

# POLICE CIVILIAN REVIEW BOARD

## Investigation Report

Internal Affairs Case Number S 2015-0005

Complainant: (Race/Gender)	C- Salvado Flores (H/M)
Alleged Policy Violation:	Improper Use of Force-OIS
Subject Officer: (Race/Gender)	S- Off. Trevor Hansen (W/M)
Subject Officer's Years of Service:	S- 1 years
Date of Alleged Incident:	3/3/15
Date Investigation Requested:	3/3/15
Date Filed with Internal Affairs	3/3/15
Date Investigation Completed:	5/5/15
Panel Members:	Roger Sandack Dan Cannon Glen Greener Ginger Fletcher Dale Evans
Date of Panel Meeting:	5/7/15
Interviews Conducted:	4

**It should be noted that the narratives contained in this report are summaries that have been paraphrased from interviews. They should not be interpreted as verbatim transcripts. The narrative is intended to accurately communicate the substance of the major points in each interview.**

### **Synopsis:**

This matter is an Officer Involved Shooting (OIS) and as such, they are automatically reviewed to ensure the force used was appropriate and within Department guidelines. C, who was wounded in this matter, did not file a complaint on the matter, nor did any other citizen.

The following facts were laid out by the SLCo District Attorney's office investigation:

## FACTS

The following facts were developed from the OICI protocol investigation. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

In the early morning, pre-dawn hours of March 3, 2015, a witness at a 7-11 store said he saw a male and a female in a white pickup truck acting what he thought was suspiciously. He called the police to report that, in his words, the truck's occupants were "casing" the 7-11.

SLCPD officers were in the area and responded to the call. SLCPD Officers Michael Ruff and Trevor Hansen were in one patrol car; Officers Daniel Carlson and Tyler Tracy were in another patrol car. Both cars were close to the 7-11 and started to head in that direction.

A few blocks away from the 7-11, the officers encountered the white pickup truck in the area of 1700 South and State Street. The truck drove northbound on State Street and the officers followed the truck for a few blocks. Officers Ruff and Hansen activated their vehicle's overhead lights and performed a traffic stop at about 1125 South State Street.

### *Police Officer Interviews*

Officers Ruff and Hansen were subsequently interviewed by OICI protocol investigators. Officer Hansen said he approached the driver's side of the truck and Officer Ruff approached the passenger side. Officer Hansen said he saw a male driver later identified as Salvador Flores<sup>3</sup>, and a female passenger later identified as Amal Hourieh. Officer Ruff said he asked Ms. Hourieh if she and Mr. Flores had been to the 7-11; she replied that they had.

Officer Hansen said he noticed an item on the truck's floor that caught his attention. Officer Ruff said he saw it, too; he said the object on the truck's floor resembled a shotgun with a pistol grip. The item appeared to be wrapped with something dark, so it was difficult to discern what the item was. At this point, Officers Carlson and Tracy had arrived at the traffic stop. Officer Ruff asked Officer Carlson to look at the item on the floorboard. Officer Carlson said he thought it looked like a weapon said that he believed it would be safer for everyone to have the vehicle's occupants step out and further investigate the 7-11 matters, as well as the item in the truck. Officer Carlson said he asked Ms. Hourieh to step out of the truck; she promptly complied with the request.

Officer Carlson said he asked Mr. Flores to exit the truck; Mr. Flores asked why he was being asked to leave the truck. Officer Carlson explained his request to Mr. Flores. Officer Ruff said he walked around to the driver's side to assist Officer Hansen. Officer Tracy said it looked like Mr. Flores was "frustrated" and thinking about whether to get out of the truck; in any event, Mr. Flores hesitated and then opened the truck door and got out. Officer Hansen took a step back from the truck; at this point, Officer Ruff

was standing next to Mr. Flores near the driver's door. Officers Carlson and Tracy were standing near the passenger's door on the other side of the truck.

As Mr. Flores turned to get out of the truck, the coat he was wearing lifted up and exposed a holster on Mr. Flores' right hip. Officer Carlson saw the holster and mentioned Mr. Flores' hip to the other officers present. Officer Ruff, who was standing next to Mr. Flores, said he heard Officer Carlson say "watch his hip." Officer Ruff saw Mr. Flores' holster and put out his arm to sweep Mr. Flores' side and hold Mr. Flores' arm while Officer Ruff assessed Mr. Flores' holster.

As Officer Ruff held Mr. Flores' right arm, Mr. Flores turned and pulled away from Officer Ruff and Mr. Flores drew another handgun from his waistband with his left hand. Officer Ruff yelled: "Gun!" As Mr. Flores pulled away from Officer Ruff, Officer Ruff moved away from Mr. Flores and while he moved, Officer Ruff lost his balance and fell down.

Officer Hansen was standing behind Officer Ruff. Officer Hansen said he heard Officer Ruff yell "gun!" and saw Mr. Flores draw and point a weapon at Officer Ruff. Officer Hansen said he drew his duty weapon, pointed at Mr. Flores and fired three times. Officer Hansen said he fired his weapon at Mr. Flores because he believed Officer Ruff's life was in danger. Two of the shots hit Mr. Flores and he went down. Officer Hansen said he saw Mr. Flores down in the street with the gun still in his hand. Officer Hansen said he covered Mr. Flores with his weapon while other officers went to Mr. Flores.

Officers Ruff and Carlson saw Mr. Flores was injured from the gunshots. Officer Ruff handcuffed Mr. Flores. Officer Carlson retrieved his medical bag from his car and went to Mr. Flores and he and other officers performed life-saving measures on Mr. Flores. Officer Carlson searched Mr. Flores and found a Colt model 1911 .45ACP caliber handgun in Mr. Flores' holster. Officer Carlson removed the weapon and placed it on the ground. Officer Ruff informed police dispatchers that shots had been fired and requested medical assistance. Medical personnel arrived and transported Mr. Flores to the hospital; he survived his injuries.

### ***Amal Hourieh Interview***

Ms. Hourieh was interviewed by OICI protocol investigators. She said she was with Mr. Flores at the 7-11 earlier. She said they couldn't sleep that night and Mr. Flores needed to be at work early that morning. She said they went to the 7-11 and she tried to buy items, but the credit card was declined. She said she went in and out of the store, and tried to talk with the clerk to entice him to give her free items. Ms. Hourieh said she noticed a man in the store on his phone talking to the police. She said they left the 7-11 and drove away in the truck.

Ms. Hourieh said she and Mr. Flores saw the police cars. She said Mr. Flores said: "Shit, I have my dad's gun on me." Ms. Hourieh said the police pulled them over and asked her and Mr. Flores to step out of the truck. She said Mr. Flores hesitated to

leave the truck, and when he did, she could see the holster on his hip. Ms. Hourieh said she heard Officer Carlson tell the other officers about the holster. Ms. Hourieh said she saw Mr. Flores turn away from Officer Ruff but couldn't see his hands. Ms. Hourieh said she heard the gunshots and was ordered down on the ground by an officer.

Ms. Hourieh said that Mr. Flores had his father's gun for "the last couple of days." Ms. Hourieh said Mr. Flores carries "fake" guns and said she saw Mr. Flores burn the orange tip off a replica firearm and spray paint it black. Ms. Hourieh said Mr. Flores made the object on truck's floor about a month ago. Ms. Hourieh said Mr. Flores said: "Looks like a real shotgun, huh?"

### ***Physical Evidence***

OICI protocol investigators inspected and photographed the scene. Investigators documented the presence and location of various items relevant to the OICI investigation, including a two weapons lying in the street. The investigation revealed that Mr. Flores' holstered firearm was a Colt 1911 model .45ACP caliber handgun. Investigators also discovered that the handgun Mr. Flores drew from his waistband and pointed at Officer Ruff was actually a pellet-gun or Airsoft-style pistol which very closely resembled a full-size frame, semi-automatic handgun. OICI protocol investigators did not realize this weapon was not a firearm until closely inspecting the weapon after it was recovered from the street. The weapon did not have an orange tip and had apparently been painted black to make it more closely resemble a firearm.

All four officers were wearing body cameras. The cameras worn by Officers Ruff, Carlson and Tracy captured audio and video of the incident and the events shortly prior thereto. OICI protocol investigators reviewed the recordings. Officer Hansen's body camera did not record the incident; in his subsequent interview, Officer Hansen said he neglected to active his camera prior to the incident.

### **Evidence:**

As noted above, all of the officers were wearing body cameras and each of them except S initiated them as the encounter unfolded. The evidence gathered by the three activated cameras was summarized above and nothing additional needs to be added.

### **Allegations:**

Since this matter was an OIS, and despite the fact that no citizen has complained about the activities of the officers involved in the matter, an automatic review is necessary to ensure that the officers actions were within, or not within, policy.

### **Definitions**

Unfounded: The reported incident did not occur.

Exonerated: The employee's actions were reasonable under the circumstances.

No determination is possible: There is insufficient evidence to support a conclusion as to whether or not the employee violated policy.

Sustained: The employee's action(s) are in violation of the policy or procedure of the Police department.

**Analysis and Recommendation:**

The facts of this case are well document by three police officer's cameras as well as the statements of the female involved as a passenger in Mr. Flores vehicle. The issue is very simple in this matter: was it reasonable that Off. Hansen felt that his life or the life of others was in jeopardy of death or serious bodily injury due to the actions being taken by Mr Flores?

The video recordings plainly capture an item on the floorboard of the vehicle that resembles a shotgun and when Mr. Flores exits the vehicle, his coat rode up on his hip allowing observing officers to see a holster which contained a .45 caliber handgun within it. This observation was relayed to the officers on the driver's side of the vehicle and as Mr. Flores exited the vehicle, he drew and pointed at an officer what appeared to be a weapon. Although this object turned out to be a "fake gun", the female recalled that Mr. Flores intentionally modified that toy gun to make it look real and at night, in darkness, the officers believed it was a real gun. As Mr. Flores pointed this object at another officer, Off. Hansen believed that the lives of his fellow officers were in danger and he fired his weapon three times, striking Mr. Flores twice and ending the encounter.

Once Mr. Flores had been secured in handcuffs, the real .45 caliber handgun was removed from his holster and secured.

**Panel Findings:**

As to the allegation that Off. Hansen used "Deadly Force" in this confrontation; the Panel makes a finding of Within Policy on this matter.

The Panel makes a finding that this matter is in the public eye and therefore recommends that this report be made public.

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Roger Sandack  
Panel Chair

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5/07/15