



NEWS FROM THE OFFICE OF THE DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
August 2, 2017

Lee Richards
Public Information Director
4th Judicial District
(719) 520-6084

February 21, 2017 Colorado Springs Police Department Shooting Ruled Justified

The 4th Judicial District Attorney's Office, in coordination with the El Paso County Sheriff's Office, has completed its review of the Colorado Springs Police Department's Officer-involved shooting that occurred in Colorado Springs, CO on February 21, 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.

A citizen called the CSPD Dispatch Center to report that Misael Cano was on the roof of a building in the area of Illinois Avenue. Cano was wanted for charges that included Attempted Second Degree Murder and First Degree Assault. At approximately 3:00 pm, Colorado Springs Police Department Officers were dispatched to 2921 Illinois Avenue to contact Cano regarding two felony warrants. Sergeant Carlos Sandoval exited his police vehicle and approached Cano as Cano got into his vehicle. Sergeant Sandoval gave Cano several commands to show his hands in both Spanish and English. Cano responded by moving his right hand downward. Sergeant Sandoval repeatedly ordered Cano in both English and Spanish to keep his hands up and to get out of the vehicle. Cano refused to comply and placed his vehicle in reverse. Sergeant Sandoval attempted to slow Cano down by stabbing Cano's front tire with his duty belt knife. Cano fled the scene but crashed near the intersection of Templeton Gap and Fillmore Street.

Cano exited his vehicle and fled on foot, pursued by officers. Officer Steven Pugsley exited his vehicle and attempted to make contact with Cano on Elm Meadow View. Officer Pugsley saw a handgun in Cano's hand and repeatedly ordered Cano to stop and drop his gun. Cano did not comply with any of Officer Pugsley's commands and instead turned around and started to raise his gun. Officer Pugsley fired one shot, hitting a gas meter attached to a nearby residence. Officer Pugsley's body worn camera captured the initial contact with Cano at Illinois Avenue and the contact at Elm Meadow View. Cano continued to flee on foot in the Elm Meadow View neighborhood.

Cano forced his way at gunpoint into a home located on Elm Meadow View. The resident of the home informed dispatch that Cano had fled the home in the resident's Kia van.

In the area of Circle and Palmer Park, Officer Jeffry Whittmore performed a successful Tactical Vehicle Intervention (TVI) with the stolen van, ultimately placing Officer Whittmore's cruiser perpendicular to the driver's side of the stolen van driven by Cano. Cano pointed his 9mm at officers and fired. Video of the shooting was recovered. Officers Jake Skifstad, Dale Lucky, and Jeffry Whittmore returned fire, shooting Cano multiple times. He was later pronounced dead at a local hospital. Cano's

9mm was recovered from the floor board between the driver and passenger seats. A cartridge case recovered from beneath Officer Whittmore's cruiser traced back to Cano's 9mm. Surveillance video from a nearby local business captured the shooting, in which a puff of smoke from Cano's van (indicating the moment he fired at officers) can be seen prior to the officers returning fire.

Colorado Revised Statutes 18-1-707 provides that an officer is justified in using reasonable and appropriate physical force upon another person when necessary to effect an arrest or to prevent the escape from custody of an arrested person. In addition, a peace officer may use physical force to the extent that he reasonably believes it necessary to defend himself from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect such an arrest. Further, peace officers are justified in using deadly physical force upon another person to effect an arrest of a person whom he reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon or if he or she reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force. Colorado Revised Statutes 18-1-704 provides all citizens with the right to defend themselves with deadly force if they reasonably believe they are in imminent danger of being killed or receiving great bodily injury and reasonably believe a lesser degree of force is inadequate.

Following a careful review of the facts and evidence, the 4th Judicial District Attorney's Office has concluded that Colorado Springs Police Department Officers Jake Skifstad, Dale Lucky, and Jeffrey Whittmore were justified when they fired their weapons on February 21, 2017 striking and killing Misael Cano. No charges will be filed.