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July 27, 2017

Sheriff Justin Smith
Larimer County Sheriff's Department
2501 Midpoint Drive
Fort Collins, CO 80525

Re: Opinion concerning—LPD #17-5386, EPPD #17-743, CSUPD #17-1069, FCPS #17-10880, LCSO #17-5482

Dear Sheriff Smith:

The criminal investigation surrounding the June 30, 2017 death of Chet Knuppel has been completed and submitted to my office for an opinion. As the District Attorney for the Eighth Judicial District, I am required to determine whether any person committed criminal law violations during this incident. The scope of this review is criminal in nature and necessarily limited by Colorado statutes to determine whether any criminal charge is legally provable beyond a reasonable doubt. My review also includes determining if the degree of force used by Larimer County Sheriff's Deputy Derek Signorelli was justified under pertinent Colorado statutes.

Larimer County's Critical Incident Protocol was in place and followed during this investigation. The investigation was conducted by the Critical Incident Response Team ("CIRT") for the Eighth Judicial District. The Loveland Police Department headed the CIRT team for this incident. Members of the CIRT team included personnel from the Loveland Police Department, the Estes Park Police Department, the District Attorney's Office for the Eighth Judicial District, Fort Collins Police Services, the Colorado State University Police Department, and the Larimer County Sheriff's Department. I have reviewed all of the reports, photos, videos, dispatch and communication records, witness interviews, ballistics, and findings made by the Larimer County Coroner's Office.

In determining whether the degree of force used by Deputy Signorelli was legally justifiable, my review is based on whether the following Colorado statute involving the use of force was violated.

Section 18-1-704 of the Colorado Revised Statutes provides:

- (1) ...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 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.*
- (2) 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...*

The definition of “deadly physical force” is set forth in C.R.S. section 18-1-901(3)(d). It reads:

“Deadly physical force” means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.

For purposes of providing context to the events of June 30, 2017, a review of historical information is necessary. The following is a summary of the facts in this case as established by the above sources of information:

Mr. Chet Knuppel was a 23-year-old resident of Larimer County with a documented history of mental illness and alcohol abuse. On May 3, 2015, Fort Collins Police Services arrested Mr. Knuppel for driving while under the influence of alcohol. During that police contact, Mr. Knuppel became agitated, stated that his life was over, and told the arresting officer to just shoot him now. Mr. Knuppel also became physically and verbally abusive to the officers.

On January 30, 2017, Fort Collins Police Services responded to an attempted suicide call on West Stuart Street in Fort Collins. The investigation revealed that Chet Knuppel had attempted to electrocute himself and had also caused injuries to himself with a knife. For his own safety, authorities placed Mr. Knuppel under an emergency mental health hold at that time.

In March 2017, Mr. Knuppel was re-sentenced to probation for his 2015 alcohol-related driving conviction. Terms and conditions of probation included no consumption of alcohol or drugs and that he not drive a motor vehicle due to his driver’s license being under restraint by the State of Colorado.

About two weeks prior to the present incident, Mr. Knuppel showed up for work intoxicated. His employer called Mr. Knuppel’s father to come and pick up his son. Mr. Knuppel became physically violent with his father when he arrived.

On June 30, 2017, Mr. Knuppel was residing with his parents with the understanding that he would not be allowed to have alcohol in the home as he was on probation and legally prohibited from consuming alcohol. CIRT investigators discovered that Mr. Knuppel purchased a forty-ounce beer from a Fort Collins liquor store at 5:51 p.m. on June 30, 2017. Shortly thereafter, Troy Knuppel, Chet Knuppel's father, came home. Troy Knuppel smelled alcohol on his son's breath and observed an empty beer bottle in the trash can. Chet Knuppel told his father he was going for a walk and Troy Knuppel left the residence to pick up his wife. Phone records confirm a phone call was placed between Chet's phone and his father's phone at 6:10 p.m. According to Troy Knuppel, Chet called him and he confronted Chet about his alcohol consumption.

As Troy Knuppel and his wife were pulling up to their home, he observed his son, Chet, driving out of the parking area in Troy Knuppel's Volkswagen Passat. Troy Knuppel attempted to call Chet on his cell phone several times but Chet did not answer. Concerned that Chet may harm himself or others, due to that fact that he had been drinking and was now driving, Troy Knuppel called 911 to report that his VW Passat had been taken without his consent. Troy Knuppel placed that 911 call at 7:27 p.m. on June 30, 2017.

Five minutes prior, at 7:22 p.m., Chet Knuppel called a friend, Carlton B., and told Carlton that he was driving to Carlton's residence and going "180 mph." Carlton told CIRT investigators that Chet was very agitated. Carlton told CIRT investigators that Chet told him that he and his father had been in some sort of heated argument. Carlton stated that, "At that point Chet was in, in a bad state in his head." Carlton explained to CIRT investigators that anytime Chet got into bad situations it would "trigger something in his head," he would get "almost kind of wild," become "unpredictable," "things would change," and that Chet would not act the same. Carlton also stated that while he was speaking with Chet, he "heard a bang, a collision. I heard—I knew he hit something." Carlton reported that Chet then said, "oh shit, oh shit, oh shit," and explained that his tire just blew out and that he would not be able to make it to Carlton's house.

At approximately 7:29 p.m., Charles M. (82 years old) and his wife, Donna M. (80 years old), were traveling westbound on Carpenter Road in their white Jeep Cherokee. Charles M. stopped at a red light at Timberline, approximately 30 feet behind the car in front of him at the red light. As Charles M. and Donna M. sat at the red light, Chet Knuppel was driving eastbound on Carpenter and swerved into the gap in front of Charles M.'s Jeep Cherokee. Witnesses noted that Mr. Knuppel's VW Passat had a flat tire. Mr. Knuppel jumped out of his car, which was effectively blocking Charles M.'s Jeep, aggressively approached the driver's door of Charles M.'s car, and tried to open the driver's door. Mr. Knuppel grabbed the door handle with his left hand and reached around behind his back with his right hand while demanding that Charles M. "get out of the car or I will shoot you." Charles M. told CIRT investigators that Mr. Knuppel repeated his threat to shoot him a second time in an attempt to make Charles get out of his car.

Another couple, Luke N. and his wife, Katie N., had just turned from southbound Timberline onto eastbound Carpenter. Luke N. saw a VW Passat blocking a white Jeep Cherokee and observed the driver of the Passat jump out and approach the driver of the Jeep. Believing that there may have been an accident, Luke N., a firefighter/EMT, got out of his car to see if he could assist in any way. Luke N. heard the driver of the Passat (Mr. Knuppel) yell something to the effect of "you hit my fucking car; get out of the car or I'm going to fucking shoot you." Katie N.

also heard Mr. Knuppel yelling at the driver of the white Jeep to “get out of the car or I’m going to fucking shoot you.”

Katie N. called 911 at 7:29 p.m. to report that a man in a VW Passat was threatening to shoot an elderly man in a white Jeep at the intersection of Carpenter Road and Timberline Drive. That call was received by the Loveland 911 call center. There was some confusion during this call as to whether there had been a collision between the VW Passat and the white Jeep Cherokee. CIRT investigators determined that there was no collision. CIRT investigators concluded that Charles M. and his wife, Donna M., were the victims of an attempted car-jacking due to the fact that Mr. Knuppel’s vehicle had just blown a tire approximately 5-6 minutes earlier.

Luke N. and Katie N. observed Mr. Knuppel get back in the VW Passat and speed eastbound on Carpenter. Mr. Knuppel was driving erratically and driving on the wrong side of the road. While relaying this information to the 911 operator, Luke N. observed the VW Passat crash just west of the intersection of Carpenter and County Road 9. He shared this information with the Loveland 911 operator. Luke N. and Katie N. then proceeded eastbound on Carpenter and observed that the VW Passat had been in a crash with a white Chevrolet Cavalier.

The driver of the Cavalier, Jonathon R., stated that he was eastbound on Carpenter when a grey VW Passat tried to pass him on a curve. The VW Passat forced him off of the road, striking him in the process, in an effort to avoid a head-on collision with a truck which was westbound on Carpenter. Jonathon R. told CIRT investigators that the driver of the Passat “seemed delusional” and was “acting weird.”

Brian P. and his wife, Christa P., observed part of Chet Knuppel’s confrontation with the older couple in the white Jeep at the intersection of Timberline and Carpenter. Brian P., a military veteran, was aware of the fact that Mr. Knuppel had made threats to shoot the driver of the white Jeep. Brian P. and Christa P. observed Mr. Knuppel flee eastbound on Carpenter, drive recklessly, and pass multiple cars on a blind curve. Brian P. followed and came upon the crash scene between Mr. Knuppel’s Passat and the white Chevrolet just as the dust was settling. Knowing that Mr. Knuppel had just threatened to shoot the elderly driver of the Jeep, Brian P. advised other good Samaritans—who were checking to see if the driver of the Passat was ok—to be careful because the driver was armed and had threatened to shoot someone at Timberline and Carpenter. Brian P. attempted to make a citizen’s arrest of Mr. Knuppel, and told other witnesses that they should detain him until the police arrived. Brian P. told CIRT investigators that Mr. Knuppel was drunk and had a “huge effervescence of alcohol coming off of him.” He also stated that Mr. Knuppel had threatened to shoot the driver of the Chevrolet.

Katie N. stated that Mr. Knuppel was angry and out of control at the scene of the crash. She described that Mr. Knuppel was physically agitated, waving his arms, pacing, and cursing. Katie N. saw Mr. Knuppel on his phone. Luke N., the EMT, was trying to calm Mr. Knuppel down and asked who he was calling. Mr. Knuppel said he was calling his dad and kept asking people around him, “Where am I? Where am I?” According to witnesses at the scene, Mr. Knuppel took off running southbound through a field when he heard police sirens approaching.

In an interview with CIRT investigators, Mr. Knuppel's father, Troy Knuppel, confirmed that Chet called him after the crash. Troy Knuppel recounted the phone conversation with his son:

I says, "where are you? Get it back here." And he says "Dad," and I says, "Chet just pull over. Park the car. I'll come to you." And he's like, "No need. It's parked." And I said "Chet," I says, "are you okay?" And he didn't really say anything and he says, "Don't worry, I'm gonna – I'm gonna take care of it." Then he goes, "Bring a gun." I didn't – I'm like, "That's just – that isn't gonna happen." Cause he – he – when he's been drinking, he gets upset and then that – the suicide thing runs in. Um, I said, "Chet, just stay there. I'll be right there." And he goes, "I'm not. I'm running." I said, "Chet, that isn't gonna help anything." "It's gonna help me," he said. I said, "Chet don't. Just stay there." And he hung up the phone.

Larimer County Sheriff's Deputy Sam Roth was on routine patrol in the area of the Loveland/Fort Collins airport. Deputy Roth's police radio was set to monitor Fort Collins Police dispatch as well as Loveland Police dispatch. Deputy Roth heard Fort Collins Police dispatch directing officers to a traffic accident at Timberline and Carpenter wherein one of the drivers involved was being violent and had a gun. Deputy Roth notified the Larimer County dispatch center that he was going to respond to the accident call due to the fact that a person was being violent. Larimer County dispatchers acknowledged Deputy Roth and then notified Deputy Roth that the violent person had a gun and that the gun may be in the car. [LCSO Dispatch](#)

Deputy Roth then proceeded with lights and sirens westbound on Carpenter from the I-25 frontage road. Larimer County Sheriff's Deputies Derek Signorelli and Tyson Russell, who were riding together in an unmarked patrol truck, heard the LCSO dispatch to Deputy Roth regarding the presence of a gun, and notified LCSO dispatch they were responding as backup to Deputy Roth.

Witnesses at the scene of the accident all indicated that it was the sound of the approaching police sirens that caused Mr. Knuppel to run into the field. Witness Ronald F. indicated that he saw Mr. Knuppel reaching toward his rear waistband as he was running away from the scene of the accident.

As Deputy Roth was approaching the scene of the crash, he saw witnesses pointing to the field south of Carpenter Road. Deputy Roth observed two men running in the field. Witness Brian P. yelled to Deputy Roth, "potential weapon officer." Deputy Roth parked his patrol car at an entrance into the field, pulled his service pistol from its holster, and proceeded on foot in pursuit of the closest of the two males in the field. At this point in time, Deputy Roth was unaware whether the nearer male was the person with the gun, or a citizen who was pursuing the man with the gun. Deputy Roth closed in on the closest male and ordered him to the ground at gunpoint. This male immediately complied and Deputy Roth was able to determine that this male was chasing the man with the gun. Deputy Roth ordered this Good Samaritan to stop his pursuit and exit the field. This person complied and left the area. As a result, CIRT investigators have been unable to locate and identify this witness.

Deputy Roth continued his foot pursuit of the man with the gun. Deputies Signorelli and Russell arrived on scene and drove into the field in an effort to catch up to Deputy Roth. Brian P. made contact with Deputies Signorelli and Russell, pointed out Mr. Knuppel—who was still running away from Deputy Roth—and indicated that Mr. Knuppel was the guy with the gun.

As Deputy Signorelli continued to drive into the field with Deputy Russell in the front passenger seat, their emergency red and blue lights remained on. Deputy Signorelli stopped to pick up Deputy Roth and while stopped, grabbed his AR-15 patrol rifle. Deputy Signorelli jumped back into the driver's seat, Deputy Russell remained in the front passenger seat, and Deputy Roth sat in the rear passenger seat of the patrol truck with the rear door open.

Deputy Russell, using the patrol truck's PA system, began giving verbal commands for Mr. Knuppel to stop running and to put his hands in the air. Mr. Knuppel ignored these commands and continued to run towards a farm house and various barns to the south of the deputies' location. During this time frame, LCSO dispatch aired additional information that the fleeing suspect was reported to be intoxicated and that the vehicle he had crashed was confirmed as stolen. With knowledge that the fleeing male was armed, had threatened to shoot multiple people, had abandoned a stolen car, and was intoxicated, the Deputies were concerned for their safety and the safety of any individuals who may be in the farm house toward which the suspect was running.

Due to irrigation, the field was extremely muddy in lower lying areas. As Deputy Signorelli closed to within approximately 100-125 yards of Mr. Knuppel, the patrol truck sunk up to the wheel wells in deep mud and became inoperable. At this point in time, Mr. Knuppel was on higher and dryer ground to the west of the deputies' location. Deputy Signorelli exited the driver's side of the patrol truck, with his AR-15, and stepped into the deep mud. Deputies Russell and Roth both had their service pistols out as they exited the passenger side of the patrol truck and they too stepped out into very deep mud.

All three deputies were giving commands for Mr. Knuppel to stop and get on the ground. At this point in time, Deputy Signorelli estimated that Mr. Knuppel was approximately 100-125 yards away at the crest of a rise in the field. All three deputies reported that once they exited the truck, Mr. Knuppel stopped, turned towards them, and began a "rapid" and "determined" approach down towards the deputies. Deputy Signorelli reported that as Mr. Knuppel closed approximately half of the distance to the deputies, he reached around to small of his back with one of his hands. All of three deputies were yelling for Mr. Knuppel to stop and show his hands. Mr. Knuppel ignored all commands and continued his rapid approach towards the deputies while reaching behind his back. All three deputies reported that they feared that Mr. Knuppel was closing the distance to them while reaching for his gun and, once in effective pistol range, he would draw his weapon and fire at the deputies.

Deputy Russell was able to access the emergency button on his body radio which sends an alert to the LCSO dispatch center indicating that an officer needs immediate assistance. Activation of this emergency button also opens the deputy's microphone for approximately 10 seconds. Whatever is picked up by the microphone is broadcast to dispatch and all other officers' radios.

LCSO dispatch tapes captured the transmission of Deputy Russell's microphone during the final seconds of Mr. Knuppel's advance towards the deputies. [Warning Commands](#)

Deputy Signorelli realized that once Mr. Knuppel closed to within 25 yards of the deputies, their lives were at serious risk from a pistol shot fired by Mr. Knuppel. Due to the fact that the patrol truck was buried in the deep mud, and the deputies were likewise unable to effectively move and retreat, Deputy Signorelli made the decision that he would be forced to shoot if Mr. Knuppel continued to refuse commands to show his hands and stop his deliberate advance on the deputies. Mr. Knuppel did not stop his advance and, in fact, reached his second hand toward the small of his back. As Mr. Knuppel closed to within 25 yards of the three deputies, Deputy Signorelli fired one shot from his AR-15. That one shot can be heard on the emergency transmission from Deputy Russell's radio. Deputy Russell and Deputy Roth both reported that they were on the verge of firing their pistols in self-defense when they heard Deputy Signorelli fire. Weapons inspections by CIRT investigators confirm that only one shot was fired and it was fired by Deputy Signorelli. During the subsequent investigation, CIRT investigators were able to determine that Mr. Knuppel was not in possession of a firearm despite his verbal and physical representations to the contrary.

Mr. Knuppel was struck with the one shot and immediately fell to the ground. The deputies maneuvered through the mud up the rise to a point where they could see Mr. Knuppel's hands. Deputies then made contact with Mr. Knuppel, placed handcuffs on his wrists, and immediately began rendering first-aid. Other emergency personnel arrived shortly thereafter.

Mr. Knuppel was transported to the Medical Center of the Rockies where he was pronounced dead. Findings from the Larimer County Coroner confirm that Mr. Knuppel was shot one time in the upper chest. Crime scene processing recovered one spent rifle casing. The Larimer County Coroner's Office determined that Mr. Knuppel's blood alcohol level was over two time the legal limit (.186 g/100 mL) and also found that Mr. Knuppel had active amounts of THC in his bloodstream at the time of his death.

Several witnesses, including Deputy Russell and Deputy Roth, reported hearing possibly two shots which is contrary to all of the physical evidence from the scene, from the medical examiner's report, and from Deputy Signorelli's statements. Due to the "open mike" on Deputy Russell's radio, once he hit his emergency button, all of the sounds from the scene were being broadcast to the LCSO dispatch and also to every deputy's radio. In his interview with CIRT investigators, Deputy Signorelli noted that, at one point during the confrontation, he recalled hearing deputies' commands to Mr. Knuppel echoing back. In fact, once Deputy Russell hit the emergency button on his radio, every verbal command, as well as the report from Deputy Signorelli's one rifle shot at the scene, was rebroadcasted to Deputy Signorelli's radio, Deputy Roth's radio, as well as to the radios of other back-up deputies who were arriving on the scene and entering the field. The CIRT investigation determined this radio echo effect was why witnesses reported hearing more than one shot on scene.

Based upon the totality of the evidence, I find that Mr. Knuppel committed the only criminal offenses during this incident. Had he survived, sufficient evidence exists to have charged Mr. Knuppel with two Class 3 felonies for "Crimes Against an At-Risk Adult" for the attempted car-

jacking of Charles M. and his wife, Donna M.; three Class 5 felonies for “Menacing” based upon Mr. Knuppel’s verbal threats to shoot Charles M., Donna M., and Jonathon R.; three additional Class 5 felonies for “Menacing” based upon Chet Knuppel’s deliberate actions of rapidly and aggressively approaching Deputy Signorelli, Deputy Russell, and Deputy Roth while reaching to the small of his back in a manner calculated to cause the deputies fear that he had a gun in his waistband. Numerous other criminal charges involving the theft of the car, driving while under the influence of alcohol, driving recklessly, and driving under revocation could also have been pursued.

Based upon Mr. Knuppel’s prior suicidal history, his abuse of alcohol, and his deliberate actions of June 30, 2017, the evidence strongly suggests that Mr. Knuppel intentionally placed himself in a situation wherein law enforcement officers would be forced to shoot him.

Unfortunately, the situation where individuals suffering from mental health or substance abuse issues deliberately force a deadly use of force confrontation with the police has become all too common. Law enforcement has adapted and issued less lethal equipment in hopes of avoiding the police having to use deadly physical force. However, less lethal equipment is only effective when in close proximity with the person who is threatening officers’ and others’ lives. The reach of a bullet from a suspect’s gun is far greater than the reach of a police officer’s baton, pepper spray, or Taser. It was objectively reasonable to believe that Mr. Knuppel was armed with a gun and that he intended to shoot the deputies when in range. Colorado law allows officers to protect their lives, the lives of fellow officers, and the lives of innocent civilians by using deadly physical force in this situation.

I find the lethal force used by Deputy Signorelli was justified pursuant to C.R.S. section 18-1-704.

Respectfully,



Clifford E. Riedel
District Attorney

Cc: Lt. Jan Burreson, LPD
Lt. Rick Arnold, LPD
CIRT-Incident Commanders