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Chief Michelle Tovrea
Cherry Hills Village Police Department
2460 Quincy Avenue
Cherry Hills Village, Colorado 80113

RE: Officer involved shooting – Officer Cory Sack

Dear Chief Tovrea:

EXECUTIVE SUMMARY

Consistent with the requirements of section 20-1-114 of the Colorado Revised Statutes, I have completed my review of the officer-involved shooting that occurred on August 20, 2018, at Sedgewick Drive in Cherry Hills Village, Colorado. Detective Mike Williams of the Castle Rock Police Department is the lead investigator for the Critical Response Team (CRT). The investigation concerned the gunfire exchanged between Cherry Hills Village Officer Cory Sack and a suspect in a home invasion robbery. I was asked to review the conduct of Officer Sack to determine whether he acted in compliance with the law. It is my opinion that Officer Sack acted in complete accordance with the laws governing use of force in self-defense and defense of others, and use of force by law enforcement, and that his conduct was absolutely lawful.

MATERIALS REVIEWED AND INFORMATION CONSIDERED

I have reviewed Officer Cory Sack's interview, reports from law enforcement personnel from various agencies who responded, surveillance videos from the scene, crime scene photographs, aerial photographs, reports of witness statements, and other miscellaneous documents related to the investigation. The investigation of this case was comprehensive and I have sufficient information from which to render an opinion.

SUMMARY OF THE FACTS

On August 20, 2018 at approximately 10:53 pm, Arapahoe County Sheriff's Office dispatch received a 911 call from a cell phone associated with ■ Sedgewick Drive in Cherry Hills Village, Colorado. Dispatchers could hear screaming and yelling in the background and several different voices could be heard. "Get in your room" and "Get in the bathroom now" was being yelled by an unidentified male. The phone call lasted for approximately 2 minutes and 15 seconds when the call disconnected for unknown reasons. Dispatch attempted to call back several times, but the calls went straight to voice mail.

At 10:54 pm, Cherry Hills Police Officer Brent Hokanson was dispatched to ■ Sedgewick Drive on a report of a 911 hang-up with several voices in the background. Cherry Hills Village Police Officer Cory Sack¹ responded as a cover officer. Officer Sack was the first to arrive, at 10:58 p.m., and he parked in front of ■ Sedgewick Drive (next door).

It was later learned that four suspects had entered ■ Sedgewick Drive through an unlocked back doorway. At least two of the suspects were armed with handguns and were in the process of a home invasion robbery. The occupants of the home were ordered to give up their valuables and forced to open a safe, located in the master bedroom. Officer Sack was unaware of these facts as he approached the front door. As Officer Sack approached the front door, he noticed it was partially open. He could hear voices coming from inside the home and he saw that some of the lights were on. He could hear voices inside and he believed there was a fight occurring inside, possibly involving a male and female. He recalls announcing "police" and then entering the home.

Officer Sack walked through the foyer diagonally to his right, where he could hear the loud argument coming from down a long dark hallway. Officer Sack pulled out his flashlight and pointed it down the long hallway. Officer Sack observed an individual wearing all dark clothing and a mask. The person stated "oh fuck" and then immediately started shooting at Officer Sack, striking him in the left leg and right ankle. Officer Sack immediately returned fire, apparently striking the suspect's finger. Officer Sack was able to key up his radio and say "616," (Officer Sack's call number) but could not say anything else. Dispatch advised other Deputies and Officers "emergency traffic only" until other officers arrive in the area.

Officer Sack lost his handgun during the exchange of gunfire and was also unable to walk due to his injuries, which included a shattered femur. In an effort to avoid being shot again, he crawled outside onto the front porch and at 11:00 p.m. he advised dispatch "616 shots fired" and "I'm hit."

Cherry Hills Village Officers Hokansen and Fischer approached the home and found Officer Sack just outside the front door lying on the ground. He was bleeding from the leg and they applied a tourniquet. Several officers carried Officer Sack from the front door to a secure area. Fire/EMS personnel arrived and he was then transported to the hospital. By the time Officers Hokansen and Fischer arrived the assailant and his accomplices had fled from the back of the house.

¹ Cory Sack began his law enforcement career with the Elbert County, Colorado, Sheriff's Office in 2005, where he initially served as a detentions deputy and later as a patrol deputy. He joined the Cherry Hills Village Police Department in 2011, and has been assigned to patrol since that time.

FOLLOW UP

After the shooting police conducted an investigation and found information not known to Officer Sack at the time of the shooting.

Officer Fischer learned that there were six occupants at home during the robbery: [REDACTED]

At least one of the four robbery suspects shot out a bathroom window in an attempt to vacate the home. It appears that the suspects eventually used one of the back doors to escape from the home. The four suspects appear to have fled via a white sedan and also on foot. Several dozen officers from multiple jurisdictions arrived in the area and established a perimeter, but the suspects appear to have fled the area prior to this occurring.

A "RING" video surveillance system is installed at various locations at the [REDACTED] residence. This video system is motion activated and captured several short videos of the suspects approaching the home. The video shows four males attempting to enter the home via exterior doors. Two of the males appear to be carrying pistols and they are dressed in dark clothing with masks. Three of the suspects are also seen inside the home and walking through the kitchen.

Another RING video shows Officer Sack approaching the front door. A few seconds later, after he entered the home, there is yelling and then a significant amount of gunfire can be heard. A subsequent video shows Officer Sack lying on the ground outside the front door when he is approached by [REDACTED]

It was determined that approximately \$15,000 in cash, together with jewelry were taken during the robbery.

At the scene thirteen (13) cartridge cases from Officer Sack's handgun were recovered (.40 S&W caliber), as well as eight (8) cartridge cases from a 9mm pistol. Bullet fragments were recovered throughout the hallway where Officer Sack initially confronted the suspects.

APPLICABLE LAW

Section 18-1-704(2) C.R.S. states:

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.

Section 18-1-707 C.R.S. states:

- (2) A peace officer is justified in using deadly physical force upon another person...when he reasonably believes that it is necessary:
 - (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;

Deadly physical force “means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.” Section 18-9-901(3)(d) C.R.S.

ANALYSIS AND CONCLUSION

Here, the Cherry Hills Village Police Department (“CHVPD”) received a 911 call from a residence in Cherry Hills Village, ■ Sedgewick Drive. The 911 caller did not speak to the dispatcher, but rather left the telephone lying where the dispatcher would be able to hear what was happening within the residence. Just over two minutes into the call, after hearing yelling by several individuals, the call was inexplicably disconnected. The dispatcher did not know the nature of the problem, but dispatched officers to the residence.

CHVPD Officer Cory Sack was the first officer to arrive on scene. At that point he did not know the nature of the problem at the residence. He approached the front door and found it standing open. He could see that some lights in the residence were on, but not those in the entry foyer or hallway leading from the foyer. Officer Sack entered the residence and heard yelling from at least two individuals in another part of the house, down the hall from the foyer. Officer Sack recalls announcing “police” and got no response. He then proceeded through the foyer to the entrance of the long dark hallway leading from the foyer. Officer Sack shone his flashlight down the darkened hall and at the other end observed a male dressed in dark clothing, including a hoodie, and a mask. Once that person was illuminated the suspect verbally expressed his surprise at the police presence and immediately began firing at Officer Sack, hitting him in the left femur and right ankle.² Officer Sack, fearing imminent great bodily injury or death, immediately returned fire, presumably hitting his assailant in the finger.

Based on the law and the facts summarized above, including what Officer Sack knew at the time he fired at the suspect, I find that Officer Sack reasonably believed his life was in imminent danger. Moreover, I find, based on the law and the facts, that Officer Sack was justified in attempting to use deadly force to defend himself.

Larry Bailey
Deputy District Attorney
18th Judicial District of Colorado

² Crime scene investigators later recovered eight 9mm cartridge cases at the scene. Officer Sack’s duty weapon was a .40 S&W caliber. Thirteen .40 S&W caliber cartridge cases were found at the scene. No shots were fired except those at Officer Sack, those returned by Officer Sack, and some in a bathroom apparently to shoot out a window.