

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S2016-0012 (OIS)

Complainant: (Race/Gender)	C- Palm Lautaimi (P/M)
Alleged Policy Violation:	Improper Use of Force (OIS)
Subject Officer: (Race/Gender)	S- Off. Devin Edmunds (W/M) S1- Off. Jesse Stone (W/M)
Subject Officer's Years of Service:	S- 1 year S1- 2 years
Date of Alleged Incident:	1/31/16
Date Investigation Requested:	1/31/16
Date Filed with Internal Affairs	1/31/16
Date Investigation Completed:	6/29/16
Panel Members:	Roger Sandack Glen Greener Xavier Gondra Kevin Parke
Date of Panel Meeting:	7/7/16
Interviews Conducted:	Numerous

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 has been well covered in the media with the actual names of the involved parties publicly stated, so this report will use those names rather than the letter designators used in other investigations. Numerous witnesses saw portions of the events, including two additional police officers, and all of these witnesses were properly interviewed with each of their accounts being recorded, for future use, if needed. However, none of those witness statements will be included herein due to the facts of the case and the existence of body camera footage.

The District Attorney's office activated the Officer Involved Shooting Investigation protocols which resulted in the WVCPD being the lead investigative unit. The Detectives from WVCPD, along with DA investigators, conducted this extensive investigation and based upon those results, the DA made his decision on further legal action. So, based upon the written report released by the DA, portions of which are used below, this review will ensure compliance with SLCPD policies. From the DA's letter:

On January 31, 2016 SLCPD Officer Devin Edmunds saw two people walking in the middle of Main Street in Salt Lake City, Utah. Officer Edmunds stopped the female, later identified as Katalina Langi and the male, later identified as Palm Lautaimi. As Officer Edmunds investigated the situation, Mr. Lautaimi took a swing at Officer Edmunds and ran. Officer Edmunds saw Mr. Lautaimi running with a gun as he pursued Mr. Lautaimi.

Eventually, Officer Edmunds and SLCPD Officer Jesse Stone caught up to Mr. Lautaimi in the yard of a home at 1376 South Major Street. Mr. Lautaimi was pointing a gun at his own head. Officers ordered Mr. Lautaimi to drop the weapon. As Mr. Lautaimi lowered the handgun, he pointed the weapon at Officer Stone. Both officers fired their weapons, injuring Mr. Lautaimi. Mr. Lautaimi was transported to the hospital and survived his injuries.

FACTS

On January 31, 2016 SLCPD Officer Devin Edmunds was on patrol in his assigned area. He was wearing his police uniform and driving his marked patrol car. While in the area of 1300 South and Main Street in Salt Lake City, Utah, Officer Edmunds saw two people walking down the middle of Main Street. Officer Edmunds stopped the male and the female to see why they were walking down the middle of the street.

Officer Edmunds made contact with the female, later identified as Katalina Langi and the Male, later identified as Palm Lautaimi. Officer Edmunds asked Mr. Lautaimi for his identification. Officer Edmunds noticed Mr. Lautaimi kept putting his hands in and out of his pockets. Officer Edmunds told Mr. Lautaimi to keep his hands out of his pockets because Mr. Lautaimi was making Officer Edmunds nervous.

Officer Edmunds told Mr. Lautaimi he was going to put Mr. Lautaimi in handcuffs temporarily while he conducted his investigation. As Officer Edmunds put his hands on Mr. Lautaimi, Mr. Lautaimi tensed up quickly. Officer Edmunds told Mr. Lautaimi not to resist, but Mr. Lautaimi did not comply. Instead, Mr. Lautaimi turned and took a swing at Officer Edmunds and ran off heading eastbound across Main Street. Officer Edmunds gave chase.

As Officer Edmunds ran after Mr. Lautaimi, he saw Mr. Lautaimi point a gun at him; Officer Edmunds called out on the police radio that the fleeing suspect had a gun.

SLCPD Officer Jesse Stone was on duty when he heard Officer Edmunds on the radio say that he had a foot pursuit and the suspect was armed. Officer Stone drove his police car towards the chase.

Palm Lautaimi, herein referred to as C, is the complainant and provided the following:

C did not file a complaint over this incident nor did he participate in the investigation, most likely due to his exposure to criminal charges related to his actions.

Off. Devin Edmunds, herein referred to as S, is the subject of this matter and provided the following:

S stated in his official interview and as released by the DA the following:

Officer Edmunds

OICI protocol investigators interviewed Officer Edmunds with his attorney Rebecca Skordas on February 9, 2016.

Officer Edmunds said he was on duty on January 31, 2016. He said he was assigned to work in the area of 1300 South to 2100 South and State Street to West Temple Street for his shift. Officer Edmunds said while on patrol, he drove on 1300 South and turned south onto Main Street. Officer Edmunds said he saw a male and female walking northbound Main Street in the middle of the road. Officer Edmunds said that as soon as the male and female saw him, the male walked towards the west side of Main Street and the female walked to the east side of Main Street.

Officer Edmunds said he stopped his patrol car to talk to the male and the female about walking in the middle of Main Street. Officer Edmunds said he got out of his patrol car and called the female to come over to him. Officer Edmunds said the male was nearby.

Officer Edmunds said he explained to the male and the female that they can't walk in the middle of the road. Officer Edmunds said he asked them both for identification. Officer Edmunds said that the male immediately got "fidgety," moving his hands around and wouldn't stay still. Officer Edmunds said the male kept saying he just wanted to go home.

Officer Edmunds said he told the male and the female that he was going to talk to them for a minute, and asked the male again to keep his hands where Officer Edmunds could see them. Officer Edmunds said the male was acting very nervous. Officer Edmunds said he told the male that his actions were making him nervous.

Officer Edmunds said he asked the male to come over next to his patrol car and said he told the male he was going to pat the male down. Officer Edmunds said he told the male that he was going to place the male in handcuffs for a minute because the male was making him nervous. Officer Edmunds said he called for a backup officer to respond to his location.

Officer Edmunds said he put his hands on the male and the male started to pull away from Officer Edmunds and would not place his hands behind his back. Officer Edmunds said he struggled with the male to place the handcuffs on him.

Officer Edmunds said the male pushed away from the patrol car and turned and took a swing at Officer Edmunds, attempting to punch him in the face. Officer Edmunds said the male turned and ran southbound on Main Street. Officer Edmunds said he reached for his Taser on his duty belt; about the same time, Officer Edmunds said he saw the male turn and draw a handgun from his waistband and point it at Officer Edmunds.

Officer Edmunds said he drew his duty weapon from the holster and ordered the male to drop the gun. Officer Edmunds said the male did not comply with the command but continued to run away. Officer Edmunds said he continued to pursue the male.

Officer Edmunds said he followed the male down Harrison Avenue and then went south in an alley between Major Street and Main Street. While they were both running, Officer Edmunds said the male pointed his handgun at Officer Edmunds a second time.

Officer Edmunds said the male cut through a backyard and two witness bystanders pointed to the front of the residence and told Officer Edmunds that the male had fled through the yard. As Officer Edmunds approached the side of the house, he saw the male standing between the garage and the house. Officer Edmunds said he could hear Officer Stone yelling: "drop the weapon, drop the weapon!" Officer Edmunds said he moved around the south side of the house and saw Officer Stone pointing his duty weapon at the male.

Officer Edmunds said he saw the male pointing his handgun at his own head; Officer Edmunds said he ordered the male to drop the handgun several times. Officer Edmunds said he saw the male slowly lower the weapon in Officer Stone's direction and saw the muzzle point at Officer Stone. Officer Edmunds said when the male lowered the weapon at Officer Stone and point it at him, he feared the male was going to shoot Officer Stone. Officer Edmunds said he fired his duty weapon at the male and saw Officer Stone kick the handgun away from the male.

Officer Edmunds said he and Officer Stone took the male into custody and examined him for injuries. Officer Edmunds said he saw the male was bleeding from gunshot wounds, so he and Officer Stone rendered first aid until medical personnel arrived and transported the male to the hospital.

Off. Jesse Stone, herein referred to as S1, is the subject of this matter and provided the following:

S1 stated in his official interview and as released by the DA the following:
Officer Stone

OICI protocol investigators interviewed Officer Stone with his attorney Rebecca Skordas on February 9, 2016.

Officer Stone said he was on duty on January 31, 2106 and working patrol when he heard Officer Edmunds radio that he had stopped pedestrians at 1350 South Main St. and asked for a back-up officer at that location. Officer Stone said he started driving to Officer Edmunds' location. Officer Stone said he heard Officer Edmunds call out that he was in foot pursuit and heard Officer Edmunds describe the fleeing suspect as a black male wearing a black shirt.

Officer Stone said he arrived in the area of Major Street and 1300 South and saw a black male run out from behind a house at 1376 South. Officer Stone said the male saw him and backed up; Officer Stone said he walked towards the male who was standing between the house and the garage and holding a handgun.

Officer Stone said he ordered the male to drop the handgun several times, but the male did not comply. Instead, officer Stone said the male raised his handgun and pointed it at his own head. Officer Stone said he continued to command the male to drop the handgun. Officer Stone said he tried to talk the male down, to calm him down and resolve the situation peacefully. Officer Stone said he told the male he didn't want to hurt himself and told him to drop the handgun. Officer Stone said he heard the male say, among other things: "Fuck this, I'm done."

Officer Stone said he saw the male lower the handgun in his direction and saw the muzzle point at him. Officer Stone said he believed the male was pointing the gun at him. Officer Stone said that he feared for his life. Officer Stone said he fired his duty weapon at the male because he believed the male was about to shoot him. Officer Stone said he saw the male go down and the handgun fall from the male's hand.

Officer Stone said he and Officer Edmunds went to the male and Officer Stone said he kicked the male's handgun away. Officer Stone said he retrieved a medical first aid kit from his patrol car and rendered first aid to the male until medical personnel arrived.

Additional Witnesses:

Numerous citizen witnesses were interviewed and those interviews were recorded and will be retained, if needed in the future. Based upon the nature of this case, the available video recordings and other factors, none of the citizen witnesses statements or the two additional police officers statements are needed herein.

Evidence:

E: Hundreds of photographs were made of the scene, of the two officers, of C, and of evidence were made in this case. Nothing striking was noted except the handgun C was wielding was photographed. It is described as a black over silver, semiautomatic, handgun, 9 mm in caliber, and it was loaded.

E1: S was wearing and activated his body camera and the following was seen:

S, Officer Edmunds, activated his body camera as he was still in his vehicle, responding to the dispatch call concerning two people walking in the middle of Main Street. *(Note: at the end of specific observations, a notation will be made consisting of the minute and seconds elapsed since the activation of his body camera. So those points will be noted X:XX indicating the minute and second of the camera timer. The entire footage lasted 14 minutes and 08 seconds, or 14:08)*

As S turned onto Main Street, Lautaimi and K. Langi can be seen walking in the middle of the street. It appears that they both notice the responding police car as Lautaimi turns to his right to exit the road while Langi turns left to exit the road on the other side of the street. Once S stops his police car, Lautaimi immediately approaches the police car on foot, and follows S's instructions. Langi appears shortly thereafter, also following instructions as both are told to keep their hands out of their pockets, as S explains that makes him nervous, and to put their hands onto the hood of the car.

S instructs Lautaimi to come to him so that he can pat him down. This occurs near the driver's side door of the police car with Lautaimi's actions best described as squirming around. *(Note: his actions appear to be that of someone who is carrying some type of contraband that they do not want discovered during the pat down search.)* S then tells Lautaimi that he is going to place him into "cuffs for a second" which resulted in Lautaimi beginning a more physical form of resistance, eventually taking a punch that is best described as a roundhouse punch at the face/head of S. (1:31) After throwing that punch, that does not appear to have connected, Lautaimi takes off running down Main Street, with S giving chase. S broadcasts that Lautaimi is running.

As Lautaimi is fleeing, with S in pursuit, S orders Lautaimi to "put the gun down" as Lautaimi turns to his left onto a side street. S can be seen aiming his own handgun at Lautaimi. (1:40)

With the foot chase in progress, S broadcasts a full description of Lautaimi, their direction of flight and the fact that Lautaimi is armed with a gun.

A citizen is seen on the video tape pointing out the direction that Lautaimi had taken as S had lost sight of him as Lautaimi hopped a small fence and entered what appears to be the backyard of a home. At one point, Lautaimi pops out from behind a small structure, possibly a shed or garage, and sees S, so he once again disappears from view. *(Note: this appearing/disappearing was likely due to Lautaimi seeing S1, or his police car, arriving directly along his direction of flight due to the update radio calls made by S.)*

S then crosses into the backyard and slowly approaches the shed area where Lautaimi was last seen. Loud voices can be heard, but not understood, in the background. *(Note: in reviewing S1's video, the raised voices heard by S were likely the initial commands given to Lautaimi by S1 but since they are unintelligible, this is not known for sure.)*

As S comes closer to the voices, Lautaimi is seen again, without his jacket on, and in a white tee shirt, with his left hand raised above his head while his right hand is pointing his gun at his own right temple. (3:02)

S begins to give commands to Lautaimi to "put the gun down" and S1 is visible for the first time, with his weapon drawn and pointed at Lautaimi. S1 is also giving loud commands to Lautaimi.

At the 3 minute 17 second point, Lautaimi begins to lower his weapon, with the muzzle pointing in the direction of S1. The videotape captured both officers firing nearly simultaneously at Lautaimi, clearly striking him. Lautaimi is seen falling to the ground, blood is visible on his white shirt and in the snow, as both officers secure him in handcuffs, locate and secure his weapon, and begin to administer first aid. The recording lasts roughly ten more minutes showing the response of more officers and medical professionals.

E2: S1 was wearing and activated his body camera and the following was recorded:

S1's video lasted 4 minutes and 26 seconds and began as S1 was responding to S's call for assistance concerning a man, Lautaimi, running from him with a gun in his hand. Until after the shots are fired, Lautaimi is never seen due to the camera angle of S1's camera, as S1's hands, which are holding his handgun, obscure the view of things in the distance. In this case, it is known that the person S1 is addressing is Lautaimi, based upon a review of S's video from a different angle and due to the fact that once S1 discharges his weapon, and Lautaimi is struck by bullets, Lautaimi falls to the ground and is visible in S1's recording. So, for the purpose of recounting what is captured on S1's camera, and despite the fact that Lautaimi is not seen until after the shooting occurs, the account will indicate Lautaimi's presence even though he is unseen.

S1's video begins as he is responding to the call for assistance. S1 is seen making a U-turn, and as he exits his vehicle, he immediately draws his weapon and begins to give multiple commands to the unseen Lautaimi to "put the gun down". (0:55) S1 continues to give loud commands to Lautaimi including demands for him to put the gun down and for him to get onto his knees.

At 1 minute and 8 seconds, S1 begins to fire and the rounds fired by S can also be heard. Lautaimi is visible for the first time as he drops to the ground, below the extended hands of S1, and has visible blood on him.

The officers both go to attend to Lautaimi, handcuffing him and searching for the gun he was carrying. This weapon is briefly seen when Lautaimi is rolled onto his stomach for handcuffing, prior to it being kicked away from the scene. S1 is then sent to get first aid gear from his car as other officers begin to arrive. The rest of his video is similar in nature to S's except for the location of the two officers.

Allegations:

Due to this being an OIS, an automatic review is triggered with the investigation focusing on if the actions of the officers 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 video recordings demonstrate that Lautaimi was armed with a handgun and fled from S when he was stopped for walking in the middle of Main Street. It further shows that Lautaimi took a full power swing at the officer, prior to fleeing. S, who did not know Lautaimi was armed at the onset of their interaction, also did not know that Lautaimi was a convicted felon who if caught carrying a weapon, could be prosecuted both in State and Federal courts, with extremely harsh punishments involved. This is pointed out only to attempt to understand the actions of Lautaimi over a very minor incident.

Lautaimi begins to flee and produces the heretofore hidden gun, which he carries as he runs from S. S, seeing the weapon draws and covers Lautaimi while making radio calls advising officers of his need for assistance and the armed threat that Lautaimi presents.

Eventually, Lautaimi is cornered by S and S1 and he puts the weapon up, to his own temple while raising his other hand above his head. This stance is contradictory in nature; is he surrendering or is he trying to get the officers to back off, while his empty raised left hand is clearly a mixed sign of not being armed. This is an exact training scenario used by many agencies as it illustrates many lessons, including the threat presented by the visually suicidal person who has a tactical advantage over the officers based up "action versus reaction". In any case, multiple loud, clear and plain orders are given to Lautaimi to drop his weapon. He is also told by S1 to get onto his knees, and initially, none of these orders are followed by Lautaimi.

Eventually, Lautaimi begins to lower the weapon, but due to the positioning of the two officers, the muzzle begins to track toward S1. As the Department Deadly Force Policy states:

Authority to Use Deadly Force

Peace officer's use of deadly force:

A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

- *The officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death.*
- *Effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and*
 - *The officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; and*
 - *The officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.*
- *The officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.*

In the above stated policy, the last two bullet points are the points most in play in this situation. The issue to be answered is: were the officer's perceptions of the threat presented by Lautaimi reasonable under the situation? It is clear from reviewing the available evidence that both officers, who had triangulated Lautaimi, perceived the threat identically and reacted almost simultaneously, with S1 firing in defense of his own life and S firing to protect the life of S1.

Panel Findings:

As to the allegation that S and S1 used Deadly Force, the Panel makes a finding of Within Policy.

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

Roger Sandack
Panel Chair

7/7/16