



OFFICE OF THE DISTRICT ATTORNEY

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Colorado's 4th Judicial District - Serving El Paso & Teller Counties

October 8, 2024 Officer Involved Shooting

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Colorado's 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on October 8, 2024, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301 peace officer-involved shooting investigations protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team: A Deadly Force Investigation Team.

On October 8, 2024, at approximately 12:00 a.m., officers with the Colorado Springs Police Department were dispatched to the 5100 block of Prairie Grass Lane in response to a 911 call by a man reporting his roommate had made suicidal threats and was harming himself. The caller said that man, later identified as Matthew Kemper, was covered in blood, completely nude, and armed with a knife. The caller told dispatch Mr. Kemper was lying on the floor of the living room.

Sergeant Andrew Rutter first arrived on scene at approximately 12:07 a.m. and made contact with a second roommate who was waiting outside the residence. This roommate stated that Mr. Kemper had attempted to assault him while armed with a knife. Officers Noah Bartron and Kyle Mace arrived on scene at approximately 12:09 a.m. and contacted Sergeant Rutter and the second roommate.

At approximately 12:11 a.m., several officers approached the Prairie Grass Lane residence with Officer Bartron at the lead. Officer Bartron opened the home's screen door (the front door was ajar when officers arrived) while announcing the presence of law enforcement. He saw Mr. Kemper on the floor and noted Mr. Kemper had blood "all over his face." The reporting party



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was also in the front room, but separated from responding officers by the suspect, who was lying on the floor between those parties.

Further, the room itself was confined and restrictive due to its layout and the proximity from the officers at the front door to the suspect.

Officer Bartron asked the reporting party to exit the home, but the reporting party did not respond.

At that point, Mr. Kemper made eye contact with the officers and jumped to his feet.

Officer Bartron stepped back to create space but, because the reporting party was still inside the residence, said he did not feel it was safe for law enforcement to leave. Mr. Kemper rushed toward the officers while holding out a knife.

Officer Bartron commanded Mr. Kemper, “No, no, stay, stop.”

Officer Kyle Mace was positioned behind Officer Bartron. As Mr. Kemper continued to approach with a knife, Officer Mace pivoted from his department-issued taser, which he’d already drawn, to his handgun.

Officer Bartron then fired four rounds from his duty handgun at Mr. Kemper, who was struck multiple times and collapsed to the floor.

Officer Mace led the reporting roommate outside of the residence while other officers on scene began rendering medical aid on Mr. Kemper until medical personnel arrived. Despite the life-saving efforts done by CSPD officers and CSFD personnel, Mr. Kemper died at the scene.

Following an autopsy, El Paso County Coroner’s Office determined Matthew Kemper died as the result of multiple gunshot wounds. A toxicology panel revealed Mr. Kemper had marijuana in his system at the time of his death.

Officers Bartron and Mace were equipped with body worn cameras, but neither officer’s equipment functioned correctly. Sergeant Rutter was equipped with a body worn camera that did function correctly and it recorded events normally.

Post-Shoot Interviews

Aside from the facts outlined above, there were multiple relevant statements made by law enforcement officers during their post-shoot interview.

Officer Noah Bartron has been employed by the Colorado Springs Police Department for approximately three years.

In an interview conducted by the El Paso County Sheriff’s Office following the shooting, Officer Bartron said, “As soon as I walked in, I saw a young man on my left side, on the phone. He had the phone up to his right side and was kind of hunched over and he wasn’t looking at me and he wasn’t looking at [Mr. Kemper]. He looked terrified, like he couldn’t move. He looked just scared. I remember yelling to him, ‘Hey, come to me’ because I wanted to get him out ... And as

soon as I yelled, ‘come to me,’[Mr. Kemper] lifted his chin and looked right at me. He started to stand up and I saw him have a knife in his hand.”

Officer Kyle Mace has been employed by the Colorado Springs Police Department for approximately four years.

In an interview conducted by the El Paso County Sheriff’s Office following the shooting, Officer Mace said, “Both me and Bartron went for our guns, but I told Bartron, and I said that, ‘alright, you’re lethal. I’ll be less lethal.’”

Further, Officer Mace stated when he saw Mr. Kemper, “My immediate thought was, ‘there is our suspect,’ and I couldn’t see his hands. I didn’t see any weapons or any reason to activate my Taser, so my Taser was off. And I just switched, the safety switch was on.”

Officer Mace also stated, “I observed the male who was on his knees gets up off his knees and starts walking toward us. And in his left hand, I see a knife, a steak knife with a brown hilt and a silver blade that’s serrated.”

Sergeant Andrew Rutter was employed by the Colorado Springs Police Department for approximately 12 years and is no longer with the department.

In an interview conducted by the El Paso County Sheriff’s Office following the shooting, Sergeant Rutter said, “As we approached the front door, there was a glass-like screen door or storm door and the main door was open, so an unobstructed view into the living room. I saw a white male, naked and blood all over his face.”

Analysis

CRS 18-1-704, Use of physical force in defense of a person, speaks to each person’s right to defend themselves against the use, or the imminent use, of unlawful physical force by another person.

This statute states, in relevant part:

A person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose. Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and the actor has a reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

The facts relevant to analysis under this standard of review include that the officers were aware that Mr. Kemper was exhibiting suicidal behavior, was armed with a knife, and was covered in blood.

Officers announced themselves while entering the residence and feared for the safety of the reporting party, as he was located between the suspect and the officers. The suspect was covered in blood and the officers did not know from whom the blood had come.

When Officer Bartron instructed the reporting party to come toward the officers, the suspect opened his eyes, locked eyes with Officer Bartron, and jumped to his feet. Because the space was so confined, Officer Bartron took a step back. He did not leave the residence, however, due to the potential deadly threat to the reporting party.

The suspect began to approach the officers very quickly with the knife at his side. He did not respond to commands to stop. Officers Bartron and Mace stated they were in fear for their lives, their fellow officers' lives, and the life of the reporting party.

CRS 18-1-707, Use of force by peace officers, speaks a peace officer's duty to use only a degree of force consistent with the minimization of injury to others.

This statute states, in relevant part,

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person. A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force; [and] The suspect poses an immediate threat to the peace officer or another person; [and]

(b) The force employed does not create a substantial risk of injury to other persons.

The facts relevant to analysis under this standard of review include that Officer Bartron is a sworn peace officer employed by and carrying out his official duties on behalf of the Colorado Springs Police Department, a law enforcement agency. Officer Bartron was in his official police uniform and driving a fully marked police patrol vehicle.

The suspect was acting erratically and exhibiting suicidal behavior. He was armed with a knife, covered in blood, and blocking a path of escape for his roommate, the reporting party, when officers arrived. Officers Bartron and Mace expressed they feared for the safety of the reporting party, for themselves, and for their fellow officers.

Mr. Kemper did not respond to law enforcement commands and rushed at responding officers while armed with a knife.

Officer Bartron stated he felt he had no options, but to discharge his firearm. He said, "[Mr. Kemper] was coming at me with a knife, and I was afraid if he wasn't stopped, he was going to hurt me, my partner, or the other person in the room."

CRS 18-1-707 (4.5) dictates that, when using deadly force, a peace officer must believe a threat to his/her personal safety, or the safety of a third party would be otherwise unavoidable.

This subsection states:

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

Officer Bartron announced he would have deadly force and Officer Mace announced he would have non-lethal force.

Officer Mace did not utilize the non-lethal option of his Taser based on his concerns over the suspect's reaction time, the lack of sufficient space to ensure a proper spread of the Taser probes, and there being insufficient time to ensure accuracy based on the suspect moving quickly towards them armed with a knife.

Officer Mace stated he threw his taser and reached for his gun because, "[The taser] takes two probes to hit and be effective. I didn't want to risk serious bodily injury or death to myself, my partner, or the innocent."

Noting the "close proximity" between the suspect and officers, Officer Bartron said, "I didn't feel there was any time to give any commands to drop the knife. I don't feel there was time to use any other tactics or any less lethal tools. He was so close in proximity that it just – I don't think it would have been effective."

Finally, although it is not a requirement to evaluate the facts surrounding law enforcement use of body worn camera in an Officer-Involved Shooting Use of Force Review, this office did inquire further into the circumstances that prevented the officers from activating their equipment in this incident.

An initial investigation determined that Officers Bartron's and Mace's devices were initially connected and functioned normally, as confirmed by the regular data logs. However, as both officers arrived at the scene, these logs stopped for several minutes, indicating a disruption in connectivity. Footage from one functioning device showed movement that should have triggered log activity, but no data was recorded. This suggests a temporary interruption in device connectivity, which affected the Bluetooth remote's ability to activate the cameras. Being users of the Bluetooth remotes, Officers Bartron's and Mace's BWC failed to activate. In contrast, Sergeant Rutter's BWC was activated as a result of his using a manual function to turn on his camera. It was concluded that a localized connectivity disruption likely caused the remote activation failures.

This information was raised with the BWC vendor who stated this disruption was the result of a bug in their reporting system which had been identified and resolved.

Conclusion

After completing a thorough review of the facts and evidence, Colorado's 4th Judicial District Attorney's Office has determined the use of deadly physical force by Colorado Springs Police Officer Noah Bartron on October 8, 2024, was justified, based on all the facts and circumstances

of this case under the laws of the State of Colorado. No charges will be filed based on the statutes outlined previously, as well as the necessary application of ethical rules.

Note to the Media: All updates will only come from Communications when available.
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