

Police in Utah fatally shot a record 19 people in 2018. Now the state attorney general is investigating why.

Salt Lake Tribune

May 19, 2019

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Link: <https://www.sltrib.com/news/2019/05/19/police-utah-fatally-shot/>



People were killed in the streets. In vehicles. In homes. Unarmed, and as they held weapons, and as they held something — a cellphone, a toy gun — that officers thought were weapons.

Some lunged toward police. Some told officers they wanted to die. Some had their backs turned.

In 2018, not a month went by without an officer in Utah shooting at someone. In all, police killed 19

people and shot at 30. That level of lethal force, according to Salt Lake Tribune records, was the highest in recent years.

Now the Utah attorney general's office has begun investigating why 2018 was so deadly. And last week, the American Civil Liberties Union of Utah called for a broader response, comparing the spike to a recent surge in Utah jail deaths that spurred scrutiny from advocates and lawmakers.

As the number of fatal shootings by police in Utah has dropped to one so far this year, it seems as though the public has moved on, the ACLU wrote in its spring newsletter. But families are still grieving, officers may still be suffering from the effects of trauma and Utahns should continue to ask "hard questions," the report said.

"If we don't examine why 19 people died in police-involved shootings in 2018," the report said, "we won't know how to respond if the trend starts to repeat in future years."

The wave of shootings comes just a few years into prolonged controversy over the use of deadly force by police in Utah and nationwide. In 2014, Utah police fired on 22 people and killed 14 — at the time, one of the deadliest years on recent record. The same year, police in Ferguson, Mo., killed Michael Brown, prompting protests across the country over police violence.

Some reforms followed, and police shootings in Utah dropped sharply in subsequent years. But the drastic increase last year has concerned and frustrated law enforcement, advocates and loved ones of those shot by officers.

The attorney general's office will try to determine whether the number of shootings is part of a trend that is at all preventable, or if 2018 was simply an anomaly, said Scott Carver, who is leading the project.

Nineteen deaths in a single year, ACLU Utah Executive Director Brittney Nystrom said in an interview, “cannot be dismissed as random occurrence. Instead, we need to examine likely causes, including how law enforcement responds to individuals experiencing mental health crises.”

There are two ways to look at the number of police shootings, Salt Lake County District Attorney Sim Gill often says. On one hand, the acceptable number of shootings in society ought to be zero. On the other hand, if Utah officers find themselves in situations that warrant lethal force — say, six times in a year — then six is an appropriate number of shootings, Gill reasons.

‘This warrants ... study’

Carver, director of training for the A.G.’s office, proposed the study after watching the number of shootings by police escalate last year, with agencies sometimes reporting multiple shootings in the span of a few weeks.

“This is not the usual [course of] events at all,” he said.

At the time, he was Salt Lake County undersheriff. But when he moved to the A.G.’s office this year in January, he saw an opportunity to analyze the spike.

The increase and “the impact it has on our officers and on the public” have been noticed by all of Utah law enforcement, Attorney General Sean Reyes wrote to local agencies in March.

“This warrants a cooperative in-depth study to see what actions we might take to reduce the number of shootings, increase the safety of our officers, and maintain a high level of public trust,” Reyes wrote.

Carver will look into police shootings across the state in 2016, 2017 and 2018. He has requested files for all those cases and plans to interview the officers and investigators involved. So far, he’s received documents from one county.

The question isn’t the legality of each officer’s use of force, he said — an assessment generally made by prosecutors in the county where a shooting occurs. Instead, Carver wants to examine how officers are trained and the policies and procedures their departments have for using lethal force, to see what changes, if any, should be made.

He also wants to know the role mental health issues play in the increase, including distraught people who appear to be attempting “suicide by cop” — and whether “anti-law enforcement sentiment” is a factor, he said.

And Carver hopes to learn what departments can do after shootings to improve their “after-incident response” for officers, to support them through the trauma of shooting someone.

The Utah ACLU did its own analysis and found a pattern of ineffective communication between officers and suspects, especially those who appeared to have mental health issues.

For example, in October, West Jordan officers moved in quickly to confront Diamonte Riviere in a cramped space and shouted conflicting instructions, the ACLU said.

Police also communicated poorly as they confronted Delorean Pikyavit, who was suicidal, outside a Salt Lake City home last April, the ACLU said. ACLU spokesman Jason Stevenson, who did research for the report, reviewed a 90-second video clip released by police. He counted seven times when an officer, or officers, told another to stop shouting over the negotiator on scene.

Also at issue, Stevenson said, are shootings in which one officer used lethal force and another officer in the same moment opted for less-than-lethal force. He said that occurred in at least two shootings in 2018.

The investigation by the attorney general's office, with its focus on police training and policies, is a "good start," Stevenson said. But the Utah ACLU wants to see a more expansive review that includes advocacy groups and the families of those killed by police, he said.

Unified Police Department officers, who patrol several cities, townships and unincorporated areas in Salt Lake County, fatally shot five people in 2018, the most of any law enforcement agency in Utah. Ogden police shot and killed three people, and departments in Salt Lake City, West Jordan and South Salt Lake each recorded two fatal shootings. Seven other agencies reported a single death. Officers from multiple agencies fired on two of the people who died.

'The threats in front of them'

Some in law enforcement say the shootings are chiefly explained by rising rates of violent crime.

"Police officers react to the threats in front of them," Utah Fraternal Order of Police Executive Director Ian Adams said. "Nobody goes out looking to be in a shooting. And so when they're presented with the threat of deadly force or serious bodily injury, then they react as they're trained and expected to, sometimes that includes the use of a firearm."

FBI data generally backs up Adams, with violent crimes — such as rape, murder, robbery and aggravated assault — trending upward in Utah since 2011, even when accounting for the state's expanding population.

The most recent data, which compares 2016 and 2017, shows small dips in violent crime.

Another possible indicator of increasing violence: Two Utah police officers have been killed in the span of a few months while responding to calls. South Salt Lake's David Romrell was killed in November, when he was struck by a car in a confrontation with two burglary suspects. A few days into 2019, Provo Officer Joseph Shinnars was killed attempting to arrest a fugitive.

"Frankly, I don't think people are talking about the increasing crime rate enough," Adams said. "I just don't see it as part of the state-level policy conversations that are taking place, and that's concerning. ... Officers can tell you before any kind of academic study can what's going on at the street level, and it doesn't show any signs of letting up."

Bountiful Police Chief Tom Ross, who was president of the Utah Chiefs of Police Association during 2018, also points to increasing violent crime. But officers also are responding to more volatile calls from people experiencing mental health issues; especially those who appear to be attempting "suicide by cop."

At least four people who were killed by police in Utah in 2018 had discussed harming themselves or explicitly asked officers to shoot them, according to Tribune records. Another man died by suicide after running from and being shot at by police in Salt Lake City.

'They will face no consequences'

Utah activists often cite another theory for the increase in shootings by police: There are, they argue, effectively no legal repercussions for doing it.

Of the more than 65 Salt Lake County use-of-force cases reviewed by Gill in his eight-year tenure, he has filed charges against officers three times. None of the 20 shootings last year in Salt Lake County has resulted in charges; reviews are pending in five of those cases.

"Police know that they will face no consequences for their actions," said David Newlin, an organizer with Utah Against Police Brutality. "If they use force, if they make an illegal arrest, if they even kill somebody, there will be no repercussions."

The worst a Utah officer who shoots someone will face is a "paid vacation" — paid administrative leave — while the shooting is investigated, Newlin said. Even if a prosecutor finds the shooting unjustified, he added, the officer is unlikely to be charged because Utah's statute is so favorable to officers.

The law generally says use of deadly force is justified if officers reasonably believe they or others are at risk of being killed or seriously injured; or that a person will escape arrest and there is probable cause to believe the suspect killed or severely hurt someone, or threatened to do so.

In 2018, only one shooting statewide has been found unjustified — and the officer remained on duty.

Ivonne Casimiro was suspected of breaking into cars at a Parowan truck stop when Enoch police confronted her July 28. Casimiro can be seen on video yelling and holding a screwdriver when Enoch Police Cpl. Jeremy Dunn shot her in the leg — but Iron County prosecutors ruled that Casimiro posed no threat of death or serious injury. Enoch kept Dunn on duty despite the prosecutors' finding.

Dunn has since left the department for personal reasons, Enoch City Manager Rob Dotson said, noting the department's use of force review board said Dunn acted within city policy.

But Unified Police spokeswoman Melody Gray doesn't agree that officers don't face repercussions. They are investigated twice — for potential criminal charges and any department policy violations — and their time on paid leave is not akin to vacation, she said.

It's a trying time for officers, she said. The heightened scrutiny of police shootings affects even officers who haven't shot people, she said, potentially slowing their reactions and putting them at risk. The stress and dangers of policing can take a toll on officers' mental health, according to the International Association of Chiefs of Police, which works to support officers' wellness.

At times, Ross said, officers are held to impossible standards — expected to protect and serve, without the public considering the split-second decision-making that goes into safeguarding themselves so they can go home at the end of their shift.

"As we suffer with the tragedies these families are going through," he said, "let's not lose sight that the officers involved are suffering, too."

'We're losing battles'

In 2014, two deaths in particular drew intense public criticism.

Dillon Taylor was unarmed and listening to music on headphones when he was shot and killed by Salt Lake City police just one week after Michael Brown was shot to death in Ferguson. A month later, Darrien Hunt, an anime fan who is black, was in Samurai costume when he was fatally shot by Saratoga Springs police; officers said he raised an accessory "katana" sword at them and ran away.

Scrutiny over those and other shootings contributed to some changes in Utah.

Lawmakers added restrictions to how police served no-knock warrants and mandated that an outside agency investigate all shootings by police. In 2017, after pressure from the Utah ACLU and other groups, Mayor Jackie Biskupski signed an executive order requiring Salt Lake City police to release body camera footage from critical incidents within 10 days.

Now more police agencies have body cameras on officers than ever before, Ross said.

Since Brown's death in Ferguson, Salt Lake City Police Chief Mike Brown said, his department has boosted its focus on deescalation training and community policing. Officers who successfully deescalate situations are recognized with a black and green pin, bordered in gold, for their uniforms.

"We have looked ourselves in the mirror," he said. "We have realized there are some changes that we could make."

Community Advocates Group, known as CAG, also was created after Brown's death. It has pushed Salt Lake City to publish use-of-force statistics online and make it easier for people to file complaints against officers or department staff.

Still, many activists don't think public officials have done enough to try to curb police shootings — and they've been dealt two blows to their efforts this year.

Unified Police Department, the agency with the highest number of fatal shootings by officers in 2018, announced it might get rid of its body cameras because they are too expensive. The department's board will make a decision sometime this summer.

Meanwhile, the Legislature banned cities from giving civilian oversight boards the authority to fire police officers — a power that several watchdog groups had promoted for a proposed review board called Salt Lake Civilian Police Accountability Council, or SLCPAC.

Rep. Paul Ray, R-Clearfield, the bill's sponsor, said he understood activists' intent. But he said the board would make policing "political" and could hurt recruitment, because officers would not feel their jobs were secure. It could also cause officers to second-guess their decisions in life-or-death situations, he said.

“Police do not control the number of shootings,” Ray said. “That’s controlled by the individual being shot and [their] compliance.”

Utah Gov. Gary Hebert signed the bill into law and it took effect last week.

Lex Scott, with Utah Black Lives Matter, believes police and politicians have regressed on issues surrounding shootings by police. But Ray’s bill only covered cities, she noted; activists could propose a similar county or statewide council as a ballot initiative for people to vote on, she suggested.

After a record year of fatal shootings by police, Scott said, it’s easy to become disillusioned and worry that things will never change. She said she has to remind herself that reform is a marathon and not a sprint — and there have been changes amid a national dialogue about police brutality.

“We just have to look at long-term goals,” she said, “and not get frustrated that we’re losing battles.”

After loved ones are killed by police, Utah families say they are left in the dark

<https://www.sltrib.com/news/2019/05/19/after-loved-ones-are/>

List: The 19 people killed by police in Utah in 2018

<https://www.sltrib.com/news/2019/05/19/list-people-killed-by/>