



OFFICE OF THE DISTRICT ATTORNEY

GEORGE H. BRAUCHLER, DISTRICT ATTORNEY

18TH JUDICIAL DISTRICT

SERVING ARAPAHOE, DOUGLAS, ELBERT AND LINCOLN COUNTIES

September 19, 2017

Sheriff David Walcher
Arapahoe County Sheriff's Office
13101 E. Broncos Pkwy
Centennial, CO 80112

Re: Officer Involved Shooting by Arapahoe County Sheriff's Officer Robert Knudson
Case number DCSO 2017- 00060857

Sheriff Walcher:

I have completed my review of the Officer Involved Shooting that occurred on May 31, 2017 at approximately 5:16 am near 8621 E. Dry Creek Rd, Centennial, CO 80112 in Arapahoe County, Colorado.

For the reasons set forth below, it is my opinion that Deputy Robert Knudsen acted in accordance with the laws governing use of force in self-defense and defense of others, and use of deadly force by law enforcement.

James Daniel Hill [REDACTED]/99, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were driving around in a stolen 2004 white Chevrolet Impala on May 31, 2017. The Impala, with Colorado License Plate [REDACTED], was stolen sometime between May 28 at 1:00 pm and May 29th at 3:00 pm from 10260 Washington Street in Thornton. It is unknown who stole the vehicle or if any of the parties above were involved in the theft.

Around 4:30 am on May 31, the Impala parked in front of 7702 South Jasper Street, a neighborhood south of the Courtney Downs Apartments, which are located at 15859 Jamison Drive in Unincorporated Arapahoe County. The three male suspects entered the apartment complex on foot and the two female suspects remained in the Impala.

Twenty one year old [REDACTED] was sitting in his 2006 black Nissan Altima bearing Colorado license plate [REDACTED] parked in the apartment complex and was about to leave for work. At about 4:45 am to 4:50 am a young Hispanic male wearing a red hoody knocked on the window. The male in the red hoody opened his driver's side door, told [REDACTED] to get out and give him his phone, wallet and keys. A second Hispanic male in a black hoody armed with a black handgun was standing in front of the car with the gun pointed at [REDACTED]. The male in the black hoody told him to "give us your stuff if you don't want to get shot" so [REDACTED]

█ got out of his car and gave up his wallet, phone and keys. A third male was standing behind the car.

As soon as he gave up his property, █ backed away and watched the male in the red hoody get into the driver's seat, the male in the black hoody got in the front passenger's seat and the third male got in the backseat and they drove away. █ ran back to his apartment and immediately called the police.

Police later identified █ as the male in the red hoody, James Hill as the male in the black hoody holding the handgun and █ as the third male.

The three males returned to the Impala, picked up the two females, abandoned the Impala and all left in the black Nissan.

At 4:55 am █ called 911 to report the robbery and theft and Arapahoe County Sheriff's Deputy Bryan Teany responded. Arapahoe County Sheriff's Deputy Peter Tasei heard the description of the Nissan via dispatch and headed toward the area to assist. He was driving an unmarked police vehicle equipped with emergency lights and sirens.

At 5:11 am Deputy Tasei saw the Nissan headed westbound on Broncos Parkway east of Jordan Road. The car was traveling at a high rate of speed and driving without headlights. Deputy Tasei believed it was the stolen Nissan based on it matching the description and color, having multiple occupants and based on the driving behavior. The occupants had replaced the license plate with a temporary tag later determined to list to a car in Thornton. Deputy Tasei initiated a pursuit with emergency lights and sirens. The Nissan accelerated, ran a red light, and did not stop.

At about 5:14 am Deputy Teany, who had responded to █'s 911 call, aired that at least one handgun was involved in the carjacking. At 5:15 am Deputy Tasei aired that the Nissan was westbound on East Dry Creek Road.

Arapahoe County Sheriff's Deputy Robert Knudsen heard on the radio that there was a carjacking with a handgun, that three suspects were involved and that the car was westbound on East Dry Creek Road. Deputy Knudsen was driving a marked Arapahoe County Sheriff's car with his emergency lights and sirens activated and he was in full uniform.

He responded to the intersection of East Dry Creek Road and Yosemite Street because he said that marks a dividing line between mostly commercial properties to the east and residential properties to the west.

He felt the danger to the public would increase if the pursuit continued into a residential area. He also knew from his experience that Quebec was the next intersection west of Yosemite and that drivers traveling northbound or southbound on Quebec have limited visibility of westbound East Dry Creek Road traffic. He felt that if the pursuit reached that intersection the potential for a serious accident would increase that would endanger the public and pursuing police officers.

Deputy Knudsen's plan was to angle his car into the intersection at East Dry Creek Road and Yosemite to force the Nissan driver to turn north on Yosemite and stay in the commercial area rather than continuing westbound on East Dry Creek Road into the residential area. He had his lights and sirens on.

Deputy Knudsen saw the black Nissan approaching him with five people inside. The Nissan initially slowed but then veered around the front end of his patrol car to continue westbound on East Dry Creek Road past Yosemite. Deputy Knudson then intentionally struck the rear driver's side quarter panel of the Nissan with the front end of his vehicle to stop it.

The Nissan spun out of control and came to rest facing southbound on the north side of East Dry Creek Road near the Saddle Ridge Apartment Complex at 8717 East Dry Creek Road. The Saddle Ridge Apartment Complex is comprised of about 19 two story buildings with 230 units.

Deputy Knudsen saw the occupants flee the Nissan and start running between the multiple buildings of the apartment complex. He knew from what he had heard on the radio that at least one had a handgun and he thought potentially all five people might be armed.

Deputy Knudsen chased the suspects with his handgun drawn and repeatedly ordered the suspects to stop, put their hands up, get down on the ground and yelled that he knew they had a gun and he would shoot. None of the suspects obeyed his orders and Deputy Knudsen pursued them on foot.

The two females ran to the right and the three male suspects to the left. Deputy Knudsen followed the three male suspects westbound through the landscaping and patio areas toward the center of the apartment complex.

Ultimately Deputy Knudsen saw one male suspect split off and he could see that the suspect was holding a gun in his right hand. Deputy Knudson could see it was a black semi-automatic handgun being held straight out so that the suspect only had to turn to shoot at him.

Deputy Knudsen was concerned that the suspect would use the gun on him, on other police officers responding, or on anyone he encountered, in order to get into a residence in the apartment complex or to carjack another person. Deputy Knudsen continued to yell commands to stop, get down on the ground, and that he would shoot and the suspect did not comply.

Deputy Knudsen was about to reach a grassy berm with trees and the suspect was about to reach pavement which Deputy Knudsen felt would allow the suspect to pick up speed and get away from him. Deputy Knudsen was concerned that if he lost sight of the suspect that it would endanger other police officers and the public.

He thought that Deputy Tasei was approaching from another direction and he was concerned about residents coming out of their apartments and being confronted by the suspect.

He felt the risk to residents and police officers in the apartment complex would increase if he lost sight of the suspect, so he fired to try and stop him.

At approximately 5:16 am Deputy Knudsen fired two shots at the suspect from his Sig Sauer P220 .45 caliber semiautomatic handgun. One shot struck the suspect, identified as James Hill, in the back. Deputy Knudson heard the sound of a metallic object hitting and sliding across the pavement and saw that the handgun came to rest an estimated 10-15 feet from Hill, who fell on the ground.

A Heckler and Koch VP40 .40 S&W handgun was found about 20 feet from where Hill fell. It was later determined that Hill stole the gun from his father.

Deputy Knudson radioed for paramedics to respond to the suspect and he began applying pressure to the wound and performed CPR on Hill.

Hill was transported to Sky Ridge hospital and pronounced dead. The autopsy revealed that the bullet entered his back, perforated his left lung and he died of a penetrating gunshot wound of the chest. Toxicology showed the presence of marijuana.

The body cams and physical evidence support what Deputy Knudsen and other witnesses describe occurred on the morning of May 31, 2017.

C.R.S. 18-1-704(1) states that "...a person is justified in using physical force against another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent 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."

C.R.S. 18-1-704(2) states that "Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) the actor has 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..."

C.R.S. 8-1-707 (2)(a) states that "A peace officer is justified in using deadly physical force upon another person...to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;

(b) or to effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes... (III) is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay."

Based on the evidence and statements obtained during the investigation I find that Deputy Robert Knudsen reasonably believed that his life was in imminent danger, that James Hill presented an imminent danger of serious bodily injury or death to other police officers and to members of the public and that Deputy Knudsen was acting in self-defense and defense of others when he shot James Hill and that he was justified in eliminating the threat of further harm pursuant to 18-1-704, C.R.S. and 18-1-707 C.R.S.

Sincerely,



Karen Pearson
Chief Deputy District Attorney

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