



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

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December 2, 2017 Officer-Involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred in Colorado Springs, Colorado on Saturday, December 2, 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 multi-agency team, a Deadly Force Investigation Team. Following careful review of the facts and evidence surrounding the incident, it has been determined that the officers' use of force was reasonable, appropriate and justified.

Colorado Springs Police DART (Downtown Area Response Team) Officers Christopher Fernandes and Tracy Toth drove to the parking lot behind a strip mall in the 1500 block of South Nevada Avenue to arrest Christopher Louis Willard for failure to appear on a misdemeanor theft charge. Officers Fernandes and Toth, who were familiar with Willard, arrived at the location at approximately 6:18 pm and spotted his vehicle parked at the north end of the parking lot. The officers, who were wearing CSPD patrol uniforms, exited their vehicles and approached Christopher Willard and another male, who were standing near the rear of Willard's car. Officer Fernandes was not wearing his body worn camera (BWC) as it was charging in his patrol vehicle. Officer Toth was wearing her BWC, which self-activated.

Officer Fernandes approached Willard, while Officer Toth contacted the other male. As Officer Fernandes approached, Willard walked to the front of his vehicle and stood by the open driver's side door. Officer Fernandes mentioned to Officer Toth that there was a possible knife on the back fender of Willard's vehicle. Later scene inspection revealed that Willard had a taped, double bladed weapon and a claw hammer on top of the vehicle's trunk, near the driver's side door. A couple weeks earlier, Officer Toth heard from a source that Willard had a gun in his possession – information that Officer Toth shared with Officer Fernandes as he, too, had frequent contact with Willard.

Noting that Willard appeared nervous, Officer Fernandes called out to him and tried to engage him in small talk to put him at ease. While speaking with Willard near the open driver side door, Officer Fernandes noticed a large prescription bottle on the driver's seat and asked Willard about it, who said he'd found the bottle earlier that day. Officer Fernandes told him, "We'll get it sorted out. You got a warrant anyway. Go ahead and turn around, put your hands behind your back." Willard started to comply, turning around and placing one hand behind his back. As Officer Fernandes began to put handcuffs on Willard's wrist he felt a brace or cast on his wrist, which turned out to be an arm or shin guard strapped to his inner left forearm and modified into a weapon with a screwdriver bit. Willard began to tense up and pulled his hands toward his waist. At this time, Officer Toth came to assist in the arrest. As the officers tried to handcuff Willard, he said to Officer Toth, "I have something." The officers attempted to pin him against the driver's side door, giving him multiple commands to put his hands behind his back, and then ordered him to get on the ground, but Willard twisted out of the officers'

grips. Willard continued reaching toward his waistband and, despite multiple maneuvers to bring him under control, he remained upright and combative. During the ensuing struggle, Officer Fernandes yelled warnings to Officer Toth that Willard was reaching. Officer Toth yelled for Willard to get down and warned him that he was about to be tased. Officer Toth tripped and fell backwards on the ground in front of Willard. Christopher Willard spun around and Officer Fernandes said he saw "the barrel of a gun pointing at me." Immediately after yelling, "get back," Officer Fernandes opened fire. Officer Fernandes yelled, "don't move" at Willard, who was lying on the ground on his back, a few feet from Officer Toth, who was still on the ground. Officer Fernandes saw Willard lift his head and raise his gun. Officer Toth thought Willard was going to shoot Officer Fernandes. Both officers fired at Willard. The officers fired 13 rounds.

Christopher Willard was pronounced dead at Memorial Hospital. According to the autopsy, he had been shot at least 9 times and had methamphetamine in his system.

Subsequent investigation revealed that Christopher Willard's gun was a realistic looking semi-automatic styled bb gun.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly force if he or she reasonably believes that it is necessary to defend himself or a third person from what he reasonably believes to be the imminent use of deadly physical force.

The District Attorney's Office reviews all incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that CSPD Officers Fernandes and Toth acted reasonably. It was reasonable to believe that the gun in Willard's possession was a legitimate firearm. Thus, based on the law and the facts, the investigation has determined that the actions of the officers were justified under the law of the State of Colorado. No criminal charges will be pursued.