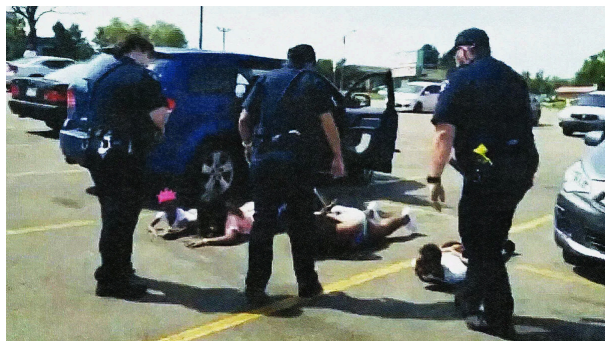


The Cops Who Drew Guns and Forced an Innocent Family To Lie on the Pavement Were Dismayed by the Angry Response

After gratuitously terrifying a 6-year-old girl, the officers blamed her mother, who also had done nothing illegal.

JACOB SULLUM | 3.19.2021 11:40 AM



(Gilliam v. City of Aurora)

After police in Aurora, Colorado, mistook a blue SUV with Colorado plates for a stolen yellow motorcycle with Montana plates, they pulled up behind the parked car, ordered the driver and the passengers out at gunpoint, and forced them to lie facedown on the pavement. Neither the driver, Brittney Gilliam, nor her passengers—four girls ranging in age from 6 to 17—had done anything wrong. But the terrified, wailing girls were still detained for about 10 minutes, with two of them in handcuffs, until after the cops realized their mistake.

The 2020 incident, much of which was recorded by a bystander, provoked international outrage at the gratuitous trauma inflicted on Gilliam and the girls. But newly released internal reports and body camera videos suggest that the cops at the scene were more upset by Gilliam's anger and onlookers' criticism. The evidence, which Chicago defense attorney Mike Buresh obtained under Colorado's Criminal Justice Records Act, reveals a chasm between ordinary people who are appalled by police abuse and cops who think they are simply doing their jobs.

'This Is a Stolen Vehicle'

On a Sunday morning last August, Gilliam, a 29-year-old food service worker at the Denver County Jail, drove her sister's 2009 Dodge Journey to a nail salon. She was accompanied by her 6-year-old daughter, Gilliam's 17-year-old sister, and two nieces, ages 12 and 14. They planned to have their nails done and get ice cream afterward. But when they arrived at the nail salon, they found it was closed. Gilliam and the girls were sitting in the parked SUV as she used her smartphone to find an open salon when a police car pulled up behind them and two officers, Darian Dasko and Madisen Moen, got out with their guns drawn.

The officers ordered Gilliam and the girls to put their hands out the windows, which they did. Dasko told Gilliam to put her keys on the roof of the car. Dasko's body camera, which began recording at 10:54 a.m., captured this exchange while Gilliam was still sitting in the driver's seat:

Gilliam: What's the reason for this stop?

Dasko: This is a stolen vehicle.

Gilliam: This is a stolen vehicle?

Dasko: Yes.

Gilliam: My sister's car is a stolen vehicle?

Dasko: It's a stolen vehicle.

Gilliam: I'm going to prove your ass wrong. This was a stolen vehicle a long time ago...

Dasko: It's a stolen vehicle.

Contrary to Dasko's mantra, it was not a stolen vehicle. As he later acknowledged, police records indicated that the SUV was reported stolen on February 2, 2020, and recovered three days later. Yet a license plate reader had erroneously flagged the car as stolen, and the record Dasko initially received included a photo matching the car Gilliam was driving. Dasko said he checked with a dispatcher to confirm that the car was stolen, and he was told it was.

It turned out that hit was actually for a stolen motorcycle registered in Montana. If Dasko had run the plate number through the National Crime Information Center's database, he would have discovered the error, and this whole encounter could have been avoided. But he did not do that.

Dasko nevertheless was immediately on notice that something was amiss with his information. He disregarded Gilliam when she repeatedly told him the car was her sister's, even when she offered to prove it by showing him the registration. Instead, Dasko and Moen, a trainee he was supervising, proceeded to treat Gilliam and the girls like dangerous criminals.

'We Never Put Any Underaged Children in Handcuffs'

According to a state lawsuit that Gilliam filed in January, the cops patted down everyone, including the 6-year-old. With guns drawn, they made everyone lie on the pavement. They handcuffed Gilliam, the 12-year-old, and the 17-year-old. The complaint says "Defendant Officer 4 tried to handcuff six-year-old L.T. [Gilliam's daughter], but the handcuffs were too big to fit around her wrists."

Exactly who was handcuffed, and how those individuals should be described, became a point of contention. "They put handcuffs on the babies," a male bystander can be heard saying in Dasko's video. "That's not true," an angry female officer replies. "That's a lie. No handcuffs went on that child...There were no handcuffs on the small child." That much is true, but it elides the question of whether the cops *tried* to cuff her, as the lawsuit alleges.

Although Moen's body camera video should cast light on that issue, 10 crucial minutes are missing from the version released by the district attorney's office. Buresh has asked the office to explain the legal justification for that redaction but has not heard back yet. [Update: In a March 25 email to Buresh, Chief Deputy District Attorney Ann Tomsic said "all redactions to body worn camera footage were done to protect the identity of minor children." Tomsic said that decision is authorized by a provision of Colorado's public records law that allows agencies to withhold material when releasing it is "contrary to the public interest."]

In his video, Dasko tells a sergeant: "No little, underage kids were put in handcuffs. There was a little tyke...and she just sat there with her sister [actually, her cousin]. We never put any underage children in handcuffs. All were proned out here, besides the driver, [who] was over here because she was uncooperative." Dasko seems unfazed by the impact that being "proned out," with or without handcuffs, might have on a little girl. Furthermore, the bystander video confirms that the 12-year-old and the 17-year-old were handcuffed. Dasko's definition of "underaged children" evidently excludes anyone past puberty.

According to a report from Officer Travis Hanson, the 14-year-old, whom he describes as "the third woman with the small child," would have been handcuffed too, but he decided that was unwise, because "a large crowd [had] developed, was extremely agitated, and [was] encroaching on our position." In other words, the problem with handcuffing an innocent 14-year-old girl was not that it was patently wrong but that witnesses might perceive it that way.

Dasko likewise tries to minimize the threat of deadly force against the girls. "At no time did any Officer on scene run up to the juvenile female or child and point their duty weapon in their face," he writes. Yes, the officers pulled out their guns and forced a 6-year-old to lie on the ground. But they did not point their guns *in her face*, which to Dasko's mind apparently makes it OK.

'Gilliam Began Screaming and Yelling'

Unsurprisingly, the girls were terrified by this sudden and inexplicable use of force. They can be heard crying and whimpering in the bystander video. "I want my mother!" the 6-year-old says. "Can I have my sister next to me?" one of her cousins asks. "Can I help my sister?"

Dasko and Moen blame Gilliam for upsetting the children. "Gilliam began screaming and yelling more," Dasko says in his report, "which made the younger child cry." Moen concurs that the girls' emotional state was Gilliam's fault. Gilliam "began to scream and yell to the occupants on the passenger side making them visually upset," she writes. "The passengers began to scream and cry."

Although Dasko describes Gilliam as "uncooperative," which he says was the reason he separated her from the girls and placed her in the back of his patrol car, she actually followed all of his instructions. But she also repeatedly and profanely objected to the way Dasko was treating her, which seems to be what bothered him.

Gilliam "was verbally aggressive yelling and cussing," Dasko complains. And even when he finally took off her handcuffs—which he did not do until six minutes *after* he learned that the car was not stolen—she was not properly grateful. "As I was releasing Gilliam from hand-cuffs, I tried to explain our mistake," he says. "Gilliam was very hostile towards Officers and stated she wanted to check on her kids."

Other officers were likewise irked by Gilliam's attitude. "Brittney kept yelling and scream[ing] at us," Officer Devin Drexel writes. "When she would ask a question for us to answer, she would shout over us when we attempted to speak to her."

When Sgt. Edward Lopez approached Gilliam to explain what had happened, Sgt. David Wells says, "Gilliam would yell and talk over SGT Lopez and would not allow him to speak."

Lopez himself was annoyed. "As I approached her," he writes, "she looked at me and stated 'you're a Sergeant,' and began shouting at me, informing me that the officers pointed guns at her and her children, saying she was in a stolen car. I attempted to explain the circumstances to her several times however she continued to interrupt me, not allowing me to give her an explanation."

These officers seemed to think the problem was Gilliam's rudeness rather than the shocking incident that provoked it. Lt. John Tollakson took a different view. "She was upset that police pointed guns at them and specifically the children and that they were handcuffed," he notes. Tollakson "agreed with her being upset about this instance (I would have been upset too) and apologized to her for this incident/inconvenience."

Tollakson's impression of Gilliam was different from his colleagues', possibly because more time had elapsed or because he treated her more respectfully. "We shook hands at the conclusion of our time together," he writes. "I would also note that while she was visibly upset, she and I spoke with each other civilly and in conversational tones."

Yet even Tollakson implies that the officers' handling of the encounter was justified in the circumstances. After all, they did what they were trained to do during a "high-risk vehicle stop," a label that automatically applied in this case, since they mistakenly thought the car was stolen. "It is not uncommon for persons in stolen cars to be armed," Tollakson says, "and it was also not uncommon for suspects to be teenagers to include females."

'They Had Guns on Kids!'

The bystanders who witnessed the encounter or its aftermath saw things differently. "They had guns on kids!" Jennifer Wurtz says in the video she recorded. "That little girl did not need to have her face in the concrete." Another woman agrees that "you shouldn't do that to a baby." A man declares, "This is some bullshit." Another bystander notes that "the car's not even stolen." A woman says "these babies are traumatized" and wonders, "How can they trust police officers?"

Although those seem like pretty cogent points, the cops were upset by the criticism. "A group of irrational people began yelling at us and recording," Officer Kristi Mason complains in her report. "I had to tell one irrational white female several times to step back and record from a distance."

If Mason is referring to Wurtz, that characterization is inconsistent with Wurtz's recording. Wurtz repeatedly expresses her concerns about the incident, insists on her right to record it, and offers to talk to the children because "they're obviously scared." But she remains calm throughout. "At some point," she says to one of the cops, "when you see little kids screaming and crying with their faces in the concrete, your partner has to go, 'OK, let's get 'em up.' It took far too long."

From Hanson's perspective, however, Wurtz was "interfering with our investigation." While "you have every right to record," he says, "I'm going to give you a lawful order to step away at least 25 feet."

The cops were clearly unnerved by the fact that they were being recorded. "Just be advised," someone says over the radio in Dasko's video. "We have a lot of people out here recording." Talking on his cellphone with a sergeant, Dasko says, "Oh, it's a disaster. We've got people recording, people yelling here." Just to be clear: The "disaster" was not the erroneous detention of an innocent family; it was the people "recording" it and "yelling" about it. In their written reports, Dasko, Mason, Wells, Drexel, Tollakson, Officer Steven Garcia, Officer Michael Enriquez, and Officer Jonathan Kwon likewise note that bystanders were using their cellphones to record what was happening.

All that attention explains why so many officers ultimately converged on the scene. By one bystander's count, there were eventually nine patrol cars in the parking lot. "Due to a hostile crowd closing in recording Officers screaming and yelling obscenities a request for more Officers was made and supervisors to respond," writes Dasko, who says "there

were police agitators on scene."

Wells also was disturbed by the onlookers. "I observed numerous parties near the scene, yelling at officers and stating they were recording on Facebook Live," he says. "The parties were making anti-police statements and yelling about 'babies being handcuffed and guns pointed at them.'" Lopez likewise "observed several parties shouting at the officers already on scene and pointing their cell phones at the officers." Enriquez "observed several citizens recording Officers on scene" and "making it known they dislike Aurora PD." Drexel says "the bystanders made it known they dislike the Aurora PD by making anti-police statements." Garcia says "there were 15-20 people on scene antagonizing officers."

The reports leave the impression that the police were facing an incipient riot, requiring a large number of officers to "keep the peace." The body camera videos paint a less alarming picture. Yes, some bystanders raised their voices, and some of them cursed. But I did not hear any blanket condemnations of the police, let alone any threats of violence. The cops' fixation on disapproving bystanders armed with nothing but cellphones is of a piece with their emphasis on Gilliam's ire. In both cases, they are deflecting attention from what police did by focusing on the disagreeable response it provoked.

'This Was a Horrible Mistake'

A few days after the incident, Aurora Police Chief Vanessa Wilson apologized to Gilliam and her family, offering to pay for the girls' psychotherapy bills. "This was a horrible mistake and one that I hope we can at least correct for the kids," she said. "We must allow our officers to have discretion and to deviate from this process when different scenarios present themselves. I have already directed my team to look at new practices and training." Yet five months later, the Aurora *Sentinel* reported that "a spokesperson for Aurora police said there have not been any specific changes to the department's high-risk stop policies in recent months."

Gilliam, who argues that the Aurora Police Department (APD) has a history of racially biased law enforcement, was not impressed by Wilson's apology. "If it was a white family," she told *The Denver Post*, "it never would have happened."

A few weeks before Gilliam filed her lawsuit, Chief Deputy District Attorney Clinton McKinzie announced that his office would not be filing criminal charges against Dasko or Moen. "Despite the disturbing fact that terrified children were ordered out of a vehicle at gunpoint and placed face-down on the ground, our conclusion is that there is not evidence beyond a reasonable doubt that the APD officers involved unlawfully, intentionally, knowingly, or negligently violated any Colorado criminal law," McKinzie said in a January 8 letter to Wilson. "What happened to the innocent occupants is unacceptable and preventable, but that alone is an insufficient basis to affix criminal culpability to the two officers involved in the initial contact."

Aurora Police Chief Vanessa Wilson
Twitter

In reaching that conclusion, the district attorney's office consulted with Paul Taylor, a former police officer and an assistant professor of criminal justice at the University of Colorado Denver. "Given the information they were relying on and the training they had received, the officers involved in this incident were reasonable, prudent and safe in their choice and use of tactics, weapons and restraints," Taylor said. "All of the officers involved in the incident acted in a professional, safe and respectful manner in all their interactions with the driver and the other occupants of the vehicle during the encounter."

It is true that Dasko was generally calm during his encounter with Gilliam. Whether his treatment of her was "respectful" is another matter. He ignored her truthful assurances that the car was not stolen, refused to look at evidence to that effect, and stubbornly insisted that she was lying, all because of a stupid and easily avoidable mistake. He threatened her with a gun, barked orders at her, forced her to kneel and then lie on the pavement, frisked her, clapped her in handcuffs, and imprisoned her in the back of his patrol car. Meanwhile, his colleagues were subjecting her daughter, sister, and nieces to similar treatment—all for no legitimate reason.

'Don't Tell Me OK!'

In contrast with Dasko, Gilliam was loud, profane, and angry, much to the dismay of the officers who were victimizing her and her family:

Gilliam: You've got my fucking kids on the fucking floor! Kids!

Dasko: OK. We'll deal with that.

Gilliam: Don't tell me "OK"! Who the fuck are you? Kids! Do you see how you're scaring kids?

Dasko: OK. We'll deal with it...because we don't know what's inside the vehicle and what's going on. We'll find out. OK? We'll find out.

As Dasko says that, he is clapping the cuffs on Gilliam, figuring he would arrest her first and "find out" whether she was actually guilty of anything later. Of course Gilliam was mad, because this was a maddening situation, made all the more maddening by Dasko's blithe manner.

In the body camera videos, Dasko repeatedly explains what happened to sympathetic colleagues, blaming the dispatcher for his blunder. He also complains that he tried to apologize to Gilliam, but "she doesn't want to talk to us."

After Ronald Gilliam, Brittney's father, arrives, Dasko finds him calmer and more receptive. "I'd like to apologize," Dasko says. "It was a mistake on our end." Gilliam tries to explain the gravity of the situation: "These are young kids... You know what's going on now. Everything police do is going to get scrutinized." And when that happens, cops are sure to complain about the scrutiny rather than wonder whether the problem might be their own attitudes and practices.

JACOB SULLUM is a senior editor at *Reason*.

[POLICE ABUSE](#) [FOURTH AMENDMENT](#) [SEARCH AND SEIZURE](#) [EXCESSIVE FORCE](#) [CAMERAS](#) [BODY CAMERAS](#) [LICENSE PLATE CAMERAS](#) [COLORADO](#)