

Press Release

The lawsuit arising out of the tragic shooting death of Zachary Gifford from three bullets to his back on April 9, 2020 has been settled for \$9,500,000 after a two day contested hearing before a panel of four distinguished civil rights attorneys, Andrew Ringel, Darold Killmer, Ed Budge and Bill Rogers. Each side chose two panel members and the hearing was preceded by evidentiary submissions on all the liability and damages issues in the case, including the officers body cams. The final resolution reached by the panel will be paid by Kiowa County through their insurance carrier. John Holland and Anna Holland Edwards from the Holland, Holland Edwards & Grossman law firm conducted the hearing for the Estate of Zachary Gifford.

This shooting occurred after a traffic stop for a failure to signal. Zach was a passenger in that car. The stop occurred in Brandon Colorado a largely uninhabited area sometimes referred to as a ghost town.

The panel's determination of the final settlement amount is comprehensive and includes all claims that were brought against the County, the two officers who shot and killed Mr. Gifford, Quentin Stump and Tracy Weisenhorn, the former Sheriff, Casey Sheridan, the current Sheriff Forrest Frazee and the Board of County Commissioners.

Before the hearing the parties had engaged in a failed mediation resulting in the lawsuit. After the lawsuit was filed, the parties decided to engage in this unique resolution procedure.

The hearing focused on the events of the shooting and around the value of Zach's pleasure and enjoyment of his life, including his many loving relationships, his terrible suffering and death during the horrific event in which he was shot repeatedly and the value of Zach's work as a beloved community member. Zach was a talented craftsman and remembered widely in Kiowa County for his constant willingness to help.

Zach's death shocked the Eads community and his death is still being mourned by many people. He was described as a "man well met and well liked." As Mayor Shields said "Zach enjoyed life and I can't remember seeing him when he was not smiling." His friend Jamie Crockett said: "You could write a book of essays totaling 100,000 words from people in the community that Zach would help. I literally think it was against his nature to not take advantage of every single opportunity he saw to help someone out." As Eads Municipal Judge Jeff Campbell wrote: "Zach's life mattered. He didn't deserve to have the breath of life removed from him."

The panel heard from many members of the Eads community and family members through videos and written statements. Zach was described by several people as having a "servants" heart.

Police cannot shoot people who are running away from them in the back when they aren't threatening immediate harm to the public or the police. Police cannot arrest people by shooting them. The Colorado Bureau of Investigations found that Zach Gifford never displayed any weapons and that he was running away when he was killed. He was unarmed.

Each officer shot at him twice, with the final shot being fired by Quentin Stump.

This final shot occurred after a staggering 18 second delay from the third shot. By then Zach was 24 yards away from Quentin Stump. He was suspected only of possession of drugs and had an empty baggie in his jeans coin pocket with some residue that did not even constitute a misdemeanor. When the final shot was taken both officers knew Zach had already been wounded by two of their previous shots to his back and would have been easy to catch up with in the large empty field where this happened.

The County and former Sheriff Sheridan, who resigned since this incident, were sued for allowing a custom of using deadly force to stop fleeing suspects when they are not imminently threatening the officers or any other persons. Just four months before Zach was killed in an empty field, Quentin Stump used deadly force to try to stop a fleeing suspect, shooting nine times toward the back of a driver of a suspected stolen vehicle who was also not threatening him but just trying to drive away into an empty field. That driver got away and was arrested elsewhere. After this and other incidents, Sheriff Sheridan did not discipline or retrain Quentin Stump.

This is the worst civil rights case our firm has ever handled and also the clearest liability case we ever had against all the parties named. Zach was a wonderful human being and his parents were pillars of the community.

Carla Gifford, Zach's mother was a kindergarten teacher and special education teacher. Larry Gifford, Zach's father, was a very popular coach in Eads and the PE instructor. They lived in Eads for 40 years. Larry was on the Town Council and the school Board before his retirement.

Kiowa County is a small Eastern Colorado community with fewer than 1500 people. The tax base is small and the County budget is only around \$7 million a year.

The family loves Kiowa County and had no desire to have their lawsuit potentially threaten to bankrupt this rural county with limited resources. Accordingly, they agreed to this panel hearing where the potential resolution was limited by the available insurance. The community has stood up for Zach very strongly, demanding justice for him and grieving with them. The family also needs peace for themselves now two years since he was killed rather than being in a long lawsuit that has been over since these shots were fired.

John Holland and Anna Holland Edwards want to jointly state that:

“This horrific case serves to remind yet one more tragic time that we must fight to find ways as a country to incentivize and cause law enforcement to stop killing our people for no good or sufficient reasons. The killing of Zach was totally unacceptable and unnecessary. The danger posed by the unrestrained and untrained use of deadly force by police continues to allow good loving people to be shot to death for no good or sufficient reasons, this time in the middle of nowhere.”

Larry and Carla wish to thank their immediate and extended family, Zach's friends, the residents of Kiowa County, surrounding communities and all of their friends for the incredible support and prayers over the last two years. Most of all they want "to thank God for carrying us through this very difficult journey."

The family also wishes to express their appreciation to the County Commissioners and their attorneys, including JD Murdock, for reaching this final resolution with them and for stepping up to create a process to end this lawsuit that was as peaceable, civil and respectful of the family's feelings and overwhelming loss as possible.

In addition to the \$9,500,000.00 payment in compensatory damages, the following NON MONETARY TERMS have been agreed to by the County:

1. The current Sheriff of Kiowa County shall implement new use of force policies that conform with *Garner*, consistent with reasonable policies regularly implemented by law enforcement agencies within the State of Colorado, regarding the constitutional limits on the use of deadly force including use of such force on fleeing suspects on foot or in moving vehicles.
2. New officer and annual training shall be required for all members of the Department on the constitutional limitations on the use of deadly force and specifically regarding fleeing suspects consistent with POST certification and licensure requirements for law enforcement officers and using this incident to learn from as part of such ongoing training efforts to prevent recurrence of such tragedies.
3. RENAMING PLAN – Zach memorial. The County will, in consultation with the family, erect a suitably located prominent memorial commemorating Zach's life including his name, date of birth, the case event and a meaningful passage or scripture to be selected by the family and approved by the County's BOCC.

John Holland

Anna Holland Edwards