own account of what preceded it, including his assertion that Mr. Nunn's vehicle had nearly struck him and another officer. The Board did not test that account against the recorded evidence before relying on it to assess whether the force that followed was justified. Aurora has since conceded in litigation that the encounter "involved excessive force by white police officers who ordered Mr. Nunn, an unarmed black man, to get out of his car, then tackled him, pulled guns on him and tased him twice without provocation." The Attorney General had already found that APD's review systems privileged officer narratives and favored findings that officers followed policy. This adjudication is an instance of it.

260. APD's ordinary Force Review process initially treated Nestor's actions as legitimate. Chief Wilson later testified that, when she personally saw the video, she considered Nestor's

response overwhelmingly inappropriate, removed him from the street, reopened the matter, and was concerned that he was “going to hurt somebody” if that was how he reacted to a motorist doing what he had been instructed to do.

261. APD’s own Nunn Force Review materials identified the exact tactical principles relevant to Mr. Belt-Stubblefield: decisions made before contact can determine whether force becomes necessary; officers should use preplanning, coordination, cover, and defined lethal and less-lethal roles; and officers should slow down, stabilize, and use resources and tactics to avoid unnecessary force.
262. Those materials also recognized that officer emotion and communication can escalate a scene. The Board criticized Nestor’s excited radio tone and lack of emotional control and noted that officer conduct could influence the responding officers’ level of excitement. APD therefore knew years before Mr. Belt-Stubblefield’s death that an officer’s own urgency and tactical choices can create a feedback loop that increases resistance and force.
263. In January 2025, a jury returned a verdict of \$400,000 against Nestor for excessive force and found willful and wanton conduct. The verdict provided Aurora additional formal notice, months before Mr. Belt-Stubblefield was killed, that a jury had rejected Nestor’s force as unlawful.
264. Following that verdict, APD sustained against the officer only administrative violations — Responsibility for Preliminary Investigations and Unsatisfactory Performance. It sustained no violation of its use-of-force directive. It returned him to patrol.
265. On April 15, 2025, the Independent Consent Decree Monitor devoted a focus item to Nunn and warned APD that its Early Intervention System was not functioning effectively. The Monitor found that Nestor had prior documented performance problems but APD’s system

issued no warning that would have triggered additional supervision, mentoring, or remediation, and stated that an effective EIS might have avoided the Nunn incident entirely.

266. The Monitor separately identified, among the deficiencies that must be addressed, “[t]he making of a high-risk stop without less-lethal cover,” observing that this “is an issue that has been present in multiple OISs over the past year and must be addressed.” The Monitor also faulted APD’s “failure to connect this incident to the officer’s prior Tier 2 UOF and on-duty traffic collision,” which “demonstrates a lack of comprehensive after-action analysis.”
267. The Monitor closed that Focus Item with a warning: “The May 15, 2021, incident is no longer just a case study in tactical missteps and ineffective review processes—it is now a cautionary tale about the real-world consequences of poor decision-making in policing.” The Monitor added that “[h]ad the right processes...been operating, it is very possible that the erosion of public trust, and the injuries to the subject of the encounter, would not have occurred.”
268. That report also advised Aurora, in terms, that Colorado law requires the permanent revocation of the peace officer certification of an officer found civilly liable for the excessive use of force, and identified C.R.S. § 24-31-904 as the governing provision. A jury had found against the officer in that matter in January 2025. Upon information and belief, Aurora made no referral to the Peace Officer Standards and Training Board.
269. The same report told Aurora that the replacement system was not yet operational and that APD “should utilize its existing EIS, until its replacement is operational, as a safety net to flag officers whose aggregate involvement in certain types of incidents may place them at

potential risk.” As of one hundred thirty-seven days before Mr. Belt-Stubblefield was killed, therefore, Aurora had been told in writing that its early-intervention system was not working and that its replacement was not yet in place.

270. The Monitor’s report for Reporting Period 8, issued April 15, 2025, made these findings in its first Focus Item. The Monitor wrote that APD’s Early Intervention System “is meant to identify officers exhibiting patterns of concerning behavior before those behaviors result in serious misconduct, civil liability or harm to the public,” but that “[t]he existing system simply is not working well and is in the process of being replaced by APD.” The Monitor found that the officer “had prior documented performance issues, yet APD’s EIS did not issue a warning that would have subjected him to additional supervision, mentoring or remediation,” and concluded: “Had APD’s EIS functioned effectively, this incident might have been avoided entirely.” The Monitor further faulted the Force Review Board’s “failure to critically assess the officer’s prior history and the broader systemic lessons the event could have provided.”
271. That focus item is contained in the Independent Consent Decree Monitor’s public report dated April 15, 2025, which is referred to throughout this Complaint, is central to Plaintiffs’ municipal-liability claims, and is a public record of the Aurora consent-decree monitoring process whose authenticity Plaintiffs do not understand to be disputed.
272. The Monitor further concluded that APD’s Force Review Board had failed to take a critical deep-dive approach to the Nunn case. The Board should have evaluated not only whether force fit written policy, but also whether Nestor unnecessarily escalated and whether different tactics could have prevented force altogether. The Monitor stated that failure to

connect Nunn to Nestor's prior force and performance events allowed deficiencies to persist.

273. That warning came 137 days before Mr. Belt-Stubblefield was killed. It described essentially the same failure mode alleged here: an officer with prior warning signs, an unarmed Black motorist, premature firearm deployment, an escalation analysis that was not performed, and an early-intervention system that failed to connect the officer's history to future risk.

274. For *Monell* purposes, Nunn implicated premature firearm pointing, emotional and tactical escalation, pre-contact planning, clear commands, time and distance, backup, cover, coordinated lethal and less-lethal roles, whole-encounter force review, early intervention, supervision, and discipline. Its close similarity to Rajon's encounter supplied unusually specific notice of the exact risks alleged here.

Edward Acuti and APD's Repeated "Escalation Incidents"

275. Aurora's own Civil Service Commission separately adjudicated a series of six 2021 events involving then-Sergeant Edward Acuti that it collectively called the "escalation incidents." In one, Acuti escalated a confrontation with a handcuffed juvenile through yelling, profanity, intimidation, and unnecessary physical force. The Commission found that he made no meaningful effort to calm the juvenile and instead aggravated the situation.

276. The Commission concluded that in almost every one of the six incidents Acuti immediately escalated and aggravated circumstances when, as a supervisor, he should have modeled de-escalation. Chief Wilson demoted him and required forty hours of de-escalation training; the Commission sustained the discipline. These findings demonstrate that Aurora itself had

formally recognized a recurring officer-created-escalation problem and the need for substantial remedial de-escalation training.

277. For *Monell* purposes, the Acuti matters implicated supervisory culture and modeling, affirmative pre-force de-escalation, command responsibility, scenario and remedial training, discipline, and whether Aurora translated repeated known escalation into durable organizational correction. They support the allegation that escalation was a recurring, recognized APD problem rather than a single-officer anomaly.

Kilyn Lewis

278. On May 23, 2024, APD SWAT officers attempted to arrest Kilyn Lewis, a 37-year-old Black man, on a Denver warrant. Mr. Lewis was unarmed. As officers gave commands, Mr. Lewis raised his hands while holding a cell phone and snack food. APD Officer Michael Dieck fired a rifle round and killed him.
279. APD found no policy violation by the involved officer. But the Independent Monitor found documentation shortcomings in the Internal Investigations Bureau file and concluded that the joint Chief's Review Board and Force Review Board discussion did not fully assess whether the tactical approach aligned with best practices, broader SWAT-retention issues, or the wisdom of using APD SWAT to execute high-risk warrants for other jurisdictions.
280. The Monitor specifically asked whether SWAT should have been used; whether less-lethal options were available and assigned; whether officers advanced without adequate cover; whether different high-risk-stop tactics could have produced a safer outcome; and whether an officer involved in multiple prior shootings should remain in a high-risk assignment.
281. For *Monell* purposes, Lewis implicated threat perception, tactical planning, cover, less-lethal assignment, command presence, realistic decision training, repeat-shooter and high-

risk-assignment review, retention, and whole-incident force adjudication. The reforms adopted afterward also demonstrated the feasibility of safeguards Aurora failed to operationalize for Neely's solo encounter.

Rashaud Johnson

282. On May 12, 2025, APD sent a single patrol officer to The Parking Spot, a remote off-airport parking facility, after reports of a barefoot man behaving erratically. The call had reportedly been pending for more than two hours. Rashaud Johnson, a 32-year-old Black man, was unarmed and was experiencing a mental-health crisis.
283. A physical struggle occurred. The officer used a Taser. After the parties separated, Mr. Johnson again moved toward the officer, and the officer shot and killed him. No weapon was recovered. APD's initial public account foregrounded Mr. Johnson's alleged aggression and the danger to the officer.
284. APD received multiple calls indicating crisis behavior and no weapon, nevertheless sent a lone officer rather than crisis-trained or additional resources, failed to use time and distance after separation, and failed to provide adequate aid. Those allegations remain unresolved, and Plaintiffs do not present them as adjudicated findings. The underlying incident, dispatch, video, force review, and officer-deployment decisions were nonetheless in Aurora's possession months before Mr. Belt-Stubblefield's death.
285. The Johnson event reinforced a narrowly defined risk that materialized again on August 30, 2025: a lone officer confronting an unarmed or apparently impaired Black man; a physical struggle; an opportunity to separate, slow the encounter, and await coordinated resources; renewed close-range engagement; and deadly force followed by public messaging centered on the civilian's conduct.

286. For *Monell* purposes, Johnson implicated dispatch and deployment of a lone officer to a potential crisis, crisis-response training, time and distance after separation, tactical disengagement, backup, less-lethal options, medical aid, whole-incident review, and public messaging that foregrounded civilian aggression. Those same mechanisms recur in the allegations concerning Neely and Rajon.

Jor'Dell Richardson: Critical-Incident Communication and Continuous Improvement

287. On June 1, 2023, APD officers pursued fourteen-year-old Jor'Dell Richardson after a reported store robbery. During a close physical struggle, officers encountered what appeared to be a handgun under Mr. Richardson's clothing. The object was a pellet pistol. An officer fired one round and killed him. APD concluded that the deadly force was objectively reasonable and within policy.

288. The Monitor found that APD attempted substantial transparency but provided some information to the family or public that should not have been provided at that stage or should have been stated more accurately, including information about whether Mr. Richardson suffered, the precise nature of the pellet gun, and the involved officers' records. The Monitor also found that APD lacked a formal policy governing the collection and dissemination of information after critical incidents.

289. The Monitor emphasized that even when deadly force is legally justified, APD must ask what could have been done differently to obtain a better outcome and use each critical incident to improve tactics, training, supervision, and communications. That lesson was directly contrary to a reflexive practice of publicly validating the officer first and treating later review as confirmation.

290. The officer who shot Jor'Dell Richardson was already known to Aurora. Months before that shooting, Aurora settled claims brought by Tevon Thomas, the Black man whose 2018 detention and attempted vehicle search by that officer and others a federal judge found unlawful. APD imposed no discipline of any kind for the killing of Jor'Dell Richardson.
291. For *Monell* purposes, Richardson implicated critical-incident communications, neutrality of pending investigations, final-policymaker messaging, whole-incident continuous-improvement review, and the duty to identify safer tactical alternatives even when final-second force is ultimately deemed justified. It supports the alleged justification-first culture and ratification-related theories.

Douglas Harroun: APD's Own Finding of an Unjustified Shooting

292. On December 31, 2022, APD Officer Douglas Harroun responded to a domestic-violence call and shot a person in the leg. In completed Internal Affairs Case 22-25, APD itself concluded that the shooting was not legally justified and that Harroun had not completed all required firearms qualifications for the year.
293. APD sustained allegations concerning force, unauthorized firing, firearms qualification, conformance with law, and unsatisfactory performance. Harroun resigned before discipline could be imposed. Plaintiffs rely on APD's own administrative findings, not on the outcome of the separate criminal prosecution.
294. The person Officer Harroun shot was Duvan Zuluaga, a Colombian asylum-seeker who was standing inside his own home on New Year's Eve when Harroun shot him at point-blank range in the ankle without warning. Mr. Zuluaga had committed no crime and was suspected of none. The shot shattered the bones and tore the ligaments of his ankle, requiring emergency surgery and leaving permanent injuries. Mr. Zuluaga brought a civil

rights action against Harroun and Aurora. *Zuluaga v. Harroun*, No. 1:24-cv-01772 (D. Colo.).

295. The encounter began when the wife of Mr. Zuluaga’s landlord called 911 to report that her husband was intoxicated, stated expressly that he was not violent and had not threatened her and that there were no weapons in the house, and asked for a Spanish-speaking officer. Officer Harroun told his partner to tell the man that if he would not cooperate Harroun would “drag his ass up here.” The officers then entered the basement with their weapons drawn. Mr. Zuluaga complied with the Spanish-language command to raise his hands. When he later stood up, Officer Harroun shouted a command in English — a language Officer Harroun knew he did not speak — and shot him within seconds.
296. Aurora hired Officer Harroun as an entry-level officer in 2020, through the process described below.
297. Harroun supplied official notice that APD could place an incompletely qualified officer in a position to fire an unjustified shot and then lose the practical ability to impose discipline when the officer resigned. It also illustrated a recurring accountability gap: a grave shooting can produce sustained findings without generating officer-specific remediation, deterrent discipline, or transparent institutional learning.
298. For *Monell* purposes, Harroun implicated firearms qualification, deadly-force judgment and training, supervisory verification, force adjudication, discipline, the resignation-before-discipline gap, and whether sustained findings were translated into institutional learning and future-risk controls. It supplied official notice from Aurora’s own process, not merely an external allegation.

LaDarius Butler: Gunpoint Tactics, Taser Use, and Failure to Verify

299. A federal complaint arising from a May 22, 2024 incident alleges that LaDarius Butler left Children's Hospital with his son during a treatment dispute; APD treated the matter as a kidnapping, tracked family phones, surrounded the family's vehicle at a Walmart with guns drawn, and tased the unarmed Mr. Butler within approximately thirty-two seconds while his children were present.
300. The resulting misdemeanor charges were reportedly dismissed. The federal action was filed in May 2025. Independently of the lawsuit, Aurora possessed the dispatch, planning, body-camera, supervisory, and force-review records from the 2024 incident itself.
301. To the extent confirmed in discovery, Butler is relevant to the recurrence of high-risk gunpoint tactics before adequate verification, rapid escalation to a Taser, failure to slow down or communicate with family members, children's exposure to armed police force, and supervisory planning that transformed a medical-family dispute into a high-risk police confrontation.
302. For *Monell* purposes, Butler implicated verification before high-risk tactics, firearm pointing, rapid Taser use, communication and de-escalation, the presence of children, supervisory planning, force review, and the transformation of a medical-family dispute into an armed confrontation. The incident supports the alleged gunpoint, training, supervision, and accountability theories to the extent its allegations are confirmed.

Kory Dillard: Crisis Response and Premature Public Blame

303. On October 3, 2024, APD officers shot and killed Kory Dillard, a Black Army veteran whom family members described as experiencing a mental-health crisis. Mr. Dillard possessed an airsoft rifle. Mr. Dillard was shot and killed within seconds of officers arriving on scene and yelling for him to drop the weapon.

304. While investigations were pending, Chief Chamberlain publicly stated that the available alternative “was dictated by the suspect” and that Mr. Dillard’s actions “dictated the end result.” That framing assigned responsibility for the death to the civilian and announced an inevitability conclusion before the administrative process had completed its whole-incident review.
305. For *Monell* purposes, Dillard implicated crisis response and, independently of whether the final shooting was lawful, justification-first public messaging, policymaker prejudgment, neutrality of administrative review, and continuous improvement. Chamberlain’s statements supplied notice of and evidence concerning the leadership practice later repeated after Rajon’s death.

Internal Affairs 23-17 and Related Completed Cases

306. APD’s completed Internal Affairs reports supplied additional official notice. In IAB 23-17, arising from an arrest after a traffic stop, APD found that an officer failed to use control techniques before drawing a service weapon. APD imposed only a written reprimand and performance action. The matter was an internal admission that premature firearm drawing—rather than control and de-escalation techniques—was an identified traffic-stop failure requiring correction.
307. In IAB 23-10, APD identified unsafe tactics in approaching a stolen vehicle without adequate cover, followed by force, mishandled charges, omitted forms, and an officer account that reportedly quoted a suspect from memory without body-camera support. The matter linked self-created urgency, force, incomplete reporting, and narrative accuracy.
308. In IAB 23-03, APD sustained specifications involving physical force, reporting, conformance with lawful orders, conduct unbecoming, a false or untruthful declaration,

unsatisfactory performance, and police-community relations. The available summary does not disclose the complete final discipline, and Plaintiffs will particularize that response through discovery.

309. These completed cases are not offered as interchangeable shootings. They are official City records showing repeated recognition of the same component failures—premature weapons, unsafe tactics, force, unsupported narratives, truthfulness, incomplete reporting, and weak remediation—that Aurora’s integrated risk, supervision, training, and disciplinary systems were required to identify and correct before those components combined in Neely’s encounter with Mr. Belt-Stubblefield.
310. For *Monell* purposes, these completed cases supplied official notice supporting the firearm-pointing, tactical-supervision, force-reporting, truthfulness, discipline, remediation, and early-intervention theories. They also show that Aurora knew the relevant failures often appeared in combination and required integrated rather than incident-by-incident correction.

Aurora Treated Pointing a Firearm as Tier-Zero “Display of Force” and Maintained a System That Could Not Reliably Measure Gunpoint Practices or Racial Disparities

311. Since January 1, 2016, APD has classified an officer’s pointing of a handgun, rifle, or shotgun at a person as Tier Zero, a “display of force,” rather than as Tier One force requiring a full use-of-force report and investigation. That classification placed one of the most coercive discretionary police actions in APD’s lowest review category.
312. Aurora’s records show the Tier Zero mechanism operating. In a contemporaneous corrective action, a supervisor was advised that a pat-down search for weapons “is considered a Tier 0 UOF and the code (@TZP) should have been entered in the CAD notes

along with the justification.” A Tier Zero event thus generates a code in a computer-aided-dispatch note. It does not generate a use-of-force report, an evidence file, a supervisory investigation, a Force Review Board adjudication, or an entry in the dataset from which Aurora’s outside analysts measure force and racial disparity. The pointing of a firearm — the act that began the encounter that killed Mr. Belt-Stubblefield, and that continued after he disarmed himself — sits in that category by Aurora’s deliberate classification.

313. Under the system the National Policing Institute (“NPI”) examined in April 2023, Tier Zero firearm pointing required only a CAD entry and supervisor verification, including an explanation of why the display occurred. It did not require an AIM use-of-force entry, a General Offense Report, a formal Use of Force Report, or the supervisory investigation required for Tier One force.
314. APD revised Directive 5.05 effective August 18, 2023. The revised policy nominally required a Contact Data Collection (“CDC”) form, supervisor notification, and creation of a CAD call if none already existed. But APD continued to classify firearm pointing as Tier Zero and did not subject each event to the more detailed narrative, evidence collection, force investigation, command adjudication, and remediation process applicable to higher tiers.
315. The consequence was not semantic. NPI’s December 2023 analysis of APD force data examined only Tiers One through Three because Tier Zero events did not generate the force reports included in the dataset. NPI therefore stated that it could not assess the frequency, patterns, or trends associated with APD’s pointing of firearms.
316. NPI noted that research involving another Colorado police department found that firearm pointing constituted approximately two-thirds of the department’s recorded uses of force

and varied across racial and ethnic groups. Excluding or segregating gunpoint events omits a large and potentially racially patterned portion of police coercion from ordinary force analysis.

317. NPI recommended that APD reclassify firearm pointing from Tier Zero to Tier One to facilitate detailed reporting and supervisory and command evaluation and to reduce the risk of accidental or unjustified shootings. NPI further recommended regular analysis of all available firearm-pointing data regardless of the formal tier classification.
318. NPI issued that recommendation on December 18, 2023. It recommended that APD revise “Directive 05.05 Reporting Use of Force to reclassify the pointing of a firearm from Tier Zero to Tier One,” and stated the purpose plainly: to “facilitate more detailed reporting and evaluation by supervisors and commanders to ensure these actions align with department policy and reduce the risk of accidental or unjustified shootings.” Aurora was told, twenty months before Defendant Neely shot Mr. Belt-Stubblefield, that reclassifying firearm pointing would reduce the risk of unjustified shootings. Aurora did not reclassify it.
319. NPI also cited research finding that police agencies requiring documentation of firearm pointing have significantly lower rates of officer-involved shootings without increased officer injury or death. That evidence made the preventive value of reporting, review, and feedback foreseeable.
320. Aurora’s materially less complete reporting and review system deprived supervisors, force reviewers, early-intervention personnel, trainers, policymakers, the Monitor, and the public of a reliable mechanism to identify officers who repeatedly used gunpoint tactics; determine whether firearms were used for routine compliance; assess whether pointing was

necessary, prolonged, or continued after a threat ended; and compare practices by officer, unit, district, encounter type, perceived weapon, actual weapon, and outcome.

321. The same system impaired Aurora's ability to determine whether officers pointed firearms at Black people more frequently or for longer periods than at similarly situated white people. Although APD collected some CAD and, later, CDC information, NPI reported that it did not know how APD planned to analyze CDC data alongside force-report data, and APD had not demonstrated an integrated method capable of producing reliable officer-level and racial comparisons.
322. This blind spot was especially serious because the Attorney General had already found statistically significant racial disparities in APD contacts, arrests, searches, and reported force; found disparities strongest in discretionary enforcement; and found that APD officers used gunpoint and threatened force disproportionately to the risks presented. Aurora therefore knew both that gunpoint was a recurring problem and that race-sensitive measurement was necessary.
323. As of April 2025, the Monitor rated Aurora's racial-disparity transparency mandate only 50-74% complete, reported that the public portal did not meaningfully address disparities in stops, arrests, or force, and reported that APD had not implemented the required internal review process. The monitoring record did not demonstrate, before August 30, 2025, a reliable integrated system for analyzing firearm-pointing data and translating results into supervision, training, early intervention, discipline, or policy correction.
324. The Nunn, Gilliam, Vinson, Parmar, Butler, and other known gunpoint matters were visible manifestations of the risk, but Aurora's reporting structure prevented the City and public from determining the full frequency of the practice or identifying all officer-level and racial

patterns. The absence of a complete dataset is therefore evidence of the municipal mechanism that concealed and perpetuated the alleged custom, not evidence that the custom did not exist.

325. The deficiency was directly connected to Mr. Belt-Stubblefield's death. Neely began the encounter by pointing a firearm, continued pointing after Rajon visibly discarded his weapon, used the firearm as a compliance tool while closing distance and going hands-on, and ultimately converted the gunpoint encounter into deadly force. A system that treated those earlier gunpoint decisions as low-level displays rather than events requiring full reporting, critical review, aggregation, and remediation made that progression more predictable.

326. For *Monell* purposes, Aurora's Tier Zero firearm-pointing structure supports the widespread-custom, failure-to-train, failure-to-supervise, deficient-force-review, ineffective-early-intervention, failure-to-remediate, and equal-protection theories. Plaintiffs do not assert a standalone constitutional right to municipal recordkeeping; they allege that Aurora's deliberate reporting and analysis choices were mechanisms by which unconstitutional gunpoint practices escaped detection and correction and became moving forces behind Rajon's seizure and death.

Aurora's Own Data Showed That Racial Disparities Continued Through the Consent-Decree Period

327. The Attorney General's 2021 findings were not limited to historical data that disappeared after the consent decree. Data APD itself reported to the Colorado Division of Criminal Justice under Colorado's contact-documentation statute show that substantial racial disparities continued through the years preceding Mr. Belt-Stubblefield's death.

328. Across APD contacts reported for 2022 through 2025, Black people constituted approximately 28.6% of all recorded APD contacts while constituting approximately 15.9% of Aurora's residential population. Using that population estimate, APD recorded approximately 608 contacts per 1,000 Black residents over the four-year period compared with approximately 246 contacts per 1,000 white non-Hispanic residents. Plaintiffs recognize that residential population is an imperfect benchmark for police contacts, which is why the denominator-free measures below are particularly important.
329. From 2022 through 2025, APD reported arrests in approximately 29.1% of contacts with Black people compared with approximately 21.9% of contacts with white non-Hispanic people, a ratio of approximately 1.33 to 1. This disparity uses the people APD actually contacted as the denominator and therefore does not depend on residential population assumptions.
330. Over the same period, APD conducted discretionary searches - consent searches and warrant-exception searches, excluding inventory and warrant searches - during approximately 4.6% of Black contacts compared with approximately 3.6% of white non-Hispanic contacts, a ratio of approximately 1.29 to 1.
331. For 2023 through 2025, the period in which the State contact data meaningfully populated the force field, APD recorded force in approximately 6.0% of contacts with Black people compared with approximately 3.7% of contacts with white non-Hispanic people, a ratio of approximately 1.64 to 1.
332. Black people constituted approximately 36.2% of all APD contacts in which force was recorded during 2023 through 2025. Compared with a residential population share of approximately 15.9%, that is approximately 2.28 times the Black share of Aurora's

population. That construction is comparable to the Attorney General's 2021 population-share analysis and shows that, despite some narrowing, the disparity remained substantial during the consent-decree period.

333. The annual data also matter. In 2023, APD recorded force in approximately 6.6% of Black contacts and 3.6% of white non-Hispanic contacts, a ratio of 1.84 to 1; Black people were approximately 36.6% of all persons against whom force was recorded. In 2024, the force-rate ratio remained approximately 1.82 to 1, and Black people were approximately 38.0% of persons subjected to force. In 2025, the year Mr. Belt-Stubblefield was killed, APD still recorded force in approximately 5.1% of Black contacts compared with 3.7% of white non-Hispanic contacts, and Black people remained approximately 34.7% of persons subjected to force.

334. To this day, Black people constitute more than one-third of all force subjects and arrestees despite comprising approximately one-sixth of Aurora's population. The continuing disparity is especially significant because these data were generated by APD, compiled by Aurora, and reported pursuant to reforms that the consent decree required.

335. Aurora therefore had continuous, contemporaneous notice from its own post-decree data that the racial disparities identified by the Attorney General had not disappeared before Mr. Belt-Stubblefield's death.

Aurora Continued to Have Deficient Force Review, Early Intervention, Discipline, and Bias Accountability

336. Independent monitoring during the years preceding Mr. Belt-Stubblefield's death repeatedly identified deficiencies in the same accountability systems the Attorney General

had criticized. APD had not durably converted policies on paper into consistent street-level and supervisory practice.

337. On June 11, 2025 — eighty days before Defendant Neely killed Mr. Belt-Stubblefield — APD’s Force Investigation Unit completed a self-initiated review covering every Tier 2A use of force that occurred between January 1 and May 1, 2025. APD’s review was limited to what appeared on the use-of-force forms and the adjudication forms; it did not examine reports, body-worn camera video, or other evidence. The review found that approximately 61% of supervisory use-of-force forms were late; roughly 60% of supervisory narratives were incomplete as to canvassing for video and witnesses, obtaining witness statements, or collecting evidence; 61% contained no documentation of training or remediation; approximately 25% included issues identified by command that the direct supervisor never addressed; and approximately 11% contained incomplete follow-up on concerns identified by the supervisor.
338. The Monitor recommended a follow-up review of the quality of supervisory investigations. That follow-up did not occur before Mr. Belt-Stubblefield was killed.
339. The Monitor and APD’s own Quality Assurance process also identified substantial variability in how similar misconduct was categorized and corrected. The Monitor had long recommended a disciplinary matrix or equivalent structured framework. APD considered such a framework, but the current administration elected not to implement one. The Monitor concluded that APD lacked a comprehensive and consistently applied approach to comparable discipline and that existing procedures were not applied consistently enough to ensure accountability.

340. An affirmative election by a municipal administration not to implement a remedial measure that its court-appointed Monitor has recommended since the beginning of the monitorship is a decision by Aurora's policymakers. It is not a resource constraint.
341. The disciplinary matrix has the same history. The Monitor recommended that APD adopt one from the beginning of the monitorship. APD developed a draft, and the Monitor reported the development as a notable achievement. APD then did not finalize it. The Monitor reported that the matrix, together with the chapter of APD's directives governing internal investigations and discipline, had not been completed when APD had said it would be. In the reporting period covering the months in which Mr. Belt-Stubblefield was killed, the Monitor was again recommending that APD "consider developing a disciplinary matrix to provide such guidance and ensure consistency in the application of accountability." Aurora had by then had that recommendation in hand for more than three years and had not adopted it.
342. The same period showed continuing weaknesses in bias accountability. APD's bias-screening metrics remained incomplete; when metrics identified disparities meeting APD's own threshold for immediate review, APD did not conduct the required reviews; the Monitor instructed APD to compare outcomes for people of color to white people within the same districts because APD was not doing so; and APD had not consistently produced the public reporting needed to evaluate progress.
343. The Monitor further reported that APD's anti-bias training remained at the Colorado POST statutory floor - approximately two hours at least once every five years - notwithstanding the Attorney General's formal finding of a pattern and practice of racially biased policing.

344. In samples reviewed by the Monitor, APD classified all 27 bias complaints from 2023 and all 26 bias complaints reviewed from 2024 as unfounded or exonerated. Those results, combined with incomplete measurement and missed immediate reviews, support an inference that APD's systems remained structurally unlikely to identify and remediate discriminatory policing.
345. Aurora's public reporting on force and discipline also lapsed. As of the Monitor's assessment covering the period in which Mr. Belt-Stubblefield was killed, the most recent Annual Complaints and Discipline Report available on APD's public reporting webpage was for the year 2020.
346. APD's contact documentation was itself unreliable. Reviewing APD's contact data collection, the Monitor identified compliance failures including "intentional mislabeling of race in one instance and the apparent failure to complete forms where required in a significant number of cases." Aurora reported that finding in its own monitoring record before Mr. Belt-Stubblefield was killed.
347. When APD's own bias-screening metrics did identify disparities meeting APD's threshold for a mandatory Immediate Review, APD did not conduct the reviews. As the Monitor reported, "APD advised the Monitor that the required Immediate Reviews were not conducted, as APD interpreted the results as reflecting enforcement patterns that did not present a risk requiring further review." Aurora did not fail to detect the disparities. Aurora detected them, applied its own threshold, and then decided the threshold did not require it to look.

Aurora Knew How to Impose Accountability, Then Chose a Defend-First Model

348. For a period in 2020 and 2021, Chief Vanessa Wilson adopted a materially different accountability approach. She revisited uses of force that lower-level review had approved, publicly acknowledged misconduct, imposed significant discipline, strengthened de-escalation expectations, and promoted scenario-based training focused on whether force was avoidable rather than merely legally defensible.
349. Wilson's treatment of the Nunn incident is illustrative. APD's ordinary review had treated Nestor's conduct as legitimate. After Wilson personally reviewed the video, she removed Nestor from patrol and ordered further investigation because she believed his conduct created a risk that he would hurt someone. That episode demonstrates that APD possessed the institutional capacity to identify and intervene with an officer before another serious event - when leadership chose to use it.
350. Wilson also promoted training described as "Justified, But Was It Necessary?" The training required officers and supervisors to ask not only whether force could be defended at the legal outer limit, but whether de-escalation, time, distance, better tactics, or another intervention could avoid the force. That approach directly answered the Attorney General's criticism of APD's justification-first culture.
351. Those accountability efforts generated documented institutional resistance. Wilson testified that officers who did not want to change remained persistently disgruntled. The Aurora Police Association initiated a no-confidence campaign after she reopened force matters that had already passed through APD's ordinary processes. Aurora's own discovery responses identified the union poll, officer complaints, officer departures, and Wilson's damaged relationship with rank-and-file officers among the reasons it decided to remove her as Chief of Police.

352. Aurora's policymakers understood the demand. On October 29, 2021, City Manager Twombly wrote to a member of City Council: "You'd think since they want me to fire the chief they'd give me the survey and comments- but no." Six months later he terminated her, and when later asked in litigation to list every reason for that decision, he placed the union poll first.
353. The "recent event" was the May 15, 2021 traffic stop. The president of FOP Lodge 49 said publicly that the vote followed Chief Wilson's decision to open an internal affairs investigation into the force used during that arrest, which the Force Review Board had already reviewed, and Lodge 49 stated: "This investigation was done, and there's no reason for it to be reopened." In January 2025 a jury found that the force used in that same incident was excessive and that the officer acted willfully and wantonly. In April 2025 the Monitor found that APD's systems should have prevented the incident and that it "might have been avoided entirely." Aurora's police unions demanded the removal of the Chief of Police for reopening the review of a use of force that a jury and the City's own Monitor later confirmed should never have been cleared.
354. The resistance took a documented and specific form. On September 30, 2021, the president of the Aurora Police Association wrote to Mayor Michael Coffman, copying City Manager James Twombly and Deputy City Manager Jason Batchelor, to transmit the results of a no-confidence poll. He explained its origin in the first sentence: "After a recent event in which Chief Wilson restarted an investigation on officers who had already been cleared of wrongdoing by department experts the Aurora Police Association Executive Board determined it was necessary to hold a vote of no confidence on her administration." The Fraternal Order of Police Lodge 49 joined the survey. The message closed: "With a vote

of 442 to 16, the members of this Department have clearly shown that they have no confidence in the leadership of Chief Wilson and her administration. She should be removed immediately.”

355. Aurora’s City Manager likewise testified that he was aware that the council member publicly called Chief Wilson “trash,” stated that change would begin with Chief Wilson’s removal, and said she would continue speaking out until Chief Wilson was gone; that council candidates had aligned themselves with the police unions; and that the same council member did not believe Aurora should have entered the consent decree. He also testified that the no-confidence poll was an anonymous, unscientific survey to which he gave only partial credit. Aurora nonetheless placed that poll first when it later listed, under oath, every reason Chief Wilson was terminated.

356. Aurora’s own senior management confirmed the connection under oath. The Deputy City Manager testified that officers’ objections included that Chief Wilson “should have fought the consent decree” and that opening an investigation into what happened to Mr. Nunn “was, quote, a bridge too far,” and that “the patterns and practice folks wanted to push back harder on” the reopening of that investigation. He testified that the union president was “very adamant that there was no racism in the Aurora Police Department” and a vocal critic of the Attorney General’s report, and that officers characterized anti-bias training as “woke liberalism” being “shoved down our throat.” He did not believe that opening the investigation was improper. He nonetheless agreed that a member of City Council’s public campaign “amount[ed] to public direction to terminate Chief Wilson and Deputy Chief Parker in direct violation of our city charter.”

357. Aurora further stated that the City Manager’s communications on this subject included the Deputy City Manager, and covered “the concerns expressed by the APD officers and the two police unions,” a plan “to repair her relationship with the police officers,” and “the end of her employment.” The same official later selected Chief Wilson’s permanent successor.
358. Asked in litigation to “list every reason you contend that Chief Wilson was terminated,” Aurora answered under oath that the City Manager “was gravely concerned about Wilson’s ability to be an effective leader of the APD based on the union poll, complaints he was hearing from numerous police officers, the high number of officers who had left the APD after Wilson became Chief of the APD, Wilson’s failure to provide a plan to rebuild her relationship with her officers, and the backlog of case files that was revealed through a police file audit.” Four of the five reasons Aurora gave concern the satisfaction of the officers Chief Wilson was disciplining. Aurora has thus admitted, in its own words, that it removed its Chief of Police because the officers subject to her accountability efforts objected to them.
359. Aurora has separately conceded the content of its union president’s communications. It stated as undisputed that the president of the Aurora Police Association sent an email containing “racists and misogynist language, including that the ‘diversity in the Aurora community’ was represented by illegal aliens, weed smokers, crackheads, child molesters and murderers, that the consent decree was ‘leftist identity politics,’” and was an attempt to replace white men. Aurora further stated as undisputed that in his termination appeal, that union president asserted that other officers who had engaged in racist conduct had not been terminated — including an officer who referred to the Black community as “Alabama

porch monkeys,” another who used a racial slur, and another who made racially derogatory statements to a Black suspect.

360. Aurora has also stated that it does not dispute “that Wilson’s actions of disciplining officers who engaged in racist policing was in accordance with the Consent Decree,” and that “City Management supported and approved her disciplinary measures.” Aurora thus approved the conduct that generated the officer discontent, knew the poll measuring that discontent was unreliable, and has stated in litigation that the poll “was part of the termination.” The City removed its Chief of Police over officer objections to discipline the City itself had approved and that the consent decree required.
361. Aurora has thus asserted, as its own defense, that it approved every disciplinary action the reform chief took against officers who mistreated people of color, and that it removed her because of the officers’ resulting vote of no confidence, their complaints, and their departures. Plaintiffs do not need to characterize that sequence. Aurora has described it.
362. Aurora’s litigating position in that case is itself the allegation Plaintiffs make here. In its motion for summary judgment, Aurora represented that Chief Wilson “recommended terminations of several officers for inappropriate interactions with people of color, and all of those recommendations were approved by then-Deputy City Manager Batchelor with the support of” the City Manager; that the City Manager “knew about and supported her termination of APD officers who engaged in misconduct and supported her efforts ‘100 percent’ to enact reforms in the APD”; and that “[n]o City official ever disciplined her for her advocacy or actions.” Aurora then identified its reason for removing her: “Ultimately, in light of the officer vote of no confidence, his interview with officers and the attrition rate, Twombly no longer had confidence in Wilson’s ability to lead the APD.”

363. Aurora’s own admissions undermine each reason it gave. As to the poll: Aurora has stated as undisputed that there were no controls on how many times a person could vote, and that as a result “City Management did not have confidence in the veracity of the poll” and “did not believe that the poll was accurate or reliable.” As to officer complaints: the City Manager testified that he began speaking with officers “because of what the union and conservative city council people were saying” about Chief Wilson. As to attrition: Aurora admits its management knew that officer attrition was occurring nationwide and was driven by a variety of factors including the George Floyd protests, the pandemic, and changes in Colorado law. As to the absence of a plan: Aurora admits that Chief Wilson created a “New Way Forward” plan, that the Deputy City Manager approved it, and that she presented it to City Council in February 2022 together with the City Manager. As to the records backlog: Aurora does not dispute that the backlog “existed long before Chief Wilson was appointed” and that Chief Wilson “had requested additional funds to resolve the problem but her requests were denied.”
364. Aurora has since conceded what that force was. In litigation in this District, Aurora stated that it does not dispute that the May 15, 2021 matter “involved excessive force by white police officers who ordered Mr. Nunn, an unarmed black man, to get out of his car, then tackled him, pulled guns on him and tased him twice without provocation.” Aurora further stated as undisputed that its Use of Force Board reviewed the incident, that the involved officer was ordered to attend additional training, and that Chief Wilson thereafter reopened the matter, placed the officer on leave, and commenced a new investigation. Aurora’s unions demanded her removal for doing so.

365. Aurora therefore confronted two competing institutional models. One critically reexamined force, acknowledged wrongdoing, removed officers presenting risk, and asked whether force was necessary. The other prioritized officer support, treated civilian noncompliance as the cause of force, minimized officer history, and announced justification before neutral review. Plaintiffs allege that Aurora removed the chief associated with the first model and knowingly returned to the second. This is evidence of the City's knowledge, available corrective measures, resistance to them, and conscious policy choice.
366. Aurora's reform record does not negate deliberate indifference; it establishes it. A municipality that never learned what its problems were, or never learned what would fix them, might argue that its failures were negligent rather than conscious. Aurora cannot. Aurora was told precisely what was wrong by 21CP, by the Attorney General, by the consent decree, and by its own Independent Monitor. It then demonstrated, under Chief Wilson, that it possessed the institutional capacity to reexamine force, remove officers presenting risk, and ask whether force was necessary rather than merely defensible. Aurora abandoned that model when it generated internal and political resistance. A city that identifies the correct remedy, applies it, observes that it works, and then discards it under pressure has made the conscious choice that deliberate indifference describes.

APD's "Defend First, Investigate Later" Practice

367. APD leadership repeatedly responded to serious force by foregrounding the civilian's conduct, expressing support for the involved officer, and presenting the officer's asserted justification before completing a neutral whole-encounter review. That practice reinforced the Attorney General's finding that APD asked what force could be justified rather than whether force was necessary or avoidable.

368. After David Baker died following repeated Tasers, baton strikes, punches, and prone restraint, then-Chief Nick Metz publicly framed the incident around Baker's resistance and called it one of the most violent altercations of his career before APD's Force Review process completed its analysis of tactics, repeated force, and restraint.
369. After Elijah McClain's death, APD publicly announced that its Force Review Board had found the stop lawful and the force within policy and training. A later City-commissioned independent investigation found that officers lacked an adequate basis for the stop or frisk, rapidly escalated the encounter, and that Major Crimes and Force Review failed to ask basic and critical questions. APD's premature institutional exoneration proved unreliable.
370. The Jor'Dell Richardson review supplied a separate warning. The Monitor found that APD's preliminary public information should have been more accurate, that APD lacked a formal critical-incident communications policy, and that public statements must not taint the investigation. The Monitor also stressed that even legally justified force must be examined for avoidability and institutional learning.
371. The same framing recurred in the Kilyn Lewis, Kory Dillard, and Rashaud Johnson matters, when APD leadership publicly emphasized the civilian's conduct and perceived threat while criminal, administrative, tactical, or continuous-improvement reviews remained incomplete. Plaintiffs do not allege that every underlying shooting was unconstitutional; the repeated communications practice is relevant because it announced a justification first and narrowed later review around that announced conclusion.
372. Three days after Neely killed Mr. Belt-Stubblefield, and before APD had obtained any statement from Neely or completed any investigation, Chief Todd Chamberlain held a lengthy press conference presenting definitive conclusions about the encounter.

373. Chamberlain told the public that Neely “did not choose this confrontation,” that Mr. Belt-Stubblefield was “armed and aggressive,” that Mr. Belt-Stubblefield “created the danger,” that his choices left Neely with “no other safe alternative,” and that Neely was “forced to make a split-second decision.” Chamberlain also pledged that APD would “support our officers and this department.”
374. Chamberlain simultaneously admitted that Neely had not yet been interviewed, had given no statement, and that APD could not then explain Neely’s thoughts or decision-making. Chamberlain nonetheless represented APD’s favorable account as factual, real, and unlikely to change.
375. Chamberlain characterized Neely’s punches as “de-escalation.” He told the public that verbal commands, attempted baton access, punching Mr. Belt-Stubblefield, and backing into the roadway were all de-escalation measures and that de-escalation was a “two-way street.” That public definition repeated the precise misunderstanding the Attorney General had identified: calling force used during an escalating encounter “de-escalation” instead of requiring officers to avoid creating the escalation before force becomes necessary.
376. Chamberlain specifically defended the punches as de-escalation, telling the public that “[w]hen you see an officer use a punch to try to stop somebody from inciting other people in and around a weapon, that is de-escalation,” and that backing into a six-lane roadway was also de-escalation. He then explained that “de-escalation is a two-way street,” that “[i]t’s not only the officer that’s involved in the de-escalation process, it’s also the suspect,” and that Mr. Belt-Stubblefield “did not respond productively.”
377. These were not unguarded answers to press questions. In his prepared statement, Chamberlain told the public that “the officer struck the suspect in an attempt to de-escalate

the situation.” Asked afterward how the encounter remained a deadly force situation when Mr. Belt-Stubblefield was unarmed, Chamberlain answered that “even after the suspect discarded the weapon, the threat to the officer and the public didn’t just disappear,” and that “just because that weapon is discarded doesn’t mean that it’s still not a deadly force situation.” Chamberlain further acknowledged the context in which he was speaking, telling the public that “[t]he suspect was a black male” and that “Aurora is presently and remains under a consent decree designed specifically to address bias and force issues.” He announced his conclusions anyway.

378. Chamberlain also announced a departmental position on the precise question presented by this case. Asked how the encounter remained a deadly force situation after Mr. Belt-Stubblefield threw his handgun away, Chamberlain answered that “just because that weapon is discarded doesn’t mean that it’s still not a deadly force situation.” He told the public that “[a]n officer is not paid to get injured or beaten in the middle of a street” and that “our officers don’t get paid to become unconscious in the middle of an intersection.” Those are not observations about a pending investigation. They are statements of the standard under which Aurora’s final police policymaker believed his officer had been entitled to act, and under which other Aurora officers would be entitled to act in the future.
379. The error was not incidental to his account. The moment-of-threat framing is what permits Defendant Neely’s gunpoint deployment, his decision to close distance and go hands-on while holding a drawn pistol, his three blows to the head of an empty-handed man, and his withheld warning to drop out of the analysis, leaving only the final seconds. It is the same analytic failure the Attorney General identified in 2021 when it found that APD asked what force could be justified rather than what force was necessary, and the same failure the

Monitor identified when it faulted APD's Force Review Board for examining force without examining the decisions that produced it.

380. Chamberlain also told the public what constitutional standard he understood to govern. In his prepared remarks he stated: "Our Constitution under the Fourth Amendment requires that an officer use force be judged by the reasonableness of the moment, not by hindsight." That is the moment-of-threat rule. One hundred seven days before Defendant Neely killed Mr. Belt-Stubblefield, a unanimous Supreme Court rejected it. *Barnes v. Felix*, 605 U.S. 73 (2025), held that a court "cannot review the totality of circumstances if it has put on chronological blinders," and that reasonableness must be assessed on "all the relevant circumstances, including facts and events leading up to the climactic moment." The chief executive of a police department operating under a court-enforceable consent decree directed at its use of force publicly announced, as the governing rule, a doctrine the Supreme Court had unanimously abolished three months earlier — and applied it to justify a killing.
381. Chamberlain's announced narrative omitted or contradicted central objective facts: Mr. Belt-Stubblefield threw the handgun approximately forty feet away; never moved toward it; never touched, struck, or attempted to disarm Neely; passed up an opportunity to attack Neely while Neely was on the ground; moved slowly rather than charging; stopped after the first two shots; and was shot in the head only after a changed cadence, an approximately two-second pause, and visible re-aiming.
382. Chamberlain also minimized Neely's history. Asked about reported disciplinary concerns, he acknowledged prior uses of force and personnel complaints but said there was "nothing of major, major issue that we know at this point."

383. At the same press conference, a reporter told Chamberlain that this was “at least the second time in recent months that an officer has approached a suspect alone, got into some sort of physical fight with them, and then felt that their life was in danger and use lethal force,” and asked whether any protocol changes would follow. Chamberlain responded with a statistic describing officer-involved shootings as a fraction of calls for service and returned to his theme, stating that “it’s a two-way street” because “on both of those incidents you talked about, it wasn’t just the officer there by himself,” but rather “an individual who didn’t listen” and “who didn’t comply.” Aurora’s final police policymaker was presented with the recurring pattern alleged in this Complaint, in public, three days after Mr. Belt-Stubblefield’s death, and rejected it.
384. Aurora already possessed IA 19-17 and its judicial findings of unlawful arrest, unconstitutional search, unjustified arrest-level force, and testimony inconsistent with video.
385. Chief Chamberlain’s first impulse was not to protect the public or ensure that his officers were not engaging in excessive force - it was to without question defend his police officers.
386. Chief Chamberlain may have learned the lesson from Chief Wilson’s firing - when the police officers voice a lack of confidence, the Chief’s job is in jeopardy - better to instead defend the officers without question.
387. Chief Chamberlain’s statements are all the more concerning with Defendant Neely now facing murder charges.
388. That response supports either of two municipal inferences, both material here: Chamberlain or his staff reviewed IA 19-17 and consciously minimized it, or Aurora’s supposedly reformed personnel, credibility, force, and early-intervention systems failed to place

Neely's most serious constitutional history before the Chief after Neely killed a man. Either inference supports the alleged risk-aggregation and accountability failures.

389. Chamberlain publicly selected and summarized anonymous witness accounts favorable to Neely. Yet, as of filing, APD has not interviewed Zion, who observed the entire encounter from nearby and repeatedly tried to calm both men, and has not contacted the driver of the first vehicle Mr. Belt-Stubblefield struck, who also witnessed the encounter. The failure to obtain obvious contrary eyewitness evidence after publicly announcing an exonerating narrative supports an inference that APD's review remained oriented toward defending the officer rather than neutrally testing the whole encounter.

390. Upon information and belief, Aurora returned Neely to active work within days of the shooting and allowed him to continue working until the grand jury indicted him. Aurora has announced no completed excessive-force finding, imposed no known discipline, and disclosed no punch-by-punch, shot-by-shot, whole-encounter adjudication that addresses the Monitor's identified questions.

391. The statements and post-shooting treatment are circumstantial evidence revealing the continuation of a preexisting justification-first custom independently established by earlier incidents, official reports, force-review practices, Wilson's removal, Neely's return, and Aurora's pre-event response to Nunn; they also support ratification only to the extent a final policymaker ultimately adopts both Neely's conduct and its unconstitutional basis.

Aurora Had Individualized Notice Concerning Matthew Neely

392. Aurora's municipal notice was not limited to Department-wide findings. APD possessed individualized information concerning Matthew Neely before returning him to armed patrol and again before August 30, 2025.

393. In 2019, an Arapahoe County judge found Neely not credible after testimony inconsistent with body-worn-camera footage, found an unlawful arrest and unconstitutional search, and found that Neely and another officer failed to articulate facts sufficient to justify the force used. APD's own Internal Affairs process received and adjudicated those findings.
394. Aurora investigated Defendant Neely under five directives: 14.2.2 Making a False or Untruthful Declaration; 14.2.1 Conduct Unbecoming; 14.2.15 Unsatisfactory Performance; 5.3 Use of Physical Force; and 14.2.11 Constitutional Requirements. The Chief's Review Board sustained Conduct Unbecoming, Unsatisfactory Performance, and Constitutional Requirements. It returned findings of NOT SUSTAINED on Making a False or Untruthful Declaration and on Use of Physical Force. Aurora thus declined to sustain a truthfulness violation against an officer a court had just found gave false testimony, and declined to sustain a force violation against an officer a court had just found used force the law did not permit.
395. Aurora's own Internal Affairs file records the judicial findings verbatim. The court found that Defendant Neely and another officer "gave false testimony during a motion hearing," and stated on the record: "Officer [] and Officer Neely are not credible. They testified inconsistent with the video that the Court observed, so the Court finds that their other testimony regarding what happened when the video is not on is not credible and the Court is not willing to believe any of it." On the force used, the court found that "just that a felony may have occurred is not specific enough facts for the officers to use the degree of force associated with an arrest such as what was used here." On the search, the court found "no specific reason to believe that he was armed or dangerous" and described what occurred as

“a blatant violation of his constitutional rights.” The court separately found “[a]nother blatant violation of his Fifth Amendment constitutional rights.”

396. APD declined to sustain the force and untruthfulness specifications, sustained lesser constitutional, performance, and conduct violations, and imposed only ten hours of unpaid suspension. Aurora therefore had direct notice of closely related risks while its own process minimized the most serious dimensions of the event.
397. Aurora also possessed repeated complaints alleging profiling or discriminatory traffic enforcement and a 2023 supervisory assertion that Neely had “no history of making false statements” despite the judicial and IA record. Those facts reinforced the need for genuine aggregation and independent re-evaluation before returning him to armed traffic enforcement.
398. Neely had returned to APD service by March 2024. By then, Aurora had received the 21CP report, the Attorney General’s pattern-and-practice findings, the McClain independent review, the consent decree, years of Monitor reports, and numerous incident-specific warnings concerning escalation, firearm display, racialized threat perception, deficient review, weak discipline, and ineffective early intervention.
399. Aurora first hired Defendant Neely as a police recruit in 2002. He retired from the Aurora Police Department in 2023. In March 2024, Aurora rehired him and returned him to patrol duties. When Aurora made that decision, it possessed the 2019 judicial findings that Defendant Neely had given false testimony, made an unlawful arrest, conducted an unconstitutional search, and used force the law did not permit; its own Internal Affairs adjudication declining to sustain the truthfulness and force allegations arising from those findings; the citizen complaints it had itself coded as alleging racial bias-based profiling;

and his complete personnel, complaint, training, and force-review history. Aurora returned him to solo armed patrol without effective remediation, enhanced supervision, or functioning early-intervention monitoring.

400. For *Monell* purposes, Aurora's screening, hiring, and rehiring failures support the failure-to-screen and deliberate-indifference theories. Aurora's choices about who would carry its badge and gun, made through a process it knew to be deficient, were closely related to and moving forces behind the constitutional violations that predictably followed.

401. Aurora's deficient screening extended to rehiring. When Aurora returned Defendant Neely to patrol in March 2024, it possessed judicial findings that he was not credible and had used force the law did not permit, citizen complaints that it had itself coded as alleging racial bias-based profiling, and more than a decade of internal risk records — and it conducted no meaningful individualized screening before placing him back on solo armed patrol.

402. The screening allegations above establish that Aurora structurally separated the decision about who would carry its badge and gun from the agency responsible for supervising that person, and lowered the standards governing that decision under staffing pressure, with the results described. Defendant Neely's rehire is a separate municipal decision, and its deliberate indifference does not depend on the Commission's process. It rests on what Aurora knew about this officer and returned him to solo armed patrol anyway.

403. The consent decree required Aurora's hiring process to be revised and independently monitored. The Monitor's analysis of that process recommended sweeping changes, including transferring primary decision-making authority from the Commission to human-resources professionals, retaining a new psychological evaluator, retaining new

background investigators, adopting background-investigation parameters that include review of an applicant's social media for explicit bias, retaining a new polygraph administrator, and implementing a new panel-interview process. The number and extent of the recommended changes measure the depth of the deficiency.

404. The results were predictable. In 2018, the Commission hired John Haubert although he had pleaded guilty in 2009 to unlawfully possessing a firearm while intoxicated after pointing a shotgun at his roommates during a drunken argument. Three years later, Haubert pressed his pistol against the head of Kyle Vinson, an unarmed Black man, struck him with it approximately a dozen times, and choked him. The same process passed Douglas Harroun through to hiring; Harroun fired the shot that APD's own Internal Affairs process found was not legally justified.

405. During 2020, amid a widespread exodus of officers from Colorado law enforcement agencies, the Commission lowered its cut-off scores and minimum qualifications in order to fill vacancies. The Commission used a multiple-choice situational-judgment and human-relations examination and set the minimum passing score low notwithstanding the risk that applicants with poor judgment and a propensity to misinterpret common law enforcement situations would pass through to hiring. The Commission also assumed primary responsibility for entry-level background investigations rather than engaging an outside agency, staffed those investigations with retired police officers, and set the minimum standards for background checks low.

406. The entrance examination the Commission used was the Frontline National Situational Judgment and Human Relations Video Test, a multiple-choice instrument that measures an applicant's judgment and reaction to situations police officers commonly encounter. On

information and belief, the Commission set the minimum passing score on that examination low enough that applicants with poor judgment and a propensity to misread ordinary law enforcement encounters were passed through to hiring.

407. The Monitor examined the consequences of that process directly. Reporting on an officer “who was hired in 2020 as an entry-level officer,” the Monitor recorded that “[i]n 2020, the Civil Service Commission conducted hiring with no input from agencies and unilaterally set cut-off scores on the written exam and acceptable minimum score for the job suitability assessment without agency input.” The Monitor placed that hiring decision among several “controversial APD hiring and promotion issues” that had “raised questions from the community about how certain decisions were made and what, if anything, is being done to address these issues.”
408. The Commission’s record was itself racially skewed. The Attorney General found that the Commission approved for hire approximately 4.24 percent of qualified white applicants to APD but only approximately 1.1 percent of qualified Black applicants.
409. Aurora’s liability also rests on its screening and hiring practices. In 1967, Aurora committed sole responsibility for all APD hiring decisions to the Aurora Civil Service Commission by city charter. As of 2020, the Commission exercised unilateral control over every aspect of officer hiring, with no input from APD at any point, including the power to set the minimum qualifications for entry-level officers and the minimum cut-off scores on the entrance examination and on the job-suitability psychological evaluation.
410. The Nunn warning made the risk immediate. In January 2025, a jury found that Nestor used excessive gunpoint force and acted willfully and wantonly against an unarmed Black motorist. In April 2025, the Monitor told Aurora that APD had failed to connect Nestor’s

prior performance history, that ordinary review failed to examine officer-created escalation, and that a functioning Early Intervention System might have prevented the incident. Upon information and belief, Aurora thereafter imposed no discipline on Nestor, made no POST referral, conducted no meaningful department-wide audit for officers presenting the same risks, and allowed Nestor to remain employed. One hundred thirty-seven days after the Monitor's warning, Neely - another officer with force, constitutional, credibility, and profiling warning signs - initiated this solo traffic encounter.

The Known Risks Materialized in the Belt-Stubblefield Encounter

411. Mr. Belt-Stubblefield's encounter presented the same interlocking failure mechanisms Aurora had repeatedly been told to correct. The incident began as traffic enforcement. Neely approached the crash alone with his firearm drawn, before the backup he requested arrived.
412. After Mr. Belt-Stubblefield threw his handgun forty feet away, Neely knew he was empty-handed and did not see him move toward the gun. Rather than preserve distance, contain the discarded weapon, communicate, and await coordinated assistance, Neely went hands-on while still holding his firearm, fell, then reengaged after Mr. Belt-Stubblefield walked away.
413. Neely did not carry a Taser. He repeatedly punched Mr. Belt-Stubblefield before Mr. Belt-Stubblefield raised his fists, including a punch from behind, and then treated the resulting empty-handed boxing posture as a deadly threat. Mr. Belt-Stubblefield never touched Neely and moved only in a slow shuffle. Neely had multiple routes to move laterally or continue creating distance, and backup arrived within approximately one minute after the third shot.

414. Neely then intentionally withheld a warning to preserve an “element of surprise,” fired two torso rounds in close succession, observed Mr. Belt-Stubblefield stop, paused approximately two seconds, visibly changed his gun angle, made a conscious decision to “change the target,” and fired at Mr. Belt-Stubblefield’s head. The first two shots and third shot were distinct uses of force requiring separate justification.
415. The constitutional injury thus occurred through the exact sequence Aurora had repeatedly been warned about: premature gunpoint deployment; officer-created urgency; a firearm-in-hand struggle; failure to use time, distance, cover, and backup; inadequate less-lethal capability; unnecessary punches that created greater resistance; inadequate warning; failure to reassess as circumstances changed; a justification-first review culture; and an officer whose accumulated warning signs had not resulted in effective intervention.

Deliberate Indifference and Causation

416. Aurora did not lack notice. It had years of incidents and civil litigation; the McClain independent investigation; the City-commissioned 21CP review; the Attorney General’s fourteen-month pattern-and-practice investigation; the consent decree; the Nunn verdict and April 2025 Monitor warning; completed Internal Affairs matters; its own audits and racial-disparity data; and Neely’s individualized record.
417. Aurora did not lack knowledge of available remedies. It had already identified and, under Wilson or in selected SWAT contexts, implemented whole-encounter review, risk-based tactical planning, designated less-lethal coverage, scenario-based decision training, enhanced supervision, officer removal, officer-history review, early intervention, meaningful discipline, and training that asked whether force was necessary rather than merely defensible.

418. This case therefore is not premised on Aurora's failure to earn a particular Monitor score or complete every reform milestone. Plaintiffs allege a conscious municipal choice: Aurora knew what meaningful accountability required, removed the chief who was using it when those efforts generated institutional resistance, failed to act after the Nunn verdict and warning, returned Neely despite individualized notice, and adopted a leadership approach that publicly defended contested force before neutral review.
419. Aurora's racially biased policing custom and deficient bias-accountability systems were likewise moving forces behind the discriminatory treatment alleged. Aurora knew that Black people remained disproportionately contacted, arrested, searched, held at gunpoint, and subjected to force; knew that disparities were greatest where officer discretion was highest; and maintained systems unable or unwilling to determine whether an officer's discretionary threat perception and force decisions were affected by race.

Aurora Accumulated Repeated Neely-Specific Risk Information but Did Not Operate an Effective Aggregation and Intervention System

420. Aurora's production concerning Neely includes numerous separately logged complaints, preliminary reviews, Tier 1 force reviews, use-of-force matters, and performance-related records spanning more than a decade. Those records include, among others, 2013-UOF-0094; 2014-0098-COM; 2014-PWR-0039; 2016-PWR-0156; 2016-PWR-0198; 2016-TIER-0086; 2017-PWR-0120, 0121, and 0122; 2017-TIER-0463; 2018-UOF-0018; 2019-0089-COM; 2020-0171-COM; 2020-PWR-0010; 2020-TIER1-0121 and 0196; 2022-0034-COM; 2022-0068-COM; 2022-TIER1-0019, 0110, 0224, 0254, 0399, and 0508; 2023-0059-PWR; and 2023-TIER1-0082.

421. Aurora possessed officer-specific risk data that its supervisors, Internal Affairs personnel, early-intervention systems, and rehire decision-makers were responsible for aggregating rather than viewing as disconnected events.
422. The pattern of repeatedly opening and closing isolated files without reliable cross-file analysis is itself one of the accountability failures identified by outside reviewers and the Monitor. It permits an officer to accumulate warning signs without any single reviewer confronting the total risk.
423. Aurora also possessed complaints alleging racial profiling or discriminatory traffic enforcement by Neely and a supervisory statement that he had “no history of making false statements” notwithstanding IA 19-17. Even where a complaint was not sustained, it remained risk information that should have been reviewed together with his force, constitutional, credibility, and performance history before his return to armed patrol.
424. Aurora’s failure to aggregate does not depend on proving that each prior allegation was true. An early-intervention system is designed precisely to identify patterns, clusters, outliers, and recurring risks before every event is finally adjudicated as misconduct.
425. The Independent Monitor later found that APD’s legacy early-intervention systems were not fully functional or integrated, did not reliably include all relevant data inputs, and lacked a clear process for supervisors to monitor, analyze, and act on officer-risk information.
426. The Monitor also found that Aurora had not incorporated civil litigation into its early-intervention framework, reporting that although “civil lawsuits are reviewed monthly by the Chief and command staff, they are not currently tracked within APD’s dashboard metrics as a discrete early intervention indicator,” and that “APD has expressed sensitivity

concerns regarding the inclusion of lawsuits in officer-level metrics.” The Monitor observed that the consent decree nonetheless “requires that trends and patterns — including those revealed through civil litigation — be captured within the early intervention framework.” Aurora’s objection was to being measured, not to the measure.

427. Aurora’s failure to build a functioning early-intervention system spans the entire monitorship. In the Monitor’s first reporting period, beginning February 2022, early intervention was identified as a required area of reform. In the second reporting period the Monitor recorded that APD was “in the process of updating its early intervention system.” By 2024 the Monitor was describing APD’s Personnel Early Intervention System as APD’s “legacy system.” In April 2025 the Monitor reported that “[t]he existing system simply is not working well and is in the process of being replaced by APD,” and that the replacement was not yet operational. Aurora had been under court-enforceable obligation for more than three years, and had been told repeatedly what was wrong, and the system that exists to identify officers accumulating warning signs before they cause serious harm had still not been built when Defendant Neely initiated the encounter that killed Mr. Belt-Stubblefield.

The City-Commissioned 21CP Review Supplied Additional Specific Notice Before the Attorney

General’s Findings

428. In 2020, Aurora commissioned 21CP Solutions, a national police-practices and civil-rights consulting organization, to conduct a comprehensive review of APD. The final report, Recommendations for the Aurora Police Department, was issued in August 2021 and was approximately 160 pages long.
429. The 21CP review did not merely recommend generalized improvement. It addressed critical operations, use of force, stops and arrests, bias-free policing, crisis intervention,

community engagement, organizational structure, recruitment and hiring, field training and supervision, early intervention, complaints, discipline, transparency, data systems, and organizational culture.

430. Contemporaneous public reporting described the review as identifying ninety-nine ways APD should improve and reported that a relatively small group of officers accounted for a disproportionate share of misconduct matters. Whether framed as recommendations or findings, the review put City leaders on notice that APD's problems were systemic, measurable, and concentrated enough to require officer-level intervention.
431. 21CP recommended that APD revise its bias-free-policing policy to provide specific and detailed guidance, make clear that bias-free requirements govern all officer activities rather than only selected enforcement actions, and explain that discriminatory shortcuts undermine both legitimacy and sound police decision-making.
432. 21CP recommended training concerning bias, the histories and experiences of Aurora's diverse communities, discriminatory-policing concerns, and cross-cultural communication, with meaningful community participation in the design and delivery of that training.
433. 21CP recommended regular, independent analysis of officer-level and aggregate departmental data to determine whether APD's activities, programs, or enforcement approaches imposed disproportionate burdens on particular racial or community groups.
434. 21CP recommended transparency concerning complaints alleging bias, profiling, and discrimination, including public information about how those complaints were investigated and adjudicated.

435. 21CP also recommended renewed commitment to a functioning crisis-intervention model or alternative response mechanisms for people experiencing behavioral or medical crises.
436. The report further called for clearer force standards, affirmative de-escalation obligations, scenario-based training, meaningful supervisory and Force Review Board critique, stronger early intervention, and a complaint-and-discipline system capable of changing behavior rather than repeatedly validating it.
437. Aurora thus received a detailed City-commissioned reform blueprint shortly before the Attorney General issued separate pattern-and-practice findings. The overlap between the two reviews eliminated any plausible claim that the problems were unknown, idiosyncratic, or attributable to one controversial incident.

Required Consent-Decree Safeguards Remained Incomplete When Mr. Belt-Stubblefield Was Killed

438. The Attorney General described severe and systemic culture problems: frequent force, often beyond what the law permits; ad hoc training that did not respond to actual officer behavior; policies that provided little practical guidance; and review systems that favored findings of policy compliance instead of candidly determining whether force was necessary or could have been avoided.
439. The Attorney General's statistical experts analyzed millions of APD records and found significant racial disparities in contacts, arrests, searches, and force, including disparities that persisted across multiple controls and methods of analysis.
440. The resulting consent decree required Aurora to reform use-of-force policy and training, de-escalation, force reporting and adjudication, early intervention, bias-free policing, data

collection and analysis, complaint investigation, discipline, hiring, supervision, and transparency.

441. Immediately before Mr. Belt-Stubblefield's death, important use-of-force, early-intervention, accountability, bias-analysis, data-integration, and training mandates remained incomplete or not fully aligned with operational-integrity criteria.

442. Among other open items, APD had not completed a fully functional and integrated early-intervention system; had not established a comprehensive methodology for analyzing racial disparities; lacked complete data and side-by-side trend capabilities; needed additional scenario-based and refresher training; and continued to refine force adjudication and remediation systems.

443. The Monitor emphasized that lawful force is not necessarily necessary force; that reviews must examine de-escalation, tactics, planning, communication, warnings, intervention, medical attention, documentation, and supervisor performance; and that identified problems must lead to coaching, mentoring, training, or discipline.

444. Those were the precise safeguards missing from the encounter with Mr. Belt-Stubblefield. Neely rapidly escalated, went hands-on alone, failed to coordinate less-lethal cover, used his firearm as a compliance tool, failed to warn, failed to reassess adequately between shots, and did not promptly transition to medical care.

Publicly Filed Evidence Shows Explicit Racism, a Culture of Nonreporting, and Organized Resistance to Accountability

445. Publicly filed sworn testimony, emails, disciplinary findings, and other records in *Wilson v. City of Aurora*, No. 1:24-cv-00731-SKC-TPO, provide additional evidence concerning the institutional environment in which Aurora attempted—and at times failed—to

implement reform. The summary-judgment motion in that case remains pending. Plaintiffs do not characterize disputed party assertions as judicial findings, and the later filing date is not itself pre-event notice; the underlying incidents, City records, and policymaker knowledge substantially predated Mr. Belt-Stubblefield's death.

446. Former Chief Vanessa Wilson testified that she believed racism and implicit bias existed within APD, disciplined or terminated officers for racist conduct and excessive force involving Black community members, and attempted to implement the Attorney General, 21CP, and consent-decree reforms.
447. Wilson described an incident at the APD academy in which a training officer recounted a shooting involving a Black suspect whose gun had jammed and made "monkey noises" while pretending to clear the malfunction. The racist conduct occurred in a training environment, before recruits, by an officer modeling how APD personnel should understand and survive encounters.
448. Wilson's testimony about the response was more probative than the offensive imitation alone. She testified that another officer refused to report it and that she did not report it either because "it wasn't the culture to . . . come forward with that" and officers feared that others "wouldn't back you on calls." A police culture in which personnel fear loss of backup for reporting racist conduct directly undermines complaint reporting, intervention, supervision, officer safety, and the reliability of official statistics concerning bias.
449. Wilson identified Sergeant Graham Dunne as the same officer associated with the academy monkey-noise incident. She further testified that a Black resident later complained that Dunne told him, "listen, boy, you're not even good enough to . . . shine my boots." Wilson sent the complaint to Internal Affairs and Chief Nick Metz and informed Metz of the earlier

academy incident. According to Wilson, Metz imposed no discipline after accepting Dunne's explanation that "boy" was a military term rather than racial.

450. Wilson also testified about then-officer Paul Cancino's radio microphone becoming stuck while an apartment building was reportedly on fire. Preserving her qualification that she was not giving a verbatim quotation, Wilson recalled Cancino saying words to the effect of, "I hope it burns down with all the Ns in it," and testified that the reference was to the N-word and to Black residents.
451. A separate, formally documented matter involved Lieutenant Charles DeShazer. Another officer's body-worn camera recorded DeShazer stating, "We have all of the Alabama Porch Monkeys contained" after a crowd gathered near an officer-involved-shooting scene. Chief Metz terminated DeShazer; DeShazer stipulated that the statement violated APD policy; and the Civil Service Commission described the statement as reprehensible and likely to bring APD into disrepute.
452. The Civil Service Commission nevertheless reversed DeShazer's termination, demoted him to sergeant, and treated the period between the disciplinary order and hearing as an unpaid suspension. The Monitor later identified that disposition in its formal assessment of the Commission's de novo review process.
453. The evidence therefore includes explicit racism by a training officer, sergeant, lieutenant, and other sworn personnel; alleged command-level minimization; a failure-to-report culture rooted in fear that officers would withhold backup; and a structural appeals process that returned a senior officer to service after a stipulated racist policy violation.
454. The Wilson record also includes a November 17, 2021 email by Aurora Police Association president Doug Wilkinson that associated Aurora's "diversity" with "illegal aliens, weed

smokers, crackheads, child molesters and murderers,” described the consent decree as “leftist identity politics,” asserted that reform would replace white male officers with unqualified women and minorities, and called the decree “literally systematically sexist and racist” against white men. The Civil Service Commission later upheld Wilkinson’s termination.

455. Aurora’s Civil Service Commission made findings about that email. It found the email conveyed “negative stereotypes” reflecting “contempt for and hostility toward the majority of the City’s citizens along with disdain for officers who are not part of the white male majority.” APD officers told the City’s investigator that the email implied that officers who are not white men “are somehow not as valuable,” and that the author’s claim about invitation-only promotional sessions was “false and insulting” and implied “that the officers cheated to get to where they were.” The Commission found that statement “particularly egregious.” The Commission also found that the officers understood the email to undermine “related efforts to improve relations with the community and eliminate racial bias in policing.”
456. Black APD employees complained that the Wilkinson email conveyed that they were less qualified, less competent, less intelligent, and less deserving than white male officers. City management witnesses agreed that the email was racist and attacked the validity of the consent decree. The statements therefore affected not only community members but the workplace environment in which Black officers were expected to challenge biased conduct by coworkers.
457. The Wilson record further reflects union members or leaders criticizing implicit-bias and diversity training as “wokeness,” “liberal propaganda,” and “soft peddling of critical race

theory.” The criticism targeted the very training Aurora had been ordered and advised to use to correct its documented pattern of racially biased policing.

458. After Wilson told the Black Ministerial Alliance that APD would not have placed a white five-year-old girl in the Gilliam family’s circumstances face-down on hot pavement at gunpoint, a union leader became angry and told Wilson that her statement would be “a big problem” for her. The episode shows resistance not merely to discipline, but to a chief publicly acknowledging racial disparity and apologizing to Black residents.
459. According to the publicly filed evidence, union opposition intensified when Wilson opened or reopened investigations into force by white officers against Black residents, including the Preston Nunn matter. Union leadership initiated a no-confidence campaign and opposed aspects of the consent decree and the “Justified, But Was It Necessary?” approach to de-escalation.
460. The record further supports the allegation that elected officials aligned with police unions denied systemic racism within APD, opposed DEI and consent-decree reforms, publicly attacked Wilson, and pressured the City Manager to remove her. Wilson testified that she and Deputy Chief Darin Parker were attempting to “eradicate the racism” they saw in the organization when political pressure mounted to remove them.
461. Aurora terminated Wilson in 2022. City policymakers knew that influential constituencies within APD were resisting racial-bias and force-accountability reforms, knew that reporting racist conduct could expose officers to loss of coworker support, and nevertheless permitted resistance and political pressure to weaken, delay, or reverse corrective measures.

462. The message Aurora's policymakers sent to every APD officer was unmistakable: contested force would be defended, racist conduct would be tolerated, and the chief who insisted otherwise would be removed.
463. Aurora installed Dan Oates as interim chief. During his tenure, and upon information and belief, Oates overturned a sustained internal affairs finding against a high-ranking officer and promoted that officer days later, suspended an ordered termination of another officer, and dissolved both the Chief's Review Board and the Community Police Task Force that Aurora had created after the 2020 protests over Mr. McClain's killing.
464. The removal of a chief identified with force accountability and racial-bias reform, followed by incomplete accountability systems and the return of an officer with Neely's history to armed patrol, permits an inference that Aurora subordinated constitutional reform to internal political pressure and officer morale. That inference is reinforced by the Attorney General's structural findings and the Monitor's continuing identification of incomplete intervention and accountability mechanisms.

The Same Component Mechanisms Recurred Across These Incidents and Combined in Mr. Belt-Stubblefield's Death

465. Aurora's Tier Zero firearm-pointing structure was a common municipal mechanism linking the gunpoint incidents. It prevented full force reporting and integrated analysis of the tactic across Nunn, Gilliam, Vinson, Parmar, Butler, and other encounters, thereby obscuring the frequency of gunpoint control, officer and unit outliers, continuation after threats ended, and possible racial disparities. That mechanism supports the custom, training, supervision, force-review, early-intervention, remediation, and equal-protection theories.

466. The incidents are not offered as a pile of unrelated shootings. They repeatedly presented the same component mechanisms that combined here: low-level or unstable encounters converted into high-risk confrontations; premature gunpoint tactics; failures to use time, distance, backup, cover, and less-lethal roles; officer-created urgency; racialized threat perception; failure to reassess; weak intervention; officer narratives privileged over objective evidence; and review systems that converted neither warning nor tragedy into durable correction.

The Identified Municipal Failures Were Direct Moving Forces Behind the Shooting

467. Aurora's firearm-display custom made it predictable that Neely would approach a traffic-related crash with his pistol already drawn and continue using the firearm as a compliance tool after Mr. Belt-Stubblefield visibly disarmed.

468. Aurora's Tier Zero treatment of firearm pointing compounded that custom by depriving APD of full force reports, critical supervisory investigations, and integrated officer-level and racial analysis concerning the very tactic that initiated the encounter. The resulting absence of feedback, outlier detection, and remediation made it more predictable that Neely would treat gunpoint control as routine and continue pointing after the threat had changed.

469. Aurora's failure to train and supervise officers to use time, distance, containment, cover, disengagement, backup, and coordinated less-lethal options made it predictable that Neely would initiate an avoidable solo struggle instead of stabilizing the scene.

470. Aurora's deficient force-review and defend-first practices made it predictable that officers would focus on constructing a final-second justification and blaming the civilian rather than examining whether firearm deployment, reengagement, punches, warning, retreat routes, or shot-by-shot reassessment could have prevented the death.

471. Aurora's failure to require meaningful warning and shot-by-shot reassessment made it predictable that Neely would intentionally withhold a warning, treat two grouped torso impacts as ineffective, pause approximately two seconds, select a new target, and fire a third round after Mr. Belt-Stubblefield had stopped.
472. Aurora's racial-bias and threat-perception failures made it predictable that an unarmed Black man would be perceived and treated as a deadly threat after he discarded a firearm, while facts indicating injury, disorientation, fear, or a need for containment were discounted.
473. Aurora's ineffective early-intervention and rehire systems made it predictable that Neely's judicial credibility findings, constitutional violations, force history, complaints, and performance information would not trigger the supervision, remediation, restriction, or exclusion from armed patrol necessary to protect the public.
474. Aurora's weak discipline and its knowing return to a defend-first model communicated that serious constitutional and force-related problems could be reduced to minor discipline, classified as within policy, or treated as attacks on officers rather than as warnings requiring correction.
475. Had Aurora operationalized the safeguards repeatedly identified by 21CP, the Attorney General, the consent decree, the Monitor, judicial findings, and prior incidents - and had it applied the accountability model it knew how to use - Neely would not have returned to solo armed patrol under the same conditions; would have been subjected to enhanced supervision and remediation; would have preserved distance and awaited coordinated assistance; would not have repeatedly punched an unarmed person before treating the

reaction as a deadly threat; would have warned; and would have ceased fire when the threat changed.

476. The municipal customs, omissions, and decisions alleged above were therefore not merely background conditions. They were substantial factors and moving forces that operated through Neely's training, supervision, discipline, risk assessment, return to duty, tactical choices, and trigger decisions to cause Mr. Belt-Stubblefield's injuries and death.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983 - Fourth Amendment Excessive Force

(Estate of Rajon Belt-Stubblefield v. Defendant Matthew Neely)

477. The Estate incorporates all preceding paragraphs as though fully set forth here.

478. At all relevant times, Neely acted under color of state law as an armed Aurora police officer exercising authority supplied by the City.

479. Mr. Belt-Stubblefield had a clearly established Fourth Amendment right to be free from force greater than reasonably necessary under the complete chronological totality and to have each distinct use of force justified by the threat existing when it occurred.

480. After Mr. Belt-Stubblefield visibly discarded his handgun to forty feet away and no longer possessed a weapon, Neely's continued gunpoint control, firearm-in-hand takedown attempt, and choice to initiate a close-range struggle without coordinated backup or less-lethal cover were objectively unreasonable to the extent alleged above.

481. When Neely fell, Mr. Belt-Stubblefield did not attack him or attempt to seize the firearm and instead walked away. Neely's decision to stand, re-point the gun, reclose distance, and reinitiate physical force after the threat diminished was independently unreasonable.
482. Each punch was an intentional use of force requiring independent justification. Before Neely began punching, Mr. Belt-Stubblefield had not raised his fists, assumed a fighting stance, swung, touched Neely, or attempted to take the firearm. The punches - including a later punch to the head from behind - were not reasonable responses to an immediate threat of injury.
483. Only after those blows did Mr. Belt-Stubblefield raise his empty fists. Neely created or materially intensified the close-range confrontation and then relied on Mr. Belt-Stubblefield's foreseeable reaction to Neely's force as the asserted justification for shooting him.
484. The Estate does not rely on a freestanding provocation doctrine. The firearm pointing, reengagement, and punches were alleged unconstitutional uses of force and immediately connected parts of the same encounter. Barnes and Tenth Circuit precedent require their consideration; Mendez does not permit Neely to erase them by commencing the analysis only after Mr. Belt-Stubblefield raised his fists.
485. The first two gunshots were objectively unreasonable because a jury may find that Mr. Belt-Stubblefield was unarmed, five to eight feet away, moving only in a slow shuffle, not reaching toward the handgun approximately forty feet away, not touching or attempting to disarm Neely, and not presenting an immediate threat of death or serious bodily harm that could not be addressed through distance, lateral movement, cover, warning, proportionate nondeadly force, or arriving backup.

486. Neely intentionally withheld a warning immediately before shooting even though a warning was feasible. His stated desire to preserve an “element of surprise” did not excuse the clearly established warning requirement.
487. The third gunshot was independently unreasonable. The first two rounds stopped Mr. Belt-Stubblefield; approximately two seconds passed; Neely observed the effect, changed his gun angle, consciously selected Mr. Belt-Stubblefield’s head as a new target, and fired again after Mr. Belt-Stubblefield did not resume advancing.
488. It was clearly established before August 30, 2025 that an officer may not use deadly force against an unarmed person who does not present an immediate threat; that slow movement and close distance do not automatically create such a threat; that available warning, retreat routes, and backup matter; and that reckless or deliberate officer conduct immediately connected to the shooting remains part of the totality.
489. It was also clearly established that force must cease when its justification ends and that later shots may be unconstitutional even if an earlier shot was justified.
490. Aurora’s own Force Review Board applies that principle in the form it uses to adjudicate uses of force. In its adjudication of the May 15, 2021 traffic stop, Aurora’s Force Review Board recorded the governing standard: “each use of force must be justified and evaluated separately. Uses of force are considered separate when the officer had time to re-evaluate and make a new determination if force was necessary. For instance, a series of rounds fired in rapid succession is considered one use of force, whereas rounds fired with gaps of time between where the officer reassessed the threat would be considered separate uses of force and need to be justified individually.” Four years before Defendant Neely fired two rounds in rapid succession, paused, observed, re-aimed, selected a new target, and fired a third

round, Aurora had committed that exact distinction to writing as the standard by which it evaluates its own officers' force.

491. No reasonable officer could have believed that the Constitution authorized repeatedly punching an unarmed man before he assumed a fighting posture, manufacturing a close-range confrontation, intentionally withholding a feasible warning, firing at a person who was not reaching for a discarded gun, or deliberately firing a separately selected head shot after the person stopped.
492. Neely's conduct was intentional, reckless, malicious, willful and wanton, and undertaken with reckless or callous indifference to Mr. Belt-Stubblefield's federally protected rights.
493. Neely's unconstitutional force directly and proximately caused Mr. Belt-Stubblefield's pain, terror, bodily injuries, death, loss of life, and all damages recoverable by his Estate.
494. Plaintiffs are entitled to compensatory damages, punitive damages against Neely, attorney fees and costs under 42 U.S.C. § 1988, pre- and post-judgment interest, and all other relief permitted by law.

SECOND CLAIM FOR RELIEF

42 U.S.C. § 1983 - Fourteenth Amendment Equal Protection

(Estate of Rajon Belt-Stubblefield v. Defendant Matthew Neely)

495. The Estate incorporates all preceding paragraphs as though fully set forth here.
496. The Equal Protection Clause prohibited Neely from treating Mr. Belt-Stubblefield more suspiciously, dangerously, or harshly because he was Black, and from using race as a motivating factor in deciding whether, when, and how much force to use.

497. Discriminatory purpose is further supported by Defendant Neely’s own conduct during the encounter. He drew and pointed a firearm at the outset of a traffic-related contact. He continued to treat Mr. Belt-Stubblefield as a lethal threat after watching him throw his only weapon approximately forty feet away. He classified Mr. Belt-Stubblefield’s own son, who was pleading with him not to shoot, and another unrelated bystander as threatening “associates.” He punched an empty-handed man in the head three times, including once from behind. He withheld a warning to preserve an “element of surprise.” And after two rounds had stopped Mr. Belt-Stubblefield’s movement, he paused, re-aimed, and selected the man’s head.
498. Aurora received and recorded citizen complaints alleging that Defendant Neely engaged in racial profiling or racially selective traffic enforcement in 2014, 2020, and 2022. In July 2025 — approximately six weeks before he stopped and killed Mr. Belt-Stubblefield — Aurora received a further complaint alleging that Defendant Neely engaged in selective speeding enforcement. These complaints concern the same officer, the same discretionary decision (whom to stop for a traffic violation), and the same asserted basis (race). They are not statistics about a department; they are a documented, repeated, officer-specific allegation that Defendant Neely selected the people he stopped on the basis of race, culminating six weeks later in the stop that killed Mr. Belt-Stubblefield.
499. No complaint of bias-based profiling against Defendant Neely was ever sustained. From 2014 through July 2025, Aurora closed every such complaint as Unfounded or Not Sustained. That result matches what the Independent Monitor found department-wide: in the samples it reviewed, APD classified all 27 bias complaints from 2023 and all 26 bias complaints reviewed from 2024 as unfounded or exonerated. Aurora’s bias-complaint

process did not fail to detect a hidden pattern; it received the pattern, recorded it, coded it, and closed it.

500. On July 15, 2025 — thirty-six days before Defendant Neely killed Mr. Belt-Stubblefield — a citizen reported that he did not see Defendant Neely using a speed gun and that Defendant Neely “was selectively pulling over cars.” Aurora opened complaint 2025-0263-COM on July 17, 2025 and closed it eight days later, on July 25, 2025, as Not Sustained. Although the file records the summons number issued to the complainant and the complainant’s inquiry about the status of his ticket, Aurora coded the matter “Result of Vehicle Stop: No” and “Complaint of Racial (Bias-based) Profiling: No” — the opposite of how Aurora had coded the three earlier complaints against the same officer arising from the same conduct.

501. Those complaints are documented in Aurora’s own Administrative Investigations Management records. In complaint 2014-0098-COM, arising from a vehicle stop, the complainant reported that Defendant Neely was “racially profiling and targeting her” and had ticketed her eight months earlier; Aurora coded the matter under Department Directive 8.32, Bias-Based Profiling, and closed it Unfounded on December 22, 2014. In complaint 2020-0171-COM, arising from a September 21, 2020 vehicle stop, the complainant reported that Defendant Neely “followed her to her house,” “profiled her,” and “said a lot of horrible things”; Aurora coded the matter as a complaint of racial bias-based profiling and as a complaint of untruthfulness or dishonesty, and closed it Unfounded. In complaint 2022-0034-COM, arising from a March 11, 2022 vehicle stop, the complainant reported that Defendant Neely “stopped her for racial profiling” and had followed her for several minutes before stopping her; Aurora coded the matter as a complaint of racial bias-based

profiling and closed it Unfounded. In performance review matters 2017-PWR-0120, 2017-PWR-0121, and 2017-PWR-0122, the complainant reported that Defendant Neely targeted his vehicle with radar while other vehicles were speeding.

502. Discriminatory purpose may be inferred from the totality of circumstances, including departures from ordinary police practice, the sequence of events, the severity of the response in relation to the conduct observed, historical background, statements and institutional culture, prior complaints, and statistical evidence.
503. Neely immediately converted a traffic-enforcement matter and crash into a gunpoint encounter; continued to treat Mr. Belt-Stubblefield as a deadly threat after visible disarmament; classified his son and nearby Black civilians as threatening “associates”; discounted facts suggesting fear, injury, impairment, or a need for containment; repeatedly punched him before he raised his fists; and used lethal force rather than available time, distance, warning, backup, and nondeadly options.
504. The comparison data necessary to measure discriminatory effect exists and is in Aurora’s possession. Colorado law requires officers to record the perceived demographic information of every person stopped, and Aurora reports that data to the State. Defendant Neely’s own stops, citations, contact-data entries, and body-worn-camera recordings will therefore permit a direct comparison of how he treated Black motorists and similarly situated white motorists. Plaintiffs will develop that comparison in discovery.
505. Aurora had received complaints alleging racial profiling or discriminatory treatment by Neely and possessed extensive notice that APD officers disproportionately stopped, arrested, threatened, and used force against Black people. Neely worked within, was

trained and supervised by, and benefited from that known culture and its deficient correction systems.

506. The Attorney General's controlled statistical analysis, 21CP's recommendations, prior incidents involving Black residents, and the evidence of internal hostility to racial-bias reforms support an inference that the treatment alleged here was not race-neutral happenstance.
507. On information and belief, race was a motivating factor in Neely's threat assessment, escalation, continued firearm use, and decision to employ deadly force. Plaintiffs acknowledge that no racial statement by Neely is presently known. Purpose is plausibly inferred from the sequence, departures from ordinary safeguards, profiling complaints, classification of nonthreatening Black witnesses as associates, extreme institutional disparities, and a culture in which explicit racism and resistance to bias accountability were known but inadequately corrected. Discovery will further test that inference.
508. Defendant Neely's conduct had a discriminatory effect. Aurora's own contact data reflect that from 2023 through 2025 APD recorded force in approximately 6.0% of contacts with Black people compared with approximately 3.7% of contacts with white non-Hispanic people, and that Black people constituted approximately 36.2% of persons against whom force was recorded while constituting approximately 15.9% of Aurora's population. On information and belief, similarly situated white motorists who fled a traffic stop and crashed were not subjected by Defendant Neely, or by APD officers generally, to continued gunpoint after disarmament, repeated blows to the head, an unwarned volley, or a separately aimed shot to the head.

509. The evidence of explicit racial slurs, racist academy conduct, fear of withheld backup for reporting racism, command-level minimization, hostility to bias training, and organized resistance to accountability supplies qualitative context for the statistical disparities and supports an inference that race could affect discretionary threat perception and force in APD.
510. That inference is strengthened by the chronology here: Neely rapidly treated a Black motorist as a deadly threat, continued doing so after the motorist discarded his firearm, repeatedly punched him before he assumed a fighting posture, and then construed the resulting empty-handed reaction as a basis for deadly force rather than using time, distance, backup, warning, or nondeadly options.
511. The right to be free from racially discriminatory law enforcement and force was clearly established long before August 30, 2025.
512. Neely's intentional discrimination directly and proximately caused Mr. Belt-Stubblefield's injuries and death and caused damages recoverable by the Estate.
513. Plaintiffs are entitled to compensatory damages, punitive damages against Neely, attorney fees and costs under 42 U.S.C. § 1988, interest, and all other relief permitted by law.

THIRD CLAIM FOR RELIEF

42 U.S.C. § 1983 - Municipal Liability for Fourth Amendment Violations

(By the Estate of Rajon Belt-Stubblefield Against Defendant City of Aurora)

514. The Estate incorporates all preceding paragraphs as though fully set forth here.
515. Neely violated Mr. Belt-Stubblefield's Fourth Amendment rights as alleged in the First Claim for Relief.

516. Aurora is liable under *Monell* through multiple overlapping routes: widespread customs and practices; deliberately indifferent failures to train, supervise, investigate, discipline, remediate, and operate an effective early-intervention system; final-policymaker decisions concerning policy, discipline, retention, return to armed duty, and abandonment of accountability; and ratification or knowing acquiescence in the challenged practices.
517. Aurora's liability does not rest solely on omissions. Aurora adopted and maintained an affirmative, formal, written municipal policy: since January 1, 2016, and continuing through the revision of Directive 5.05 effective August 18, 2023, Aurora has classified an officer's pointing of a firearm at a person as a Tier Zero "display of force" rather than as reportable force requiring a use-of-force report, evidence collection, supervisory investigation, command adjudication, and remediation. That classification is a policy statement adopted by the City, not a failure to act. Aurora maintained it after its own outside reviewer advised that firearm pointing be reclassified to Tier One, and after being told that the exclusion made it impossible to assess the frequency, patterns, or racial distribution of the practice. Aurora thereby removed the single most common coercive discretionary act performed by its officers from the very reporting, review, aggregation, and correction systems that the consent decree required it to build.
518. Aurora maintained a widespread custom of premature firearm display and use, rapid escalation, use of guns as compliance tools, avoidable solo engagement, inadequate use of time and distance, and force review focused on legal justification rather than necessity and prevention.

519. Aurora's customs also included publicly attributing responsibility for police force to the person against whom it was used, in order to justify it. That custom operated here through the Chief of Police's public statements within three days of Mr. Belt-Stubblefield's death.
520. Aurora's customs included a longstanding and widespread practice of demanding immediate and complete submission to police commands, particularly from Black people, and of treating any hesitation or noncompliance — even where officer safety was not in jeopardy — as justification for force. Mr. Belt-Stubblefield's momentary noncompliance with Defendant Neely's commands, moments after a collision violent enough to deploy his airbags, was met with exactly the response that custom prescribes: gunpoint, hands-on force, repeated blows to the head, and gunfire.
521. Aurora reinforced that custom by classifying firearm pointing as Tier Zero and withholding it from the full use-of-force report and investigation process. The resulting absence of detailed narratives, evidence collection, command adjudication, officer-level aggregation, and racial analysis normalized gunpoint control and impaired the City's ability to detect and correct unconstitutional patterns.
522. The custom was persistent and widespread, as shown by the Attorney General's formal pattern-and-practice findings; 21CP's comprehensive recommendations; the consent decree; repeated Monitor criticism; detailed and causally related incidents; APD's Internal Affairs files; the Nunn verdict and pre-event warning; the City's treatment of Neely; and the recurrence of the same tactical and accountability mechanisms over many years.
523. Aurora had actual notice through its own records, videos, Force Review Board proceedings, complaints, claims, lawsuits, verdicts, settlements, disciplinary matters,

judicial findings, expert reviews, City-commissioned studies, the Attorney General's investigation, the consent decree, and Monitor communications.

524. By August 30, 2025, Aurora maintained a general use-of-force training program that included annual scenario-based use-of-force instruction, Arrest and Control Training, de-escalation instruction, threat assessment, and instruction concerning the levels of force permitted by law. That training was designed, approved, or delivered by APD's [identify Training Section, Academy, ACT instructors, firearms instructors, or other responsible units shown by the records]. Aurora exclusively possesses Defendant Neely's individual training records, including the dates and identity of each course and instructor, lesson plans and training materials, attendance records, examination or scenario scores, identified deficiencies, remedial assignments, and return-to-service training.
525. The constitutional deficiency was not merely the absence of any use-of-force class or any scenario-based exercise. Aurora failed to require, operationally teach, recurrently test through realistic pass-or-fail scenarios, and remediate demonstrated deficiencies in the combined competencies predictably required of a solo patrol officer confronting a recently armed but visibly disarmed person following a vehicle crash. Those competencies included: preserving time, distance, and cover; holstering before hands-on contact; containing and securing a discarded weapon rather than pursuing the unarmed person; disengaging and awaiting coordinated backup and less-lethal coverage; recognizing injury, disorientation, fear, and neurological impairment; giving a feasible warning before deadly force; reassessing after each volley or shot; and integrating bias and cross-racial threat-perception instruction into use-of-force decisions.

526. Upon information and belief, Aurora did not require Defendant Neely to demonstrate proficiency in those integrated competencies when it returned him to service in 2024, and did not assign individualized remedial scenario training addressing those subjects despite the judicial findings, Internal Affairs history, force concerns, credibility concerns, bias complaints, and stop-selection complaints alleged above. Plaintiffs will amend these allegations as warranted when Aurora produces the individual training, testing, supervision, remediation, and return-to-service records within its exclusive possession.
527. Adequate training and testing would have required Defendant Neely to preserve the separation Mr. Belt-Stubblefield created; holster before attempting hands-on control; establish containment around the discarded firearm; await backup and less-lethal coverage; use communication and a feasible warning; recognize that the first two rounds had stopped Mr. Belt-Stubblefield's movement; and refrain from deliberately selecting and firing at his head after the circumstances had materially changed. Aurora's failure to train, test, reinforce, and remediate these competencies was a moving force behind each of those decisions.
528. Aurora failed to provide and enforce adequate, recurrent, scenario-based training on de-escalation as an affirmative pre-force obligation; firearm drawing and pointing; post-disarmament containment; solo high-risk contacts; backup and coordinated less-lethal cover; tactical disengagement and repositioning; feasible warnings; independent justification for each shot; and transition from force to medical care.
529. Aurora's need for that training was obvious and repeatedly identified. The recurrence of similar incidents and formal findings made further constitutional violations a highly predictable consequence of failing to operationalize the required safeguards. *See City of*

Canton v. Harris, 489 U.S. 378, 390 & n.10 (1989) (failure to train on constitutional deadly-force limits can be deliberately indifferent where officers predictably confront such decisions); Quintana, 973 F.3d at 1033-35 (similar events plus a governmental report diagnosing the same deficient procedure plausibly stated municipal notice at Rule 12).

530. This is not a case in which no training could have mattered because no force at all was warranted. The decisions Aurora failed to train and supervise were precisely the difficult choices that training and supervision are meant to make less difficult: whether to holster before going hands-on, whether to close distance or preserve it, whether to contain a discarded weapon rather than pursue the person who discarded it, whether to await coordinated backup and less-lethal coverage, whether to warn before firing, and whether to reassess between rounds. The Supreme Court has recognized that a municipality that arms officers and deploys them into the public must train them on the constitutional limits of deadly force, because officers are otherwise unlikely to be familiar with those limits. *See Connick v. Thompson*, 563 U.S. 51, 63-64 (2011); *City of Canton v. Harris*, 489 U.S. 378, 390 n.10 (1989).

531. Aurora failed to supervise and review force adequately. Supervisors and force-review bodies repeatedly accepted or privileged officer narratives, failed to examine pre-force tactics and officer-created urgency, treated lawful force as synonymous with necessary force, and failed to convert identified deficiencies into documented coaching, retraining, restriction, or discipline.

532. Aurora's supervisory failure was not theoretical, and Aurora measured it itself. In a review of every Tier 2A use of force between January 1 and May 1, 2025, APD's own Force Investigation Unit found that approximately 61% of supervisory use-of-force forms were

late, roughly 60% of supervisory narratives were incomplete as to canvassing for video and witnesses, obtaining witness statements, or collecting evidence, 61% contained no documentation of training or remediation, and approximately 25% included issues identified by command that the direct supervisor never addressed. Those are the same supervisory reviews through which Defendant Neely's own force events — including the Tier 1 and use-of-force matters logged between 2013 and 2023 and identified above — were required to pass. The Monitor recommended a follow-up review of the quality of supervisory investigations. That follow-up had not occurred when Defendant Neely killed Mr. Belt-Stubblefield.

533. Aurora failed to operate a functional, integrated early-intervention system capable of aggregating force events, complaints, lawsuits, performance issues, truthfulness concerns, body-camera deviations, and racial-disparity indicators by officer, unit, district, and time period.
534. Aurora's early-intervention failure necessarily included firearm pointing. Because Tier Zero gunpoint events were segregated from the full force-reporting system and were not demonstrated to be reliably integrated and analyzed, the City could not consistently identify officers, units, or supervisors who resorted to gunpoint tactics disproportionately, unnecessarily, or against Black residents.
535. Aurora's failure was not merely technical. It prevented the City from identifying and correcting the risks posed by officers such as Neely and Nestor before those risks resulted in grave injury and death.
536. Aurora failed to investigate and discipline serious misconduct consistently and proportionately. It downgraded grave conduct to lesser findings, declined force or

truthfulness findings despite objective evidence, imposed minor discipline, permitted resignation before final accountability, and retained or returned officers without safeguards proportionate to known risks.

537. The custom is measurable in Aurora's own disciplinary output. Across the administrative records Aurora produced, it sustained twenty directive violations for administrative, procedural, and reporting failures and sustained none of the six allegations that an officer had violated its use-of-force directive. That distribution is not the product of an unusually restrained police force. It is the operational signature of the review culture the Attorney General identified — systems that favor findings that officers followed policy — and it is the culture within which Defendant Neely understood, before August 30, 2025, how Aurora would evaluate his use of force afterward.
538. Aurora's handling of IA 19-17 exemplifies those customs. It possessed judicial findings of unlawful arrest, unconstitutional search, unjustified force, and testimony inconsistent with video; declined to sustain force and false-declaration specifications; imposed only ten hours of suspension; failed to identify any meaningful individualized remediation; and later returned Neely to armed service.
539. Aurora's decision to return Neely to solo armed patrol was deliberately indifferent not as a naked single-hiring theory, but as the culmination of a broader custom. The plainly obvious risk disclosed by Neely's closely related history, viewed together with the Attorney General, 21CP, the consent decree, the Nunn warning, profiling complaints, and dysfunctional aggregation systems, was that he would again escalate an encounter, misjudge constitutional limits, use unnecessary force, and supply a justification contradicted by objective evidence.

540. Aurora also failed to train and supervise officers not to create greater resistance through unnecessary punches or gunpoint reengagement and then treat the civilian's resulting defensive posture as an independent threat divorced from the officer's immediately preceding force.
541. Aurora's culture of discouraging internal reporting compounded those failures. According to sworn former-chief testimony, officers understood that reporting racist conduct could result in coworkers not backing them on calls. A municipality cannot rely on complaint, intervention, and supervisory systems that its own culture makes officers afraid to use.
542. Aurora's repeated premature public validation of serious force further weakened meaningful review and communicated tolerance. When the official responsible for ultimate force adjudication announces before hearing from the officer that de-escalation occurred and deadly force was unavoidable, supervisors and reviewers receive an institutional signal to support the announced conclusion rather than independently test escalation, punches, avoidability, warning, and each shot.
543. A municipality's failure to investigate or reprimand may itself cause a future violation by communicating to officers that the conduct will be tolerated, and that is true even where the municipality has promulgated a facially constitutional policy. *See Cordova v. Aragon*, 569 F.3d 1183, 1194 (10th Cir. 2009). Aurora communicated that message to Defendant Neely personally. After a court found that he had testified inconsistently with body-worn-camera video, made an unlawful arrest, conducted an unconstitutional search, and failed to articulate facts justifying his force, Aurora declined to sustain the force and truthfulness specifications and imposed ten hours of unpaid suspension. Aurora communicated the same message department-wide each time it announced a force justification before

completing a neutral review. Defendant Neely's tactical and trigger decisions on August 30, 2025 were made by an officer who had been told, in his own case and in his department's practice, what Aurora would do afterward.

544. The City Manager, Chief of Police, Civil Service Commission, City Council, Human Resources officials, and other officials exercised final or effectively final authority in the particular fields assigned to them by Charter, ordinance, regulation, delegation, or settled practice. Plaintiffs plead the precise policymaker route in the alternative because Aurora controls the rehire, delegation, and decision records.

545. Aurora is a home rule city that operates pursuant to its Charter. Under Article 3-14(1) of that Charter, the Chief of Police is appointed by the City Manager with the approval of a majority of the City Council. Under Article 3-10, titled "Powers withheld from council," neither the Council nor any member "shall direct or request the appointment of any person to, or removal from, employment by the city manager, or in any manner take part in the appointment or removal of employees in the administrative service of the city," and "[a]ny violation of the provisions of this section by a member of the council shall constitute misconduct." Reading those provisions together, Aurora has stated as undisputed material fact in litigation in this District that "the City Manager appoints the Police Chief with approval by the City Council and has sole authority to terminate the Police Chief." Aurora has stated each of those propositions as undisputed material fact in litigation in this District. The City Manager is therefore the official in whom Aurora has vested final authority over who leads its police department and over whether that person continues to lead it. Plaintiffs allege in the alternative that the Chief of Police holds final policymaking authority over the

adjudication of officer uses of force, or that the officials who hold that authority knew of and acquiesced in the Chief's public adjudication of this one.

546. Aurora's Charter therefore prohibited the campaign that produced the removal. A member of City Council publicly and repeatedly demanded that the Chief of Police be fired, and Aurora's then-Deputy City Manager agreed that those "comments on social media and talk radio amount to public direction to terminate Chief Wilson and Deputy Chief Parker in direct violation of our city charter." Another Council member notified her of an intent to bring charges for violating the Charter, and the matter was resolved by stipulation in March 2022. The Chief was terminated the following month.

547. To the extent a final policymaker personally approved Neely's rehire or return without meaningful review or safeguards, that decision itself constituted municipal policy. To the extent subordinates made the decision, final policymakers knew of and ratified, delegated, or acquiesced in the established return-to-duty practice.

548. Aurora's policymakers also knew of organized internal and political resistance to racial-bias, force, discipline, and consent-decree reforms. Their failure to protect and enforce the reforms, and their alleged capitulation to that resistance, is evidence of deliberate indifference rather than a good-faith but unsuccessful isolated effort.

549. Aurora's post-shooting statements, rapid return of Neely to work, failure to interview obvious contrary witnesses, and absence of known discipline are not pleaded as events that retroactively caused the shooting. They are evidence of the persistence of the antecedent defend-first custom and establish ratification. Three days after the shooting, and before APD had obtained any statement from Defendant Neely or completed any investigation, Aurora's Chief of Police publicly approved both Defendant Neely's decisions and the

asserted basis for them, telling the public that Defendant Neely “did not choose this confrontation,” that Mr. Belt-Stubblefield’s choices left him “no other safe alternative,” and that Defendant Neely’s repeated punches to Mr. Belt-Stubblefield’s head constituted “de-escalation.” A final policymaker’s approval of both the subordinate’s decision and the basis for that decision is itself municipal policy.

550. Each municipal policy, custom, omission, and decision alleged above was closely related to the ultimate injury and was a moving force behind Neely’s conduct. The causal chain is direct: deficient firearm and de-escalation practices shaped his tactics; deficient review and discipline removed deterrence; ineffective risk systems failed to identify him; the rehire decision placed him back on armed patrol; and the same known risks materialized in the encounter with Mr. Belt-Stubblefield.

551. Aurora acted with deliberate indifference to known or obvious consequences. It had unusually specific notice and a tested reform model, yet consciously failed to protect and apply that model, failed to act after the Nunn warning, returned Neely despite officer-specific notice, and maintained a review structure that defended the result before investigating its cause.

552. As a direct and proximate result, the Estate suffered the injuries and damages alleged above and is entitled to compensatory damages, attorney fees and costs under 42 U.S.C. § 1988, interest, and all other relief permitted against a municipality.

FOURTH CLAIM FOR RELIEF

42 U.S.C. § 1983 - Municipal Liability for Fourteenth Amendment Equal Protection

Violations

(By the Estate of Rajon Belt-Stubblefield Against Defendant City of Aurora)

553. The Estate incorporates all preceding paragraphs as though fully set forth here.
554. Neely deprived Mr. Belt-Stubblefield of equal protection as alleged in the Second Claim for Relief.
555. Aurora maintained customs and deliberately indifferent systems that caused Black people to be perceived as more suspicious and dangerous, subjected to more intrusive stops and arrests, and subjected to force at rates materially greater than similarly situated white people.
556. The Attorney General's investigation found the disparities statistically significant and persistent across multiple controls. The disparities affected contacts, arrests, searches, and force and were accompanied by qualitative evidence concerning APD culture, officer behavior, supervision, documentation, and review.
557. 21CP independently identified the need for more detailed bias policy, community-informed cross-cultural training, officer-level and aggregate disparate-impact analysis, transparent bias-complaint adjudication, and alternative crisis response.
558. Aurora's later data continued to show material racial disparities. Yet APD lacked complete data, reliable temporal and officer-level comparisons, a settled methodology for identifying racial disparities, and a functioning process for translating disparities into investigation, supervision, coaching, retraining, or discipline.
559. One critical data gap concerned firearm pointing. Aurora knew that its principal force dataset excluded Tier Zero gunpoint events and that NPI could not determine their frequency or racial patterns, yet Aurora did not demonstrate before Rajon's death a reliable integrated method for determining whether Black people were held at gunpoint more frequently or for longer periods than similarly situated white people.

560. Aurora's knowing maintenance of that blind spot prevented the detection and correction of racialized threat perception in one of APD's most coercive discretionary practices and is circumstantial evidence of deliberate indifference and knowing acquiescence in the discriminatory custom alleged here.
561. Aurora's bias-complaint process repeatedly classified complaints as unfounded or exonerated, including all bias complaints in identified review samples, without operating the type of meaningful detection and corrective system required by the consent decree and outside reviewers.
562. Qualitative evidence corroborated the numbers: sworn testimony described monkey noises in the academy, racial slurs by sworn personnel, a senior officer's "Alabama Porch Monkeys" statement, a sergeant's "shine my boots" statement to a Black resident, fear that officers would withhold backup from those who reported racism, and union opposition to bias training and consent-decree reform. City command, management, and the Civil Service Commission received or adjudicated these matters.
563. The historical background, extreme statistical disparities, repeated similar incidents involving Black residents, departures from recommended safeguards, weak investigations, internal hostility to racial-bias reforms, removal of reform leadership, and return of Neely despite profiling and force-related warning signs support a plausible inference of discriminatory purpose or knowing maintenance of a discriminatory custom.
564. Aurora's policymakers knew the discriminatory effects and the mechanisms producing them. Their failure to implement effective correction after the Attorney General, 21CP, the consent decree, community complaints, lawsuits, verdicts, and Monitor findings amounted to deliberate indifference and intentional maintenance or acquiescence in the custom.

565. The discriminatory customs moved through Neely's threat assessment, training, supervision, complaint review, early-intervention history, and return to patrol and were moving forces behind his treatment of Mr. Belt-Stubblefield as a deadly threat after he visibly disarmed.
566. As a direct and proximate result, the Estate suffered the injuries and damages alleged above and is entitled to compensatory damages, attorney fees and costs under 42 U.S.C. § 1988, interest, and all other relief permitted by law.

FIFTH CLAIM FOR RELIEF

C.R.S. § 13-21-131 - Excessive Force

(By the Estate of Rajon Belt-Stubblefield Against Defendant Matthew Neely)

567. Plaintiff Estate incorporates by reference the allegations contained in the foregoing paragraphs, as though fully set forth herein.
568. Defendant Neely was a "peace officer" under C.R.S. § 24-31-901(3) employed by a local government and is therefore subject to C.R.S. § 13-21-131.
569. Defendant Neely acted under color of state law, and within the course and scope of his employment as a law enforcement officer for the Aurora Police Department, at all times relevant to the allegations in this Complaint.
570. Mr. Belt-Stubblefield had a protected interest under Colo. Const. Art. II, § 7 in being secure in his person against unreasonable searches and seizures, including seizures effectuated through the use of excessive force.
571. Defendant Neely unlawfully seized Mr. Belt-Stubblefield by means of grossly excessive physical force, including strikes to his head and three gunshots.

572. Defendant Neely's use of a firearm was objectively unreasonable under the circumstances. Whatever justification the preceding flight and collision supplied for an armed felony stop, that justification did not survive Mr. Belt-Stubblefield's visible disarmament. Mr. Belt-Stubblefield had disarmed himself, and posed no immediate threat of death or serious bodily injury to Defendant Neely or to anyone else.
573. Defendant Neely's first shot to Mr. Belt-Stubblefield's chest was objectively unreasonable under the circumstances.
574. Defendant Neely's second shot to Mr. Belt-Stubblefield's chest was objectively unreasonable under the circumstances.
575. Defendant Neely's third shot, to Mr. Belt-Stubblefield's head, was objectively unreasonable under the circumstances.
576. The third shot is independently unreasonable for the reasons alleged above: the first two rounds stopped Mr. Belt-Stubblefield's forward movement; approximately two seconds elapsed; Defendant Neely observed that Mr. Belt-Stubblefield had stopped; Defendant Neely visibly changed the angle of his firearm and re-aimed from the torso to the head; and Defendant Neely made what he later described as a conscious decision to "change the target." Each of those facts is incompatible with the characterization of all three rounds as a single reflexive volley.
577. Defendant Neely's own reckless and deliberate conduct, immediately connected to the seizure, unnecessarily created any need for the force that he used, including by initiating a solo confrontation at gunpoint over a traffic offense, attempting a hands-on takedown while holding a drawn pistol, and forgoing time, distance, communication, backup, and less-lethal alternatives.

578. Defendant Neely engaged in these actions intentionally, willfully, and wantonly, and with reckless disregard of Mr. Belt-Stubblefield's protected rights.
579. Defendant Neely's herein-described acts and omissions were the moving force behind and the legal, direct, and proximate cause of Mr. Belt-Stubblefield's injuries, death, and losses, including but not limited to economic damages, non-economic damages, the physical and mental pain and anguish Mr. Belt-Stubblefield suffered, his loss of enjoyment of life, his loss of life, and other compensatory and special damages.
580. Defendant Neely's intentional actions and inactions as described herein deprived Mr. Belt-Stubblefield of rights, privileges, liberties, and immunities secured by the Colorado Constitution.

SIXTH CLAIM FOR RELIEF

C.R.S. § 13-21-131 – Colo. Const. Art II, §§ 3, 25 – Denial of Equal Protection

(Estate of Rajon Belt-Stubblefield v. Defendant Matthew Neely)

581. Plaintiff Estate incorporates by reference the allegations contained in the foregoing paragraphs, as though fully set forth herein.
582. Defendant Neely was a "peace officer" under C.R.S. § 24-31-901(3) employed by a local government and is therefore subject to C.R.S. § 13-21-131.
583. The Colorado Constitution guarantees all persons within the State the equal protection of the laws. The Colorado Supreme Court has construed the due process clause of the Colorado Constitution, Colo. Const. Art. II, § 25, to imply a guarantee of equal protection of the laws. *See Dean v. People*, 2016 CO 14, ¶ 11, 366 P.3d 593, 596. Colo. Const. Art. II, § 3 further secures to all persons natural, essential, and inalienable rights, including the

rights of enjoying and defending their lives and liberties and of seeking and obtaining their safety.

584. At the time of his death, Mr. Belt-Stubblefield had a protected interest under Colo. Const. Art. II, §§ 3 and 25 in the equal protection of the laws, including the right to be free from racially motivated policing, seizure, and force.

585. Mr. Belt-Stubblefield was Black and thus a member of a protected class under the equal protection guarantees of the Colorado Constitution.

586. Mr. Belt-Stubblefield's race was a motivating factor in Defendant Neely's decisions to confront him at gunpoint, to escalate the encounter, to strike him, to use deadly force against him, and to fire a final shot into his head after the first two shots had stopped his advance.

587. Defendant Neely treated Mr. Belt-Stubblefield less favorably, and with far more unreasonable force, than his similarly situated white counterparts, wholly or in part because he was Black.

588. Similarly situated persons, for purposes of this claim, are individuals who fled a traffic stop, were involved in a collision, and thereafter discarded any weapon in the officer's presence and did not attempt to retrieve it. On information and belief, APD officers, including Defendant Neely, did not respond to similarly situated white individuals by continuing to point a firearm after disarmament, initiating a physical confrontation with a drawn weapon, delivering repeated blows to the head, or firing without warning. Plaintiffs will particularize these comparisons through discovery of APD's contact, force, and firearm-display records, including the Tier Zero firearm-display records that Aurora has not integrated into its use-of-force dataset.

589. Defendant Neely acted, and intentionally failed to act, with an intent or purpose to discriminate against Mr. Belt-Stubblefield based upon his race.
590. There was no rational basis for Defendant Neely's discriminatory actions, let alone a purpose narrowly tailored to serve a compelling governmental interest.
591. Defendant Neely used deadly force against Mr. Belt-Stubblefield without probable cause to believe that Mr. Belt-Stubblefield posed an immediate threat of serious bodily harm or death to any person. The absence of any legitimate justification for the force used, together with APD's long and proven history of racially biased policing, and the prior citizen complaints that Defendant Neely "profiled" the people he pulled over, are evidence that Defendant Neely's killing of Mr. Belt-Stubblefield was motivated in whole or in part by Mr. Belt-Stubblefield's race.
592. APD officers' history of disproportionate use of excessive force against Black people provides further evidence of discriminatory intent. APD's pattern of disproportionate excessive force against Black people is unexplainable on grounds other than race.
593. Defendant Neely engaged in these actions and inactions intentionally, willfully, maliciously, and wantonly, showing deliberate indifference to and reckless disregard of Mr. Belt-Stubblefield's protected rights.
594. Defendant Neely's herein-described acts and omissions were the moving force behind and the legal, direct, and proximate cause of Mr. Belt-Stubblefield's injuries, death, and losses, and deprived Mr. Belt-Stubblefield of rights, privileges, liberties, and immunities secured by the Constitution of Colorado.

SEVENTH CLAIM FOR RELIEF

Wrongful Death - C.R.S. §§ 13-21-201 to -204

(By Tandra Blankson and All Statutory Heirs Against Defendant Matthew Neely)

595. The statutory wrongful-death plaintiffs incorporate all preceding paragraphs as though fully set forth here.
596. Tandra Blankson was Mr. Belt-Stubblefield's lawful surviving spouse. All eight children are joined as statutory heirs.
597. Ms. Blankson has made a written election pursuant to C.R.S. § 13-21-201(1)(a)(II) permitting the heirs of Rajon Belt-Stubblefield to join with her in bringing this action. To the extent this action is commenced in the second year after the death, Ms. Blankson and the heirs are each independently authorized to bring this claim pursuant to C.R.S. § 13-21-201(1)(b)(I)(C).
598. Neely intentionally struck and shot Mr. Belt-Stubblefield without lawful justification and thereby committed battery and other wrongful acts that caused his death.
599. Neely's conduct was willful and wanton and constituted a felonious killing because he consciously disregarded a substantial risk of death after Mr. Belt-Stubblefield was unarmed; repeatedly punched him before he raised his fists; intentionally withheld a feasible warning; fired after he stopped; and deliberately selected and fired at his head. The grand-jury indictment supplies probable cause but is not treated as a final civil determination.
600. Mr. Belt-Stubblefield's surviving spouse and statutory heirs suffered and will continue to suffer grief, sorrow, loss of companionship, affection, protection, services, guidance, and financial support; funeral and burial losses; and every other category of wrongful-death damages permitted by Colorado law.
601. Neely's wrongful conduct was the direct and proximate cause of those damages.

602. The wrongful-death plaintiffs request all damages, interest, costs, and other relief authorized by the Wrongful Death Act, including a judicial determination of felonious killing under C.R.S. § 13-21-203(1)(a) and § 15-11-803 and application of the statutory exception to the noneconomic-damages limitation.

EIGHTH CLAIM FOR RELIEF

Battery and Survival - C.R.S. § 13-20-101

(By the Estate of Rajon Belt-Stubblefield Against Defendant Matthew Neely)

603. The Estate incorporates all preceding paragraphs as though fully set forth here.
604. Neely intentionally caused harmful and offensive physical contact by striking and shooting Mr. Belt-Stubblefield.
605. The contact was not privileged because the force exceeded what was objectively and legally reasonable under the circumstances and continued after any justification materially diminished or ended.
606. Neely acted willfully and wantonly, with a conscious disregard for Mr. Belt-Stubblefield's safety and rights.
607. Mr. Belt-Stubblefield's battery and other personal-injury claims survived his death and may be prosecuted by the Estate under C.R.S. § 13-20-101, subject to the categories of damages permitted by state and federal law.
608. To the extent Colorado's survival statute would limit or bar recovery for Mr. Belt-Stubblefield's conscious pain, suffering, terror, and loss of life, that limitation is inconsistent with the compensatory and deterrent purposes of 42 U.S.C. § 1983 and does not apply to Plaintiffs' federal claims. Plaintiffs seek those damages on the federal claims under federal common law.

609. Neely's battery directly and proximately caused bodily injury, medical and funeral expenses, property and economic losses, and death.
610. The Estate is entitled to all compensatory damages, interest, costs, and other relief allowed by law.

NINTH CLAIM FOR RELIEF

Colorado Common Law – Intentional Infliction of Emotional Distress (Outrageous Conduct)

(Plaintiff Zion Murphy v. Defendant Neely)

611. Plaintiff Zion Murphy incorporates by reference the allegations contained in the foregoing paragraphs, as though fully set forth herein.
612. Defendant Neely knew that Mr. Belt-Stubblefield's son, Zion Murphy, was present on August 30, 2025.
613. Defendant Neely heard Mr. Murphy repeatedly identify Mr. Belt-Stubblefield as his father, saw Mr. Murphy only feet away throughout the encounter, and knew that Mr. Murphy was watching the interaction between Defendant Neely and his father.
614. Mr. Murphy repeatedly begged Defendant Neely to "chill" and not to shoot his dad.
615. Defendant Neely nevertheless knowingly shot Mr. Belt-Stubblefield twice in the chest while Mr. Murphy was present and watching.
616. Defendant Neely then intentionally aimed at Mr. Belt-Stubblefield's head and shot him a third time, after any perceived threat had ceased, while he knew Mr. Murphy was present and watching.
617. Defendant Neely intentionally shot Mr. Belt-Stubblefield in the head after any perceived threat had ceased in the presence of Mr. Murphy.

618. Defendant Neely shot and killed Mr. Belt-Stubblefield in the presence of his son, Zion Murphy.
619. Defendant Neely then refused to render aid to Mr. Belt-Stubblefield, turned away a bystander who offered a tourniquet, and casually repositioned Mr. Belt-Stubblefield's lifeless body like a ragdoll in the presence of Mr. Murphy.
620. Defendant Neely's conduct, including shooting Mr. Murphy's father in the head before his eyes and then refusing to render aid, was extreme and outrageous.
621. Defendant Neely's conduct in shooting Mr. Belt-Stubblefield in the head in front of Zion was extreme and outrageous.
622. Defendant Neely acted recklessly in causing Plaintiff Murphy severe emotional distress.
623. Defendant Neely knew or reasonably should have known that there was a substantial probability that his conduct would cause severe emotional distress to Zion Murphy.
624. Defendant Neely acted intentionally or recklessly, with conscious disregard of the substantial probability that his conduct would cause Mr. Murphy severe emotional distress.
625. Defendant Neely's conduct was willful and wanton.
626. Defendant Neely's conduct in fact caused Mr. Murphy severe emotional distress, which Mr. Murphy continues to suffer.
627. Defendant Neely's herein-described conduct was the actual and proximate cause of Mr. Murphy's severe emotional distress and resulting noneconomic and other legally recoverable losses, in amounts to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, and award them all relief allowed by law and equity, including but not limited to the following:

- a. All appropriate relief at law and equity;
- b. Declaratory relief and other appropriate equitable relief;
- c. Economic losses on all claims as allowed by law;
- d. Compensatory and consequential damages, including damages for loss of life, funeral expenses, emotional distress, grief, humiliation, loss of enjoyment of life, loss of companionship, and other pain and suffering on all claims allowed by law, in amounts to be determined at trial;
- e. Punitive damages against Defendant Neely on Plaintiffs' claims under 42 U.S.C. § 1983 and C.R.S. § 13-21-131, in amounts to be determined at trial. Plaintiffs do not presently assert a claim for exemplary damages under C.R.S. § 13-21-102 on their common-law claims and reserve the right to seek leave to amend to add such a claim following the exchange of initial disclosures;
- f. Attorney fees and costs, including expert witness fees, on all claims allowed by law, including pursuant to 42 U.S.C. § 1988 and C.R.S. § 13-21-131(3);
- g. Pre-judgment and post-judgment interest at the highest lawful rate; and
- h. Any other appropriate relief at law and equity that this Court deems just and proper.

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.

Respectfully submitted this 30th day of August 2026.

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