



OFFICE OF THE DISTRICT ATTORNEY
14TH JUDICIAL DISTRICT
MATT KARZEN, DISTRICT ATTORNEY

DECLINATION OF PROSECUTION

Subject: Todd Willson
Case #: CBI 2023-344
Date: December 1, 2023

This assessment for prosecution regarding GCSO Deputy Todd Willson arises from a call for service made by a reporting party (RP) on August 20, 2023, in Grand County, Colorado (GCSO Case #23S012019). Upon review of body worn camera (BWC) footage from the two responding deputies (Willson and Deputy Dustin Barbee) by GCSO leadership, the matter was referred to CBI, for investigation of possible criminal behavior by either deputy, related to the arrest of the RP. CBI completed its investigation and submitted the matter to this office for review.

Review of the investigative materials, particularly the BWC footage which captured all relevant events for both deputies, resulted in criminal charges against Deputy Dustin Barbee. In sum, the charges against Barbee allege that he knew he had no lawful basis to physically detain or arrest the RP, and that in making that arrest he committed the crimes of assault, false imprisonment, and multiple offenses involving official misconduct/oppression (Grand County Case No. 23M186). The same material was reviewed for possible charges against Deputy Willson. As outlined below, that process reveals no basis to file criminal charges against Deputy Willson. Because Deputy Barbee was charged in connection with this incident, the declination of charges as to Deputy Willson requires this office to issue this report, pursuant to C.R.S. 18-8-802(1.5)(g).


Barbee and Deputy Willson were the only peace officers to respond to this incident. Barbee was the primary or lead peace officer for the incident. Over the course of their interactions with the RP and the one other person on scene, an associate/friend of the RP, the deputies were separated at multiple points, each one speaking with either the RP or associate separately. Eventually, at a time when Barbee and the RP were inside the RP's home, Deputy Willson joined them, leaving the associate with whom he had been speaking outside. The RP was upset with Barbee's assertion that he could not make the associate leave her property, and during this time Barbee moved to place the RP into custody. In reaction to Barbee going 'hands on' with the RP, the RP positions their hands and arms in a way so as to not allow Barbee to place the handcuffs. Seeing this, Deputy Willson intervenes to help control the RP and assist Barbee in his effort to arrest the RP. According to Deputy Willson, he did not personally have probable cause to believe the RP had committed any crime at this point, but he assumed Barbee had additional information, obtained outside of Deputy Willson's presence, to justify taking the RP into custody, and so he



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backed up his partner in a manner consistent with GCSO policy and procedure, and assisted Barbee in getting the RP into physical custody.

As indicated, Deputy Willson was not present for significant periods of time during which Barbee was speaking and interacting with the RP. As a result of this, at the time Barbee put his hands on the RP to make an arrest, Deputy Willson lacked sufficient information to know that Barbee did not have a lawful justification for doing so. Therefore, he had no reason to intervene to stop Barbee. Nor did Deputy Willson have reason to refrain from backing up Barbee in order to control the RP and assist Barbee in making his arrest. Under these circumstances, there are no legitimate grounds to charge Deputy Willson with any crime in connection with this incident.


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Serving Grand, Routt & Moffat Counties