



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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4th Judicial District

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January 2017 Officer-involved Shooting Ruled Justified

The Fourth Judicial District Attorney's Office has completed its investigation into the officer-involved shooting that occurred in Colorado Springs, CO on January 5th 2017. 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 neutral agency. The outside participating agency in this incident is the El Paso County Sheriff's Office.

On January 5th 2017 at approximately 2:40 p.m., law enforcement officers from the Colorado Springs Police Department Tactical Enforcement Unit attempted to apprehend a juvenile suspect wanted on outstanding warrants. While officers at the scene waited for a search warrant for one of the apartments, the wanted juvenile came down the stairwell with a gun in his left hand. He was immediately contacted by Sgt. Robert Wolf who yelled commands at the juvenile ordering him to drop the weapon. The juvenile did not comply and started to bend his left arm at the elbow. Fearing that the juvenile was raising the weapon to fire at officers, also potentially putting the tenants in the apartments in danger, Sgt. Wolf shot the juvenile. He was subsequently apprehended and provided medical treatment. After the juvenile recovered from his injuries, he was charged with several offenses. As with all defendants, the juvenile is presumed innocent until proven guilty in a court of law. As he has been charged as a juvenile, his name is not being released.

Colorado Revised Statute 20-1-114 states that the district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. This is an abbreviated report because of the open and pending case against the juvenile.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using deadly force if he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be imminent use of deadly physical force, or to effect an arrest of a person he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or otherwise indicated that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. In addition, Colorado Revised Statutes 18-1-704 provides all citizens with the right to defend others with deadly force if they reasonably believe another is in imminent danger of being killed or receiving great bodily injury and reasonably believe a lesser degree of force is inadequate.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this particular investigation demonstrate that Sgt. Robert Wolf acted reasonably and was justified in defending others from the imminent use of deadly physical force by the juvenile and further used reasonable force to effect the arrest of the juvenile. Because the officer's actions were justified under Colorado law, no criminal charges will be pursued.