



FOR IMMEDIATE RELEASE
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April 19, 2020 Police 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 19, 2020, in Colorado Springs, Colorado. Pursuant to Colorado Revised Statute 16-2.5-301, captioned 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.

Colorado Revised Statute 201-114 states that the district attorney shall, if no criminal charges are filed following the completion of an investigation pursuant to section 16-2.5-301, C.R.S., release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officers with any criminal conduct.

On April 19, 2020 at approximately 9:30 p.m., officers were dispatched to a domestic violence incident at a residence in the 3200 block of Oak Creek Drive East. The reporting party, Mr. Thorpe's wife, indicated she had been physically assaulted by Virgill Thorpe. She further reported that Mr. Thorpe was armed with an assault rifle, had "cocked" the rifle, and had threatened to shoot police officers if they came to the house. There were four of Mr. Thorpe's family members and friends in the home in addition to Mr. Thorpe and his wife.

When officers arrived on scene, they made contact with Mr. Thorpe and one of his friends at the front door. Mr. Thorpe was extremely agitated, at points saying, "let's go to war." Officers attempted to calm him down and get him to talk to them, to no avail. He retreated into the home, but officers were able to pull his friend to safety. Officers located his wife, his stepdaughters, and a family friend in the basement of the home near an egress window. Officers were able to pull his wife and one of his stepdaughters out of the window and to safety. While officers were attempting to pull his second stepdaughter out of the basement window, Mr. Thorpe approached the window with an AR-15. He raised the rifle and pointed it at officers. (See attached photo) His stepdaughter jumped out of the way. Four officers, fearful for the safety of the family members and their fellow officers opened fire.

After being shot, Mr. Thorpe retreated further into the basement and collapsed. Officers forced entry into the home and located Mr. Thorpe and the rifle. They immediately called for an ambulance. They provided medical aid to Mr. Thorpe until paramedics arrived, including CPR when he stopped breathing. Mr. Thorpe was transported to the hospital where he succumbed to his injuries.

One of the officers and one of Mr. Thorpe's stepdaughters received minor injuries from flying glass and debris or shrapnel. The stepdaughter was treated at the hospital and released.

All of the officers on the scene had activated their body worn cameras. That footage, along with the call to dispatch were reviewed as part of the review of the case. The statements of Mr. Thorpe's family members and of officers were confirmed with the physical evidence, including the body worn camera footage and dispatch tapes. Released with this report is an image from the body worn camera of Officer Warren. It shows the assault rifle being pointed out of the window at officers.

Subsequent examination of the evidence revealed that Mr. Thorpe fired a round from his AR-15 during this incident. This report has been delayed while we awaited ballistics test results. One of the stepdaughters reported Mr. Thorpe fired his rifle first. Since two of the officers also fired rifles, we wanted to be certain whether Mr. Thorpe had also fired his rifle before making a final decision.

Colorado Revised Statute 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 reasonably believes to be the imminent use of deadly physical force. The facts and evidence from this investigation show that Colorado Springs Police Corporal Joseph Somosky, and officers Eddie Nassar, Kristopher Czajkowski, and Charles Warren acted reasonably when they fired their weapons, striking Virgill Thorpe.

Additionally, Colorado Revised Statute 18-1-704 provides that a person is justified in using deadly force when the person reasonably believes that he or another person is in imminent danger of being killed or suffering serious bodily injury. The facts and evidence from this investigation indicate Corporal Joseph Somosky and Officers Eddie Nassar, Kristopher Czajkowski, and Charles Warren held a reasonable belief that Virgill Thorpe put the officers and his own family members in imminent danger of being killed or receiving serious bodily injury. Therefore, Corporal Joseph Somosky and Officers Eddie Nassar, Kristopher Czajkowski, and Charles Warren were justified in using deadly force. No charges will be filed.