

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S 2017-0017

Complainant: (Race/Gender)	C- Michael Peterson (Deceased) (W/M)
Alleged Policy Violation:	Improper Use of Force: OIS
Subject Officer: (Race/Gender)	S- Lt. Andrew Oblad (W/M)
Subject Officer's Years of Service:	S- 21 years
Date of Alleged Incident:	9/28/17
Date Investigation Requested:	9/28/17
Date Filed with Internal Affairs	9/28/17
Date Investigation Completed:	11/1/17
Panel Members:	Brandon Myers Rebekah Myers Catalina Pilar Catalona Sandy Walsh Gregg Bambo
Date of Panel Meeting:	11/3/17
Interviews Conducted:	Multiple

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 was investigated by the District Attorney's (DA) Office, in conjunction with the WVCPCD. The DA's released publicly a letter which was widely covered in the media. In that letter, the two involved officers, S and W4 were named as was C, who died as a result of the wounds he sustained. Witnesses were also interviewed and were listed by their names only and so this review will stick with that naming process. The following is from the DA's letter:

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.

On September 28, 2017, SLCPD Officer Gregory Lovell responded to a report of a man trespassing and sexually assaulting a massage therapist at the Salt Lake Salon at 363 South 500 East in Salt Lake City, Utah. When he arrived, Officer Lovell saw a male, later identified as Michael Bruce Peterson-the man described in the assault and trespass-in the parking lot. Officer Lovell followed Mr. Peterson as he walked northbound on 500 East.

At the Maverick convenience store at 300 South and 508 East, Mr. Peterson got into a Jeep belonging to someone else. Officer Lovell ordered him out, but Mr. Peterson did not comply. Officer Lovell deployed his Taser and tazed Mr. Peterson who became enraged and leapt out of the Jeep at Officer Lovell. As he did so, SLCPD Lt. Andrew Oblad arrived on the scene in his patrol car.

Mr. Peterson started punching Officer Lovell and Officer Lovell deployed his baton. Officer Lovell lost control of the baton and Mr. Peterson got it. Lt. Oblad got out of his police car and quickly moved towards Mr. Peterson who was pursuing Officer Lovell. Mr. Peterson began beating Officer Lovell with the baton. Officer Lovell retreated from Mr. Peterson who continued to hit Officer Lovell. Lt. Oblad drew Mr. Peterson's attention and Mr. Peterson ran directly at Lt. Oblad wielding Officer Lovell's baton as though he were going to attack Lt. Oblad. Lt. Oblad fired his weapon at Mr. Peterson who continued to run at Lt. Oblad. Even though Mr. Peterson was hit with the first few shots, he didn't stop, but continued to come at Lt. Oblad. Lt. Oblad continued to fire at Mr. Peterson, ultimately hitting him with ten rounds. Mr. Peterson died at the scene.

An OICI protocol investigation team arrived and documented the scene, conducted interviews, reviewed the video recordings and performed other investigation tasks. Investigators located and documented Officer Lovell's baton at the scene. Investigators also inspected and documented the conditions of Lt. Oblad's weapon and Officer Lovell's Taser used in the incident. Investigators reviewed body-worn camera and other video recordings of the incident and photographed the scene.

Michael Peterson, herein referred to as C, died as a results of the wounds he suffered.

Off. Lt. Andrew Oblad, herein referred to as S, is the subject of this matter and provided the following:

S stated in his DA interview the following:

Lt. Oblad

On October 5, 2017, protocol investigators interviewed Lt. Oblad with his attorney present. Lt. Oblad said he was on duty as the watch commander on September 28, 2017. Lt. Oblad said he was in his patrol car at the police station when he heard Officer Lovell responding to a call. Lt. Oblad said he heard Officer Lovell on the police radio asking for his back up to “step it up.”

Lt. Oblad said he started driving towards Officer Lovell’s location. Lt. Oblad said he arrived in the area and saw a police vehicle in the parking lot near 400 South and 500 East. Lt. Oblad said that he heard Officer Lovell update his location at the Maverick convenience store, so Lt. Oblad said he drove towards the store.

Lt. Oblad said as he pulled into the Maverick parking lot, he heard Officer Lovell say on the police radio that he had deployed a Taser. Lt. Oblad said he saw Officer Lovell in the parking lot with a Taser in his extended hand. Lt. Oblad said he saw the Taser wire going into a Jeep but couldn’t see a suspect at that point.

Lt. Oblad said he saw a man quickly jump out of the Jeep and run at full speed towards Officer Lovell. Lt. Oblad said he got out of his car to confront the suspect. Lt. Oblad said he saw the suspect punch Officer Lovell with full force directly in Officer Lovell’s face. Lt. Oblad said that, because it was a fist fight at this point, Lt. Oblad reached for his “O.C.” pepper spray to use against the suspect. Lt. Oblad said the suspect was very aggressive and actively assaulted Officer Lovell.

Lt. Oblad said that Officer Lovell “did not look right.” Lt. Oblad said that Officer Lovell was clearly hurt. Lt. Oblad said he could see blood on Officer Lovell’s face. Lt. Oblad said he then saw the suspect take control of Officer Lovell’s baton. Lt. Oblad ordered the suspect to stop, but the suspect started to hit Officer Lovell with the baton. Lt. Oblad said he drew his handgun and again ordered the suspect to stop.

Lt. Oblad said the suspect turned his attention away from Officer Lovell and towards Lt. Oblad. Lt. Oblad said the suspect had the means and opportunity to run away; however, the suspect turned, raised the baton and ran at Lt. Oblad. Lt. Oblad said the suspect advanced on him and held the baton like a baseball bat. Lt. Oblad said the suspect came right at him.

Lt. Oblad said he feared for his life, Officer Lovell’s life and the lives and safety of the public in the parking lot and at the store. Lt. Oblad said that under the circumstances, he viewed the baton as a deadly weapon and the suspect as capable of continuing an assault that could result in death or serious bodily injury. Lt. Oblad said the suspect refused to comply with his commands to stop and instead continued to run with the baton at Lt. Oblad. Lt. Oblad said he fired his weapon at the suspect.

Lt. Oblad said he could see his bullets hitting the suspect, but the suspect did not stop charging at him. Lt. Oblad said the suspect kept coming at him even though he was shot several times. Lt. Oblad said he feared the suspect may be wearing body armor.

Lt. Oblad said he continued to fire at the suspect as Mr. Peterson continued to run at him. Lt. Oblad said eventually the suspect went down, although he saw the suspect move as though he were getting back up. Lt. Oblad said he continued to watch the suspect go down and it appeared to Lt. Oblad that Mr. Peterson's will to fight eventually drained from the suspect. Lt. Oblad said other officers and medical personnel arrived on scene and started medical treatment for the suspect.

Lt. Oblad said after the incident concluded, he noticed his arm was injured. Lt. Oblad said he did not recall how his arm was injured⁹.

C.K./S.S., herein referred to as W is a witness and stated:

The following comes from the DA report:

Witnesses C. K. and S. S.

Witness C. K. said on September 28, 2017, she was giving a client a massage at Salt Lake Salon at 363 South 500 East, when a man, later identified as Michael Bruce Peterson, walked into the salon. C. K. told OICI protocol investigators that the man walked up to her and grabbed her buttocks with both hands. C. K. said the man walked out of her studio and into another studio inside the salon. C. K. said she locked the studio door; salon employees called police to report C. K. had just been sexually assaulted by a trespassing man.

Mr. Peterson went to another studio in the salon, lied down on a massage table, and demanded a massage. Salon employee S. S. told him to leave and advised him the police had been called. S. S. said the man tried to take the phone from S. S. and said he wanted to talk to the police. S. S. said the man got up off the table, walked out of the salon and yelled: "You fucking bitches! Fuck you!"

S.L., herein referred to as W1 is a witness and stated:

W1 stated the following in the DA report:

Witness S. L.

On September 28, 2017, SLCPD officers took a statement from Witness S. L. S. L. said he was at the Maverick convenience store at 300 South and 500 East sitting by his Jeep when a man jumped in the Jeep and tried to take it. S. L. said a police officer was pursuing the man who jumped in the Jeep. S. L. said the man jumped out of the Jeep and attacked the officer. S. L. said the man was hitting the officer and the officer fell under a delivery truck parked at the convenience store. S. L. said the man kicked the officer as he was down. S. L. said a second police officer arrived and the man attacked the second officer. S. L. said the second officer drew his weapon and fired at the man.

A.C., herein referred to as W2 is a witness and stated:

W2 stated in his DA interview:

Witness A. C.

Protocol investigators obtained a statement from Witness A. C. who was running eastbound on 300 South when the incident occurred. A.C. said: “Guy in light blue shirt was shouting at the police officer and start coming towards the police officer. The police officer pulled out his baton and the guy with the light blue shirt still attacked and was able to get the baton by punching the police officer. HE continued attacking the police officer. There was another police officer that drew the guy with the light blue shirt’s attention. The guy then continued to attack the other officer and that’s when the police officer fired his gun to neutralize the guy.”

V.H., herein referred to as W3 is a witness and stated:

W3 stated to DA investigators:

Witness V. H.

Protocol investigators obtained a statement from Witness V. H. who was standing at a gas pump when the incident occurred. V. H. said: “I was standing outside of my truck about to pump my gas. I noticed a cop begin to yell at a man in a jeep. He then tazed him. The man (white male) then came out of the car and walking toward the cop. The cop pulled out a baton. This is when I got into my truck and locked the doors and began to video. Somehow the man had the cops baton and was running to attack the cop. The cop shot the man 10 times. The man did not stop until about 4 shots in. There were also 2 other cops at this time.”

Off. Gregory Lovell, herein referred to as W4, is a police officer, a witness and stated:

W4 stated in his DA interview:

Officer Lovell

On October 6, 2017, protocol investigators interviewed SLCPD Officer Lovell. Officer Lovell said he was on patrol and in uniform on September 28, 2017 when dispatchers advised him of a call about a man trespassing and a sexual assault that occurred. Officer Lovell said that the call was close his location. Officer Lovell said that dispatchers advised him multiple people had called police regarding to the trespasser. Officer Lovell said he advised dispatchers he would take the call.

Officer Lovell said that he arrived at the salon, got out of his car, and saw a salon employee pointing towards a male who was walking in the parking lot. Officer Lovell said that the suspect, a man later identified as Michael Bruce Peterson, started walking towards his patrol car. Officer Lovell said that the suspect said something to him like “Let’s go take a ride” or “Let’s go get in the car.” Officer Lovell said he made sure his

car was locked by pressing the lock button on the car's key fob. Officer Lovell said that at the time, he thought: "something is not right with him and I was afraid that he was gonna hurt someone else." Officer Lovell said that the suspect appeared to be on some kind of drug or drugs. Officer Lovell said he asked for his backup to "step it up," meaning that he wanted another officer to arrive quickly to assist him.

Officer Lovell said he told Mr. Peterson he wanted to talk to him. Officer Lovell said at first, Mr. Peterson didn't respond. Officer Lovell said Mr. Peterson started walking away from him northbound on 500 East.

Officer Lovell said he followed Mr. Peterson; Officer Lovell said he wanted to talk to Mr. Peterson about the alleged trespassing and sexual assault incident at the salon. Officer Lovell said he also followed Mr. Peterson because he was worried about his demeanor; Officer Lovell said he was concerned that Mr. Peterson might hurt someone else. Officer Lovell said Mr. Peterson kept walking away from him. Officer Lovell said he told the suspect to stop a couple of times but the suspect refused to do so.

Officer Lovell said that Mr. Peterson got to a Maverick convenience store at the southeast corner of 300 South and 500 Eats. Officer Lovell said Mr. Peterson climbed into a Jeep (that Officer Lovell suspected didn't belong to him) in the Maverick parking lot. Officer Lovell said that someone (the owner of the Jeep) yelled to the suspect to get out of the Jeep. Officer Lovell said he also told Mr. Peterson to get out of the Jeep. Officer Lovell said he was concerned that, if Mr. Peterson drove the Jeep somewhere, he could seriously hurt someone else.

Officer Lovell said that he gave multiple commands to the suspect to get out of the Jeep but the suspect refused commands. Officer Lovell said that he deployed his Taser when he saw Mr. Peterson reaching for the ignition. Officer Lovell said he fired his Taser at Mr. Peterson. Officer Lovell said the initial Taser deployment had an effect on Mr. Peterson, but it also made him very angry. Officer Lovell said Mr. Peterson yelled out when he was hit with the Taser.

Officer Lovell said Mr. Peterson started to get out of the Jeep and Officer Lovell realized that the suspect was mad and was about to assault him. Officer Lovell said that Mr. Peterson immediately engaged him after exiting the Jeep. Officer Lovell said he knew Mr. Peterson was going to fight.

Officer Lovell said that as Mr. Peterson got out of the Jeep, he pulled the trigger on the Taser again and immediately realized that the Taser did not work and had no effect. Officer Lovell said that he got rid of the Taser and grabbed his expandable baton impact weapon and deployed it. Officer Lovell said that he did not have a good grip on his baton. Officer Lovell said that Mr. Peterson hit him in the face. Officer Lovell said at the same time, he hit Mr. Peterson with the baton. Officer Lovell said Mr. Peterson's attack dazed him and he had trouble seeing.

Officer Lovell said that he lost control of his baton. Officer Lovell said Mr. Peterson got control of the baton and started to hit him with his baton. Officer Lovell said that he saw Mr. Peterson at least twice raising the Officer Lovell's baton and hit him in the face. Officer Lovell said he ran to put distance between him and the suspect.

Officer Lovell said that as he ran, he felt pressure on his left ankle and fell down. Officer Lovell said that he feared for his life. Officer Lovell said Mr. Peterson continued to pursue him and continued the attack.

Officer Lovell said he saw LCPD Lt. Oblad arrive on the scene and get out of his car. Officer Lovell said he saw Mr. Peterson change direction away from him and engage Lt. Oblad. Officer Lovell said that he transitioned to his handgun, but lost sight of Lt. Oblad and Mr. Peterson due to a tractor-trailer parked in the Maverick parking lot.

Officer Lovell said as he repositioned himself to try to see Lt. Oblad and Mr. Peterson, Lt. Oblad started shooting. Officer Lovell said that he saw the suspect on the ground. Officer Lovell said he tried to walk to Mr. Peterson to handcuff him, but Officer Lovell said his ankle gave out and he stopped. Officer Lovell said he was transported to the hospital where he was treated for a broken fibula, a broken nose and lacerations to his face requiring stitches.

Other Witnesses

Protocol investigators interviewed or obtained statements from the other witnesses. None of the witnesses the investigators interviewed or obtained statements from said anything materially different from the narrative set forth above.

At least one of the video recordings appears to show Mr. Peterson close enough to Lt. Oblad to strike Lt. Oblad with Officer Lovell's baton; however, none of the witnesses directly asserted that Mr. Peterson actually struck Lt. Oblad with Officer Lovell's baton, and video recordings do not conclusively depict the baton contacting Lt. Oblad. By the same token, we cannot rule out that Mr. Peterson struck Lt. Oblad with Officer Lovell's baton thereby causing the injury to Lt. Oblad's arm.

Evidence:

E: Crime Scene Photographs were made of the scene.

E1: W4's Body Camera Footage:

W4 activated his body camera enroute to the call, with the audio coming on as W4 is met at the door of the involved business by a female, who points out C to him. As the audio begins, C can be seen walking in the direction of the business wearing jeans and a blue tee shirt. His arms are heavily tattooed and he is well muscled. W4 calls to C to "come over here" with C ignoring that request and continuing to walk in a westerly direction. W4 continues to call to C, who ignores the commands and instead he turns and walks north on 500 East, in the direction of the Maverick station. W4 follows C, continuing to attempt to engage him in conversation with C

ignoring him. W4 asks for his back up officer to “step it up” and does a short jog to close the distance between himself and C.

C is seen turning right and attempting to open a door to an apartment complex, which is locked and stops C’s entry. C then turns to face W4 who orders C to “sit down” to which C says “fuck you”, pivoting and resuming his walk towards the Maverick, which is the next building north of the apartment complex. W4 continues to try to engage C in conversation with C saying “fuck you” in reply.

As C entered the parking lot of the Maverick, an older model jeep is parked there, with the window down, and C opens the driver’s side door and sits behind the wheel. It appears he is attempting to start the jeep, and it is assumed that the owner/driver of the jeep had left the keys in the ignition, based upon C’s body movements. W4 immediately yells at C to stop and orders him out of the jeep, with C ignoring his commands. W4 deployed his Taser, gives C a final order to exit the vehicle and then fires his Taser, striking C in the upper left arm area. The Taser obviously struck C as he begins to scream in pain as W4 orders him to exit the jeep. C does so and it appears that W4’s camera is moved as the previously excellent coverage disappears and the camera is no longer pointed directly ahead of W4.

A fight ensues but the camera captures S arriving in his unmarked, black, police car. The fight between C and W4 is not well captured on the videotape but it is clear from the sounds that it is a violent encounter, with W4 being forced to the ground, likely due to his injuries. The camera then captures W4’s arm which is speckled with blood at the same time as gunshots are heard in the background. The camera, which is knocked even further askew, captures a good deal of blood on the ground, likely the blood of W4 as later, C is seen some distance away on the ground as a result of being shot by S.

Allegations:

This matter is related to the Improper Use of Force/Deadly Force and so an automatic review is triggered.

Definitions

Due to the fact that this is an OIS, there are two findings possible in this matter: Within Policy or Not Within Policy.

Analysis and Recommendation:

The following is from the SLCPD’s policy manual concerning the use of Deadly Force:

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.

If feasible, a verbal warning should be given by the officer prior to any use of deadly force.

Considerations in Use of Deadly Force

Deadly force shall only be exercised when all reasonable alternatives have been exhausted or appear impractical. Officers should consider:

- Other methods of effecting an arrest.
- The direction in which the firearm is to be discharged because of the possibility that innocent persons or property may be struck.
- The age of the suspect and the offense committed.
- Light conditions (extreme caution must be used at night or when other conditions obscure the officer's vision).
- The danger of firing while running or jumping.

It is clear that W4 believed he was responding to a sexual assault/disturbance call and upon his initial contact with the witness female, that C was the involved party. When C was first interacted with, it is clear that he was a well-muscled, younger white male with extensive arm tattoos. C was non-responsive to all verbal commands to stand or sit and his rare verbal interactions consisted primarily of him telling W4 off, by saying “fuck you”. C attempted to enter a housing complex just south of the Maverick, likely in order to get away from W4 who was trying to interview him over the allegations put forth against him.

Additionally, C attempted to enter an unlocked jeep, again, likely to flee the interaction with W4. W4, who had not yet been able to get C to comply with any of his commands, feared C would flee, so he deployed and used his Taser on C. *(Note: although the Taser is often an effective tool in stopping a person, it can hardly be said to be 100% effective. Even in this case, with a suspect scantily clad, i.e. not having a bulky over-garment on, which can defeat the Taser probes, the Taser did not deliver the debilitating shock normally associated with it.)* C exited the vehicle and delivered a stunning blow to the face of W4, who was back pedaling to gain distance from C. W4 had transitioned to his baton and likely struck at C, but due to the effects of C’s first blow to his face, W4 was unable to retain control of his baton which was being used upon him.

S arrived as the fight began but did not have his body camera as it was the end of his shift and he was charging it as he went to assist W4. S observed the ongoing fight, saw that W4 had been injured and he intervened in order to distract and confront C in order to stop the assault upon W4. C began to approach/charge at S who had witnessed the attack on W4 with the baton and believing his life and the life of others was in jeopardy of death or serious bodily injury, fired his weapon at C. As S reported, the first rounds he fired he believed struck C but there was no discernible effect upon him, so he continued to fire. S fired a total of ten rounds and C died as a result of his wounds. *(Note: officers are taught to fire their weapons, when appropriate, until “the threat is eliminated.” This does not mean until the person is dead but means to fire until the threat that prompted the use of Deadly Force, was no longer present.)* There were no toxicology

results available at the time of this review so there is no way to know if C was under the effect of some drug but his behavior was erratic and dangerous.

Panel Findings:

As to the allegation that the use of Deadly Force, by S, was employed, 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.

Gregory Bambo
Panel Chair

11/3/17