



OFFICE OF THE DISTRICT ATTORNEY

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

January 31, 2026

Officer Involved Shooting

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Colorado's 4th Judicial District Attorney's Office has completed its review of the officer-involved shooting that occurred on January 31, 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 (DFIT).

On January 31, 2026, at approximately 10:00 p.m., officers with the Colorado Springs Police Department were dispatched to the area of Delaware Drive and San Miguel Street on an anonymous report of a female with a firearm. At 10:18 p.m., officers made initial contact with a citizen, Keith Perry, who reported a man named "Alex" told him Alex's girlfriend, Micaela Pasillas, had been firing a rifle in the area and that Mr. Perry should leave.

Mr. Perry said he then started to gather his belongings from inside his car when Ms. Pasillas appeared near his vehicle, holding a kitchen knife. He said Ms. Pasillas swung the knife at him several times and that he would have been struck but was blocked by the open car door. He also told officers that Ms. Pasillas ran away and was intoxicated on illicit drugs.

Colorado Springs Police Officers Jarod Adcock, Kali Myers, and James McKinstry arrived separately in marked vehicles and began searching the area for Ms. Pasillas. Officer Adcock located her at 10:22 p.m., about one block from where Mr. Perry's vehicle was parked, near Delaware Street and Marion Drive.



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Officer Adcock called out to Ms. Pasillas from across the street and told her to come over and talk to him. Ms. Pasillas gave an unintelligible response and began walking south from her location. Officer Adcock then said, "Ma'am, stop where you're at and come talk to me. I need to find out what's going on." Ms. Pasillas refused, continued to move away, and twice said, "Shoot me."

Officer Adcock visually confirmed that Ms. Pasillas was armed with a knife and aired that information over the radio.

Ms. Pasillas started running as Officer Adcock continued to issue verbal commands such as, "Stop where you're at!" And "Colorado Springs Police Department, stop!"

Ms. Pasillas did not comply with commands and, instead, led Officer Adcock on a foot chase through a nearby neighborhood still armed with a knife. Officer McKinstry joined the chase and also gave verbal commands, which Ms. Pasillas continued to ignore. She continued to run until she reached Officer Adcock's parked police cruiser on Delaware Drive, dropping her knife along the way in a parking lot near the 3600 block of Marion Drive.

Officer Adcock's police cruiser had been left idling with the driver's side door unlocked. Ms. Pasillas got into the driver's seat, closed the door behind her, and started attempting to put the car in gear.

Officer Kali Myers approached the driver's side of the cruiser and opened the door. She had readied her taser, but opted not to deploy it per CSPD policy, which prohibits officers from using a Conducted Energy Weapon (such as a taser) on a driver of a running motor vehicle due to an increased risk of serious injury or death to the subject and others.

Instead, Officer Myers attempted to pull Ms. Pasillas out of the cruiser, as Ms. Pasillas kicked and struggled to stay inside.

At the same time, Officer McKinstry approached the passenger's side of the cruiser with his 9mm duty handgun unholstered and ready. He knew Ms. Pasillas had been carrying a knife and was not aware she had dropped the weapon.

Officer McKinstry attempted to open the passenger's side of the cruiser, but the door was locked. He commanded Ms. Pasillas to get out of the car through the closed passenger-side window, but she did not comply.

Ms. Pasillas began reaching for the duty shotgun secured in a holding rack between the front seats of the cruiser and pulled on it repeatedly. Knowing CSPD's duty weapons are typically loaded, Officer McKinstry was concerned that if Ms. Pasillas gained control of that shotgun, his life, the lives of other officers and civilians in the area would be at risk.

He believed Ms. Pasillas's erratic behavior inside the cruiser might cause the release mechanism to unlock the shotgun from its holding rack. As she continued to grab at and pull the shotgun, Officer McKinstry called out, "She's getting a gun!" He then fired three shots at Ms. Pasillas, striking her twice in the chest and once in the hip.

After Ms. Pasillas was shot, she stopped grabbing for the shotgun, and Officer Myers was able to pull her out of the vehicle and detain her. Officers began providing medical assistance to Ms. Pasillas and she was later taken to the hospital for treatment. Ms. Pasillas survived her injuries.

Ms. Pasillas's brother arrived on scene and told officers she had been using illicit narcotics, including methamphetamine, and was extremely intoxicated that evening.

All CSPD officers involved had their body worn cameras activated, and their recordings of this incident were downloaded and reviewed in their entirety. All recordings are incorporated into this report by reference as video evidence of the facts.

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 James McKinstry has been a sworn officer employed by the Colorado Springs Police Department since December of 2024. Officer Kali Myers has been a sworn officer employed by the Colorado Springs Police Department since January of 2018.

In a post-shooting interview conducted by the El Paso County Sheriff's Office, Officer McKinstry said, immediately prior to firing at Ms. Pasillas, she "turned her entire body, grabs onto the shotgun with both hands and just starts pulling on it as hard as she can. And I think it was either the third or fourth time she pulled on it that I fired three rounds into the suspect."

He went on to say that, at the time of the shooting, his thought process was, "She's gonna try and kill me and, uh, kill my partners with that shotgun."

During his interview, Officer McKinstry also said that when he fired, he aimed for Ms. Pasillas's center mass because, "I wanted the round to enter at an angle where they would hit the floorboard of the car and stop, that way I had a good backdrop and I wasn't hitting anything else that I shouldn't be hitting."

He stated, "I was trying to end the threat. I was not trying to kill anyone."

In a post-shooting interview conducted by the El Paso County Sheriff's Office, Officer Myers said that while she was struggling with Ms. Pasillas to get her out of the cruiser, "she just wouldn't listen, was totally in another world and like kicking at me and stuff, trying to get me away from her."

Officer Myers said that as she worked to pull Ms. Pasillas out of the cruiser by her foot, "that's when she reaches back like over her shoulder and grabs the shotgun from between the seats of the vehicle."

As that happened, Officer Myers said, "at some point I do see the shotgun and the mechanism come forward a little" and stated she was concerned that Ms. Pasillas, "had leaned back on [the release button] because at some point I do see the shotgun and the mechanism come forward a little bit."

Further, Officer Myers reported seeing the shotgun “make an angle like it was coming out.”

When she heard shots fired by Officer McKinstry, Officer Myers said she was focused on Ms. Pasillas and wondering, “did she just fire a round off the shotgun?”

Officer Myers said she quickly realized the shots did not originate from the shotgun due to the muted sound and concluded someone else had fired at Ms. Pasillas.

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.

Under this standard of review, the facts indicate that Officer McKinstry had received information that Ms. Pasillas was armed with a knife and was refusing to comply with other officers’ commands. He had not seen her discard the knife, so when he came up to the cruiser that she was trying to drive off, and he had his duty weapon out and ready, he had reason to suspect that she might still pose an armed and deadly threat to officers and the public.

When he saw Ms. Pasillas struggling with Officer Myers to avoid being taken out of the cruiser, and he saw her reach towards the duty shotgun in the cruiser and begin to forcibly pull on it multiple times, he had an objectively reasonable belief that she might be able to remove it and pose a deadly threat to officers and the public, either because she might accidentally or intentionally press the release button, or because she might have been able to unseat and remove it.

Thus, when Officer McKinstry fired three shots to stop the threat that Ms. Pasillas would obtain and utilize the duty shotgun in the cruiser, he had an objectively reasonable belief that she posed an imminent threat to cause death or serious bodily injury to citizens or officers.

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 the analysis under this standard of review indicate that Officer McKinstry's use of force was authorized by law.

The arrest and apprehension of Ms. Pasillas was for felony Menacing based on the earlier report of her having threatened someone with a knife.

While effectuating that detention and arrest, non-violent means were not effective, as Ms. Pasillas had refused almost all police commands to that point and was actively involved in physically resisting Officer Myers's attempts to stop her from stealing and driving off with a police cruiser, which posed a risk of escape and potentially posed an imminent threat of serious bodily injury or death to officers and the public at large, if Ms. Pasillas were to operate a vehicle in her intoxicated and frantic state.

Ms. Pasillas then reached for the duty shotgun in the vehicle, grabbed it, and began to pull on it repeatedly, creating the risk that she might be able to get it free either by activating the release button (as she was touching and grabbing at many places inside of the vehicle) or forcibly unseating it from the holding rack. Thus, Officer McKinstry had an objectively reasonable belief that Ms. Pasillas's actions posed an imminent danger of death or serious bodily injury to officers and the public at large.

Officer McKinstry was unable to open the passenger's side door of the cruiser, so he had no other immediate means from his vantage point to prevent Ms. Pasillas from potentially obtaining that shotgun. Ms. Pasillas was inside of a vehicle with the window rolled up, so he was likewise unable to utilize a taser or OC spray from his location to prevent her from obtaining the shotgun.

Further, the force used by Officer McKinstry did not create a substantial risk of injury or death to other people. Officer McKinstry aimed his shots at center mass and aimed to ensure they went downwards into the vehicle so as to avoid the risk that he would strike anyone else besides Ms. Pasillas.

Mere moments after the shooting, officers immediately went to Ms. Pasillas's location to render medical aid. She was taken to the hospital and survived her injuries.

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.

Given the totality of the circumstances, Officer McKinstry had an objectively reasonable belief that a lesser degree of force would be inadequate to address the threat posed by Ms. Pasillas. Ms. Pasillas appeared to be forcibly tugging on a duty shotgun and her behavior in the vehicle indicated that she had a reasonable chance of wresting it free. Since duty shotguns are typically stored with ammunition inside of them, Officer McKinstry believed that she was moments away from potentially obtaining a deadly weapon that she could use on officers or others. He had no reason to believe that she would comply with commands or that Officer Myers would be successful in neutralizing the threat that Ms. Pasillas posed inside of the cruiser.

The evidence indicates that Officer McKinstry did have objectively reasonable grounds to believe, and did in fact believe, that Ms. Pasillas's actions posed an imminent threat of death or serious bodily injury to himself or other officers or citizens.

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 Officer James McKinstry on January 31, 2026, was justified, based on all the facts and circumstances of this case under the laws of the State of Colorado. No charges will be filed based on the statutes outlined previously, as well as the necessary application of ethical rules.

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

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