



District Attorney Nola Tedesco Foulston announces that the investigation and review of a law-enforcement involved incident occurring on October 17, 2002 have been completed.

The investigation and review involved the circumstances surrounding the shooting of Christopher Tinsley after he attempted to flee from a Kansas Highway Patrol trooper who had pulled him over for traffic violations.

As required by protocol established by the Office of the District Attorney and under its authorization, a joint investigatory team consisting of the Kansas Bureau of Investigation, Wichita Police Department and Kansas Highway Patrol revealed the following facts:

Factual Summary

At approximately 6:15 a.m. on Thursday, October 17, 2002 an on-duty Kansas Highway Patrol trooper observed a green Ford Ranger pickup truck pulling a trailer bearing a Bobcat front-loader near the intersection of Lincoln Street and Webb Road. The trooper saw the Ford Ranger go north through a red traffic light at the Webb/Lincoln intersection. The trooper also observed that the trailer being pulled by the Ford Ranger did not have functioning taillights.

The trooper activated his emergency lights and siren in an attempt to stop the vehicle based on the above-described traffic violations. The Ford Ranger's driver continued driving north on Webb, over the Kansas Turnpike, pursued by the trooper. He finally turned east on Orme Street

and came to a stop approximately 600 feet east of the Webb/Orme intersection. The driver, subsequently identified as Christopher W. Tinsley, opened the driver's door and placed his feet on the pavement and attempted to get out. The trooper told Tinsley to get back in the pickup. Instead of complying with the trooper's request, Tinsley got out of the truck, ran east to the front of the truck, then south towards the Kansas Turnpike.

The trooper pursued Tinsley on foot while repeatedly instructing Tinsley to stop. The trooper notified the Kansas Highway Patrol dispatcher via portable radio that he had a subject running from him. The foot pursuit continued with the trooper again commanding Tinsley to stop. The trooper caught up with Tinsley as Tinsley was scaling the chain-link fence that defines the northern border of the turnpike. The trooper told Tinsley to stop and get down from the fence. Tinsley refused to comply once more. The trooper was able to grab Tinsley from behind in a "bear hug". The men engaged in a struggle during which time the trooper was able to place a cuff of his Quik-Cuff, a rigid snap-on handcuff set, on Tinsley's right wrist. The trooper was unable to secure the second cuff on Tinsley due to Tinsley's continued resistance. Unable to take control of Tinsley by use of the handcuffs, the trooper discharged pepper spray at him. Pepper spray is a chemical used by law enforcement because of its ability to subdue or temporarily incapacitate humans.

Tinsley did not appear to be effected by the pepper spray and broke free, climbing over the fence and entering onto the turnpike. He then crossed over the southbound lanes of traffic while avoiding traffic, climbed the concrete barrier between the north and southbound lanes, crossed the northbound traffic lanes and went down on the embankment south of the northbound lanes of traffic. The trooper followed at a distance, alerting his dispatcher of their location on the turnpike.

The trooper caught up with Tinsley as Tinsley attempted to climb the chain-link fence that defines the southern border of turnpike property, approximately 80 feet south of the south end of the northbound lanes. Tinsley was again told to stop and get down but he did not. The trooper was able to grasp Tinsley's right arm and unsuccessfully attempted to take him to the ground using pain compliance and other physical techniques. During this struggle, the men lost their footing and fell to the ground. Tinsley was able to get up again, followed by the trooper who then struck

Tinsley in the face, attempting to take him down again for control purposes. The blows did not appear to affect Tinsley who continued to resist. The trooper next attempted to obtain his expandable baton for use in subduing Tinsley but it had fallen from its holder and he was unable to locate it. His two flashlights had also been lost during the chase, eliminating any ability to illuminate his surroundings in the dark. Next, the trooper discharged pepper spray onto Tinsley's face, without apparent result. The struggle continued and both men again lost their footing on the slick and muddy embankment leading up to Webb Road and went to the ground. The trooper landed on his stomach and found that the microphone from his portable radio had fallen near his hand. He alerted his dispatcher, repeatedly stating that he was in trouble and located in a ditch by the northbound lanes of the turnpike under Webb Road. As he was transmitting information, Tinsley wrested the radio away from the trooper and threw it from the trooper's reach.

Tinsley stood up and attempted to climb back over the southern boundary fence. The trooper grabbed him and the men continued to wrestle and struggle. While on his back, the trooper's duty belt and legs became caught in the fencing. The trooper grabbed Tinsley's pant leg, causing Tinsley to fall on top of the trooper. Tinsley straddled the trooper, sitting in the area of the trooper's waist, facing him. The trooper discharged pepper spray a third time in one more attempt to subdue Tinsley but the spray did not prompt any reaction. The trooper tried to strike Tinsley in the face with his fist but missed, dropping his pepper spray canister. Tinsley then began reaching around as if hunting for the pepper spray.

The trooper told Tinsley that he could leave. Tinsley made no verbal or physical response. The trooper then ordered Tinsley to get off of him, repeating his command several times over a period of time, but Tinsley continued to hold the trooper down and did not respond in any fashion. At that point, the trooper thrust his hip upward, dislodging Tinsley and allowing the trooper to reach his gun. Observing Tinsley to be approximately an arm's length away, the trooper discharged his duty weapon, a .45 caliber pistol, striking Tinsley in his right calf.

The trooper walked towards the turnpike to flag down help. Officers of the Wichita Police Department arrived and assisted the trooper. Emergency medical services were summoned for Tinsley and the trooper who had

sustained several injuries including cuts, bruises and a sprained ankle.

The investigation also revealed that the Bobcat and trailer being pulled by Tinsley had been stolen from 235 N. Hydraulic in Wichita sometime after 5:45 p.m. on Wednesday, October 16, 2002.

The Law

In Kansas, all persons including law enforcement officers are entitled to defend themselves and others against the use of unlawful force. The law provides that a person is justified in the use of force against an aggressor when and to the extent it appears to him and he reasonably believes that such conduct is necessary to defend himself or another against such aggressor's imminent use of unlawful force. In this case, Tinsley's repeated and continuous failure to comply with the trooper's verbal commands, his lack of response to various applications of escalating levels of physical and chemical force, and his continued physical restraint of the supine trooper after being directed to remove himself and to leave the area, gave the trooper just legal cause to believe it necessary to fire his pistol, striking Tinsley in the leg, to protect himself from Tinsley's continued use of unlawful force against him.

Christopher Tinsley was subsequently charged and convicted of felony theft in connection with the Bobcat. He was placed on probation for a period of 12 months.

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18th Judicial District of Kansas