



# OFFICE OF THE DISTRICT ATTORNEY

## 4<sup>th</sup> Judicial District of Colorado

Michael J. Allen  
District Attorney

Martha McKinney  
Assistant District Attorney

---

### April 22, 2021

## Officer-Involved Shooting Ruled Justified

Howard Black  
Public Information Officer  
719-520-6084  
[howardblack@elpasoco.com](mailto:howardblack@elpasoco.com)

September 3, 2021  
Media Release: #2021-005

The 4<sup>th</sup> Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on April 22, 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.

On Tuesday, April 22, 2021, Colorado Springs Police Department (CSPD) Officer Jack Olson was conducting proactive patrolling in the 500 block of West Garden of the Gods Road. Officer Olson was specifically searching for stolen cars. Officer Olson had knowledge that on the previous day, April 21, a suspected stolen white Honda sedan had eluded officers, one of whom was Officer Burns. The named suspect was Richard Lee Quintana, and Mr. Quintana was also reported to have an AR-15 style rifle in his possession. Mr. Quintana was known to stay in motels in the area of Garden of the Gods Road. While patrolling behind the Quality Inn, located at 555 West Garden of the Gods Road, Officer Olson observed a vehicle matching the description of the stolen vehicle Mr. Quintana was suspected of driving. The vehicle was occupied by one person in the driver's seat who appeared to be slumped over. Officer Olson noted the vehicle did not have a rear license plate attached and the vehicle was running. Officer Olson made the decision to contact the driver of the vehicle. Officer Olson positioned his patrol car behind the suspect vehicle. He then exited his patrol car and attempted to make contact with the driver of the suspect vehicle. Upon approaching the suspect vehicle Officer Olson knocked on the driver's side window of the suspect vehicle to get the driver's attention. The driver was later identified as Richard Lee Quintana. When Mr. Quintana made eye contact with Officer Olson, he immediately reached for the gear selector and started moving it from reverse to drive. Mr. Quintana refused Officer Olson's commands to put the vehicle in park. Officer Olson ran back to his patrol car and moved it forward to block the suspect vehicle in place. As this was occurring Mr. Quintana placed the vehicle in drive and drove



4thjudicialda.com

Find us on 



@4thjudicialda

forward over the curb in an apparent attempt to drive into an adjacent parking area and flee. The suspect vehicle, however, high centered on shrubbery and became immobilized. Officer Olson gave Mr. Quintana multiple commands to exit the vehicle. Mr. Quintana reached into the back seat to retrieve an item, climbed from the driver's seat into the front passenger seat, and then exited the suspect vehicle. When Mr. Quintana exited the suspect vehicle, he was holding what appeared to be an AR-15 rifle, which he then pointed the muzzle upward underneath his own chin. As he was doing this Mr. Quintana told Officer Olson, he had a bomb and would set it off. Mr. Quintana then began to retreat away from Officer Olson, while holding the weapon underneath his chin. Officer Olson pursues Mr. Quintana on foot around a motel, in front of an occupied restaurant, and into a parking lot of a gas station. By this time multiple other CSPD officers had arrived on scene and engaged in the foot pursuit. Most, if not all the officers, were giving Mr. Quintana repeated lawful commands to stop and drop his weapon. One of the responding officers was CSPD Officer Christopher Burns, who was armed with his department authorized AR-15 rifle. As the foot pursuit entered the parking lot of the gas station, Officer Burns observed Mr. Quintana going in the direction of the front door of that gas station. Officer Burns ran in front of the store, preventing Mr. Quintana from entering the business. Mr. Quintana then changed direction and headed toward a civilian who was pumping gas. The civilian observed this and ran away as Mr. Quintana and pursuing officers approached his vehicle. Mr. Quintana made several statements during this time about having a bomb. When Mr. Quintana reached the civilian's vehicle Officer Olson attempted to tase Mr. Quintana, but the taser was ineffective. Officers reported that Mr. Quintana attempted to open the driver's door of the civilian vehicle. Due to Mr. Quintana's actions and statements, Officer Burns fired two shots from his AR-15 rifle. Mr. Quintana was struck one time and went to the ground, at which time officers were able to secure him. Officers and Colorado Springs Fire Department paramedics began rendering medical aid to Mr. Quintana within seconds of him being shot. Mr. Quintana was transported to a local hospital where he succumbed to his injuries.

It was later determined that Mr. Quintana's rifle was in fact a BB gun (see attached photo.)

### **Analysis and Conclusion:**

Richard Lee Quintana died as the result of a gunshot wound caused by a bullet fired by CPSPD Officer Christopher Burns. This was a Homicide, but the use of deadly physical force by Officer Burns was justified. In making this determination the facts of this case must be analyzed in light of CRS 18-1-704 and CRS 18-1-707. CRS 18-1-704 states in relevant part, "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. Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and 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." CRS 18-1-707 states in relevant part, "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. 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; [and] (b) The suspect poses an immediate threat to the peace officer or another person; [and] (c) The force employed does not create a substantial risk of injury to other persons."

The facts relevant to analysis under this standard of review include:

- Officer Burns was a sworn peace officer employed by and carrying out his official duties on behalf of the Colorado Springs Police Department, a law enforcement agency. All officers involved in this incident were in official police uniforms and driving fully marked police patrol vehicles.
- The initial information Officer Burns had received was that a male driving a suspected stolen vehicle that closely resembled the one that had eluded him the previous day was on foot with a rifle actively attempting to get away from officers. Officers were engaged with Mr. Quintana who was suspected of Aggravated Motor Vehicle Theft, a felony, and was in possession of what reasonably appeared to be a deadly weapon. Additionally, Mr. Quintana's actions with the rifle and statements about having a bomb satisfy the elements of Menacing, a felony.
- Upon arrival Officer Burns heard a call over the radio asking for officers with rifles, which indicated to him that "things are escalating."
- When Officer Burns first encountered Mr. Quintana, he could clearly see he had an AR-15 style rifle in his possession. Officer Burns observed Mr. Quintana moving in the direction of the front doors of the gas station, which he knew would have people inside. Officer Burns moved to position himself between the doors and Mr. Quintana to prevent him from entering the gas station. Mr. Quintana then changed direction and began moving toward a civilian vehicle parked at one of the gas pumps.
- As Mr. Quintana was moving toward the gas pumps Officer Burns heard him state that he had a bomb. Officer Burns knew even a small bomb being detonated in close proximity to gas pumps could cause a "catastrophic effect".
- Mr. Quintana was given 79 separate lawful commands, all of which he refused to obey. Officers made every attempt possible to deescalate the situation without utilizing physical force, and all those attempts failed. Officer Burns heard some of these commands and observed Mr. Quintana move to the civilian vehicle at the gas pump with a rifle and making threats of having a bomb. Officer Burns perceived this as an escalation of potential lethality.
- Officer Burns considered less lethal options, but concluded they would be insufficient to deal with the threat posed by Mr. Quintana. Additionally, unbeknownst to Officer Burns, Officer Olson had previously utilized his taser on Mr. Quintana and it had no effect.
- Officer Burns observed Mr. Quintana attempt to gain entry into the civilian vehicle. Officer Burns had an objectively reasonable belief that there could be adults or children in the vehicle, and Mr. Quintana would pose an imminent deadly threat to anyone inside the vehicle. Officer Burns was also reasonably concerned that Mr. Quintana would steal the vehicle and flee the scene with a rifle and possibly a bomb, which posed a possibly deadly risk to the greater community.
- In addition to the threat to civilians posed by Mr. Quintana, Officer Burns knew there were multiple other officers actively engaged with Mr. Quintana. Mr. Quintana posed an imminent deadly threat to Officer Burns and his fellow officers due in notable part to the enhanced lethal nature of the weapon in Mr. Quintana's possession.
- Officer Burns did not use deadly physical force in a manner that posed an immediate threat of substantial risk of injury to another person, other than Mr. Quintana who was the intended target of his justified deadly force. Officer Burns had clear sight of Garden of the Gods Road behind Mr. Quintana and observed there was no traffic at the time he fired the two shots.

In addition to the analysis above, one final relevant subsection of CRS 18-1-707 was satisfied in concluding that the use of deadly force by Officer Burns was justified. Subsection (4.5) states, “Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.”

- Officer Burns had an objectively reasonable belief that Mr. Quintana did in fact pose an imminent danger to multiple police officers including himself, to adults or children who could be in the civilian vehicle parked at the gas pump that Mr. Quintana attempted to enter, and to other civilians in the vicinity if Mr. Quintana began shooting or detonated a bomb. A gunshot wound or exposure to a bomb detonation would pose a substantial risk of serious bodily injury or death.
- Officer Burns had an objectively reasonable belief that lesser degrees of force would be inadequate to neutralize the threat posed by Mr. Quintana. No less-lethal options were available to Officer Burns to incapacitate Mr. Quintana to the degree that he would be unable to fire his rifle or detonate the bomb he claimed to have in his possession.

All CSPD officers involved had their body worn cameras (BWC) activated, and their recordings of this incident were successfully downloaded in their entirety. There were additional surveillance videos collected on scene from local business.

After completing a thorough review of the facts and evidence the 4<sup>th</sup> Judicial District Attorney’s Office has determined the use of deadly physical force by Officer Burns, was justified under the law of the State of Colorado.

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

###



Mr. Quintana's Weapon

