



For Immediate Release:

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August 13, 2026

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to an officer-involved shooting June 6, 2025, involving the Adams County Sheriff's Office.

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

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August 11, 2026

Sheriff Gene Claps
Adams County Sheriff
4430 S Adams County Pkwy 1st Floor, Suite W5400
Brighton, CO 80601

RE: The officer-involved shooting of Mr. Robert Santistevan on June 6, 2025

Dear Sheriff Claps:

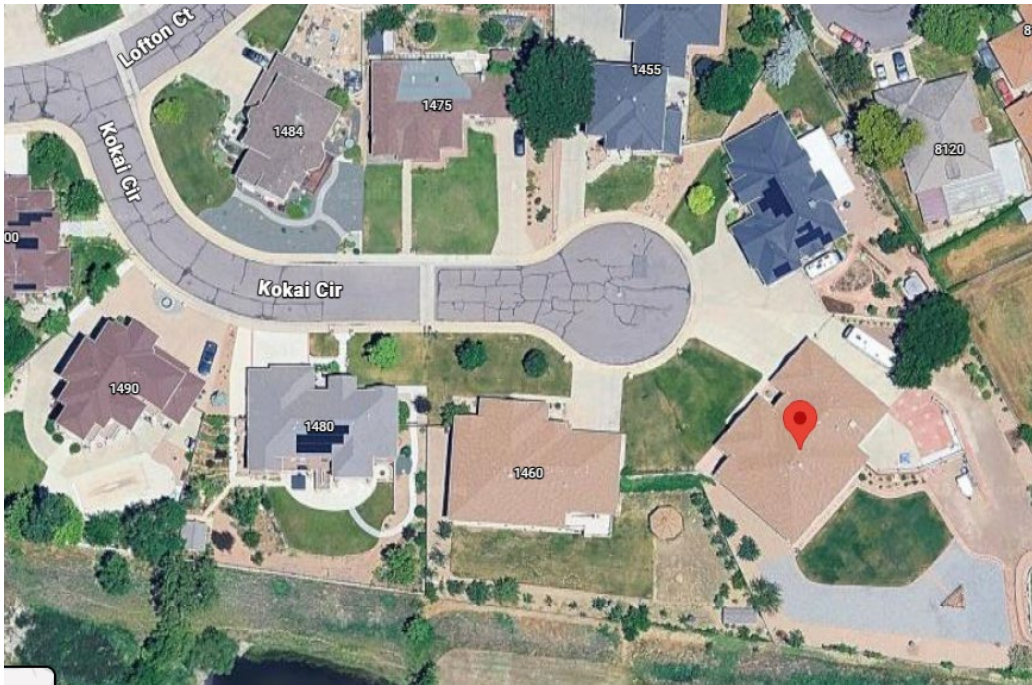
This letter is a review of the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the June 6, 2025, officer-involved shooting of Mr. Robert Santistevan. The 17th Judicial District Critical Incident Response Team conducted the investigation, led by Aurora Police Department Detective Troy Raines. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Adams County Sheriff's Department. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter includes a summary of the facts and materials that the CIRT presented for review, along with my pertinent legal conclusions.

This review is limited to determining whether any criminal charges should be filed against the involved officers for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all the elements of a crime beyond a reasonable doubt. The prosecution also has the burden of proving beyond a reasonable doubt that the use of force was not legally justified. This independent investigation and review is not intended to take the place of an internal affairs investigation by your agency. The 17th Judicial District Attorney's review does not evaluate compliance with departmental policies, standards, or procedures.

I find the actions of the involved officers to be justified in this incident. Furthermore, based on the evidence presented and applicable law, there is no reasonable likelihood of proving the elements of any crime beyond a reasonable doubt against the involved officers. Therefore, my office will not file any criminal charges against the officers involved in this incident.

Summary of the Incident

On June 6, 2025, at approximately 5:11 a.m., Adams County 911 communication center received a call from a male at 1440 Kokai Circle, Denver, Colorado. The male caller, later identified as Mr. Robert Santistevan, stated that he had killed his ex-wife's parents inside their residence and needed deputies to respond. Mr. Santistevan advised dispatch that the officers would have to kill him upon their arrival.



Aerial image of 1440 Kokia Circle, Denver, Colorado

Deputy Kijowski was working district two, reviewed the dispatch call notes as they came in and began heading to the location. Deputy Kijowski was the first officer to arrive on scene and parked down the street as he waited for cover officers to arrive. Deputy Kijowski observed the residence and noted a pickup truck had driven into the garage door. Deputy Alvarado arrived followed by Deputy Hobbs and Deputy Franklin, all who positioned themselves down the street near Kokia Circle and Loftan Court.

The deputies worked to set up a perimeter and make contact with Mr. Santistevan to engage him peacefully, and to prevent him from leaving the area, to minimize any further harm to the community. Deputy Kijowski maintained a visual of the residence and observed Mr. Santistevan come outside with an item in his hand and blood on his arms. Deputy Alvarado made phone contact with Mr. Santistevan, who retreated into the residence. During the conversation, Deputy Alvarado worked to deescalate the situation, but Mr. Santistevan advised again that he had killed both of his ex-wife's parents and the deputies were going to have to kill him. Mr. Santistevan then abruptly ended the call.

The deputies were still positioned down the street, when Mr. Santistevan exited the residence and began pacing out front. Mr. Santistevan then quickly began walking towards the deputies with a fixed blade knife in his hand. Deputy Hobbs and Deputy Alvarado gave repeated commands "police, drop the knife." Deputy Alvarado was positioned on the passenger side of a white marked police vehicle armed with a rifle. Deputy Kijowski was positioned on the driver's side of a black marked police vehicle with a non-lethal 40mm launcher, and Deputy Franklin was to his left providing lethal cover. Deputy Hobbs was positioned nearby with a taser. Mr. Santistevan ignored the deputies' commands and continued in their direction. As Mr. Santistevan was advancing, Deputy Franklin heard Mr. Santistevan state: shoot me.

As Mr. Santistevan approached, Deputy Kijowski deployed two non-lethal 40mm foam rounds impacting Mr. Santistevan to gain compliance. The non-lethal rounds were ineffective, so Deputy Kijowski then transitioned to his duty weapon. Following the use of the 40mm foam rounds, Deputy Hobbs then deployed a taser. The initial taser deployment connected with Mr. Santistevan causing him to fall to the ground. Mr. Santistevan quickly recovered to his feet, however, still with the knife in his hand. Deputy Hobbs deployed the taser again, connecting with Mr. Santistevan and causing him to fall and drop the knife, which was still within arm's reach. With the knife on the ground, Deputy Kijowski and Deputy Franklin began to approach him to recover the knife and take him into custody. Deputy Kijowski approached to kick the knife away, however, Mr.

Santistevan returned to his feet and regained control of the knife- raising it in his right hand advancing towards the deputies. Mr. Santistevan was focused on going straight towards Deputy Kijowski and Deputy Franklin who began to retreat. Deputy Kijowski, Deputy Franklin and Deputy Alvarado each discharged their duty weapons at this time.

In their formal CIRT interviews, the deputies described their perception of the threat posed by Mr. Santistevan. Deputy Kijowski stated he was terrified the way Mr. Santistevan looked at him and advanced towards him with the knife clenched in his hand, appearing to 'wind up' as though he was preparing to kill him or Deputy Franklin. Deputy Kijowski reported observing one of Deputy Alvarado's rounds strike Mr. Santistevan; however, he continued coming towards the deputies. At that point, Deputy Kijowski discharged his 9mm duty weapon, striking Mr. Santistevan. Deputy Franklin stated that he feared for his own safety and the safety of the other deputies, so he discharged his 9mm duty weapon. Deputy Franklin noted they had already exhausted all non-lethal methods, and it was clear at this point that Mr. Santistevan was determined to stab or kill him or another deputy. Deputy Kijowski and Deputy Franklin fired almost simultaneously. Deputy Alvarado explained that Mr. Santistevan posed a clear and immediate threat to the deputies' lives. He stated Mr. Santistevan was fully engaged with the deputies and observed the knife rising upwards as Mr. Santistevan lunged towards Deputy Franklin and Deputy Kijowski. In response, Deputy Alvarado discharged his rifle three times.

Mr. Santistevan was impacted by the bullets and Deputy Hobbs provided medical treatment on scene. Mr. Santistevan was transported to Mountain Ridge Hospital for medical treatment who ultimately succumbed to his injuries. Several deputies then proceeded to the residence to check on the welfare of the residents inside of 1440 Kokai Circle, where the deputies identified two deceased individuals in the basement of the home.

Body-Worn Camera and Dash Camera

All the deputies were outfitted with body-worn cameras, and their marked police vehicles were outfitted with dash cameras capturing the incident as it unfolded. Deputy Alvarado's dash camera provides full visibility of the incident as it progressed. At 5:31:19 a.m. Mr. Santistevan begins to walk towards the deputies that were positioned in the area of Kokai Circle and Lofton Court. At 5:31:34 a.m., Deputy Alvarado announces, "Robert, this is the police man, drop that knife, drop the knife Robert." At 5:31:42 a.m., Deputy Kijowski deploys the first non-lethal 40mm launcher, impacting Mr. Santistevan as Deputy Alvarado provides commands. At 5:31:50 a.m., announcements, "police, I will shoot you, drop the knife." At 5:32:49 a.m., Deputy Kijowski deploys the 40mm again impacting Mr. Santistevan. Throughout, repeated commands are given to Mr. Santistevan to drop the knife.

At 5:31:54 a.m., Deputy Hobbs deploys his taser impacting Mr. Santistevan. At 5:31:59 a.m., the second taser deployment impacting Mr. Santistevan who falls to the ground. At 5:32:02, Deputy Kijowski and Deputy Franklin approach to gain control of the knife, however, by 5:32:06 a.m., Mr. Santistevan regains control of the knife and advances towards the deputies. At 5:32:07 a.m., shots were fired by Deputy Kijowski, Deputy Franklin and Deputy Alvarado.



Image from police vehicle dash camera, as Mr. Santistevan moves towards Deputy Kijowski and Deputy Franklin brandishing a knife with Deputy Alvarado positioned on the right side of the image.

Crime Scene Investigation and Autopsy

Criminalists assigned to the CIRT gathered evidence and processed the scene. Four marked Adams County Sherriff's Department vehicles were located near the intersection of Kokai Circle and Lofton Court. On the Northeast corner of Kokai Circle was an Adams County Sherriff's Office patrol vehicle, number 088, positioned facing south. The driver's side door was open. On the ground, near the driver's side door, was a 40mm impact casing, underneath the front driver side tire was a taser wire. To the south of the vehicle, on the sidewalk and in the gutter area, there were three fired 9mm caliber casings consistent with the rounds fired by Deputy Kijowski and Deputy Franklin. Underneath the front passenger tire was a taser and several strands of taser wire. On the west side of Kokai Circle, in front of 1500 Kokai Circle, there were three fired .223 caliber rifle casings were located, consistent with the rounds fired by Deputy Alvarado. Located on the sidewalk was a black tactical knife with suspected bloodstains on both the blade and handle of the knife.



Knife utilized by Mr. Santistevan, located on the sidewalk after the incident.

On June 9, 2025, an autopsy was conducted by forensic pathologist, Dr. Cina, with the Adams County Coroner's Office. Mr. Santistevan sustained multiple gunshot wounds. There was no evidence of close-range firing on the skin associated with the entrance wounds. Evidence of two foam bullet strikes were noted on the left side of the chest as well as four probable taser strikes. Toxicology results noted the presence of alcohol, with a blood concentration level of .138. The cause of death was identified as multiple gunshot wounds, and the manner of death was homicide.

Legal Analysis

As previously noted, this review is limited to a determination of whether criminal charges should be filed against the law enforcement officers involved in this incident. The decision to file criminal charges involves an assessment of all known facts and circumstances as well as an evaluation of whether there is a reasonable likelihood of conviction at trial under the applicable law. Criminal liability is established when the evidence is sufficient to prove all the elements of a crime beyond a reasonable doubt. In addition to proving the elements of a crime, the prosecution must also *disprove* any statutorily recognized justification or defense beyond a reasonable doubt. Consequently, to file a criminal charge, the District Attorney's Office must be able to prove beyond a reasonable doubt that the involved law enforcement officers' actions were *not* justified under the circumstances surrounding this incident and the applicable law.

Under Colorado law, a law enforcement officer may use an amount of force – including deadly physical force – that is necessary and reasonable. Additionally, under Colorado law, police officers, like any other individual, have the right to defend themselves or others from the use or imminent use of unlawful physical force. An officer's right to use reasonable force is an affirmative defense, meaning that the prosecution must prove beyond a reasonable doubt that the use of force was not justified. The affirmative defenses applicable to the officers' use of force at the time of this incident are found at §18-1-707, C.R.S. (2025), and the relevant portions of that subsection provide:

(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.

...

(2) When physical force is used, a peace officer shall:

(a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;

(b) Use only a degree of force consistent with the minimization of injury to others....

(3) 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;

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time

for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provisions in this section, a peace officer is justified in using deadly physical 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.

The U.S. Supreme Court seminal case of *Graham v. Connor*, 490 U.S. 386 (1989), the Court has forth a standard of “objective reasonableness” in evaluating the use of force by a police officer. Under this standard, the inquiry into the appropriateness of an officer’s use of force must (1) take into consideration the totality of the circumstances, including factors such as the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and (2) be judged from the perspective of an objectively reasonable officer on the scene “in light of the facts and circumstances confronting them, without regard to [his] underlying intent or motivation.” Further, the United States Supreme Court notes, “[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor*, 490 U.S. at 396-97.

Accordingly, applying the proper legal standard in this case, the critical inquiry is whether an objectively reasonable officer, confronted with the same facts and circumstances, would have concluded that Mr. Santistevan posed an immediate threat to the safety of the officers or other persons, such that the use of force, including deadly physical force, was necessary. Here, the involved deputies responded to a call to assist an individual who reported that he had murdered two people. The team of Sheriff’s deputies responded, securing a perimeter near the residence and worked to communicate with Mr. Santistevan to ensure community safety. Mr. Santistevan advised dispatch and the deputy over the phone, that the deputies would have to shoot him upon contact.

Mr. Santistevan walked in and out of the home and was observed with blood on his arms. He ultimately exited the residence with a clear purpose, moving directly towards the deputies while holding a fixed blade knife. As he advanced, deputies gave repeated commands to drop the weapon. Deputy Kijowski deployed a less-lethal 40mm launcher striking Mr. Santistevan twice; however, he continued to advance. Deputy Hobbs then deployed a taser twice which affected Mr. Santistevan, causing him briefly to drop the knife, but he retrieved it and advanced towards Deputy Kijowski and Deputy Franklin in a menacing fashion, demonstrating his intention to harm or kill them. Deputy Alvarado, Deputy Kijowski and Deputy Franklin each stated that based on Mr. Santistevan’s actions and the manner in which he wielded the knife, they believed someone would have been killed or seriously injured had they not used deadly force to stop him. The evidence supports a conclusion that the law enforcement officers employed every reasonable effort to avoid using force upon Mr. Santistevan.

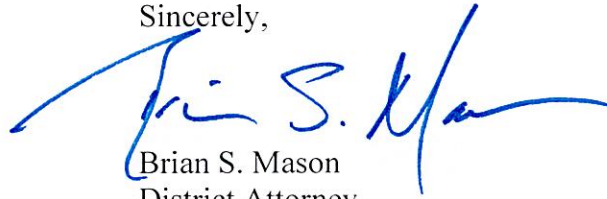
Mr. Santistevan demonstrated a sustained intention to engage with the police and ignored multiple commands to drop the weapon. Mr. Santistevan’s ability to withstand less-lethal options, refusal to obey commands and his actions with a deadly weapon caused the officers to make a split-second and, indeed, reasonable judgment in a tense and quickly evolving situation. Additionally, Mr. Santistevan had already taken the lives of two innocent people, made prior remarks indicating a desire to be involved in an officer-involved incident, and acted aggressively towards the officers throughout the interaction. I find the actions of the involved officers in this incident to be justified. There is no evidence to suggest that an objectively reasonable officer would have acted differently than the deputies during this incident.

Conclusion

Given the totality of the circumstances and evidence, the prosecution cannot prove that the involved officers were not justified in using reasonable force under §18-1-707, C.R.S. (2025). Therefore, applying the facts of this incident to the applicable law, the evidence does not support the filing of any criminal charges against Adams County Sherriff's Deputy Zackery Alvarado, Deputy Nicolas Kijowski and Deputy Kyle Franklin.

Please contact me if you have any questions or if you believe that further investigation is warranted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian S. Mason", with a stylized flourish extending from the end.

Brian S. Mason
District Attorney