

Voice of the Rocky Mountain Empire

THE DENVER POST

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2021 OLDE TOWN ARVADA SHOOTING



Kathleen Boleyn, photographed at the Rathod Mohamedbhai law offices in Denver, has sued the police chief of Arvada and a former officer in the death of her son, Johnny Hurley, on Wednesday. Hurley was the good Samaritan who shot and killed a gunman in Olde Town Arvada on June 21, 2021, before an Arvada police officer mistakenly shot and killed Hurley.

Hyoung Chang, The Denver Post

Mother of “good Samaritan” sues

Johnny Hurley died because police officers failed to confront gunman, lawsuit alleges

By Elise Schmelzer
The Denver Post

“Good Samaritan” Johnny Hurley died needlessly last year because nearby Arvada police officers failed to confront a gunman in Olde Town Arvada, failed to verify that Hurley was a threat and an officer failed to announce himself as a police officer before shooting Hurley from behind, according to a federal civil rights lawsuit filed Wednesday by Hurley’s mother.

Kathleen Boleyn sued Arvada Police Chief Link Strate and former Officer Kraig



Johnny Hurley

Brownlow on Wednesday, filing her lawsuit a year and a day after Brownlow shot and killed her son. Hurley posed no threat to the officers, the lawsuit states.

Hurley took on the job of police when they failed to act, Boleyn said. He paid for his heroism with his life.

“People have spent a year thinking it was just a sad tragedy, a mistake,” Boleyn said in an interview.

“And it wasn’t. It was a culmination of

active choices,” said her attorney, Sid-dhartha Rathod. “Choices to hide, choices not to announce.”

Brownlow shot and killed Hurley on June 21, 2021, after Hurley used his concealed handgun to kill a gunman who fired rounds in the busy commercial area of Olde Town Arvada. The gunman, Ronald Troyke, wanted to kill police officers and ambushed Arvada police Officer Gordon Beesley before firing more rounds into parked police vehicles. Hurley was standing above Troyke and holding Troyke’s rifle when Brownlow killed him, believing

HURLEY » 6A

TABOR

Checks will be at least \$750

Refund pool “far and away” largest ever

By Alex Burness
The Denver Post

Revenue collections by state government have been so surprisingly strong that officials now expect Colorado single-filer taxpayers will each receive refund checks of at least \$750 this summer.

That’s an upward revision from the previous May estimate of at least \$500 per taxpayer, which itself was an increase from the amount of \$400 per taxpayer that lawmakers and the governor announced in April.

Colorado’s Taxpayer’s Bill of Rights (TABOR) requires the state to refund any tax revenue it collects above a cap calculated based on rates of inflation and population growth. In many years the state collects no money above that cap. It is remarkable, then, that nonpartisan economists now anticipate the state not only has revenues above the cap, but that those revenues will total about \$3.65 billion — or close to 10% of the entire state budget — for the 2021-22 fiscal year, which wraps at the conclusion of June.

“That’s far and away the largest amount that we ever will have refunded,” the legislature’s chief non-partisan economist, Greg Sobetski, told lawmakers Tuesday during a quarterly economic forecast.

TABOR » 4A

JAN. 6 COMMITTEE

Election officials rebuffed Trump, then faced threats

By Lisa Mascaro and Farnoush Amiri
The Associated Press

WASHINGTON» The House Jan. 6 committee heard chilling, tearful testimony Tuesday that Donald Trump’s relentless pressure to overturn the 2020 presidential election provoked widespread threats to the “backbone of our democracy”— election workers and local officials who fended off the defeated president’s demands despite personal

risks.

The panel investigating the Jan. 6, 2021, attack at the U.S. Capitol focused on Trump’s efforts to undo Joe Biden’s victory in a most local way — by repeatedly leaning on public officials in key battleground states with shocking proposals to reject ballots outright or to submit alternative electors for the final tally in Congress.

The high-profile pressure, described as potentially

CAPITOL » 10A

COLORADO

MARSHALL FIRE LESSONS IN REPORT

Boulder County looked at the police, fire and 911 response to the disaster and found room for improvement in nearly every aspect of communication. »2A

LIFE & CULTURE

COLO. FOOD, DRINK SUMMER FESTIVALS

These eight summer events and festivals are emblematic, authentic and most importantly — lots of fun. Some cost a little; others cost quite a lot. »1C

UVALDE SCHOOL SHOOTING

State police’s leader: Response was a failure

By Jim Vertuno and Jake Bleiberg
The Associated Press

AUSTIN, TEXAS» Police had enough officers and firepower on the scene of the Uvalde school massacre to have stopped the gunman three minutes after he entered the building, and they would have found the door to the classroom where he was holed up unlocked if they had bothered to check it, the head of the Texas state police testified

Tuesday, pronouncing the law enforcement response an “abject failure.”

Officers with rifles instead stood in a hallway for over an hour, waiting in part for more weapons and gear, before they finally stormed the classroom and killed the gunman, putting an end to the May 24 attack that left 19 children and two teachers dead.

“I don’t care if you have on flip-flops and Bermuda shorts, you go in,” Col. Steve

TEXAS » 9A

INSIDE Business »11-13A | Comics/Puzzles »7-9C | Lottery »2A | Obituaries »16A | Sports »1-8B | TV listings »2B A MediaNews Group NEWSPAPER







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I-70

Traffic predicted to worsen as state's population grows

By Ike Fredregill
Post Independent

As traffic projections outline a potentially bleak travel experience for future motorists along Interstate 70, the Glenwood Springs City Council voted Thursday to rejoin a coalition dedicated to improving the mountain thoroughfare.

Founded in 2004, the I-70

coalition was created because stakeholders along the interstate's mountain corridor felt they weren't being heard during the Colorado Department of Transportation's Programmatic Environmental Impact Statement process, I-70 Coalition director Margaret Bowes said.

The coalition's mission is to enhance mobility and ac-

cessibility throughout the mountain corridor by working closely with the state Legislature to inform them of the corridor's needs.

During its regular meeting Thursday, Bowes presented City Council with an overview of the coalition's continued work as well as projections about the future of I-70 travel.

Bowes said Colorado's population is forecast to increase by about 3 million people by 2050, mostly on the Front Range.

"As I think you are all aware, this corridor is not meeting our needs," Bowes said. "It has congestion issues, and it lacks resiliency, redundancy, and the highway has largely been unchanged since 1979 —

though Glenwood Canyon is the exception to that statement."

Without additional infrastructure improvements, travel times between Denver and Glenwood Springs could triple by 2035, she said.

Prior to Thursday's vote, the coalition consisted of 27 local governments and businesses.

Bowes explained major projects such as alternate routes to Glenwood Canyon potentially through Cottonwood Pass and improvements to Vail Pass and Floyd Hill are too large to be entirely funded through the recent state and federal infrastructure bills, requiring stakeholders to advocate for additional funding and support.

HURLEY

◀FROM 1A

Hurley to be a threat.

Arvada police internal affairs investigators found Brownlow and two other officers inside a nearby building acted within policy and procedure, police spokesman Dave Snelling said Tuesday. Prosecutors in November announced Brownlow would not face criminal charges for killing Hurley. Strate and other city officials repeatedly lauded Hurley for his actions and said that he likely saved lives.

Snelling disputed the characterization that the three Arvada officers failed to act after hearing gunfire. The officers were watching security cameras and trying to find positions where they could take a safe shot, he said. The entire incident lasted two minutes.

Brownlow resigned from the department in good standing, Snelling said.

"We'd take him back in a heartbeat," Snelling said.

The department did not change any of its policies or training as a result of Hurley's death, Snelling said. Officers still get to decide whether to announce themselves before firing, he said.

"If it gives up the tactical advantage then it's the officer's decision," he said.

Boleyn wants the department to change that policy. She believes her son would still be here had Brownlow told him to drop the weapon.

"If in those 11 seconds, they had announced themselves, Johnny would've put down the gun and raised his hand," she said.

"Johnny was ready"

Troyke ambushed and killed Beesley at 1:35 p.m. June 21, 2021, as Beesley strolled through Olde Town Square. Beesley did not have a chance to defend himself from Troyke's shotgun blast, video shows. After killing Beesley, Troyke shot out the windows of several Arvada police cars parked nearby before trading his shotgun for a rifle.

Many people in the vicinity heard the gunshots, including Hurley inside the nearby Army Navy Surplus store and the three Arvada police offices in an unmarked office building about 100 feet from Beesley's body. The three officers, including Brownlow, scrambled inside the building but did not go outside despite seeing Troyke with the rifle, documents released by the First Judicial District Attorney show.

In interviews after the shooting, the officers said they worried about the man outgunning them because he had a rifle and they had handguns. The officers also feared neither their vests nor the walls of the building would protect them or the others who shared the office building from rifle rounds.

When Hurley heard the gunfire, he ran out of the store and took a position behind a nearby brick wall. He shot and killed Troyke, then ran over to Troyke's body to take his rifle. A witness to the shooting said Hurley held the rifle pointed down and was unloading it when more shots exploded and Hurley fell to the



Erin Hurley, left, hugs her mother, Kathleen Boleyn, at the Bluegrass Coffee and Bourbon Lounge on Nov. 17, 2021. Erin and Kathleen lost their brother and son, Johnny Hurley, in a shooting in Olde Town Arvada on June 21, 2021. The Bluegrass Coffee and Bourbon Lounge, which has two locations, raised \$28,000 for the families of Arvada Police officer Gordon Beesley and Hurley. Beesley was killed by a gunman that good Samaritan Hurley then killed. Andy Cross, Denver Post file

ground.

Brownlow watched Hurley holding the rifle and thought he was reloading it, the documents show. After watching Hurley through a window, Brownlow decided to shoot him without announcing himself.

"I realize if I yell at him, he's going to run either to the square area or he's going to shoot at me with this rifle, and a handgun versus a rifle is not a fair fight," Brownlow later told investigators, according to a transcript of the interview.

Rathod and Boleyn compared the Arvada officers' lack of action to the delayed actions of the officers who responded to the May 24 shooting at Robb Elementary School in Uvalde, Texas. Officers in that incident did not confront the shooter in the school for at least 77 minutes. Nineteen children and two teachers died.

Snelling disagreed with that comparison. The situations were completely different, he said.

The lawsuit also noted that Hurley and Troyke wore different clothes and had different statures. It was not reasonable for Brownlow to confuse Hurley — thin and dressed in a red shirt and pants — with a large man wearing a black shirt and shorts.

"Mr. Hurley's death was not the result of a unfortunate split-second judgment call gone wrong, but the result of a deliberate and unlawful use of deadly force," the lawsuit states.

Everything the police should've done, Hurley did instead even though it wasn't his job, Rathod said.

"When the moment arose, Johnny was ready," Boleyn said. "As he was running toward the danger, he could see the body down. He was not asking himself if he was outgunned, or how many other people were there."

"This light has been taken"

Hurley, 40, was a charismatic jokester with the gift of gab and a wide range of hobbies, his mom said. He delved deep into any subject that caught his interest: skateboarding, organic cooking, politics, volunteering, music. He collected friends everywhere he went — and kept them. Hundreds of people came to his funeral, including high school friends from other states. His kindergarten teacher sent Boleyn a card.

hugs from people who called Hurley a hero, she said. Boleyn set up a small memorial in the driveway of her Colorado Springs home. As she worked from home, she watched neighbors and strangers pause to read about her son. She saw people salute the flag she set up there. It helped her grieve.

"I want people to know how grateful the citizens were that Johnny was there," she said. "When I made it to the square and saw his memorial, I watched people sending their children with flowers to lay at his memorial. People came to me and said, 'Your son saved many lives.'"

The praise and gratitude came quickly, but officials released details about what happened in those horrific two minutes in Olde Town Arvada very slowly.

Boleyn didn't learn that an Arvada police officer killed her son until four days after his death. She didn't learn that three police officers were in the immediate vicinity but didn't act when the shooting began until months later when

the district attorney released her findings.

The facts and timeline matter, Boleyn said. People should know exactly what happened that day.

But neither the details of what happened nor the lawsuit will bring back her only son.

"The grief overshadows the information," she said. "Whatever happened, I don't have Johnny. Whatever happened, this light has been taken."

Elise Schmelzer: eschmelzer@denverpost.com or @EliseSchmelzer

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