

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S 2019-0003

Complainant: (Race/Gender)	C- Harold Vincent Robinson (W/M) (Deceased)
Alleged Policy Violation:	Excessive Force: Use of Deadly Force
Subject Officer: (Race/Gender)	S Off. Bryce Cantwell (W/M) S1 Off. Colin Fugit (W/M) S2 Off. Chris Howell (W/M) S3 Off. Brandon Johnson (W/M) S4 Off. Brandon Lynch (W/M) S5 Off. Darren Mackay (W/M) S6 Off. Ammon Mauga (P/I) S7 Off. Benjamin Nielsen (W/M) S8 Off. Rich Stone (W/M) S9 Off. Metui Tautuaa (P/I)
Subject Officers Years of Service	S 1 year S1 1 year S2 1 year S3 5 years S4 6 years S5 6 years S6 11 years S7 3 years S8 20 years S9 1 year
Date of Alleged Incident:	4/8/19
Date Investigation Requested:	4/8/19
Date Filed with Internal Affairs	4/9/19
Date Investigation Completed:	3/12/20
Panel Members:	Rebekah Myers Kevin Parke Amber Leichty Sandy Walsh Tyson Carbaugh-Mason

Date of Panel Meeting:	3/25/20
Interviews Conducted:	10

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 is an Officer Involved Shooting with ten SLCPD officers firing, along with multiple officers from the SLCo Sheriff's office and troopers from the UHP. This matter was extensively covered in the media at the time of occurrence and was covered once again when the DA's letter was recently released. Therefore, not only will this report use significant portions of the DA's letter, which includes the formal report prepared by the OICI investigative team, but our usual practice of not identifying the decedent, the officers and the witnesses will not be followed since all are named in public sources. It should be noted that all SLCPD officers gave statements to the OICI team while the officers from the other agencies opted not to, which is within their rights. From the DA's letter, the following was uncovered:

SUMMARY OF 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 April 8, 2019, around 6:00 a.m., in Duchesne, Utah, Harold Robinson told his brother Ricky that he was feeling anxious, agitated, and needed to go for a drive to calm down. Ricky said he attempted to help Mr. Robinson and filled his truck up with gas.

Mr. Robinson drove to Taylorsville, Utah and, around 9:45 a.m., robbed the Holiday Oil gas station located at 2729 West, 4700 South. Mr. Robinson then drove to Millcreek, Utah where he robbed the 7-11 located at 911 East, 3300 South at 10:20 a.m. He fired one shot in the store and left. Mr. Robinson drove a few miles to Salt Lake City and, at around 10:42 a.m., began firing his first gunshots in downtown. In total, Mr. Robinson fired approximately 50 rounds throughout the city. Mr. Robinson fired gunshots at the following Salt Lake City locations (listed in chronological order):

1. Fired shots towards the Sheraton Hotel on 150 W. 500 S.
2. Fired three shots in the air on 136 S. Main St.
3. Fired shots at the Marriott Center on 270 S. State St.

4. Fired shots toward the Salt Lake City county building in the middle of 500 S. at State St.
5. Fired shots at a vehicle on 500 S. at 200 E. (Mr. Robinson shot a Chevy Prism in the front left bumper area.)
6. Fired shots on 500 S. at 300 E.

Many people called 911 to report an active shooter firing from a vehicle. Many police officers responded and tried to stop Mr. Robinson who did not respond to commands. The police pursuit commenced after shots were fired on 500 South at about 300 East. SLCPD Captain Farillas was in the area at the time and observed Mr. Robinson's truck driving the wrong way on 500 South, while Mr. Robinson was firing shots from his vehicle. Mr. Robinson shot at Captain Farillas' vehicle. Captain Farillas later said he was unsure if the driver was pointing a handgun or rifle. During this time, several other officers joined the pursuit. Captain Farillas eventually left the pursuit, as more SLCPD, UPD, and UHP police vehicles moved in.

The pursuit traveled southbound on State Street and terminated when Mr. Robinson crashed his truck into the Princess Alterations shop located at 3339 South, State St. After Mr. Robinson crashed, he exited his truck and then attempted to get back inside. Officers later recounted it appeared to them as though Mr. Robinson was reaching for a weapon inside the truck. While Mr. Robinson was both inside and outside the truck, he was shot several times by police officers. Mr. Robinson succumbed to gunshot wounds and died at the scene of the crash.

Based on the facts presented, and as further detailed below, we conclude the use of deadly force by SLCPD Officers Brandon Lynch, Bryce Cantwell, Darren Mackay, Colin Fugit, Ben Nielsen, Chris Howell, Richard Stone, Metui Tautua'a, Brandon Johnson, and Ammon Mauga was justified under Utah State law and affords the officers a legal defense to a potential criminal charge for their use of deadly force.

Although they declined to explain their use of deadly force, we believe the facts and circumstances of the OICI, together with reasonable inferences derived therefrom, support a finding that UHP Troopers Miller and Thompson, and UHP Sgt. Shelby, and UPD Detectives Sullivan and Lloyd likely would be entitled to the legal, affirmative defense of justification under Utah State law; in other words, that each officer would be able to claim successfully at trial that each reasonably believed the "use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person." Utah Code Ann. § 76-2-404(1)(c).

Consequently, either because we find their use of force was justified, or because we believe they likely would be legally entitled to the affirmative defense of justification under Utah State law, we do not intend to file criminal charges against any of the aforementioned SLCPD, UHP, and UPD law enforcement officers who were involved in the OICI. Assuming the officers' trial testimony, if any, would be consistent with the evidence collected by protocol investigators, as well as the statements provided by witnesses, we believe each officer would be entitled to the legal, affirmative defense of justification under Utah State law.

RELEVANT LEGAL STANDARDS

As relevant here, law enforcement officers who used deadly force are entitled to the legal defense of justification when (see Utah Code Ann. § 76-2-404(1)(emphases added)):

- (b) 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
 - (i) 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; or
 - (ii) 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; or
- (c) 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.

Based on this statute, the legal defense of justification may be available where a law enforcement officer "reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury ... to the officer or another person." Utah Code § 76-2-404(1)(c). That affirmative defense may also be available where a law enforcement officer "reasonably believes that deadly force is necessary" to prevent a suspect's escape and the officer had probable cause to

believe the suspect posed "a threat of death or serious bodily injury to the officer or to others if apprehension is delayed." *Id.* at § 76-2-404(1)(b). In determining whether the use of deadly force was justified under Utah law, courts may consider several factors, including: (i) the nature of the danger; (ii) the immediacy of the danger; and (iii) the probability that the unlawful force would result in death or serious bodily injury. See Utah Code Ann. § 76-2-402(5).

Although Utah statutory law does not fully differentiate standards of "reasonableness" as between law enforcement officers and civilians, (compare Utah Code § 76-2-402(1) (universal application), with Utah Code § 76-2-404(1) (application to law enforcement officers only)), the Supreme Court of the United States discussed measures of reasonableness in the use of force context in *Graham v. Connor*, 490 U.S. 386 (1989). In *Graham*, the Supreme Court instructed that "reasonableness" for law enforcement officers must be assessed in light of a "reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* at 396 (internal citations omitted). The Supreme Court held that this determination "requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests ...

Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application," ... its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.

FACTS DEVELOPED DURING OICI INVESTIGATION

As noted previously, after the use of deadly force by law enforcement officers from SLCPD, UHP, and UPD, the involved agencies properly initiated the OICI protocol. WVCPD members led a task force of protocol investigators to conduct an independent investigation of the officers' weapons discharge. The protocol investigation's independent investigative findings were presented to the D. A.'s Office to screen for possible criminal charges.

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

On April 8, 2019, at 6:53 a.m. Harold Robinson left Duchesne, Utah and traveled to Taylorsville, Utah. He robbed a Holiday Oil at gunpoint located on 2729 West, 4700 South at about 9:45 a.m. Mr. Robinson then traveled 15 minutes to Millcreek, Utah where he robbed a 7-11 on 911 East, 3300 South, also at gunpoint. Mr. Robinson fired one shot in the store.

Mr. Robinson drove to the Sheraton Hotel in downtown Salt Lake City (150 West, 500 South) and, at about 10:45 a.m., fired several disparate gunshots. None of the shots hit anyone. Witnesses described seeing a taller male shooting into the air from the window of an "older white Chevy or Ford truck."

Mr. Robinson drove away from the hotel and, when he reached the area of 136 South, Main St., near a Starbucks, he fired three shots into the air. Soon after, Mr. Robinson stepped out of his truck and fired two to three shots at 270 South, State St. at the Marriott City Center Hotel, toward a few vehicles. Again, no one was injured by the gunfire.

Next, Mr. Robinson drove to the area of 500 South and State St. and fired several shots into the air. During the subsequent investigation, detectives located and recovered seventeen spent (empty) cartridge casings from the area. Mr. Robinson drove eastbound on 500 South (into oncoming traffic on the one-way street) and fired shots at a Chevy Prism on 500 South, 200 East. Again, no one was injured by the gunshots.

SLCPD Captain Farillas was driving his police car in the area and heard reports of a male shooting on 500 South. He noticed a man, subsequently identified as Mr. Robinson, driving toward oncoming traffic while shooting out of his driver's window. Captain Farillas followed Mr. Robinson and provided updated information over his police radio. Mr. Robinson continued to drive. At 800 South, 500 East, Mr. Robinson fired shots at Captain Farillas. Captain Farillas eventually stopped pursuing Mr. Robinson, as several other police vehicles moved in and began a pursuit. Eventually, Mr. Robinson started driving southbound on State Street and many police vehicles followed with emergency lights on, ordering Mr. Robinson to stop.

Throughout the duration of the pursuit, SLCPD Officers Dan Davis and Andrew Jackson heard Mr. Robinson firing continuous shots toward the officers. In an effort to stop Mr. Robinson's flight, South Salt Lake Police ("SSLPD") Officer Luis Lombardo attempted to set road spikes at 2400 South State St., but the spikes were not successful. SLCPD Officers McKay and Fugit (traveling in the same car) then

attempted to ram the rear tire of Mr. Robinson's tire, but hit the rear corner of the truck instead. The impact of the officer's car caused Mr. Robinson's vehicle to swerve across a median, causing the vehicle to crash into the Princess Alterations shop located on 3390 South, State St.

After the collision, Mr. Robinson exited his truck and then tried to reenter the truck. Several officers from SLCPD, UPD and UHP, fearing that Mr. Robinson was going to fire more shots, fired several rounds toward Mr. Robinson, both while he was inside and outside the truck. Mr. Robinson fell to the ground after sustaining injuries from the gunshots and succumbed to his wounds. Medical examiners were unable to determine the exact number of entry or exit wounds located in Mr. Robinson.

Witness Statements

Officer Darren Mackay (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Mackay. Officer Mackay said he was riding in the passenger seat of a patrol car with Officer Fugit driving when they heard a "shots fired" call come over the radio. Officer Mackay said he and Officer Fugit headed eastbound on 3300 South. Officer Mackay said he heard that Mr. Robinson was shooting at officers through his truck window. As the officers approached 3300 South State St., Officer Mackay said they devised a plan to stop Mr. Robinson's truck. Officer Mackay explained that they wanted to stop the truck before Mr. Robinson hurt anyone else.

As the officers' vehicle neared the intersection of 3300 South and State St., Officer Mackay told Officer Fugit to ram the rear tire of Mr. Robinson's truck. Officer Mackay explained that they missed hitting the rear of the truck and ended up hitting the rear corner, stating that it was more of "grazing blow than a solid strike." Officer Mackay said he saw the truck go through the intersection, then suddenly swerve across the road and crash into a building.

Officer Mackay stated that Officer Fugit stopped the police vehicle directly behind Mr. Robinson's truck and exited. Officer Mackay said he watched the truck for a few seconds to see what Mr. Robinson was going to do. Officer Mackay said he drew his handgun and stood by the passenger side of the vehicle. At this time, Officer Mackay said he didn't see Mr. Robinson show signs of giving up his attack. Officer Mackay noted the multiple officers in the immediate area, civilians that were in their cars, and numerous other individuals

that would be in danger if Mr. Robinson begin shooting again.

Officer Mackay said that he decided to fire his weapon at the driver's side of the truck. He said he was firing and trying to aim at the driver's side of the vehicle. Officer Mackay believes he fired seven rounds initially and didn't see any signs that Mr. Robinson was giving up. He paused momentarily and saw Mr. Robinson open the door. Officer Mackay said he reloaded his weapon and, as Mr. Robinson came out of the truck, Mr. Robinson made a tum toward the officers. Officer Mackay said that after Mr. Robinson was out of the truck, it looked to Officer Mackay that Mr. Robinson was trying to reenter the truck.

As Mr. Robinson turned back toward the front of the truck, Officer Mackay said he fired at Mr. Robinson a few more times, to try to stop Mr. Robinson from getting into a position of advantage. Officer Mackay stated that Mr. Robinson fell onto his right side. Once Mr. Robinson fell down, Officer Mackay said he fired a couple more rounds. Officer Mackay said he advanced on Mr. Robinson with other officers and helped place him in handcuffs.

Officer Colin Fugit (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Fugit. Officer Fugit said he and Officer Mackay were transporting an individual to jail when a call came over the radio that shots had been fired around the Sheraton Hotel in downtown Salt Lake City. Officer Fugit said he and Officer Mackay left the jail and traveled toward State St. after hearing that the shooting had intensified. Officer Fugit said he and Officer Mackay devised a plan to ram Mr. Robinson's truck to disable it while driving towards State St.

Officer Fugit said he and Officer Mackay timed their approach to intercept and ram Mr. Robinson's truck. Shortly after hitting the vehicle, Officer Fugit said he saw the truck lose control and crash into the side of a building. When Mr. Robinson crashed, Officer Fugit said he saw Mr. Robinson move around in the cab of the truck. Officer Fugit said he knew that Mr. Robinson had been shooting at officers and civilians and felt that he needed to be stopped. At this point, Officer Fugit said he made the decision to fire into the cab of the truck. After the shooting, Officer Fugit walked to the rear of the business to see if anyone else had been hurt.

Officer Cantwell explained that he was concerned that Mr. Robinson had no regard for the safety of anyone in the vicinity. Officer Cantwell said Mr. Robinson was firing his rifle at pedestrians, cars in his way, and other officers, and Officer Cantwell said he felt compelled to stop Mr. Robinson.

Officer Brandon Johnson (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Johnson. Officer Brandon Johnson said he was working a security shift at West Valley High School, when he heard over the radio that there had been a shooting at the Sheraton Hotel. Soon after this report, Officer Johnson said he attempted to pursue the shooter, eventually catching up with the police pursuit around 1300 South, State St. Officer Johnson stated that he was the fourth or fifth vehicle back from the front of the pursuit.

Throughout the pursuit, Officer Johnson explained that he could "hear loud pops and assumed the sounds were gunfire." During this time, Officer Johnson said he heard officers over the radio relay that Mr. Robinson was shooting out of his vehicle with a rifle. When Officer Johnson heard this, he unlocked his rifle so as to "meet his force in the same manner."

Once the officers reached 3300 South and State St., Officer Johnson said he saw Officer Fugit drive east across State Street, in an attempt to hit the truck. He then saw the truck veer swiftly to the left, crashing into a building. When the pursuit came to a halt, Officer Johnson exited his vehicle and grabbed his rifle. Officer Johnson said he observed Mr. Robinson sitting in the vehicle but not attempting to exit. In response, Officer Johnson said he started to fire his rifle at the driver's compartment where Mr. Robinson was sitting. Officer Johnson said he then saw Mr. Robinson exit the vehicle and turn toward the truck. Officer Johnson said he continued firing until Mr. Robinson fell on the ground.

Officer Ben Nielsen (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Nielsen. At the time of the incident, Officer Nielsen said he was training Officer Howell, a junior officer, who was in the driver seat of the patrol vehicle. Officer Nielsen said he and Officer Howell joined the pursuit after multiple calls reported that there was an active shooter in the city. Officer Nielsen said he became the lead car at one point in the pursuit, near 2100 South, State St. On two separate occasions, Officer Nielsen said Mr. Robinson pointed a rifle out of his truck and fired two times at Officers Nielsen and Howell.

Officer Nielsen recalled that Mr. Robinson pointed a rifle at them numerous times throughout the pursuit and fired at them at least one time. Each time the two officers neared Mr. Robinson, he pointed the rifle at them. Between 2300 South and 2700 South, State St.,

Officer Nielsen said he told Officer Howell, that "if he points the rifle at us again, I am going to fire." So, when Mr. Robinson next pointed the rifle at them, Officer Nielsen said he fired two rounds through his windshield at Mr. Robinson. Officer Nielsen said Mr. Robinson swerved and ducked in the cab of his truck. Officer Nielsen said Mr. Robinson's truck was struck by Officer Fugit shortly after.

After Mr. Robinson came to a halt, Officer Nielsen said he stopped and exited his police vehicle. Officer Nielsen said he believed Mr. Robinson was reaching for a rifle from the passenger seat, because he noticed earlier that Mr. Robinson would place it there when pausing between shots. Fearing Mr. Robinson was going to grab the rifle and hurt officers or civilians, Officer Nielsen said he pulled the trigger on his gun, but it malfunctioned. However, when Mr. Robinson exited his truck, Officer Nielsen reloaded and was able to fire his weapon until Mr. Robinson fell down.

Officer Chris Howell (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Howell. Officer Howell said he was riding with Officer Nielsen on April 8, 2019. Officer Howell said he heard over the radio that shots had been fired. After hearing that multiple shots were fired, Officer Howell said he and Officer Nielsen drove to the area.

Officer Howell explained that they eventually caught up with Mr. Robinson on 800 South State Street. When they reached the area, Officer Howell said they located the white pickup truck and noticed that Mr. Robinson was driving erratically. Officer Howell said that, as the officers got closer to the truck, they noticed that Mr. Robinson had a rifle. Officer Nielsen told Officer Howell that if Mr. Robinson pointed the rifle at him, that he would shoot. At that moment, Mr. Robinson turned around pointed the rifle at Officer Nielsen, and Officer Nielsen fired two rounds at Mr. Robinson. Officer Howell said Mr. Robinson's truck was soon hit by another patrol vehicle going eastbound on 3300 South on State Street. Officer Howell said he watched Mr. Robinson's truck swerve across the center of the median and crash into a building.

Officer Howell said that as the truck crashed, he pulled up to the scene and exited his patrol vehicle. Officer Howell believed he was probably the third car on scene. He took position behind the trunk of another police vehicle and watched Mr. Robinson. Officer Howell said he lost sight of Mr. Robinson momentarily and thought he might be digging around in the cab of the truck. Officer Howell said he saw Mr. Robinson exit the car "really fast" and turn. Officer Howell said he fired

his weapon until Mr. Robinson went down. After the incident, Officer Howell said he approached the truck and made sure there was no one else inside.

Officer Richard Stone (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Stone. Officer Stone said he was working as a police officer at Goldman's Sachs on 222 Main St., when he heard "pops," or sounds he believed were gunfire. After receiving calls concerning the shooting, Officer Stone said he ran out of Goldman's Sachs and headed toward the scene. After Captain Farillas updated everyone on where Mr. Robinson's vehicle was, Officer Stone said he took the lead position in the pursuit.

As Officer Stone was pursuing Mr. Robinson, Mr. Robinson began to fire multiple rounds from his vehicle. Officer Stone said that, as the pursuit continued, he realized that this was an active shooter situation which needed to end immediately. Officer Stone said he communicated to fellow officers that "we have to get up there and shoot this guy-he is a danger to everybody."

Officer Stone said that, after Mr. Robinson dodged the road spikes, another officer hit Mr. Robinson's truck from behind, and the truck crashed into the alterations shop. Officer Stone explained that once the truck hit the building, Officer Stone got out of his vehicle and took cover behind a UHP vehicle. Officer Stone said he assumed the situation was going to be "like most high risk stops," and Mr. Robinson would be called out and taken into custody. At this point he saw Mr. Robinson exit the truck without putting up his hands, and then move back to the truck. Officer Stone explained that he felt he "really needed to stop this guy." Officer Stone said he began shooting and stopped when he saw Mr. Robinson's legs buckle and slump down.

Officer Metui Tautua'a (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Tautua'a. Officer Tautua'a said he was responding to another incident when he heard reports of shots being fired. After listening further, he said he heard a report of second shots being fired from a truck. Officer Tautua'a said he was able to join the pursuit rather quickly because he was in the area at the time. As he joined the pursuit, he heard multiple shots being fired out of the window. Officer Tautua'a explained that as he approached the South Salt Lake area, he saw that other officers were attempting to spike the truck but were unsuccessful because Mr. Robinson was driving around them.

As the pursuit was progressing, Officer Tautua'a said he heard an officer over the radio say, "we need to shoot this guy because he is a threat and danger to everyone in the area." Eventually, a police vehicle coming from 3300 South State struck the back of Mr. Robinson's vehicle. This caused Mr. Robinson's truck to fishtail and cross the center median before crashing into the side of a building.

When Mr. Robinson crashed, Officer Tautua'a said he exited his vehicle and drew his weapon. Officer Tautua' a explained that Mr. Robinson was not exiting his vehicle and was turning toward the passenger side of the truck. At this point, several of the other officers began shooting. Officer Tautua'a stated that he then fired 18 rounds and reloaded his weapon. Officer Tautua'a explained that he feared that Mr. Robinson was "going to kill people ifhe hadn't already" and "needed to be stopped immediately because of the danger he posed."

Officer Ammon Mauga (SLCPD)

On April 15, 2019, OICI protocol investigators interviewed Officer Mauga. Officer Mauga explained that he was working patrol on April 8, 2019, and after hearing shots fired over the radio, he headed in the direction of the gunshots. A second call soon came in, in which an officer indicated that he had located Mr. Robinson, going south on State Street around 800 South. Officer Mauga said he joined in the pursuit as the third car back in the pursuit. He recalled seeing a SLCPD vehicle hit the truck and cause Mr. Robinson's truck to swerve, eventually hitting the center island and crashing into a building.

Officer Mauga said he pulled up behind Mr. Robinson's vehicle and saw him jump out of the truck. Initially, he thought he saw Mr. Robinson holding an object in his hand but was uncertain. Officer Mauga explained that because Mr. Robinson had been actively shooting at police and civilians, he was concerned that Mr. Robinson would continue shooting, as he was not surrendering. In response, Officer Mauga said he made the decision to fire his weapon, emptying one magazine and then reloading another one, as Mr. Robinson was making movements like he was going to shoot someone or run. As soon as Officer Mauga saw Mr. Robinson fall to the ground, he stopped firing. He said he also helped clear the truck and the adjacent building.

Physical Evidence

Protocol investigators inspected and photographed the OICI scene around 3339 South, State St. The OICI scene at 3339 South,

State St. was a large, dynamic one that spanned hundreds of feet. Several hundred pieces of evidence were both collected and documented throughout this radius.

Inside Mr. Robinson's truck, protocol investigators observed and photographed the contents of Mr. Robinson's vehicle. Investigators found several one and five dollar bills, rifle cartridges, rifle magazines, pistol cartridges, rifle casings, a beer bottle, cigarettes, metal fragments, bag of tobacco, ammunition boxes, a pistol, a rifle, a laundry basket, and the books "Improvised Munitions Handbook" and "Expedient Homemade Firearms" in a black duffle bag, ajar of black powder, a black plastic box, a bullet from behind the driver's seat and front center console, a computer laptop, a 12 gauge shotgun, shotgun shells, a red cigarette lighter, a rifle upper receiver, ammunition list, and an armory press.

Protocol investigators recovered 196 spent (empty) cartridge casings from the OICI scene surrounding 3339 South, State St. One of the casings found was attributed to Mr. Robinson's weapon.

Investigators also inspected and documented the other scenes and locations related to the OICI, including the scenes of Mr. Robinson's robberies and areas in which Mr. Robinson fired his weapon.

Body Camera Footage

Investigators reviewed body-worn camera, surveillance and dash camera recordings from SLCPD Officers Lynch, Cantwell, Mackay, and Fugit. Investigators could not view footage from the body-worn cameras of SLCPD Officers Nielsen, Howell, Stone, Tautua'a, Johnson, Mauga, or Miller; or UHP Trooper Thompson, Sgt. Shelby; or UPD Detectives Sullivan or Lloyd because the body worn cameras either malfunctioned or were not turned on during the OICI incident. The body-worn camera, surveillance and dash camera recordings that were viewed are consistent with the officers' statements and appear to corroborate the timeline of events as outlined in witness statements.

The following statements are taken from the body camera footage and are excerpts from the relevant portions of the OICI incident.

SLCPD Officer Lynch's Body Camera

Officer Lynch's body camera recorded him at the intersection of

800 South State Street exiting his patrol vehicle and retrieving his rifle from the trunk. He is heard yelling: "Here it comes, here it comes, heads up, heads up, here he is, here he is, go, go, go." Officer Lynch then gets back in his patrol vehicle and drives south on State Street. Officer Lynch then radios: "Hey guys he's firing, back off. Watch your backs, back drops off he's firing."

Officer Lynch continues on the radio: "144 radio tell South agencies to start closing off State. 21 South 21 South still Southbound, he's weaving in and out of lanes of traffic. He missed the spikes, South Salt Lake tried to spike him he went around them." As Mr. Robinson's vehicle starts to cross the median, Officer Lynch states: "146 stay off the driver's side, his window is down ... he is slowing pit him in, stop him. Yeah there it is pit him, pit him."

Soon after, Officer Lynch stops his vehicle on State Street and draws his pistol, firing eight shots towards Mr. Robinson. In the video other shots are heard firing as well.

SLCPD Officer Cantwell's Body Camera

Officer Cantwell's body camera footage recorded him after Mr. Robinson's truck crashed into the alterations shop. Footage from the camera begins with Officer Cantwell standing over Mr. Robinson's body while exclaiming: "Dude he fucking shot at me coming northbound on State." Officer Cantwell then relays to another officer: "Yeah, I was coming northbound... he just fucking stuck it out of the window and goes pop, pop, scared the fucking shit out of me dude."

The footage also captured Officer Cantwell conversing with Officer Mauga. Officer Cantwell relayed to him: "Uhm, I was one of the first ones out yeah. I was here coming this way. I could not see the right side. When I was headed north, right before he shot at me, I could only see one guy... So I was in the car that came northbound and flipped around and got right behind him. He just popped it out and went pop, pop. I was like shit... I didn't see anything on my car... so I didn't get hit."

Officer Mackay's and Officer Fugit's Body Cameras

The body camera footage begins with Officer Fugit and Officer Mackay in their patrol vehicle ramming Mr. Robinson's truck. Soon after, Mr. Robinson's truck crashes into the alterations shop and Officer Fugit and Mackay jump out of their vehicle and begin shooting toward Mr. Robinson. Sounds of rapid gunfire and sirens are heard throughout the footage.

Later, Officer Fugit is seen walking throughout the alterations shop, ensuring that the premises are clear from danger. He is heard asking if anybody has been hit.

Surveillance Footage

Crown Burger Footage

On April 8, 2019, footage from the Crown Burger at 3270 South, State St. parking lot captured fleeting images of police and other vehicles driving past the Crown Burger. The security footage only captured the bottom half of the vehicles on the road, as the camera is aimed primarily at the parking lot and not the adjacent road.

Your Budget Auto Sales Footage

On April 8, 2019, an employee at Your Budget Auto Sales, recorded cell phone footage of officers stopping their vehicles in the area of 3300 South, State St. and shooting at Mr. Robinson after crashing into the Princess Alterations chop. On the video sounds of gunfire, police sirens and an individual making comments are recorded. The video is poor quality and does not depict Mr. Robinson.

Pure Water Solutions

On April 8, 2019, surveillance footage from Pure Water Solutions at 3208 South, State St. captured a truck: fleeing on State St. with police pursuing. Other angles reveal officer vehicles approaching the intersection at 3300 South and State St., but the video is unclear.

Allegations:

This matter is an OIS and as such, it triggers an automatic review by CRB. The allegation therefore is: Excessive Force: Use of Deadly Force.

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/evidence certainly imply that Mr. Robinson was undergoing some sort of mental crisis as his actions were violent, disturbing and seemingly unprovoked. It can be positively demonstrated that he repeatedly fired his weapons in a manner that endangered the lives of many people who randomly were in or along his path.

The issue the Panel must decide is if Mr. Robinson's actions posed a threat of death, or serious bodily injury, to the public and/or to any officer and if so decided, did the SLCPD officers act *reasonably*, as explained above.

Panel Findings:

As to the allegation that S-S9 used "Excessive Force", the Panel makes a finding of "Exonerated"

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

Rick Rasmussen
On Behalf of Kevin Parke

3/25/20