



OFFICE OF THE DISTRICT ATTORNEY

4th Judicial District of Colorado

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April 9, 2021

Officer-Involved Shooting Ruled Justified

July 7, 2021 [Release at Will]

Release: #2021-003

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The 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on April 9, 2021, 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 cases against the defendant remain open and pending, this will be an abbreviated review.

On April 9, 2021, agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives, as well as officers with the Colorado Springs Police Department, and the Colorado Department of Corrections Division of Parole, attempted to arrest Dallas Theiss on multiple arrest warrants for failure to comply with probation.

Law enforcement officers were able to locate Theiss and a female associate and were able to observe them enter a blue Nissan Altima and drive away. Law enforcement officers followed the vehicle and confirmed that Theiss was the driver and the female associate was sitting in the front passenger seat. Law enforcement officers continued to follow Theiss to the 7-Eleven located at 312 Mount View Lane, in Colorado Springs.

Theiss pulled into a parking space located two spaces west of the 7-Eleven's front entrance with the front of the Nissan Altima pointing towards the store. Another vehicle was parked in the space next to the driver's side of Theiss' vehicle.

The female associate exited the vehicle and went inside the 7-Eleven, while Theiss remained in the driver's seat of the Nissan Altima with the engine running. ATF Special Agent (SA) Robert Gillispie was dressed in plain clothes and went inside the 7-Eleven to maintain surveillance on the female associate while law enforcement officers prepared to contact Theiss outside the store.



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Law enforcement officers in three unmarked vehicles and two marked Colorado Springs Police Department vehicles pulled into the 7-Eleven parking lot and attempted to block Theiss in from the rear and passenger side. Law enforcement officers immediately exited their vehicles, approached Theiss, identified themselves as law enforcement officers, and ordered Theiss to show his hands. Theiss initially complied with orders but did not open the driver's side door nor drop the keys to the vehicle.

Meanwhile, SA Gillispie observed law enforcement officers' initial contact with Theiss through the 7-Eleven's glass storefront. SA Gillispie removed his badge from underneath his hoodie so it would be clearly visible on his chest. A customer inside the store, with her son, attempted to leave the 7-Eleven while officers were contacting Theiss in front of the store. SA Gillispie opened the front door to the 7-Eleven, positioned himself between Theiss and the customer, and directed the customer to take her son to the southeast exterior corner of the 7-Eleven while officers attempted to arrested Theiss.

An ATF Special Agent, who was wearing an ATF tactical vest with "POLICE" on the front and back, opened the passenger door on Theiss' vehicle and told Theiss that he was under arrest. The SA ordered Theiss to put the car in park and turn off the ignition. Instead, Theiss revved the engine and drove forward, over the parking curb and onto the sidewalk, and turned the vehicle sharply east towards the open 7-Eleven door where SA Gillespie was standing. SA Gillispie' s law enforcement badge was still visible as Theiss drove forward.

Theiss accelerated towards SA Gillispie. SA Gillispie then drew his handgun and aimed at Theiss, jumped up to avoid being struck by Theiss' vehicle, and fired three shots. Two shots struck the front windshield and the third shot struck the driver's side window. Theiss continued past SA Gillispie along the pedestrian walkway causing the female customer to pull her son out of the path of Theiss.

When Theiss was arrested later in the day on April 9, 2021, it was determined that he had received a penetrating gunshot injury to his right forearm and a superficial injury to the left side of his head.

Dallas Theiss has state and federal criminal cases pending as a result of his actions on April 9, 2021. He has been charged in Colorado District Court case 21CR2028 and his next court appearance is July 28, 2021. Criminal charges are merely allegations, and all defendants are presumed innocent unless and until they are found guilty beyond a reasonable doubt.

C.R.S. § 18-1-704 sets forth the standards for the use of force in defense of a person:

(1) ... a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and (a) The actor has a reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury.

C.R.S. § 18-1-707 sets forth the standard for use of physical force in making an arrest or in preventing an escape:

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and: (a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force; (b) The suspect poses an immediate threat to the peace officer or another person; (c) The force employed does not create a substantial risk of injury to other persons.

After completing a thorough review of the facts and evidence, the 4th Judicial District Attorney's Office has determined that ATF Special Agent Robert Gillispie was justified in defending himself or others from the imminent use of deadly force.

Note to Media: All updates will only come from Communications when available.

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