



OFFICE OF THE DISTRICT ATTORNEY
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

For Immediate Release

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Press Release

The District Attorney's Office announced today that the investigation and legal analysis of a law enforcement officer, Officer Eric Stephens of the Boulder Police Department ("BPD"), discharging his firearm on October 2, 2022 has been completed.

The Critical Incident Team for the 20th Judicial District, also known as the Boulder County Investigation Team ("BCIT"), investigated this case. This multi-agency team is designated to investigate use-of-force incidents in which any law enforcement officer used deadly, or potentially deadly, physical force against a person while acting under the color of official law enforcement duties. Following this incident, the Boulder Police Department quickly notified the BCIT. The BCIT responded and conducted a very thorough investigation. Consistent with protocol, the BPD did not participate in the use-of-force investigation

This office is prosecuting two individuals for events that took place that night. This announcement, and the decision of the District Attorney, is not to be construed as commentary on the criminal charges pending against those two individuals. The charges are merely allegations. Each of these individuals remain innocent of the charges against them unless and until a jury finds each of them guilty beyond a reasonable doubt. The following is a brief summary of the findings contained in the District Attorney's report:

The BCIT investigation was conducted for the purpose of determining whether criminal charges were warranted against Officer Stephens for the non-fatal shooting of Zakiyy Lucas.

While Officer Stephens was participating in a routine patrol call involving a nuisance complaint at a local fraternity, he and his partner, Officer Dan Colwell, heard from Dispatch that there was a fight involving firearms approximately a block from their location. Officer Stephens and Officer Colwell immediately ran toward the area of the reported fight.

As Officer Stephens turned the corner onto Pennsylvania Avenue running eastbound, he saw Mr. Lucas fire one round from his firearm. Mr. Lucas had his back to Officer Stephens and Officer Colwell. Officer Stephens saw the muzzle flash and heard the round fired in an easterly direction towards 13th Street. Officer Stephens believed this to be an active-shooter situation.

After firing the shot, Mr. Lucas turned and ran directly towards the officers with the gun in his hand. Officer Stephens fired his weapon four times. Mr. Lucas dropped the firearm on the ground and began to run north at an angle, across Pennsylvania Avenue. Officer Colwell told Mr. Lucas to stop, and he complied.

As the officers were taking Mr. Lucas into custody, four more rounds were fired from the far east area of Pennsylvania Avenue. Based on video evidence and the location of the .45 caliber casings found at the east end of Pennsylvania Avenue, it was believed these four rounds were fired by the other group of suspects involved in the fight. As a result of the subsequent investigation, Gabriel Sharma was arrested and criminally charged for firing the four rounds west down Pennsylvania Avenue in the direction of Mr. Lucas, Officer Stephens, and Officer Colwell.

It remains unclear if the round that struck Mr. Lucas was fired by Officer Stephens or by Gabriel Sharma. However, based on the timing and location, it is probable that Officer Stephens fired the round that entered and exited Mr. Lucas's arm. Regardless of whether Mr. Lucas was shot by Mr. Sharma or by Officer Stephens does not change the role of the BCIT or the analysis of Officer Stephens' actions that is required by the District Attorney's Office.

Under the circumstances, it was entirely reasonable for Officer Stephens to believe that Mr. Lucas was armed with a firearm, that Mr. Lucas did and would shoot that firearm, and that members of the community were in imminent danger of being killed or seriously injured by Mr. Lucas. Based on Colorado law, the physical force that Officer Stephens used in response to Mr. Lucas was both reasonable and appropriate under the circumstances.

District Attorney Michael Dougherty stated, "This incident could have ended much worse, for everyone involved and for the community members in the area. The law enforcement officers responded quickly and demonstrated real courage. Whenever a police officer uses potentially deadly physical force, the ensuing investigation is important to all those involved and to our community. I am grateful that the Critical Incident Team conducted an independent and thorough investigation. Based on our office's review, it is clear that Officer Stephens acted lawfully and was legally justified in his response to the actions of Mr. Lucas."

The District Attorney's detailed report can be found on the [Officer Involved Shooting Decision Letters page](https://bouldercounty.gov/district-attorney/officer-involved-shooting-decision-letters/) (https://bouldercounty.gov/district-attorney/officer-involved-shooting-decision-letters/). For individuals interested in the process and findings, District Attorney Michael Dougherty will conduct a virtual Town Hall via Microsoft Teams at 12:00 pm on Tuesday, November 8, 2022. Questions can be submitted in advance via [email](mailto:boulderda@bouldercounty.gov) (boulderda@bouldercounty.gov). Community members are, also, able to call into the Town Hall by calling 720-400-7859, Conference ID# 575984292 or join the on the [web](https://bit.ly/3zvdc7N) (https://bit.ly/3zvdc7N).

DA Dougherty conducts a Community Town Hall after every BCIT investigation in our continuing effort to be transparent and accessible, as well as address any questions.