



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
September 18, 2018

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No Charges in April 25, 2018 Officer-Involved Shooting

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred on April 25, 2018, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301 Peace Officer-involved shooting investigations – protocol, all officer-involved shootings that result in injury or death shall be reviewed by a multi-agency team, a Deadly Force Investigation Team.

At 6:17 A.M. on Wednesday, April 25, 2018, Colorado Springs Police Dispatch received a call for service regarding a burglary in progress in the 1000 block of North 19th Street. Officer Troy Kananen responded to the location and was met by Mike Ayles, a friend of the property owner (Glenn O'Brien).

Mr. O'Brien later informed investigators that he had asked Mr. Ayles to periodically check on the property because of an ongoing history of break-ins and thefts. Mr. Ayles told detectives that he arrived at the address and observed an unidentified white male breaking in to one of the buildings on the property. Mr. Ayles called Mr. O'Brien to report the burglary, and Mr. O'Brien then called police dispatch.

At approximately 6:25 A.M., Officer Kananen arrived on scene in his marked patrol vehicle. He was wearing a standard patrol officer's uniform. Mr. O'Brien arrived shortly after Officer Kananen and led him to Mr. Ayles, who was keeping watch on the north end of a yellow building. A woman, later identified as Diana Ayles, was also waiting near the yellow building, apparently recording a video with a cell phone.

As he approached, Officer Kananen saw that Mr. Ayles' attention was focused on a gap in the building's siding. The siding was forcibly pulled apart to create an improvised point of entry to the building. Mr. Ayles gestured to be quiet, and then pointed to the hole in the building to indicate to Officer Kananen that the suspect was there.

At that time, Officer Kananen heard Officer Gary Darress, who was dispatched as back-up, announce by radio that his arrival would be delayed. Officer Kananen gestured to Mr. Ayles to move behind him, in order to "get him out of danger." Officer Kananen then asked Mr. Ayles to go out to the road in order to direct Officer Darress back to the building in question.

Officer Kananen said "a few moments later" he saw the sheet-metal begin to move, and he watched as the suspect crawled or "scooted" out of the hole in the side of the building. Officer Kananen drew his pistol as the suspect emerged from the hole in the building. At approximately the same time, the suspect made eye contact with Officer Kananen.

Although Officer Kananen doesn't remember his exact words to the suspect, he later recounted that he told the suspect to not move, while keeping the suspect at gunpoint. The suspect looked at the officer, but then began to run away.

Officer Kananen chased the suspect, noting that the suspect initially had nothing in his hands. As the suspect ran around the northwest corner of the building, Officer Kananen updated dispatch of his direction of travel by radio.

As the suspect fled south, Officer Kananen suddenly noticed an object in the suspect's left hand, describing it as a cylindrical/rectangular object, about two by two, by six inches. He said at this point he realized it might be a gun. Officer Kananen announced by radio that the suspect possibly had a gun.

As the chase continued, the suspect went around the southwest corner of the building where Mr. Ayles reappeared from the opposite corner. Officer Kananen continued running to catch up to the suspect, and saw Mr. Ayles and the suspect engage in a very brief tussle. The suspect began to pull away from Mr. Ayles. While Mr. Ayles continued to hold on to a piece of the suspect's clothing, he yelled, "He's got a gun!" Mr. Ayles then released his hold on the suspect.

As the suspect continued his flight, Officer Kananen observed that the suspected gun was now in the suspect's right hand. As he continued to pursue, Officer Kananen said the suspect began to slightly turn to the left toward Mr. Ayles. Believing that the suspect was about to shoot Mr. Ayles (and possibly Officer Kananen next), Officer Kananen fired his weapon, striking the suspect several times. The suspect fell to the ground, dropping a loaded Glock, Model 19, 9mm pistol as he fell. Officer Kananen immediately called for an ambulance.

The suspect, who has been identified as 41 year old Jesse Paul Schlegel, of Colorado Springs, was transported to the hospital where he was pronounced deceased. An autopsy revealed he was shot in both upper arms and three times in the back. Toxicology revealed several narcotics present in his system, including oxycodone and an extremely high concentration of methamphetamine.

Emergency response teams at the scene cut off Mr. Schlegel's clothing as they performed CPR. Among Mr. Schlegel's belongings, left at the scene after he was transported to the hospital, was a loaded spare magazine for a Glock 19, 9mm pistol which was recovered from Mr. Schlegel's pants pocket. A Colorado ID for Jesse Schlegel was also recovered from one of the pants pockets.

The incident, beginning approximately midway through the chase, was recorded by Officer Kananen's body worn camera.

According to Colorado Revised Statutes §18-1-707 a peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

Officer Kananen indicated that he fired because he believed that the suspect was about to shoot at Mr. Ayles. Under paragraph (1) (a) that can be grounds for using deadly force.

Further, Colorado criminal law allows the use of deadly force to affect an arrest on a fleeing felon when the officer knows that the suspect has committed or attempted to commit a felony involving the use of a deadly weapon. Here the suspect was committing a felony burglary and when he pulled a gun out he was committing two more felonies of menacing and robbery. At that moment, even if fleeing, under Colorado criminal law the officer is allowed to use deadly force in effecting his arrest. As such no criminal charges will be filed against Officer Kananen.