



OFFICE OF THE DISTRICT ATTORNEY

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Colorado's 4th Judicial District - Serving El Paso & Teller Counties

February 2, 2026 Officer Involved Shooting

July 15, 2026

Release: #2026-10

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Colorado's 4th Judicial District Attorney's Office has completed its review of the officer involved shooting that occurred on February 2, 2026, 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 a case against one defendant remains open and pending, this will be an abbreviated review so as not to improperly influence the due process afforded to that individual. Criminal charges are merely allegations, and all persons charged with committing a criminal act are presumed innocent until proven guilty beyond a reasonable doubt, and the same holds true for the individual named in this report. Details of the events that occurred on February 2, 2026, are listed in this report only as they pertain to this office's ruling of the officer-involved shooting and do not determine criminal liability in the pending case.

On the afternoon of February 2, 2026, Colorado Springs Police Officers Daniel Mork and Steven Mibert were on patrol duty in the area of the 2600 block of Bijou Street. Both officers were wearing their department uniforms and traveling separately in marked police cruisers.

For months, Officer Mork had been tracking drug and criminal activity at two specific addresses, one located on the 2500 block of East Bijou Street, the site of a suspected illegal gaming establishment, and another located on the 2600 block of East Bijou Street, a home linked to the activity occurring at the site of the suspected gaming operation.



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At 1:39 p.m., Officer Mork saw a man, later identified as Michael Foster, walk out of the suspected gaming site. Officer Mork noticed Foster because he matched the description of a suspect sought in connection to a murder/kidnapping case. Additionally, Officer Mork noticed Mr. Foster was wearing clothing that seemed inappropriate for the warm weather of the day, which consisted of a black hooded sweatshirt fully zipped and a balaclava-style face mask. Officer Mork determined that Mr. Foster may be using the clothing to conceal his identity.

Still in his cruiser, Officer Mork followed Mr. Foster, who was demonstrating avoidant behavior, even breaking into a jog at one point. Eventually, Foster turned and went back into the suspected gaming site.

At this point, Officers Mork and Mibert learned the man suspected in the murder/kidnapping case mentioned previously had been arrested days early and taken into custody.

Officer Mork decided to initiate contact with Mr. Foster due to the suspicious nature of his behavior and dress. He and Officer Mibert waited nearby until they saw Mr. Foster exit the suspected gaming site with another man, still wearing the heavy, identity-concealing clothing he had on earlier.

The two officers agreed to contact the men on foot and started following them along the 2500 block of East Bijou Street, with Mork in the lead and Mibert about 20 - 30 yards behind.

Seeing the officers approach, Mr. Foster cut through the back parking lot of 2550 E Bijou Street. Mibert yelled out, "Stop. Police." Mr. Foster ignored the command and began running east, behind the residence, towards Balfour Avenue. Officer Mibert chased after him, leaving the second man behind. That man fled and has not been identified or located since this incident.

Meanwhile, Officer Mork took up a position to intercept the two men on Belfour Avenue, then saw Mr. Foster break into a full sprint toward the home he'd been monitoring on the 2600 block of East Bijou Street.

At that address, Mr. Foster ran into an enclosed area on the north side of an unattached garage near the side of the house with Mork behind him. Officer Mork repeatedly issued verbal commands for Mr. Foster to get on the ground, which Mr. Foster ignored.

Inside the enclosure and unable to run any further, Mr. Foster turned to face Officer Mork with a handgun in his right hand. Mork immediately drew his own gun, and the two men fired at one another almost simultaneously.

Officer Mork fired two rounds and Mr. Foster fired once. Officer Mork sustained a gunshot wound to his left leg and fell to the ground. Mr. Foster sustained a gunshot wound to his right arm, which caused him to fall and drop his handgun onto the ground.



BWC still shows Mr. Foster turn to face Officer Mork with a handgun.



BWC still shows Mr. Foster raising the handgun to point at Officer Mork.

At that point, Officer Mibert entered the enclosure, kicked Mr. Foster's gun out of reach, then drew and pointed his own gun at the suspect, telling him not to move.

Mibert radioed for cover, holstering his handgun as he did so. Mr. Foster got back on his feet and ran out of the enclosure. Officer Mibert chased him, then grabbed him and pushed him onto the

ground, and commanded him to stay down. Mr. Foster ignored that command, got up again, and started running. Officer Mibert chased him and pushed him back down to the ground.

As he was being pushed down, Mr. Foster reached up for Officer Mibert's handgun, making contact with the weapon.

Officer Mibert then fired five shots at Mr. Foster, hitting him several times. He stopped firing after he determined the threat posed by Mr. Foster had been neutralized.

Mr. Foster was provided with medical aid and later taken to the hospital where he was treated and eventually released into custody of the El Paso County Sheriff's Office.

Mr. Foster's 9mm Hellcat handgun was recovered from the scene. It had 11 rounds in the magazine and one in the chamber.

Michael Foster is currently facing multiple criminal charges to include:

- Attempted 2nd Degree Murder, a Class 3 Felony, CRS 18-3-103(1)(2);18-2-101
- 1st Degree Assault – SBI w/Deadly Weapon, a Class 3 Felony, CRS 18-3-202(1)(2)
- 1st Degree Assault – Threaten Peace Off w/Weapon, a Class 3 Felony, CRS 18-3-202(1)(e)
- Disarming a Peace Officer – ATT, a Class 6 Felony, CRS 18-8-116; 18-2-101
- Weapon-Poss/Previous Offender/Use, a Class 5 Felony, CRS 18-12-108(1),(2)
- Weapon-Poss/Prev JUV Offender/Use, a Class 5 Felony, CRS 18-12-108(3),(2)

Mr. Foster's next court appearance is set for October 20, 2026. All persons arrested on suspicion of committing a criminal act are presumed innocent until proven guilty beyond a reasonable doubt.

Both responding officers had activated their body worn cameras, and their recordings of this incident were successfully downloaded in their entirety. All BWC recordings are incorporated into this report.

Post-Shoot Interviews

Aside from the facts outlined above, there were multiple relevant statements made by law enforcement officers during their post-shoot interviews.

Officer Daniel Mork has been a sworn officer employed by the Colorado Springs Police Department for 26 years. Officer Steven Mibert has been a sworn officer employed by the Colorado Springs Police Department for nine years.

In a post-shooting interview conducted by the El Paso County Sheriff's Office, Officer Mork informed that he was determined to contact Michael Foster, stating, "obviously whatever he's doing was up to no good, knowing the gaming place," because "the two addresses are infamously involved in illegal gambling, drug dealing, running guns, stolen cars, you name it. The two addresses have all that. There have been shootings, multiple shootings at the [2600 block of] East Bijou address."

Officer Mork described what happened when he caught up to Mr. Foster in the enclosure located at the home in the 2600 block of East Bijou Street, saying, the suspect "stops, quickly turns over his shoulder, from his waistband, has a black gun, turns, and faces, and the black gun was right

there, and I draw just at the same time and it's 'bang bang.' And I immediately take a round right to what I believe is my leg. My leg immediately goes instantly paralyzed and I lose the function of my leg."

Mork said, he thought "my femoral is hit. I'm scared that I'm probably going to end up dying."

He saw Officer Mibert pursue the suspect outside of the enclosure and heard gunshots.

In a post-shooting interview conducted by EPSO, Officer Mibert informed that Mr. Foster had been "covering his face" with a balaclava and had on "heavy clothing, which was odd" because "it was like 60 degrees that day. And it's in the middle of the afternoon, so bright, direct sunlight." He also knew that the location the suspect was coming from was potentially "an illegal gambling establishment."

After both Officer Mork and Mr. Foster fired their weapons, Officer Mibert approached, drew his gun, and told the suspect, "Don't move or I'll shoot."

Officer Mibert said he tried to position himself "almost like a shield in between Mork and the suspect," and was "just trying to hold on to the suspect so he doesn't move," while he radioed other units for help.

However, the suspect refused to obey commands, began to run and physically resisted, so Officer Mibert said, "I think I tell him to stop, like get on the ground, get on the ground, and he's, like, resisting physically."

Mibert also stated, "So I'm trying to control him and I can't control him." Foster tried to run multiple times, despite commands, and eventually tried to reach for Mibert's gun.

In his post-shoot interview, Mibert said, "I thought he was about to grab my gun, and that's when I fired. I was in fear for my life cause I just witnessed what he did to my partner."

Analysis

CRS 18-1-704, Use of physical force in defense of a person, defines each person's right to defend themselves against the use, or the imminent use, of unlawful physical force by another person.

This statute 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.

The facts relevant to analysis under this standard of review include that Officer Mork chased Mr. Foster to a house known to be involved in criminal activity. When Mr. Foster was cornered in an enclosure on that house's property, he produced a handgun, turned, and pointed it at Officer Mork. Officer Mork then drew his own handgun. Both men fired and both sustained injuries.

Officer Mibert commanded Mr. Foster to remain on the ground and to stop moving. At that point, Mr. Foster was being arrested for attempting to murder a peace officer and first-degree assault, among other possible offenses. Officer Mibert warned that he would shoot Mr. Foster if he moved.

Mr. Foster refused all commands, physically resisted Officer Mibert's efforts to control him, and repeatedly tried to escape on foot. While Officer Mibert attempted to get Mr. Foster on the ground and under control, Mr. Foster reached for Officer Mibert's handgun. Officer Mibert then fired at Mr. Foster five times and ceased firing when Mr. Foster went down and stayed down.

Mr. Foster was thus an imminent, deadly danger to the Officers and the public at the time of the shootings due to his own choices and actions.

CRS 18-1-707, Use of force by peace officers, dictates a peace officer's duty to use only a degree of force consistent with the minimization of injury to others.

This statute states, in relevant part,

(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. 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] The suspect poses an immediate threat to the peace officer or another person; [and]

(b) 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 Officers Daniel Mork and Steven Mibert were sworn peace officers employed by and carrying out their 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 or occupying fully marked police vehicles.

Both officers went to make contact with a male (Mr. Foster) who was very suspiciously dressed (wearing fully bundled, unseasonable clothing for the weather) who was coming from and going to a known illegal gambling establishment and criminal hub.

Officers are entitled to conduct non-custodial contacts, the same as any citizen, and these officers approached Foster without arresting him or threatening to arrest him. Upon seeing the police coming towards him, Mr. Foster took off running.

Officer Mork had developed reasonable suspicion that Mr. Foster either had or was committing a criminal offense due to the totality of Mr. Foster's actions, pursued him and had repeatedly commanded him to stop. He refused to comply with those commands.

When Officer Mork contacted Mr. Foster outside the home in the 2600 block of East Bijou Street, Mr. Foster drew a handgun and pointed it at Officer Mork. Both men fired.

Officer Mork shot Mr. Foster only when Mr. Foster drew his own gun and pointed it at him. At that point, less lethal options were impractical given the speed of Mr. Foster drawing on the officer.

Officer Mibert attempted to gain control of Mr. Foster, who continued to ignore verbal commands and tried to escape police contact multiple times and, eventually, reached for and made contact with Officer Mibert's gun. At that point, Mibert fired at Mr. Foster.

Less lethal options were impractical for Officer Mibert, because if Mr. Foster had obtained Mibert's gun, he would have been an armed and deadly danger to officers and the public.

Further, the force used by Officers Mork and Mibert did not create a substantial risk of injury or death to other people. Both officers aimed their shots solely at Mr. Foster, the person who presented an ongoing armed and deadly threat to them and to others. No other civilians or officers were endangered by their actions.

Officers (including Officer Mibert) immediately began to render medical aid to Mr. Foster in the aftermath of this shooting.

CRS 18-1-707 (4.5) dictates that, when using deadly force, a peace officer must believe a threat to his/her personal safety, or the safety of a third party would be otherwise unavoidable.

This subsection states:

(4.5) 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.

A “deadly force” analysis is not applicable in this situation.

Given the totality of the circumstances, Mr. Foster was thus an imminent, deadly danger to the officers and the public at the time of the shootings due to his own choices and actions.

Officer Daniel Mork's two shots, fired after Mr. Foster pointed a firearm at him, were a justifiable use of force to neutralize the deadly threat he posed.

Officer Steven Mibert's five shots were justifiable to stop the ongoing deadly threat posed by Mr. Foster. Mr. Foster had just shot Officer Mork, was non-compliant with Officer Mibert's commands and physical efforts to arrest him, demonstrated that he could still physically function and resist despite having been shot by Officer Mork, and appeared to attempt to disarm Officer Mibert and obtain his gun.

Thus, Mr. Foster posed an ongoing active and deadly threat to officers and to the public at large even after being shot by Officer Mork. Officer Mibert's five shots were intended to, and did, stop the ongoing deadly threat posed by Mr. Foster.

The evidence indicates that Officers Mork and Mibert did have an objectively reasonable grounds to believe, and did in fact believe, that Mr. Foster's actions posed an imminent threat of death or serious bodily injury to themselves or to other officers or civilians.

Conclusion

After completing a thorough review of the facts and evidence, Colorado's 4th Judicial District Attorney's Office has determined the use of deadly force by Colorado Springs Police Officers Daniel Mork and Steven Mibert on February 2, 2026, was justified, based on all the facts and circumstances of this case under the laws of the State of Colorado.

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

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