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4th Judicial District of Colorado

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Officer-Involved Shooting Ruled Justified

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The 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on April 5, 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 these defendants remain open and pending, this will be an abbreviated review.*

On April 5, 2021, the Colorado Springs Police Department's (CSPD) Communications Center received a 911 call of a robbery with a weapon in the 3000 block of West Colorado Avenue. Officers responded to the scene and viewed the video surveillance as the suspects had fled prior to CSPD's arrival. The officers determined that the robbery suspects were in a stolen Toyota 4Runner. The Communications Center aired suspect information on all four of their primary police radio channels.

A short time later, officers observed the stolen 4Runner in the area of West Colorado Avenue and 30th Street and identified the occupants of the vehicle based on what had been observed on the video surveillance. Officers immediately activated their emergency equipment to initiate a traffic stop. The 4Runner did not stop and continued driving eastbound on West Colorado Avenue. As the vehicle pursuit continued, occupants of the 4Runner fired shots at pursuing officers.

At Delta Drive and South Chelton Road on the south side of the city, officers still pursuing the 4Runner, made a turn which resulted in the 4Runner losing control and stopping. Officer Zamora, who was engaged in the pursuit, was concerned the driver of the 4Runner would again attempt to flee in their vehicle at which time he struck the 4Runner with his marked police cruiser.



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Officer Zamora immediately heard gunshots directly in front of him and saw that his cruiser's windshield was impacted. Officer Zamora believed he was being directly shot at. Officer Zamora fired shots directly at the driver of the 4Runner.

Officer Huston was also at the intersection of Delta Drive and South Chelton Road in a marked police cruiser and articulated that after the 4Runner lost control and stopped, he was concerned the 4Runner might flee, at which time he struck the rear of the 4Runner, moments after Officer Zamora. Officer Huston saw a handgun pointed directly at him from the 4Runner and immediately heard gunfire. Officer Huston fired through the windshield of his cruiser towards the rear hatch area of the 4Runner.

On scene, officers repeatedly gave instructions to the defendants to leave their vehicle and obey commands. The defendants did not immediately respond to the officers' lawful orders. Multiple less-lethal impact projectiles containing chemical irritants were deployed into the interior of the 4Runner. It took approximately 25 minutes for all four passengers to exit the 4Runner and to be taken into custody. Once the scene was cleared for safety, medical aid was rendered by CSPD officers and later, Colorado Springs Fire Department paramedics as two of the defendants had non-life-threatening gunshot wounds.

Analysis and Conclusion:

Officer Jared Huston and Officer Sean Zamora were justified in the level of force used as the suspects posed an immediate threat to officers and community members. In making this determination the facts of this case must be analyzed in light of CRS 18-1-704 and CRS18-1-707:

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.

CSPD officers were in uniform and their body worn camera footage was made available and viewed in its entirety.

After completing a thorough review of the facts and evidence the 4th Judicial District Attorney's Office has determined the use of deadly physical force by both Colorado Springs Police Department Officer's Jared Huston and Sean Zamora was justified under the law of the State of Colorado.

Three of the four occupants of the 4Runner have been charged in Colorado District Court case #'s 21CR1888, 21CR1895 and 21CR1901. Criminal charges are merely allegations, and all defendants are presumed innocent unless and until they are found guilty beyond a reasonable doubt.

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

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