

DISTRICT COURT, ADAMS COUNTY, COLORADO  
1100 Judicial Center Dr.  
Brighton, CO 80601

**THE ESTATE OF RASHAUD JOHNSON;**

Plaintiff,

v.

**OFFICER BRANDON MILLS**, an Officer of the Aurora Police  
Department;

Defendant.

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**COMPLAINT AND JURY DEMAND**

## INTRODUCTION

1. Yet again, an Aurora Police Department officer shot and killed an unarmed Black man without justification. In the final moments of his life, Rashaud Johnson stood approximately 25 feet from Officer Brandon Mills, his hands visibly empty. Rashaud began walking toward Officer Mills at a speed approximately equal to Officer Mills's backpedaling. When there was still approximately 15 feet separating the two, Officer Mills shot Rashaud twice in the torso. Even after shooting him, Officer Mills kept the dying and unarmed Rashaud at gunpoint, watching him bleed out. It took approximately forty-five seconds until Officer Mills called the paramedics; and five minutes and forty-two seconds passed before Officer Mills even attempted to give Rashaud any first aid. Officer Mills acknowledged, time and again, that Rashaud was unarmed. Still, Officer Mills refused to help Rashaud, choosing instead to watch Rashaud bleed to death.

2. Officer Mills's response to the 911 calls about Rashaud was botched from the start. He was called to help man who was in the midst of a mental health crisis and trapped in a fenced-in parking lot. But rather than help Rashaud, Officer Mills began his response by abandoning cover, corralling Rashaud against a fence, and barking orders at him—to no positive effect. Instead, Rashaud responded by advancing toward Officer Mills and pulling them both to the ground.

3. Officer Mills was able to push Rashaud off him, stand up, and step back into an open field uninjured. When he did, he saw that Rashaud was still unarmed and now dozens of feet away. Still, Officer Mills decided to draw his firearm and continue screaming at Rashaud, despite the proven inefficacy of that tactic.

4. At that moment, Rashaud began ambling towards Officer Mills. When Rashaud was still over a dozen feet away, Officer Mills went for the kill, even though he knew (and repeatedly admitted on body-worn camera) that Rashaud was unarmed.

5. After he shot Rashaud, Officer Mills moved under a tree to catch his breath in the shade. Gun drawn and pointed at Rashaud, he watched Rashaud bleed out. **Over four minutes passed** before Officer Mills holstered his weapon and approached Rashaud's unarmed body. Even then, he decided to put Rashaud's limp body in handcuffs instead of checking on his gunshot wounds or providing aid. **Over five minutes** passed before an officer from a different police department suggested that Officer Mills provide aid. Only then did Officer Mills decide to put on latex gloves. In total, **approximately five minutes and forty-two seconds** passed before Officer Mills provided any aid to Rashaud. Even then, all he did was bend over from a standing position and place a hand on one of Rashaud's gunshot wounds—Officer Mills did not even attempt CPR. Rashaud died in the dirt of that parking lot, having been shot while unarmed, and left to bleed out without care.

6. Rashaud is just the latest unarmed Black man to be killed by an officer of the Aurora Police Department. He joins Naeschylus Vinzant-Carter, David Baker, Elijah McClain, Kilyn Lewis, and the other Black men whose lives were needlessly cut short by APD officers.

7. It was not supposed to be this way. In the aftermath of Elijah McClain’s killing, the City of Aurora entered into a consent decree, in which it promised to address its policies and customs of racially discriminatory policing and unconstitutionally excessive force. The recent killings of Kilyn Lewis and Rashaud—both Black men who were unarmed when APD officers shot and killed them—reveal that the APD has turned its back on the McClain consent decree. Now, APD officers are back to business as usual: killing unarmed Black men.

8. Rashaud should be alive today. The Colfax comedy clubs he performed at should be erupting with laughter. His parents should be wrapping their arms around him at their summer barbecues. Left with nothing but his memory, his Estate now sues the Officer that took his young life.

### **JURISDICTION**

9. This lawsuit arises under the Colorado Constitution and laws of the State of Colorado and is brought pursuant to C.R.S. §§ 13-21-131 and 13-21-201, *et seq.* Jurisdiction is conferred on this Court pursuant to C.R.S. § 13-1-124. Jurisdiction supporting Plaintiff Estate of Rashaud Johnson’s claim for attorneys’ fees and costs is conferred by C.R.S. § 13-21-131(3).

10. Venue is proper pursuant to C.R.C.P. 98(c), in that the City of Aurora is located in Adams County, Colorado, and Rashaud was shot and killed in Adams County.

11. Plaintiff, and Rashaud’s parents Christopher Johnson and Taushica Carter, sent notice under the Colorado Governmental Immunity Act to the City of Aurora, the Clerk of Court for Aurora, and the Chief of Police of Aurora on June 2, 2025.<sup>1</sup>

### **PARTIES**

12. At all times mentioned herein, the decedent, Rashaud Johnson, was a resident of and domiciled in the State of Colorado.

13. The Estate of Rashaud Johnson was opened in the City and County of Denver on June 23, 2025.

14. Christopher Johnson and Taushica Carter are the personal representatives of the Estate of Rashaud Johnson.

15. Christopher Johnson was Rashaud’s father.

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<sup>1</sup> Plaintiff provides notice that it intends to amend this Complaint to add claims, including but not limited to claims by Mr. Johnson’s parents against Officer Mills and Aurora for wrongful death, and against Aurora for *respondeat superior* liability, once the 90-day notice period under the CGIA has run.

16. At all times mentioned herein, Christopher Johnson was a resident of and domiciled in the State of Colorado.

17. Taushica Carter was Rashaud's mother.

18. At all times mentioned herein, Taushica Carter was a resident of and domiciled in the State of Colorado

19. The City of Aurora is a municipality organized under the laws of the State of Colorado.

20. The Aurora Police Department is a law enforcement agency that is part of the City of Aurora.

21. At all times relevant to the subject matter of this Complaint, Aurora was responsible for the oversight, supervision, discipline, and training of APD personnel.

22. Defendant Officer Brandon Mills is an officer employed by the APD.

23. At all times relevant to the subject matter of this litigation, Officer Mills was a citizen of the United States and resident of Colorado.

24. At all times relevant to the subject matter of this Complaint, Officer Mills was acting under color of state law in his capacity as a law enforcement officer employed by the APD.

## **FACTUAL BACKGROUND**

### **I. Rashaud's life and our community's loss.**



*Rashaud Johnson, 1993–2025*

25. Rashaud Terrelle Johnson was born on Valentine's Day, 1993, in Colorado.

26. Rashaud was known by family, friends, and community members as a kind-hearted, gentle, and humorous individual with a deep love for family, sports, music, and comedy.

27. Rashaud came from a close-knit family that emphasized service, education, and integrity. He was raised in Colorado by his mother, Taushica Carter, who is a U.S. military veteran and a medical technician; his father, Christopher Johnson, who is a network engineer and former DJ; and other members of his close-knit family.

28. From a young age, Rashaud was known for his calm, respectful, and thoughtful nature. He was easy to care for, rarely caused trouble, and is remembered by his mother as “a joy to raise.”

29. Rashaud’s father described him as generous and socially conscious, noting that he looked out “for those who could not help themselves.” Rashaud’s father further noted that his demeanor was gentle but determined—he approached his school and hobbies with dedication and skill.

30. Rashaud’s maternal grandmother, who he lovingly referred to as Schnookums, helped raise him during his early childhood. As her only grandson, she and Rashaud shared an exceptionally close bond. He was deeply affectionate, dependable, and consistently present—regularly helping with tasks like caring for her dog while she traveled.

31. Rashaud’s cousin recalled that he was a “role model kid” who never judged others, avoided the street life, and always brought positive energy to family gatherings.

32. Rashaud had a lifelong love of sports. He played football from the age of four through high school, often as a safety. He also participated in basketball, baseball, tennis, and even little league hockey.

33. When he was a teenager, Rashaud applied for, and was admitted to, Regis Jesuit High School, a private Catholic school known for its focus on moral and character development.

34. At Regis, his passion for sports and service blossomed, earning him a spot on Regis’s football team. In his senior year, he helped guide Regis to its first winning record in four years.

35. After graduating from Regis in 2010, he enrolled at the University of Colorado, where he studied economics.

36. As he grew, Rashaud developed a passion for stand-up comedy, a calling that surprised many in his family at first because of his otherwise quiet and reserved personality.



*Rashaud performing standup comedy*

37. Over the last few years of his life, Rashaud pursued comedy seriously, performing at venues across Denver, including Comedy Works, Rise, and Lion’s Lair. He practiced diligently, often performing three to four times a week.

38. Over a relatively short period, Rashaud made a meaningful and lasting impression on Denver’s stand-up comedy community. At his Celebration of Life, numerous local comedians attended and shared heartfelt reflections with his family and the broader community regarding the impact he had on them and the comedy scene. Several members shared their own memories of Rashaud:

- a. “Rashaud was a light in the Denver Comedy Scene. Always smiling, always bringing positivity, wherever he went. He will be so missed. May he rest in peace.”
- b. “He always had fun every time he was on stage. I took him to see Stroup last time he headlined. We sat in back and laugh[ed] till we couldn’t anymore. Journey well, sir.”
- c. “He was a supporter of the scene and other comics. Loyal Broncos fan with a great laugh! Happy to have spent countless hours hanging out outside of Lions Lair waiting [for a] chance at the Gong Show. This dude was a real supporter, if he liked your jokes and set he couldn’t wait to tell you and encourage you to keep going. His appreciation never went unnoticed! Love and respect to his family and friends.”
- d. “I still can’t believe it. Rashaud always had me crackin’ up on and off stage. He was completely genuine and everyone loved him for that.”
- e. “This is heartbreaking. Rashaud was such a genuine person—his willingness to be himself was so refreshing. He did his thing on the mic—sometimes light be

damned—while he figured out where he was going with his thoughts, often ending up somewhere quite hilarious. He was such a supporter of people and their endeavors in the scene and brought such joy to the room. He was just a through and through nice guy. He'll be missed."

39. Looking closer at who he was, it was no surprise that Rashaud had a talent for making people laugh. Rashaud was described by his stepfather, Anthony Price, as "the most positive person I've ever met," someone who never had a bad attitude and who embraced life with a "right now" mentality.

40. Rashaud's love of comedy was paired with his love of music. He had a wide-ranging taste, enjoying old-school hip-hop, R&B, and neo-soul. His love for music was deeply rooted in family, passed down from his father.

41. Even in adulthood, Rashaud's loyalty and dedication to his family were unwavering. He maintained close relationships with his parents, siblings, and extended family, regularly attending family functions and helping care for his elderly grandfather.

42. Rashaud was intensely thoughtful and introspective. At one point, he told his grandmother he wanted to be a monk, reflecting his spiritual curiosity and desire to live a meaningful life.

43. Rashaud had no known history of violence or gang activity. He was not involved in street life and had no pattern of criminal behavior.<sup>2</sup>

44. He was deeply loved by his family, who invested their lives in ensuring he was safe, nurtured, and encouraged. His mother, a military veteran, described his loss as devastating.

45. Rashaud's sudden death has left a permanent void in the lives of his parents, siblings, extended family, and community. As one family member expressed, "Of all people . . . it's unbelievable. He lived a good life."

## **II. Officer Mills killed Rashaud Johnson.**

### **A. Rashaud got stuck in The Parking Spot without shoes.**

46. Rashaud's bright and promising life was cut short by Officer Mills on May 12, 2025.

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<sup>2</sup> Before he was killed by Officer Mills, Rashaud's only two interactions with the Colorado criminal justice system were a minor marijuana consumption charge and a reckless driving charge, both of which occurred over a decade ago.

47. That day, Rashaud was not himself. He was wandering near the Denver International Airport, in the heat, without shoes, with no discernable agenda.

48. It is unclear how or why Rashaud had made his way out towards the airport. But Rashaud was not intoxicated by any illegal drugs—his autopsy revealed that the only intoxicant in his system was cannabis, in an amount consistent with prior (and not necessarily recent) use.

49. Eventually, Rashaud wandered onto property owned by “The Parking Spot,” which operates off-site parking near the Denver International Airport.

50. The Parking Spot is a rectangular lot, over eight football fields long and nearly two football fields wide.



*Satellite view of The Parking Spot, with north toward the top of the page*

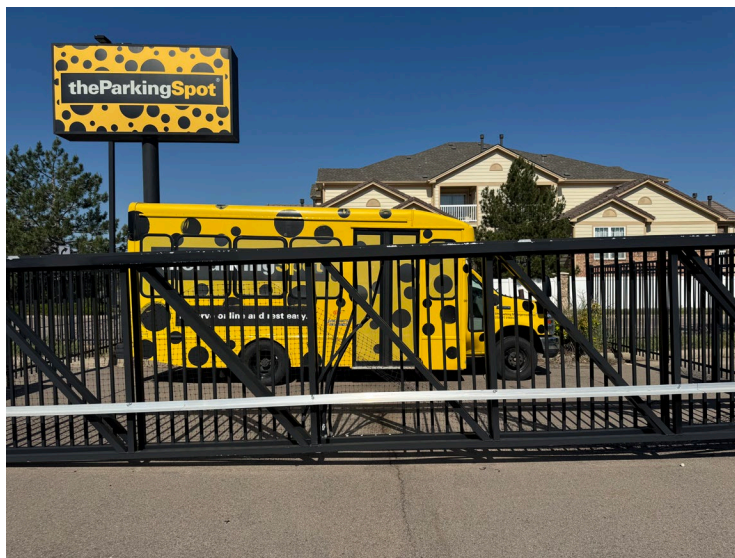


51. Rashaud entered The Parking Spot's offices and took a seat in the waiting room.
52. The Parking Spot's employees offered him water, and he sat quietly as he drank a few cups.
53. Although Rashaud had not threatened or intimidated anyone, The Parking Spot's employees decided to call 911 and summon someone to "check on" Rashaud.
54. **First 911 Call:** The Parking Spot's employees placed their first phone call at 2:57 p.m.
55. In that call, a Parking Spot employee explained that she was calling regarding a guy they had given "a couple waters" to, who was "just sitting in the office." Even though Rashaud was "just sitting" there, some of the employees felt "uncomfortable" with his presence.
56. When the 911 operator asked whether Rashaud needed an ambulance, the employee clarified that Rashaud just needed "someone to come check on him, [she didn't think he needed] an ambulance."
57. The Parking Lot employee also disclosed that Rashaud did appear to have any weapons:
- 911 operator: "Any weapons seen?"
- The Parking Spot's Employee: "No."
58. The 911 operator told The Parking Spot's employee that she put a notice out, and an Aurora Police Department officer would be responding when the call reached the front of the queue.
59. After The Parking Spot's employees placed the first 911 call, Rashaud stood up and attempted to leave the premises.
60. At some point, Rashaud headed from the main offices (A) to attempt to exit near to the sidewalk (B).



*The path from The Parking Spot's offices (A) to the southwest fence (B)*

61. Rashaud was met there by a six-foot tall, anti-scaling fence.



*Picture of the fence on the southwest corner of The Parking Spot, with damage to the fence that was not present before Rashaud was killed*

62. Rashaud was unable to get past the fence to leave The Parking Spot's premises.

63. Over the next two hours, Rashaud wandered around the facility, which is about the size of sixteen football fields.

64. **Second 911 Call:** The Parking Spot employees placed their second 911 call within 15 minutes, at 3:13 p.m.

65. Their chief complaint was that Rashaud was “walking around all of a sudden now.”

66. But again, The Parking Spot employee’s colloquy with the 911 operator made clear that Rashaud was not a threat.

911 operator: “Is he doing anyth—is he just walking around, or is he trying to get into cars, too”

Parking Spot Employee: “No, he’s not trying to get in cars. He’s just walking around.”

67. The 911 operator stated that she would update the information and dispatch someone when the case made its way to the front of the queue.

68. **Third 911 Call:** An hour later, at 4:12 p.m., another employee with The Parking Spot called 911 and asked for someone to come get Rashaud off their lot.

69. The 911 operator rebuffed the employee.

911 operator: “I have a call in here for you. We’ll have officers out to assist you as soon as we have one available.”

Parking Spot Employee: “So in the meantime [inaudible] I am supposed to be like whatever?”

...

911 operator: “OK, sir, I can’t change anything. We have a call pending for officers. We don’t have one available [inaudible] when we do, we will send one to you, OK?”

70. **Fourth 911 Call:** An employee with The Parking Spot placed another call to 911, at 4:24 p.m., and alleged that the man on their lot had attempted to open the doors of empty cars.

71. But again, the colloquy showed that Rashaud was still unarmed.

911 operator: “OK, any weapons [inaudible]?”

Parking Spot Employee: “No.”

...

911 operator: "Is he [talking] to anyone at all?"

Parking Spot Employee: "No, he's just staring at my staff and myself."

72. In response to this information, the 911 operator updated their notes in the system, and asked that everyone keep their distance from Rashaud.

73. **Fifth 911 Call:** Approximately half an hour later, at 4:58 p.m., The Parking Spot employees placed another 911 call, alleging Rashaud was "trying to fight" them, although there's no indication that Rashaud actually made physical contact with them.

74. By this point, Rashaud had been walking around The Parking Spot's facilities for over two hours. It was nearly 90 degrees. Rashaud was still not wearing shoes. And Rashaud had still not found a way out of the maze-like parking lot.

75. Indeed, exiting the facility was not intuitive. To exit, Rashaud would have to walk further away from the sidewalk, turn onto a road that was closed to pedestrians, and then navigate his way through the closed gates between the kiosks.

**B. The Aurora Police Department ignored multiple chances to intervene early.**

76. Aurora's 911 services received four calls across two hours, each one asking them to come help Rashaud.

77. In response to these first four 911 calls, Aurora:

- a. Did not send an officer to the scene.
- b. Did not send responders who were trained in deescalating the situation, given Rashaud was clearly experiencing a mental health crisis,<sup>3</sup> such as the Aurora Mobile Response Team (AMRT).
- c. Did not send an officer from their Crisis Response Team, which pairs officers with mental health clinicians.<sup>4</sup>

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<sup>3</sup> Visible indicators that Rashaud was experiencing a mental health crisis include that Rashaud was wandering around an airport parking lot for hours, with no discernable purpose, with no shoes, and was not able to lucidly communicate with The Parking Spot employees.

<sup>4</sup> For a discussion on the difference between the AMRT and the Aurora Crisis Response Team, see *Aurora Mobile Response Team*, AURORA COLORADO,

78. When Aurora did dispatch Officer Mills in response to the fifth 911 call, it sent him alone, rather than send a pair of officers who would have been more likely to control any incident without resorting to deadly force.

C. **When Officer Mills arrived on scene, he knew that Rashaud was unarmed and experiencing a mental health crisis.**

79. After the Fifth 911 Call, Officer Mills arrived on scene and contacted Rashaud.
80. Before he arrived on scene, Aurora's 911 operator sent their notes to Officer Mills.
81. Those notes would have summarized the 911 calls, which conveyed that Rashaud:
- a. was unarmed;
  - b. did not have shoes;
  - c. had been pacing around the parking lot for over two hours;
  - d. had not made physical contact with anyone; and
  - e. was not verbally responding to questions.
82. A reasonable observer would have seen that Rashaud was experiencing a mental health crisis.
83. Officer Mills did not then call for the AMRT.
84. Officer Mills did not then call for the Aurora Crisis Response Team.
85. Officer Mills did not then call for backup.
86. Officer Mills did not wait for the assistance of his colleagues before engaging with Rashaud.

**D. Officer Mills immediately abandoned cover, yelling at Rashaud and corraling him against the fence.**

87. Immediately after seeing Rashaud, Officer Mills parked his cruiser, exited, and walked to the southwest corner of The Parking Spot, where Rashaud was pacing and looking for an exit.



*Estimation of where Rashaud and Officer Mills were when Officer Mills exited his car, with north in the direction of the top of the page*

88. At this time, Rashaud was walking slowly away from Officer Mills toward the locked gate in the southwest corner.

89. The entire southwest corner was enclosed by a 6-foot non-scaling fence. The only exit was an approximately 1,190-foot walk away, which would require Rashaud to turn around, head east, turn north, turn west, then turn south.

90. After first spotting Rashaud, Officer Mills hurried toward him. Approximately fourteen seconds after he began walking toward Rashaud, Rashaud was closer to the fence that had trapped him for hours, and Officer Mills had closed the gap between him and Rashaud.

91. Officer Mills called out “Hey man, what’s going on today?”

92. Rashaud did not verbally answer. It did not appear that Rashaud registered the question.



93. Officer Mills continued to corral Rashaud against the southwest fence.

94. As Rashaud approached the fence, his pace slowed. Officer Mills kept up his pace, eliminating the gap between him and Rashaud.

95. Officer Mills then asked where Rashaud's shoes were. Rashaud again did not appear to register the question.

96. By now, Officer Mills and his cruiser were blocking the path that Rashaud would need to follow to exit the premises.

97. But instead of guiding Rashaud out, Officer Mills continued to herd him against the southwest fence.

98. Rashaud turned to look at Officer Mills, playing with his hair with one hand and letting the other dangle by his side.

99. It was clear that Rashaud was not carrying anything—let alone a weapon.



*Body-worn camera (BWC) footage of Rashaud turning to face Officer Mills*

100. Rashaud turned back toward the southwest gate.

101. Possibly responding to something Rashaud said, Officer Mills said to Rashaud, "Oh I don't know. Why are you back in this gate?"

102. Rashaud then walked over to the gate's green motor box and placed his hand on it as if trying to make the gate open.

103. Officer Mills pivoted north, taking up position behind Rashaud.

104. Once he took up position behind Rashaud, Officer Mills returned to issuing commands:

“Why don’t you have any shoes on? Don’t be messing with that! Don’t be messing with that! Quit! Stop messing with that!”

105. Officer Mills then swept around Rashaud’s back again and took up position on Rashaud’s south side.



*BWC footage of Rashaud scratching his head as Officer Mills yells at him*

106. Once there, Officer Mills asked “[d]o you know how to listen to what I’m telling you to do?”

107. Rashaud did not respond, indicating that he was not able to comprehend or respond.

108. Officer Mills then told Rashaud “you need to leave.”

**E. Officer Mills and Rashaud got in a “tussle.”**

109. After Officer Mills had gotten increasingly close and confrontational, Rashaud then moved toward Officer Mills, beginning what Officer Mills would later call a “tussle[.]”

110. Officer Mills grabbed Rashaud’s neck, pushing him backwards. Twice more, Rashaud moved toward Officer Mills, and Officer Mills pushed him back by the neck.

111. Officer Mills yelled “Get back, I am going to fucking shoot you dude.”

112. At the point Officer Mills first threatened to use deadly force on Rashaud



- a. Rashaud was visibly unarmed;
  - b. Rashaud had moved toward Officer Mills, but it does not appear that Rashaud had placed his hands on Officer Mills;
  - c. Rashaud had not made any verbal threats toward Officer Mills;
  - d. Officer Mills had not deployed any de-escalation tactics or less lethal force, such as a baton, taser, or pepper spray.
113. Officer Mills drew a baton from his belt and turned toward Rashaud.
114. Officer Mills hit Rashaud twice with the baton.
115. After the second blow with the baton, Officer Mills separated from Rashaud.
116. Officer Mills began walking backwards toward the grassy plot behind him.
117. Rashaud followed.



*Estimations of Officer Mills's and Rashaud's positions after they separate*

118. Rashaud continued to follow Officer Mills as they entered the grassy plot.



*BWC footage of Officer Mills walking backwards away from Rashaud*

119. In response, Officer Mills drew his taser and fired at Rashaud.<sup>5</sup>

120. After firing his taser, Officer Mills turned his back to Rashaud, and Rashaud wrapped his arms around him.

121. It appeared that Rashaud did not punch, kick, or otherwise strike Officer Mills.

122. Tangled up, both Rashaud and Officer Mills fell to the ground on the grassy plot.

123. While on the ground, Officer Mills called for help and asked Rashaud to get off him.

124. The Parking Spot employees, who were on the phone with 911, heard Officer Mills, and relayed Officer Mills's request for help to the 911 operator.

125. Officer Mills began to get up, his hands wrapped around Rashaud's right wrist.

126. Rashaud was holding one of Officer Mills's spare magazines.

127. But Officer Mills saw that Rashaud's hands were otherwise empty.

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<sup>5</sup> An autopsy report later revealed that Rashaud had three "blackened puncture wounds," consistent with conducted energy devices, on his right upper arm, right deltoid, and right chest.



*BWC footage of Officer Mills holding onto Rashaud's wrist*

**F. Following the tussle, Officer Mills refused to deescalate, choosing instead to reengage and shoot the unarmed Rashaud.**

128. Both Officer Mills and Rashaud stood up.

129. As they were getting up, Rashaud did not strike or push Officer Mills, even though they were within a close distance and Officer Mills was off balance.

130. By this point, the tussle was over. Aside from minor scrapes, Officer Mills was not injured in the tussle.

131. While still holding Rashaud's wrist, Officer Mills ordered Rashaud to "get back." Officer Mills then released Rashaud's wrist and shoved him back.

132. Rashaud stepped back several feet. Simultaneously, Officer Mills redrew his firearm and aimed it at Rashaud.

133. Officer Mills ordered Rashaud to get on the ground.

134. Rashaud hung his head the instant he saw the firearm, frozen in place.



*BWC footage of Rashaud hanging his head as Officer Mills points the firearm at him*

135. Rashaud began inspecting the cuts he sustained from the fall.

136. While Rashaud was looking at his cuts, standing still, silent, and unarmed, Officer Mills again threatened Rashaud: “I’m going to shoot you if you don’t get on the ground.”

137. Rashaud stared silently at Officer Mills, still frozen in place.

138. Rashaud then bent to look at the ground.



*BWC footage of Rashaud and Officer Mills separated by approximately 30 feet, with Officer Mills’s gun lowered*

139. At this point, there was approximately 30 feet of space between Rashaud and Officer Mills.

140. Officer Mills could see Rashaud’s hands, and he had felt around his body during the tussle—he knew that Rashaud was still unarmed.

141. Officer Mills lowered his weapon.

142. With his gun lowered, Officer Mills then spent the next ten seconds fiddling with his clothing.

143. Officer Mills did not attempt to use pepper spray or other less-lethal means to detain Rashaud.

144. Officer Mills did not deescalate the situation by seeking cover, waiting for backup, increasing the distance between himself and Rashaud, or otherwise disengaging further.

145. Instead, Officer Mills re-escalated the interaction.

146. Without any prompting from Rashaud (Rashaud was still looking at the ground), Officer Mills:

- a. Raised his firearm again;
- b. Started pacing toward Rashaud, closing the distance between the two; and
- c. Resumed screaming at Rashaud to get on the ground.



*BWC footage of Officer Mills moving toward Rashaud and reengaging*

147. Officer Mills closed the distance between himself and Rashaud to approximately 20 feet.





*BWC footage of Rashaud walking toward Officer Mills*

148. At 17:30:24,<sup>6</sup> after Officer Mills had again walked toward him, Rashaud turned to Officer Mills, hands empty, and began to walk slowly toward him.

149. From this point until his death, Rashaud's pace did not rise above a slow walk.

150. Officer Mills backed up in an arced path.



*BWC footage of Rashaud walking toward Officer Mills at 17:30:31*

151. Officer Mills again yelled, "I am going to fucking shoot you dude."

152. At 17:30:34, Officer Mills yelled "Back up."

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<sup>6</sup> Mountain Time, in format in hours:minutes:seconds.

153. At 17:30:35, one second later, Officer Mills shot Rashaud as he stood approximately twenty feet away.



*BWC footage of Officer Mills shooting Rashaud for the first time at 17:30:35, with the bullet casing being expelled from his firearm*

154. That first bullet hit Rashaud in his torso, and Rashaud began to keel over.

155. At 17:30:36, as Rashaud was keeling over, Officer Mills shot Rashaud a second time.



*BWC footage at 17:30:36 of Officer Mills shooting Rashaud for the second time, with the bullet casing being expelled from Officer Mills's firearm*



156. After he was shot a second time, Rashaud continued keeling over and fell to the ground.



*BWC footage at 17:30:36 of Rashaud falling to the ground.*

157. After he shot Rashaud, as Rashaud collapsed to the ground, Officer Mills yelled “Get down.”

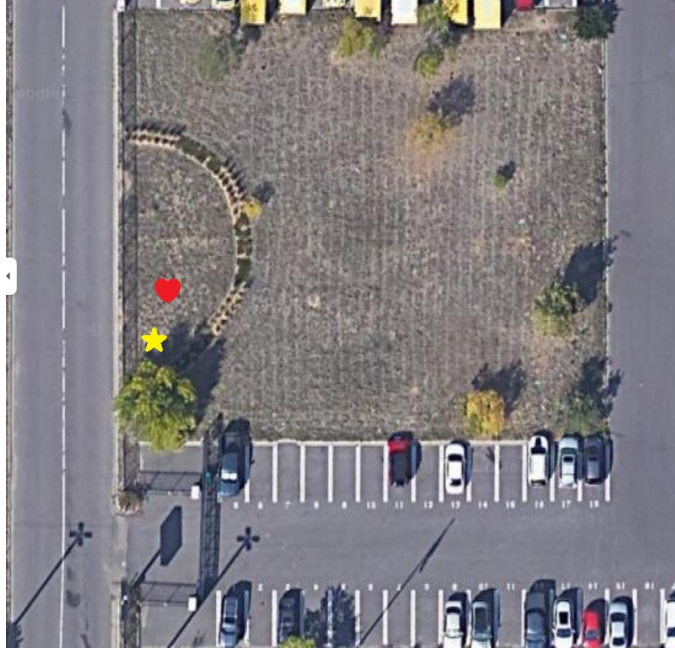
158. Approximately fifty-three seconds had passed in between Officer Mills drawing his weapon and shooting Rashaud twice.

159. In that time:

- a. Rashaud was visibly unarmed;
- b. Rashaud did not make verbal threats;
- c. Rashaud did not run at Officer Mills; and
- d. Rashaud simply walked toward Officer Mills.

160. At the moment Officer Mills shot Rashaud, they were standing approximately twenty feet apart, in the southwest corner of the premises.





*Estimation of Officer Mills's location (yellow star) and Rashaud's location (red heart) at time of shooting*

161. Rather than shoot Rashaud, Officer Mills could have deescalated the situation by taking any number of routes back to his car or other cover to await backup.

162. Rather than shoot Rashaud, Officer Mills could have deployed less lethal means of detaining Rashaud, such as pepper spray.

163. Rather than shoot Rashaud, Officer Mills could have helped Rashaud exit the premises, which is what Rashaud had been trying to do for hours.

164. Despite having safer and more reasonable alternatives at his disposal, Officer Mills decided to shoot and kill Rashaud when he was 15 feet away, unarmed.

**G. Officer Mills left Rashaud to die in the dirt, without attempting to administer any aid.**

165. Immediately after Officer Mills shot him in the torso twice, Rashaud collapsed on his stomach. Rashaud never stood up again.

166. Even after Rashaud went limp, Officer Mills kept his firearm drawn and aimed at Rashaud. Officer Mills made no attempt to assess the strength of Rashaud's breathing, his pulse, or the extent of his bleeding. Officer Mills did not ask Rashaud any questions or attempt to elicit a verbal response from him.

167. Instead, Officer Mills stood over 15 feet from Rashaud, holding him at gunpoint.

168. **Approximately forty-nine seconds after shooting:** Officer Mills radioed for “fire hot,” which was his first attempt to radio for medical help for Rashaud.

169. **Approximately one minute and fifteen seconds after shooting:** Officer Mills’s gun was still drawn and aimed at Rashaud. He radioed his base “I’m ok, I got him at gunpoint still.”

170. **Approximately one minute and twenty-six seconds after shooting:** Officer Mills swept around Rashaud’s body toward the parking lot—the same path he could have used to return to his car instead of shooting Rashaud.

171. **Approximately three minutes and eleven seconds after shooting:** Between 17:32:00 and 17:33:47, Officer Mills caught his breath under the shade of a tree while Rashaud continued to bleed out.

172. **Approximately four minutes and thirty-seven seconds after shooting:** An unknown officer from the Denver Police Department arrived on scene (“Officer NU”).<sup>7</sup>

173. Officer NU mirrored Officer Mills, drawing his firearm and holding Rashaud’s body at gunpoint.

174. Officer NU asked whether Rashaud had a firearm.

175. Officer Mills responded: “No, no gun. . . . no, he has no gun.”

176. Officer Mills’s response demonstrates his knowledge that Rashaud was unarmed.

177. Officer Mills and Officer NU then approached Rashaud’s body, still holding him at gunpoint. When the officers got within reach of Rashaud, they finally holstered their firearms.

178. The two officers did not ask Rashaud any questions, or give him any commands; rather, they reached down to Rashaud, grabbed his arms, placed his hands behind his back, and handcuffed him.

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<sup>7</sup> As of filing, governmental authorities have not released the name of the DPD officer who was second to arrive on scene, so this complaint refers to him as “Officer NU” (name unknown).



*BWC footage of Officer Mills and Officer NU pinning Rashaud's hands behind his back, with a blood stain on back*

179. Rashaud offered no resistance when the two officers grabbed his hands and placed them behind his back. The back of Rashaud's shirt was stained with blood.

180. The confluence of these factors would have put any reasonable officer on notice that Rashaud was dying, and would die, if he did not receive aid.

181. Still, Officer Mills took no steps to check on Rashaud, give him aid, or otherwise attempt to save him.

182. After Rashaud was cuffed, Officer NU asked where Rashaud had been shot. Officer Mills responded, "twice in the chest."

183. Officer NU told Officer Mills to roll Rashaud's body over.

184. Officer NU then dragged Rashaud's body onto its back. Rashaud did not respond.



*BWC footage of Officer NU dragging Rashaud's body onto its back*

185. **Over five minutes from the shooting**, Officer NU was the first to suggest that they “need to put pressure on it.”

186. The officers paused to put gloves on.

187. **Approximately five minutes and forty-two seconds after shooting**: Officer Mills leaned over, and from a standing position placed a single hand on one of Rashaud's wounds.

\* \* \*

188. **Four minutes and forty seconds**. That's how long Officer Mills waited to approach Rashaud after shooting him twice, even though he knew that Rashaud was unarmed and shot twice in the torso.

189. **Five minutes and forty-two seconds**. That is how long Officer Mills waited to provide any aid to Rashaud.

190. Neither Officer Mills nor Officer NU administered CPR to Rashaud.

191. **Ten minutes and thirty-nine seconds**. That is how long the backup responding officers waited to begin CPR after Officer Mills shot Rashaud.

192. Rashaud died from his gunshot wounds and the actions and inactions of Officer Mills.

193. If Officer Mills had timely administered pressure, CPR, and/or other aid to Rashaud, he might have survived.

### III. Aurora's history of unlawful policing.

194. A survey of statistics, prior cases, and violations of the McClain consent decree demonstrate that Officer Mills's actions were not an aberration, but consistent with Aurora's history of unlawful policing.

#### A. Statistics demonstrate Aurora's history of racially discriminatory policing and excessive force.

195. Statistics demonstrate that Aurora and APD officials disproportionately use force against Black people, even though Black people comprise a minority of the Aurora population.

196. Compounding this discriminatory practice, APD subjects Black people to greater force as compared with other members of the Aurora community.

197. For example, from January 2013 through June 2025, APD killed Black people at 3.5 times the rate it killed white people.<sup>8</sup>

198. Statistical analysis of APD's recent history with Black people also demonstrates the widespread, systemic nature of APD's unconstitutional pattern of using force against Black people. A statistical analysis conducted by Dr. Lance Kaufman, and referenced in Elijah McClain's case against Aurora (the "Kaufman Report") showed that a statistically significant racial disparity exists in the rate APD uses force against Black people compared to the rate it uses force against Caucasians and all other races besides Black people.<sup>9</sup>

199. The Kaufman Report showed that APD's use of force per arrest was 1.26 times greater against Black arrestees than against arrestees of other races. APD's deadly and injurious use of force per arrest was 1.43 times greater against Black arrestees than against arrestees of other races. APD's use of Taser weapons per arrest was 1.40 times greater against Black arrestees than against arrestees of other races. APD's use of force per arrest was also higher against Black arrestees than against only Caucasian arrestees. Black people arrested by APD thus had a disproportionately high risk of experiencing use of force compared to arrestees of all other races.<sup>10</sup>

200. The Kaufman Report showed that in 2017, APD's rate of use of force per person was 5.5 times greater against Black people than people of other races.<sup>11</sup>

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<sup>8</sup> *Police Accountability Tool*, MAPPING POLICE VIOLENCE, <https://mappingpoliceviolence.org/cities> (last visited June 16, 2025).

<sup>9</sup> July 14, 2020, Report by Dr. Lance Kaufman of Bardwell Consulting Ltd.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

201. Departmental data continues to tell the same story. As of June 10, 2025, APD has used force 248 times in 2025.<sup>12</sup> 31.64% of those instances were against Black people, even though Black people make up a mere 15.8% of Aurora's population.<sup>13</sup>

202. The Kaufman Report showed that Black people present no higher risk of officer injury during arrests than Caucasian arrestees, meaning that risk to officer does not explain APD's higher use of force against Black people relative to Caucasians.<sup>14</sup>

203. The percentage of Black people whom APD officers have used force against has stayed between 35% and 45% of all APD uses of force between 2020 and 2025. Despite the consistently disproportionate uses of force against Black people. Aurora's annual use of force reports do not attempt to explain or understand the persistent disparately negative treatment of Black people over the course of many years caused by APD's official and/or de facto policies and customs.<sup>15</sup>

**B. Aurora promised to remedy its demonstrably unlawful practices in the wake of Elijah McClain's murder.**

204. On August 24, 2019, several APD officers stopped a young, unarmed Black man named Elijah McClain without justification. In the course of the stop, APD officers seized Elijah, threw him against a brick wall, put him in multiple cardiac holds, compressed his back while Elijah was on his stomach, handcuffed him, and then directed the Aurora Fire Rescue to inject him with a lethal dose of ketamine. The collective action of the Aurora city officials killed Elijah.

205. Elijah's family brought suit, alleging the Aurora Police Department had a demonstrated history of racist policing, unlawfully excessive uses of force, and displaying deliberate indifference to serious medical needs.

206. In support of these allegations, Elijah's estate filed a complaint that recited dozens of instances in which the APD had deployed unconstitutionally excessive uses of force against people of color, and exhibited deliberate indifference to their medical needs.

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<sup>12</sup> *Use of Force Statistics*, CITY OF AURORA, (June 10, 2025), <https://apd-transparency-portal-auroraco.hub.arcgis.com/pages/uses-of-force>.

<sup>13</sup> *Aurora Quick Facts*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/auroracitycolorado/PST045224> (last visited June 16, 2025).

<sup>14</sup> *Id.*

<sup>15</sup> *See Use of Force Statistics*, CITY OF AURORA, (June 10, 2025), <https://apd-transparency-portal-auroraco.hub.arcgis.com/pages/uses-of-force>.

207. In the wake of Elijah’s killing, the Colorado Attorney General investigated Aurora and the APD for unconstitutional policies and customs. The Attorney General’s findings were highly critical:

[B]oth statistical and anecdotal data supported its conclusion that APD had engaged in a pattern and practice of race-based policing. After analyzing departmental data on race and [use of force], for example, the Attorney General found that APD officers used force, arrested, and filed discretionary charges against Black and non-White people at a significantly higher rate than they did against White people, and that a greater percentage of Black and non-White communities experienced those actions, than did members of White communities. The report also cited the anecdotal experiences of community members and Attorney General investigators who commented on differences in how APD officers interacted with members of different racial groups, including frequent escalations of force against non-White residents compared to White residents. The Attorney General’s September 15 report included an admonishment that, to “remedy and eliminate its practice of race-based policing, Aurora must make major changes across the organization to improve its culture, including improving its policies, training, recordkeeping, and hiring.” The Attorney General’s report specifically called for greater detail in APD policies against racially biased policing; more specific standards and expectations for APD officers when they make a stop, arrest or use force; better tracking of outcomes for people arrested on misdemeanor charges to identify discrepancies between arrest rates and prosecution rates; and improved training for police academy cadets and in-service officers, among other recommendations.<sup>16</sup>

208. Aurora and these officials were sued by Elijah’s estate, his mother, and his father. To settle the suit, Aurora paid \$15,000,000 to the plaintiffs.

209. Aurora also entered into a consent decree (“McClain Consent Decree”) with the State of Colorado.

210. Aurora often touts this consent decree as a promise it made to the community.

211. Per Aurora,<sup>17</sup> the consent decree is designed to allocate resources, review current policies and adopt new ones, and focus training efforts in five key areas, also referred to as pillars:

- Addressing Racial Bias in Policing;

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<sup>16</sup> *Report of the Independent Consent Decree Monitor; Reporting Period 7, February 16; August 15, 2024*, AURORA MONITOR, pp. 37–38, (October 15, 2024), [https://www.auroramonitor.org/\\_files/ugd/074938\\_25b73f1eaf84955a8c75582f46ddaec.pdf](https://www.auroramonitor.org/_files/ugd/074938_25b73f1eaf84955a8c75582f46ddaec.pdf).

<sup>17</sup> *Aurora Consent Decree*, CITY OF AURORA, <https://www.auroragov.org/cms/one.aspx?pageId=17087399> (last visited June 4, 2025).



- Constitutional Policing;
- Chemical Restraints;
- Recruitment, Hiring and Promotion; and
- Accountability and Transparency.

212. But the reports of the independent monitor show that Aurora is failing to live up to the promises it made in the McClain Consent Decree.

C. **Aurora has resumed its policy and custom of unlawfully killing unarmed Black men.**

213. Even before Officer Mills killed Rashaud, Aurora and APD had repeatedly broken the promises of the McClain Consent Decree.

214. A lawsuit alleges that on January 11, 2023, an APD officer, who was involved in “two critical incidents in the past two weeks,” used his car to pin an elderly woman named Wyoma Martinez for no apparent reason. *Martinez v. Harroun*, 2024 WL 4227685, at \*1–2 (D. Colo. Sept. 18, 2024). When she threatened to call 9-1-1, the officer responded, “Go ahead, I’m a cop.” *Id.* He then “without warning and allegedly ‘acting under the APD’s Off-Duty Directive authorizing him to use force to effectuate an arrest,’ grabbed Ms. Martinez’s wrist, punched her in the face with a closed fist, slammed her to the ground, and continued punching her four or five times in the face and throat while pinning her to the ground.” *Id.* In a civil rights lawsuit against the officer and Aurora, the U.S. District Court of Colorado held that the plaintiff had plead Aurora had policies and customs of “condoning the use of excessive force, particularly against people of color; . . . knowingly hiring an unsuitable candidate; and [] failing to train, supervise, and discipline its officers.” *Id.* at \*8.

215. Key to this finding, the U.S. District Court pointed to a report of the Colorado Attorney General, which concluded that “[m]ost failures with Aurora Police relate to systemic and severe culture problems.” *Id.*

216. These systemic issues were on full display just last year, when APD officers shot and killed Kilyn Lewis, who (like Rashaud), was an unarmed Black man.

217. In its most recent report, the independent monitor assigned to the McClain Consent Decree immediately recognized that Mr. Lewis’s killing raised red flags about APD’s refusal to use less lethal tactics, failure to retain or seek cover, and employing officers with a history of violence. That report included the following findings:

- a. “*Lack of Less Lethal Options in SWAT Tactics*: It appears from the released video that less lethal options were not deployed in the interaction with Mr. Lewis. To the extent this is the case, APD must evaluate whether the exclusion of less lethal



options was consistent with APD’s policies and best practice and whether a different approach could have resulted in a better outcome.”<sup>18</sup>

- b. “*Tactical Approach Without Cover*: The tactics employed during the high-risk stop, including the decision to approach the subject without cover and without a less lethal option, warrant a thorough examination. APD must assess whether this approach was appropriate given the circumstances and whether the tactics employed aligned with best practices for high-risk stops, and how, if at all, these tactics may have contributed to the fatal outcome.”<sup>19</sup>
- c. “*Selection and Retention of the Shooting Officer*: The officer who discharged his weapon, is a 12-year APD veteran with eight years on the SWAT team who has been involved in prior shootings. This history raises potential questions about the selection criteria for officers assigned to SWAT operations and APD’s retention policies for members of the SWAT team. It is essential to determine whether the officer’s prior record was appropriately considered in initially assigning him to SWAT and then, in retaining him after previous shooting incidents.”<sup>20</sup>

218. Aurora’s failings of the McClain Consent Decree were not isolated to Mr. Lewis’s killing.

219. In its most recent report, the independent monitor found that (1) APD officers were intentionally mislabeling the race of individuals they stopped, making it more difficult to track APD’s racially discriminatory policing, and (2) an entire district was failing to report the race of those they stopped.<sup>21</sup>

**D. Aurora itself shares responsibility for Rashaud’s death.**

220. Just like his colleagues at APD—whose unlawful acts make up the department-wide trends described above—Officer Mills:

- a. Was not deployed until The Parking Spot’s employees reported that Rashaud was growing increasingly agitated;
- b. Was deployed as a single armed officer, without the assistance of a mental health professional;

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<sup>18</sup> *Report of the Independent Consent Decree Monitor; Reporting Period 7, February 16; August 15, 2024*, p. 8, AURORA MONITOR (October 15, 2024), [https://www.auroramonitor.org/\\_files/ugd/074938\\_25b73f1eacf84955a8c75582f46ddaec.pdf](https://www.auroramonitor.org/_files/ugd/074938_25b73f1eacf84955a8c75582f46ddaec.pdf)

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at p. 11.

- c. Began the encounter by abandoning his cover;
- d. Did not call or wait for a backup officer or a mental health professional before engaging Rashaud;
- e. Corralled Rashaud against the fence, even though he knew or should have known that Rashaud was experiencing a mental health crisis, given Rashaud was walking around a parking lot without shoes, with no discernable purpose, and not registering questions;
- f. Did not engage in de-escalation techniques, and in fact escalated the situation;
- g. After the tussle, did not deploy less lethal means, such as pepper spray or a taser;
- h. After the tussle, did not stay disengaged by taking cover in or near his car and waiting for backup;
- i. Shot Rashaud when there was 15 feet of separation between the two of them, Rashaud was unarmed, and Rashaud was walking slowly toward Officer Mills, who had the opportunity to back up; and
- j. Did not put pressure on Rashaud's wounds or administer CPR until minutes after he shot Rashaud, even though Officer Mills knew Rashaud would die without immediate medical aid.

221. Instead, like his colleagues at APD have done time and again, Officer Mills killed an unarmed Black man without justification.

222. Rashaud would be alive today if Officer Mills had not taken any of the steps described above.

**IV. Witnesses recognize that Officer Mills inflamed the situation from a trespass to a murder.**

223. Since releasing Officer Mills's body camera footage, Aurora and the APD have tried to blame Rashaud for his own killing, arguing in public statements that the "tussle[]" gave Officer Mills a boundless license to kill.

224. But a 911 call placed contemporaneously with Rashaud's killing shows that eyewitnesses saw it differently.

225. Between the fifth and sixth 911 Calls, Officer Mills arrived on scene and contacted Rashaud.

226. The sixth 911 call reveals the final few moments of Rashaud's life.

227. **Sixth 911 Call (5:29 p.m.):** The Parking Spot’s employees described the tussle between Rashaud and Officer Mills. After Rashaud and Officer Mills separated, the employees described the moments when Officer Mills shot and killed Rashaud:

Parking Spot Employee: “Oh shit, he got a gun on him.”

911 operator: “Who has a gun on him?”

Parking Spot Employee: “The cop. Oh my god.”

911 operator: “Hold on hold on. The cop has a gun on the guy, or the guy has a gun on the cop?”

...

Parking Spot Employee: “The cop [gasp] just shot him.”

...

Parking Spot Employee: “I just wanted him off the lot [inaudible].”

911 operator: “No I understand, you did the right thing by calling [911]”

Parking Spot Employee: **“It don’t feel like it.”**

228. The Parking Spot’s employee may have felt guilt for placing the call that ended Rashaud’s life, but the blame does not rest with him.

229. Rashaud’s death is the fault of Officer Mills and Aurora, whose unconstitutional policies, customs, and actions cut Rashaud’s young life short.

## **STATEMENT OF CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF**

#### **Violation of C.R.S. § 13-21-131**

#### **Excessive Force Violating Colo. Const. Article II, Section 7**

230. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

231. Officer Mills is, and was at all relevant times, a “peace officer” as defined by C.R.S. § 24-31-901(3) and therefore subject to C.R.S. § 13-21-131.

232. As described herein, Officer Mills unlawfully used excessive force against Rashaud, by shooting Rashaud as he stood empty handed, unarmed, out of reach, and failing to render any medical aid for five minutes and forty-two seconds after shooting him.

233. The totality of the circumstances alleged herein establish that Officer Mills's use of force against Rashaud was objectively unreasonable.

234. Officer Mills's conduct, as described herein, was attended by circumstances of malice, or willful and wanton conduct, which he must have realized was dangerous, and/or he acted heedlessly and recklessly without regard to Rashaud's constitutionally protected rights.

235. As a direct result of Officer Mills's unlawful actions and omissions described here, Plaintiff Estate of Rashaud Johnson suffered actual injuries, damages, and losses.

236. Aurora's policies and customs caused Officer Mills to employ the unconstitutionally excessive force described herein, and Aurora is therefore a causal factor in Rashaud's death.

## **SECOND CLAIM FOR RELIEF**

### **Violation of C.R.S. § 13-21-131**

#### **Failure to Ensure Reasonable Safety and Provide Adequate Medical Care Violating Colo. Const. Article II, Section 7**

237. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

238. At the time he was shot, Rashaud had a right under Article II, Section 7 of the Colorado Constitution to be kept reasonably safe and to receive adequate medical care while in the custody of APD.

239. By shooting Rashaud, Officer Mills seized him.

240. Given Officer Mills caused Rashaud's injuries, and he was in Officer Mills's custody, Rashaud was from that point on in Officer Mills's care.

241. Officer Mills had notice of Rashaud's life-threatening condition resulting from Officer Mills's shooting of Rashaud.

242. Officer Mills ignored obvious and substantial risks to Rashaud's health as he bled out from his gunshot wounds.

243. The deterioration in Rashaud's condition was so obvious that any officer should have recognized it and immediately requested an expedited medical response as well as immediately attempting life saving measures, including putting immediate pressure on the bullet wounds, administering CPR, and/or other medical care.

244. Instead, Officer Mills failed to respond to Rashaud's worsening condition, failed to promptly call paramedics, senselessly continued to hold Rashaud at gunpoint without promptly attempting to mitigate his bleeding, and did not render any medical aid for five minutes and forty-two seconds, and never administered CPR.

245. Officer Mills's acts and omissions exhibited deliberate indifference to Rashaud's constitutional right to not be denied necessary medical care. Officer Mills's deliberate indifference extends to his failure to promptly request an expedited medical response after shooting Rashaud, and his failure to attempt any medical aid on an unarmed man he had just shot twice.

246. Officer Mills's actions and omissions, as described herein, were motivated by malice and/or involved reckless or callous indifference to Rashaud's constitutional rights, and he engaged in these actions and omissions intentionally, willfully, and/or wantonly, demonstrating deliberate indifference to, and reckless disregard for, Rashaud's constitutionally protected rights.

247. Officer Mills's actions and omissions, as described herein, were objectively unreasonable under the circumstances.

248. The acts or omissions of Officer Mills were a legal and proximate cause of Rashaud's injuries, death, and other damages.

249. As a direct result of Officer Mills's unlawful actions described herein, Rashaud suffered actual physical and emotional injuries leading up to and including his death.

250. Aurora's policies and customs caused Officer Mills to fail to provide aid as described herein, and Aurora is therefore a causal factor in Rashaud's death.

### **THIRD CLAIM FOR RELIEF**

#### **Violation of C.R.S. § 13-21-131**

#### **Violation of Assumed Duty of Care Under Colo. Const. Article II, Section 25 (In the Alternative to Claim Two)**

251. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

252. The risk posed to Rashaud was substantial because he was bleeding from two gunshot wounds, was losing strength and responsiveness, and would (and did) die unless someone promptly summoned and administered medical aid.

253. A reasonable officer in Officer Mills's position would have foreseen that Rashaud would die unless Officer Mills promptly summoned and administered medical aid.

254. There was little to no social utility to Officer Mills's conduct. After he shot Rashaud, Officer Mills knew that Rashaud was unarmed and weakened, and therefore there was

no need to continue holding him at gunpoint instead of summoning and administering medical care.

255. It would not have been burdensome to promptly put pressure on Rashaud's gunshot wounds or administer CPR.

256. There would be little to no deleterious effects of placing on an officer the duty to provide aid to an individual who (1) the officer shot, (2) is unarmed, (3) is weakened, when (4) there is no other threat inhibiting the officers from promptly summoning and administered aid.

257. Because Officer Mills should have reasonably foreseen that his failure to promptly summon medical care or provide medical aid for Rashaud would cause an unreasonable risk to Rashaud's life, he had a duty to avoid that harm.

258. As a direct result of Officer Mills's unlawful actions and omissions described here, Plaintiff Estate of Rashaud Johnson suffered actual injuries, damages, and losses.

259. Aurora's policies and customs caused Officer Mills to fail to provide aid as described herein, and Aurora is therefore a causal factor in Rashaud's death.

**FOURTH CLAIM FOR RELIEF**  
**Violation of C.R.S. § 13-21-131**  
**Recklessly Failing to Provide Aid**  
**Violating Colo. Const. Article II, Section 25**  
**(In the Alternative to Claims Two and Three)**

260. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

261. Officer Mills is liable for his conduct that is done in reckless disregard for a serious risk, when he knew or should have known of the danger.

262. Officer Mills shot Rashaud twice, exposing him to the dangers associated with gunshot wounds including but not limited to loss of blood and life.

263. Officer Mills put Rashaud at substantial risk of serious harm by shooting Rashaud, and then not promptly summoning and administering medical aid.

264. Officer Mills shot Rashaud twice, and he witnessed Rashaud bleed profusely and lose strength; Officer Mills therefore knew or should have known that not administering medical aid created a substantial risk that Rashaud would suffer serious injuries and die.

265. The acts or omissions of Officer Mills were a legal and proximate cause of Rashaud's injuries, death, and other damages.

266. As a direct result of Officer Mills's unlawful actions and omissions described here, Plaintiff Estate of Rashaud Johnson suffered actual injuries, damages, and losses.

267. Aurora's policies and customs caused Officer Mills to fail to provide aid as described herein, and Aurora is therefore a causal factor in Rashaud's death.

**FIFTH CLAIM FOR RELIEF**

**Violation of C.R.S. § 13-21-131**

**Violation of Substantive Due Process Under Colo. Const. Article II, Section 25  
(In the Alternative to Claims Two, Three, and Four)**

268. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein.

269. Officers are liable for their omissions if they create a danger that results in harm to an individual.

270. Officer Mills's conduct put Rashaud at a substantial risk of serious, immediate, and proximate harm by shooting him in the torso twice.

271. The risk that Rashaud would suffer worsening bodily injury or die was obvious, and in fact known, to Officer Mills given he shot Rashaud twice, and he witnessed Rashaud bleed profusely and lose strength.

272. Officer Mills disregarded the risk to Rashaud's health and life, deciding to not promptly call for and administer medical aid.

273. Officer Mills's conduct, when viewed on the whole, shocks the conscience.

274. The acts or omissions of Officer Mills were a legal and proximate cause of Rashaud's injuries, death, and other damages.

275. As a direct result of Officer Mills's unlawful actions and omissions described here, Plaintiff Estate of Rashaud Johnson suffered actual injuries, damages, and losses.

276. Aurora's policies and customs caused Officer Mills to fail to provide aid as described herein, and Aurora is therefore a causal factor in Rashaud's death.

**PRAYER FOR RELIEF**

277. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor and against Defendant, and award it all relief allowed by law, 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 emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- e. Punitive damages on all claims allowed by law and in an amount to be determined at trial;
- f. Attorneys' fees and the costs associated with this action, including expert witness fees, on all claims allowed by law;
- g. Pre- and post-judgment interest at the appropriate lawful rate; and
- h. Any further relief that this court deems just and proper, and any other relief as allowed by law.

**JURY DEMAND**

278. Plaintiff hereby demands a jury trial on all issues so triable.

RATHOD | MOHAMEDBHAI LLC

/s/ Neil S. Sandhu

Neil Singh Sandhu

Virginia Hill Butler

Siddhartha Rathod

Crist Whitney

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