January 12, 2019 CSPD 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 on January 12, 2019, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statutes 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.

Shortly after 4:00 am on January 12, 2019, Colorado Springs Police Officer Brock Loefgren responded to a call for service regarding a disturbance at an apartment complex located at 340 Crestone Lane. Officer Loefgren cleared the call just after 4:30 am and, because he was aware that the complex’s parking lot often contained stolen vehicles, he began running license plates. At the end of the parking lot he spotted a Jeep that was backed in and did not have a front license plate. Parked next to the Jeep was a gold GMC pickup truck with no front license plate and a blanket covering most of the windshield.

Officer Loefgren, who was wearing a standard police officer’s uniform and driving a marked CSPD police vehicle, parked near the vehicles in order to check and see if both vehicles had rear license plates. He approached the truck first, since it appeared someone was in it. The truck, which was occupied by a sleeping man, had a rear Texas license plate. Officer Loefgren observed that the bed of the truck was full of property, the cab was full of backpacks, and the keys were in the ignition. He ran the license plate, which did not come back to a gold GMC truck. Standing outside the truck he was able to read the VIN number, which he ran and discovered that the truck had been reported stolen in Fountain on the night of January 2nd or the morning of the 3rd, 2019.

Officer Loefgren called in to report the stolen truck, requested backup, then moved his cruiser so that it was parked directly in front of the truck to prevent it from driving away. Colorado Springs Police Sergeant Shawn Peterson arrived as backup and parked his marked CSPD SUV to the left of Officer Loefgren’s car, to further box in the truck. The two officers devised a plan to safely remove the man from the truck after more officers arrived.

The suspect awoke and sat up, looking at Sgt. Peterson, who was on the passenger side of the truck. Officer Loefgren opened the driver's side door, grabbed the suspect's left arm and began
giving commands for him to get out of the truck. Sgt. Peterson ran around the back of the truck to help Officer Lofgren. The suspect started the truck and, with both officers inside the door, backed up and then rammed Officer Lofgren's cruiser. Sgt. Peterson, concerned that he would be dragged under the truck if the suspect tried to back up again, reached over and turned off the truck, then removed the keys and threw them into the parking lot. Officer Lofgren attempted to tase the suspect, but was unable to get a good impact stun. The suspect tried to take the taser away, but Officer Lofgren threw it out of the truck.

Sgt. Peterson, who was still bent over in the cab of the truck, was struggling to gain control of the suspect. Officer Lofgren was outside the truck and saw that the suspect was fighting with one hand and reaching around with his other hand. Officer Lofgren then saw the suspect raise an axe or hatchet up in the air, threatening Sgt. Peterson. Officer Lofgren shouted, "Axe, axe, axe," then fired what he believed were three shots, although Sgt. Peterson only heard one. Officer Lofgren saw that the suspect had dropped the axe and stopped fighting so he stopped shooting. Four shell casings were recovered from the scene, and a hatchet was recovered from the truck.

The suspect, who was later identified as Bill Akes (DOB: 7/1/70), was pronounced dead at the scene. An autopsy revealed 1889 ng/ml of methamphetamine in his system.

Both officers were wearing body cameras during the incident; however, sometime during the struggle the audio was muted.

Colorado Revised Statutes §18-1-707 provides that an officer is justified in using deadly physical 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 use or imminent use of deadly physical force.

The District Attorney's Office reviews incidents involving a discharged weapon by an officer. The facts and evidence from this investigation show that Colorado Springs Police Officer Brock Lofgren acted reasonably when he fired his weapon, striking the suspect. Thus, based on the law and facts, the investigation has determined that his actions were justified under the law of the State of Colorado. No criminal charges will be pursued.
January 23, 2019 Officer-involved Shooting Ruled Justified

The 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on January 23, 2019 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. As a case against the defendant remains open and pending, this will be an abbreviated review.

On January 23, 2019, at 7:12pm, an anonymous 911 caller reported hearing shots fired at an apartment complex located in the 2500 block of Verde Drive, in Colorado Springs, Colorado. The caller stated that they had heard several men arguing and that the gunshots were fired from the third floor of the apartment building.

Officers with the Colorado Springs Police Department, including Officers Mathew Waldera and Max Nevarez, responded to the scene. When Officer Nevarez arrived on the north side of the building citizens who were outside reported that the gunshots were coming from the third floor. As Officer Nevarez moved closer to the apartment building he could see that glass had been shot out of the windows in the stairwell. Officers Waldera and Nevarez entered the building together and as they climbed the stairs to the third floor they could see a man at the end of the hall, leaning against a wall. The suspect, who was not wearing a shirt, had an object in his hand, which both officers realized was a gun. Officer Waldera began giving the suspect commands to show his hands. The suspect raised his hand and Officer Nevarez could see the clear outline of the gun and then just the barrel. Officer Nevarez says he thought the gun was pointed at him so he dove into the stairway as Officer Waldera fired his pistol at the suspect. After looking down the hallway and seeing the suspect still holding the gun, Officer Nevarez fired twice at the suspect. The suspect fell on top of the gun. Citizens in a nearby apartment looked out into the hallway. One picked up the gun and tossed it away from the suspect, while another kicked it farther down the hallway. Officers with shields arrived and took the suspect into custody. The suspect, Thomas Christopher McGeorge, 32, had one superficial scratch or scrape on his hip and was treated and released from the hospital. Investigators were not able to confirm whether the minor injury was the result of a gunshot, or a previous altercation prior to contact with the officers.
Thomas McGeorge has a current criminal case pending. His next court appearance is a review hearing, which is set for June 13, 2019 at 9am. Please keep in mind that these charges are merely allegations. All defendants are presumed innocent unless and until they are found guilty beyond a reasonable doubt.

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.

The facts and evidence from this particular investigation demonstrate that Officers Nevarez and Waldara acted reasonably and were justified in defending themselves or others from the imminent use of deadly force. Because the officers’ actions were justified under Colorado law, there are no grounds for criminal charges.
April 24, 2019 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 on April 24, 2019, 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 4:26 P.M. on Wednesday, April 24, 2019, Colorado Springs Police Department’s communication center received a call for service regarding a domestic disturbance at the Arbor Pointe Apartment Homes located at 2475 Hancock Expressway. A 57-year-old female victim, Dina Franklin, had fled her apartment and reported through a neighbor that she had been slapped, choked and threatened with a butcher knife by a male suspect, identified as Jonathan Patzel. Officers Colton Graham, Thomas Walling, Ryan Levichi and Sergeant Patricia Turechek responded separately to this location. All officers were in marked Colorado Springs Police Department patrol vehicles, wearing the duty uniform for Colorado Springs patrol officers.

At approximately 4:46 P.M., officers arrived and contacted the victim in unit 95, the neighbor’s apartment. Officers performed a criminal background check on Mr. Patzel, and learned that he had an outstanding warrant for his arrest related to a Department of Corrections sentence for an escape charge. Officers attempted to contact Mr. Patzel at unit 92 but were unsuccessful in getting him to answer the door. Officers established a containment position around unit 92, and proceeded to interview Ms. Franklin about what had occurred between herself and Mr. Patzel. While this interview was occurring, officers observed the door to unit 92 open, saw a person stick his head out, and then close the door. As officers attempted to re-contact this person, they confronted a locked door, and heard the sound of a lighter being flicked from inside the unit. Additionally, they began to smell something burning. Officer Walling attempted to shine his flashlight under the entry door, and officers observed smoke coming from the unit. The fire alarm located in the hallway also began to go off. Multiple efforts to get Mr. Patzel to unlock the door or speak with officers were unsuccessful, so officers initiated efforts to break the unit door down. After multiple strikes, the door gave way, and after a brief pause, Mr. Patzel yelled at the officers, and charged at them with his hands above his head.
Officers Graham and Walling discharged their firearms at the suspect, striking him in the process and causing him to fall back into the apartment. Officers located the blade of an approximately 7" butcher knife adjacent to the entry area of unit 92, the same area where Mr. Patzel had charged at the officers. Officers applied handcuffs to Mr. Patzel, and then proceeded to simultaneously remove him from the vicinity of the apartment, and employ a hand-held fire extinguisher to fight the flames that were now visible. Officers were unsuccessful in stopping the rapid spread of the fire, and they initiated evacuation of the entire apartment complex in response. Colorado Springs Fire Department personnel responded and were successful in extinguishing the blaze before destruction of the entire complex. Mr. Patzel was transported to a local hospital where he later died. Officer Graham was also taken to a local hospital and subsequently treated for injuries associated with smoke inhalation.

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.

Based upon the obvious circumstances confronting the officers when they encountered the suspect, the District Attorney's Office has concluded that Officers Walling and Graham were justified in using deadly physical force, and no charges will be forthcoming.
May 18, 2019 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 on May 18, 2019, 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 approximately 5:27 pm on Saturday, May 18, 2019, Colorado Springs Police Officer Jennifer Fleury responded to a call for service regarding a domestic violence incident at an apartment located in the 4200 block of Forrest Hill Road in Colorado Springs, Colorado. At the location Officer Fleury met with the victim who reported that the suspect, Sean Michael Collins, had threatened her with death, using guns and knives, had hit her in the head with a shotgun, and had also attempted to take her infant daughter from her.

Officer Fleury contacted Collins, who stepped out of the apartment briefly and looked at the officers, but then went back inside and refused to come out. At that time, Officer Fleury called for back-up. She tried to contact Collins, first calling and leaving two messages and then texting, but he didn’t respond.

Officer Lizet Castillo, a crisis negotiator with the Colorado Springs Police Department, arrived at the location and she also texted and called Collins, who responded by text, indicating he would not exit the apartment, would not surrender, and did not want to go back to prison.

At approximately 7:00 pm, Sgt. Robert Wolf of the Colorado Springs Police Department’s Tactical Enforcement Unit (TEU) was notified that the TEU might have to deploy to the scene because the suspect was armed and refused to surrender. Soon after, the TEU was assembled and deployed to the scene with their armored vehicle, the BearCat. TEU officers surrounded the apartment building.

Colorado Springs Police Officers Christopher Laabs and Corby Slagle were assigned to the right front corner of the building with a view of the porch and the door to the apartment. Officer Laabs was armed with an H&K MP7 submachine gun, the standard duty weapon for all TEU officers.
Using the BearCat loudspeaker system, the TEU officers ordered Collins to come out peacefully, promising if he complied he would not be harmed. They warned him that if he refused to come out they could not guarantee his safety. Collins did not come out. Negotiators, through text messages, were continually in contact with Collins to convince him to peacefully surrender.

At approximately 9:00 pm, after search and arrest warrants were signed, the final message was delivered to Collins, advising him of the warrants and again calling on him to peacefully surrender. Approximately six minutes later, Sgt Troy Bauer authorized Officer Teresa Tomczyk to deploy a diversionary device on the exterior of the apartment building. These devices make a loud noise and emit a bright flash of light.

Immediately after the diversionary device went off, Collins fired two shots from a shotgun out of the left front window of his apartment, followed by numerous shots from a handgun. TEU responded by introducing chemical munitions into the apartment. As Collins shot at the BearCat, at least one round hit the driver's side window on a level with the driver's head, and Officer Jeremy Campbell, who was positioned near the BearCat, was struck in the hand by shrapnel. Collins was also shooting out the back of his apartment and officers responded by introducing chemical munitions into the back windows.

Directly across from the apartment complex was another apartment which was occupied by two women and two small children. Those residents, who refused to evacuate, were advised by TEU officers to close their windows due to the possibility of chemicals entering their homes, and to move to the back of their apartment and stay down. Both women chose to disregard the warnings and watch parts of the encounter. At least two bullets fired by Collins entered their apartment.

The chemicals took effect and at approximately 9:08 pm as Collins exited the apartment, he came out shooting. Officer Laabs and other officers could see the muzzle flashes from his handgun. Although very little can be seen on the body-worn camera footage due to the poor lighting, the lighter sounds of Collin’s handgun can clearly be heard before the deeper sounds of Officer Laabs’ weapon. Collins fired three to four shots and as soon as Officer Laabs saw him emerge from the apartment firing his weapon, he returned fire with his weapon. Officer Laabs fired six times, hitting the suspect six times. Although Collins dropped to the porch, he continued to move and refused to show his hands. Because he was armed, he was shot with a less-lethal round to see if he would react, but he did not. Collins was removed from the porch and was immediately assessed by advanced life support personnel, Tactical Emergency Medical Support (TEMS), from the CSFD. Collins was subsequently pronounced deceased on scene. According to the coroner’s report, two bullets struck him in the back and four bullets entered from the front of his body.

Officers later discovered a .40 Taurus revolver in his right front pants pocket and a .40 Glock magazine in his left front pants pocket, containing twelve rounds of unfired ammunition. Inside his apartment, officers found at least twelve fired .40 semi-automatic shell casings inside and outside the apartment, as well as two fired shotgun shells. Immediately inside the front door of the apartment officers found a .40 Glock 23, and a Remington 12 gauge shotgun was located inside the front bedroom from which the TEU officers had been receiving fire. They also found guns and knives that
matched the description given earlier by the domestic violence victim. Body armor was also found in the apartment,

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.

The facts and evidence from this investigation show that Colorado Springs Police Officer Christopher Laabs acted reasonably and was justified in using deadly physical force, thus no charges will be filed.
No Charges Filed in July 23, 2019 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 July 23, 2019, 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 5:51 p.m. on Tuesday, July 23, 2019, Colorado Springs Police Department’s communication center received a call for service regarding a suspicious person, who appeared to be intoxicated, holding a firearm outside of a residence in the 2200 block of Monterey Road. According to the reporting party, he was walking toward a red Mustang with a black stripe.

Officers located the individual, later identified as 38-year-old Joshua Vigil, at a park near the 2200 block of Ventura Drive. When officers arrived, Mr. Vigil was arguing with three females. The women were later identified as Mr. Vigil’s daughters and estranged wife. Officers observed him enter and exit the Mustang several times and watched as Mr. Vigil exited the vehicle holding a firearm in his right hand, by his side. Officers drew their weapons and gave him multiple commands to drop the weapon, however, Mr. Vigil did not comply and instead told the officers he was not going to drop the gun. The three females went to the sidewalk and attempted to walk past the officers, who loudly and repeatedly told them to move back and away from the potentially dangerous situation.

Mr. Vigil, who was holding the firearm by the barrel, again entered the vehicle and then exited, holding a second firearm by the barrel in his right hand and at his side. He continued cursing at officers and refusing to follow their commands. He then re-entered the vehicle, threw a large glass bottle of Crown Royal out of the driver’s side window, then drove away at a high rate of speed.
Vigil’s daughters and estranged wife were contacted separately by officers and each provided statements, describing him as being under the influence and unpredictable. They also stated that his intentions were not known.

While officers were conducting interviews with the witnesses, they learned that Mr. Vigil had earlier menaced his family members with a gun and was now facing felony charges related to that incident. This information was relayed to officers prior to their contact with Mr. Vigil at the apartment complex.

At approximately 6:12 p.m., an officer spotted a red Mustang which had struck a cement barrier which belonged to a business in the 1200 block of Shasta Drive in Colorado Springs. The vehicle was unoccupied; however, multiple airbags had deployed, and the officer observed a black handgun on the driver’s side floorboard. It was obvious that the vehicle had driven off the road and crashed at that location. The officer walked to the corner of Shasta Drive and E. Fountain Blvd and spotted a male matching the description of the suspect walking east on Fountain. Officer Aragon heard the suspect’s description over his radio and at approximately 6:14 p.m. he spotted Vigil, who had jumped the fence, according to a witness and was in the locked courtyard of a senior living apartment complex located in the 3100 block of E. Fountain. Prior to being spotted, Vigil was in the southeast parking lot of the complex, where he menaced some apartment residents, including children, with his firearm. One witness stated he pulled a firearm and told the witness he needed a car and that if he didn’t get one, bad things were going to happen, while another said he waved a gun around after she pushed him when he refused to move away from her vehicle.

At approximately 6:16 p.m., Vigil entered the vestibule, which is an all-glass foyer that leads to the lobby of the apartments. Once inside the glassed-in entryway, Vigil proceeded to pace back and forth, with a firearm in his right hand. The interior glass doors to the lobby were locked, denying entrance from the vestibule into the lobby area. When Vigil entered the vestibule, he spotted two women and tried to convince them to unlock the door. Both women spotted the gun in his hand and fled the lobby.

Three responding officers, Patrol Officers C. Jones and L. Aragon, and Sgt. M. Keller, had arrived at the scene and were in the apartment complex courtyard facing the vestibule. Officers Jones and Aragon gave repeated commands to Vigil to put his hands up, however, Vigil refused to comply and continued to pace with the weapon in his hand.
At approximately 6:17 p.m., Officer Aragon observed Vigil rotating his body and right hand, as if to either fire at, or take cover from, officers. An apartment resident who was walking through the lobby at the time of the incident corroborated the officer’s account, and said he also witnessed Vigil rotate his body and right hand, which held a handgun. At that moment, Officer Aragon felt safety risks for himself and other officers on scene and he fired first, followed by Officer Jones. Sgt Keller fired when he saw the suspect raise his arm with the weapon and observed the smoke and muzzle flash from the suspect’s gun.

After the shooting, the officers entered the vestibule and immediately rendered medical aid to Mr. Vigil. An ambulance transported him to the hospital where he was pronounced deceased.

When officers entered the vestibule, Mr. Vigil’s weapon was recovered from his chest area.

Seven casings from inside the vestibule were tested and found to be consistent with having been fired from Mr. Vigil’s weapon. Defects from bullets fired by defendant’s weapon were located on a glass wall between the vestibule and the office area of the apartment complex. Projectiles found in the area were also associated with suspect’s gun.

Eighteen casings were found to be associated with the officers’ weapons, outside the vestibule area, in the courtyard.

According to the coroner’s autopsy report, Mr. Vigil sustained multiple gunshot wounds. Toxicology results indicated he was under the influence of several narcotics and other drugs, including amphetamine, cocaine/benzoylecgonine, methamphetamine, thc-cooh, hydroxychloroquine, carbamazapine and alcohol at the time of the shooting.

Prior to this incident, Officer Aragon made a statement which was captured on his body worn camera at 6:09 p.m. While sitting in his parked patrol car talking to another officer at Carmel Middle School, an unrelated domestic violence situation was aired over the police radio, involving a suspect with a knife. Officer Aragon said to the other officer, “Let’s just go help, so if we can shoot this dude.” While the officers were in the process of responding to that call, they were re-routed by police dispatch to the incident at the senior living complex. In a subsequent interview, when questioned about the statement, Officer Aragon stated that he was referring to the suspect with the knife, and that he meant that they should just go help, just in case they have to shoot the guy. He further stated that he never planned to shoot him.
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;

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 4th Judicial District Attorney’s Office found Officer Aragon’s prior statement to be troubling, however, Joshua Vigil’s increasingly erratic behavior – including menacing citizens with a weapon, repeatedly refusing to cooperate or follow officers’ commands, then rotating his body and right hand, as witnessed by a resident, along with the fact that he was attempting to enter the lobby area of the senior living center, and was only prevented from doing so by a glass wall and door – presented the officers with a situation in which they believed either their safety, or the safety of the residents, was in danger. Officer Aragon indicated that he fired because he believed that the suspect had rotated his body and right hand as if to fire, or take cover from officers, and he believed his safety, as well as the safety of other officers, was in danger. A corroborating witness confirmed the officer’s account. As such, no charges will be filed against Officer Aragon.

Officer Jones fired immediately following Officer Aragon because he believed that his safety, or the safety of other officers, was in danger, therefore no charges will be filed against Officer Jones.

Sgt Keller stated that he fired his weapon after seeing the suspect raise his weapon and then saw the muzzle flash of the weapon firing. No charges will be filed against Sgt. Keller.
No Charges in September 29, 2019 Deputy-Involved Shooting

The 4th Judicial District Attorney’s Office has completed its review of the El Paso County Sheriff’s Office deputy-involved shooting that occurred on September 29, 2019, in Monument, 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 approximately 8:30 a.m. on Sunday, September 29, 2019, officers with the Monument Police Department were dispatched to 265-2nd Street in Monument, Colorado regarding a disturbance. It was reported to Monument Police Dispatch that banging and glass breaking could be heard from inside the apartment in question, and the call taker could hear yelling, and that the suspect had a machete. The suspect, who was known to have a history of violence, lived in the apartment with an adult relative.

At the same time, Palmer Lake Police Department officers were also dispatched to the address and responded as cover for the Monument police officers.

A “caution” was aired over police radios advising that 20 year old David Jaxon Page was a resident at that address and was known to be hostile to law enforcement. In addition, the caution advised that two officers were to respond to all calls as Page had previously threatened to kill law enforcement on December 25, 2018.

Monument Police Corporal R. Stewart responded to the call at approximately 8:30 a.m. and observed broken glass from the window and door in the front of the apartment as well as broken glass from a window in the back of the apartment. He also observed items that had been thrown out of the broken window. Corporal Stewart reported he could hear banging sounds from inside the apartment.
Prior to making contact, Corporal Stewart spoke with one neighbor who reported that David Page had been yelling, banging around and breaking things since early in the morning. She reported that she had seen Page in the apartment with a machete in his hand and that she had contacted the owner of the apartment regarding the broken glass. Corporal Stewart spoke with another neighbor who reported that the disturbance had been going on since 1:00 or 2:00 in the morning and said it sounded as if the walls of the apartment were being broken down. He explained that he has had confrontations with Page in the past, therefore he was reluctant to contact law enforcement.

Corporal Stewart, who had previously dealt with David Page, knocked on the rear door of the apartment, while an officer with the Palmer Lake Police Department provided cover in the front. David Page opened the door, then slammed and bolted it and refused to come out to speak with the officer. He did, however, respond to several questions, indicating that he was alone in the apartment, was not hurt, did not need medical attention and was not homicidal or suicidal. Corporal Stewart later reported that he didn’t want to force the issue, but that he intended to return later, take a criminal mischief report and charge Page at that time. He felt leaving him alone in the apartment would allow time for the situation to de-escalate – and give Page the opportunity to cool down.

At approximately 3:00 p.m. on September 29, 2019, Monument Police dispatch began receiving 911 calls reporting David Page was firing what was believed to be an air assault rifle at people and vehicles passing by the front of his apartment. Two victims were struck, as well as several vehicles. One of the victims, a young child, was hit when the suspect fired at the vehicle she was riding in, shattering the window’s glass and striking the child.

Officers with Monument and Palmer Lake Police Departments, as well as Colorado State Patrol and El Paso County Sheriff’s Office, responded to the location to form a perimeter around the apartment complex and safely evacuate the building. As law enforcement began arriving at the scene, Page began firing at the officers and their vehicles, shooting out the window of an EPSO police cruiser and cracking the windshields of multiple other law enforcement vehicles.

El Paso County Sheriff’s Office SWAT Unit was deployed at 3:50 p.m. The deputies had been advised that Page had broken windows and had fired at numerous civilians and law enforcement personnel using a suspected air assault rifle. The EPSO SWAT Unit drove their tactical enforcement vehicle to the front of the apartment, in order to shield the neighborhood and road in front of the apartment. Two deputies took positions outside of the tactical vehicle. Deputies
could see the suspect inside the apartment, because he had broken out the window of the front door and was throwing numerous objects out the broken window. He also threw a handsaw in the direction of law enforcement. Within two minutes of the tactical vehicle’s arrival, Page retreated into the apartment, then returned to the door and raised his hand, holding what appeared to be a semi-automatic pistol, which he pointed directly at law enforcement. Two members of the SWAT team fired at Page. Deputy C. Wheat fired three shots, while Deputy R. Gonzales fired twice. David Page was struck three times, and after tactical entry was made into the apartment, he was pronounced deceased at the scene.

Police later recovered the suspected semi-automatic pistol, which was determined to be an inoperable airsoft bb gun, however, the orange safety cap had been painted black to make it resemble a real weapon.

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.

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 or she reasonably believes to be the imminent use of deadly physical force. The facts and evidence show that the officers were acting reasonably at the time. Deputies Wheat and Gonzales discharged their weapons after seeing David Page point what appeared to be a firearm in their direction. No charges will be filed.