

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S 2019-0005

Complainant: (Race/Gender)	C- Richie Santiago (H/M) (Deceased)
Alleged Policy Violation:	Excessive Force: OIS/Fatal
Subject Officer: (Race/Gender)	S Off. Lucas Johnson (W/M) S1 Off. Wilson Silva (H/M)
Subject Officer's Years of Service:	S 3 years S1 2 years
Date of Alleged Incident:	8/5/19
Date Investigation Requested:	8/5/19
Date Filed with Internal Affairs	8/6/19
Date Investigation Completed:	5/12/20
Panel Members:	Turner Bitton Lance Hemmert Sandy Walsh Amber Liechty Kevin Parke
Date of Panel Meeting:	5/15/20
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 matter is an Officer Involved Shooting which resulted in the death of Richie Santiago. The matter was covered in the media at the time of the incident and then again once the SLCo DA released their investigative letter to the press. Therefore, CRB will forgo the usual practice of not naming the involved individuals since the names are already part of the public record.

Much of the DA's report will be used herein since it is already public knowledge, however conclusions made in that report, along with other items, will not be included within this report. All salient information, from the DA's report and CRB's own review, will be included herein.

The following comes from the DA's letter:

SUMMARY OF FACTS AND FINDINGS

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 August 5, 2019, SLCPD Officers Silva and Johnson interacted with a man, later identified as Richie Santiago, sitting in the back seat of a parked car. The vehicle contained four other occupants at the time: people we'll refer to as A. A., E. A., J. T., and P. M. Officer Johnson discovered that Mr. Santiago had an outstanding warrant for his arrest. The officers notified Mr. Santiago of the warrant and told him he was going to jail. Officer Johnson attempted to escort Mr. Santiago from the back seat of the car to his patrol vehicle. As he did so, Mr. Santiago suddenly drew a handgun from a backpack at his feet. Witnesses later recounted hearing a shot and believed Mr. Santiago fired the gun. As discussed more fully below, forensic examinations during the investigation are not conclusive whether Mr. Santiago fired at that moment or very shortly thereafter.

In either event, Officers Silva and Johnson fired their handguns at Mr. Santiago. Mr. Santiago got out of the car, moved away from the car, and fell to the ground. Forensic examinations during the investigation tend to show Mr. Santiago fired his weapon at or towards the officers once he was outside the car. Eventually, Mr. Santiago stopped moving. Officers made the scene safe, rendered first aid to Mr. Santiago, and called medical personnel to the scene. Mr. Santiago died at the scene from his injuries.

FACTS DEVELOPED DURING OICI INVESTIGATION

As noted previously, following Officer Johnson's and Officer Silva's use of deadly force, SLCPD properly initiated the OICI protocol, *see* Utah Code Ann. § 76-2-408(2)-(3), and protocol investigators were called in to conduct an independent investigation of Officer Johnson's and Officer Silva's weapon discharge. After

that, the protocol investigation's independent investigative findings were presented to the DA's Office to screen for possible criminal charges.

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 August 5, 2019, Officer Johnson and Officer Silva responded to the Park Place Apartments in Salt Lake City, Utah on an unrelated call for service. Upon concluding their business, the officers prepared to depart the apartment complex. However, as Officer Johnson was leaving, he noticed what he described as a suspicious vehicle a white Nissan, with a pedestrian standing next to it. The area was known for high drug trafficking and Officer Johnson later said he thought the exchange between the vehicle occupants and the pedestrian looked like it could be a drug transaction.

In response, Officer Johnson ran the vehicle's license plate numbers and discovered it was a suspected vehicle in an earlier shooting at the Park Place Apartments. As Officer Johnson looked into the matter, he noted that a man named Richie Santiago was alleged to have been involved in the shooting. The vehicle Officer Johnson was investigating had no insurance or vehicle registration. Wanting to investigate the situation further and understanding the need to be safe in a potentially dangerous situation, Officer Johnson radioed Officer Silva and asked him to return to the apartment complex to assist.

Officer Johnson approached the car and made contact with the occupants. Officer Johnson later said he found the driver to be very nervous. There were four other occupants in the vehicle as well, including one child. Among the occupants was Richie Santiago, sitting in the back seat on the driver's side. Officer Johnson got Mr. Santiago's identification and ran a warrants check.

Officer Silva arrived and joined the investigation. Both officers stood at the car. As the officers spoke with the driver, Mr. Santiago opened the car door and attempted to exit. Officer Johnson told Mr. Santiago to remain seated. Officer Johnson obtained Mr. Santiago's identification and ran a warrants check in his patrol vehicle. Officer Silva remained by the car and noted that Mr. Santiago was very nervous and would not make eye contact.

Officer Johnson returned to the vehicle to inform Mr.

Santiago that he was under arrest. Officer Silva later said he believed Mr. Santiago would not go willingly with the officer. Officer Silva grabbed Mr. Santiago's left arm to place him under arrest. At this moment, Officer Silva saw Mr. Santiago reach with his right arm and open a backpack at Mr. Santiago's feet and reach inside. Officer Johnson unholstered his weapon, pointed it at Mr. Santiago's back as he grabbed Mr. Santiago's left arm and said: "Don't, don't!"

As Mr. Santiago pulled out a handgun from the backpack, both Officer Johnson and Silva immediately backed up. The officers drew their weapons, simultaneously yelling commands at Mr. Santiago. The officers recognized that the other occupants in the vehicle put the officers at a disadvantaged position to utilize their weapons.

In a subsequent interview, Officer Silva said he heard a gunshot, as did one of the other occupants in the car. Forensic examinations during the investigation are not conclusive whether Mr. Santiago fired at that moment or very shortly thereafter. Forensic examinations did not find physical evidence whether Mr. Santiago fire a shot before he got out of the car, but the statements of witnesses indicate he may have.

Officer Johnson and Officer Silva fired at Mr. Santiago through the rear window, aiming downward to avoid the other occupants. Mr. Santiago rushed out of the car. It's unclear from body-worn camera footage whether Mr. Santiago fired at the officers as he moved away from the car, but forensic examiners with the protocol investigation team recovered a bullet slug inside the car that was fired from Mr. Santiago's firearm. The slug entered through the car's rear quarter panel. Based upon the shot's angle of the trajectory and the location of the impact, it seems highly likely that Mr. Santiago fired this shot after he exited the vehicle.

As he moved, Mr. Santiago collapsed to the ground several feet from the car. A gun slid out of Mr. Santiago's hands as he hit the ground. The officers maintained their distance between themselves and Mr. Santiago until they could make the situation safe. Officer Johnson directed the occupants to leave the vehicle. None of the occupants were injured, except for P. M., who received a slight scrape on his ear. Officers Johnson and Silva performed first aid on Mr. Santiago and called for medical personnel to help. However, Mr. Santiago succumbed to his wounds and died at the scene.

Witness Statements

Officer Johnson

On August 14, 2019, OICI protocol investigators interviewed Officer Johnson. Officer Johnson explained that he and Officer Silva were working on August 5, 2019, and Officer Silva was his backup officer for the day. Officer Johnson said that he and Officer Silva responded to a 911 call made at the Park Place Apartments. Once Officer Johnson realized that the 911 call was accidentally made from a child, Officer Silva left to assist another officer.

Officer Johnson said that shortly after leaving the complex, he noticed a white passenger vehicle parked in the apartment complex's visitor parking. Officer Johnson said he saw people around the car who appeared to be engaged in a drug transaction. Officer Johnson stated that he ran the car's license plate and discovered that the vehicle had been involved in a recent shooting at the complex. A man named Richie Santiago was listed as a suspect in shooting.

Upon learning this information, Officer Johnson radioed Officer Silva and asked him to return to the scene and help in questioning the vehicle's occupants. Officer Johnson stated that he approached the driver and asked whether the vehicle's insurance was current and whether he could speak with a passenger in the back, who was Mr. Santiago. During the encounter, Officer Johnson relayed that Mr. Santiago appeared very nervous and anxious.

When Officer Silva arrived, Officer Johnson advised him to monitor Mr. Santiago while Officer Johnson ran the information provided by the driver and Mr. Santiago on his computer. After confirming that Mr. Santiago did have a warrant for his arrest, Officer Johnson told Mr. Santiago that he was under arrest and grabbed his left arm. Officer Johnson stated that Mr. Santiago did not immediately comply and began rifling through a backpack in front of him. Based upon past experience, Officer Johnson believed that Mr. Santiago was searching for a weapon and as such, drew his own weapon, pointing it at Mr. Santiago's back and issuing commands.

Officer Johnson said that, as he drew his weapon, he was

acutely aware of other passengers in the vehicle, so he backed off and tried to point his weapon in a safer direction. Immediately, Officer Johnson said he saw Mr. Santiago pointing a pistol out of the vehicle toward the officers. Officer Johnson said he was afraid for his and Officer Silva's life. In response, he fired his weapon at Mr. Santiago through the rear window and downward, in attempts to minimize the risk to other vehicle occupants.

Officer Johnson stated that Mr. Santiago got out of the vehicle with a gun in his hands. Officer Johnson said he believed Mr. Santiago had been shot. Officer Johnson said he saw Mr. Santiago fall to the ground and roll away from the officers. Officer Johnson then noticed that the occupants in the vehicle were distraught and began to address their concerns, asking if anyone was injured.

Officer Johnson said he waited for additional officers to arrive to make a safe approach to Mr. Santiago. Officer Johnson said he approached Mr. Santiago and saw a handgun next to Mr. Santiago. Officer Johnson recalled the gun appeared to have a malfunction and was out of battery. Officer Johnson said he advised another officer to push the gun away and, once Mr. Santiago was secure, officers rendered first aid and called for medical personnel to arrive.

Officer Silva

On August 14, 2019, OICI protocol investigators interviewed Officer Silva. Officer Silva recalled that he responded to the Park Place Apartments to assist Officer Johnson, who had responded to an accidental 911 call. After resolving the situation, he attended to another incident occurring across town in Salt Lake City. As he was responding to the other call, he was contacted by Officer Johnson, who asked him to return to the Park Place Apartments.

Upon arriving back at the complex, Officer Silva said he parked behind Officer Johnson's patrol vehicle. Officer Silva said he got out of his police car and Officer Johnson asked him to stand behind a white vehicle that Officer Johnson was investigating. Officer Silva explained that an occupant of the car, Mr. Santiago, attempted to exit the vehicle. Officer Silva said he refused to make eye contact and looked past Officer Silva. Officer Silva stated he put on his patrol gloves to prepare the "flight or fight" that he thought might likely ensue.

Officer Silva said Officer Johnson had been running a warrants check on Mr. Santiago. Officer Silva said Officer Johnson walked up to the car and told Mr. Santiago that he was under arrest. Officer Silva said he grabbed Mr. Santiago's arm and recalled Mr. Santiago stating that he would not resist, but that he has anxiety. In response, Officer Silva grabbed the Gatorade bottle from Mr. Santiago's lap and tossed it away. Officer Silva said Mr. Santiago resisted their attempts to arrest him and opened a backpack sitting on the floorboard in front of him.

As Mr. Santiago opened the backpack, Officer Silva said he realized that he was in a poor position to fire his weapon because of the other occupants in the vehicle, so he began moving backwards. Officer Silva said he heard a muffled gunshot. Officer Silva said he believed the shot came from inside the car and believed Mr. Santiago was firing at the officers. Officer Silva heard Officer Johnson fire his weapon.

Officer Silva said he began shooting at Mr. Santiago until Mr. Santiago fell to the ground and he stopped moving. Officer Silva said he handcuffed Mr. Santiago and then began administering medical care, however by the time he obtained his medical kit, other officers had taken over care.

Witness A. A.

On August 5, 2019, protocol investigators interviewed A. A. who was sitting in the front passenger seat of the white Nissan with four other occupants, including Mr. Santiago. A. A. said that she, her husband, and daughter had been living with Mr. Santiago at the Park Place Apartments because they were homeless and needed a place to stay.

A. A. said that they were parked in front of the apartments to drop Mr. Santiago off, when she saw a friend, who walked over and spoke with the occupants in the vehicle. As they were preparing to leave, A. A. said Officer Johnson pulled up behind the Nissan. She recalled Officer Johnson asking if there was current insurance attached to the vehicle. A. A. stated that Officer Johnson told them that the vehicle had been involved in a recent shooting; A. A. said she told Officer Johnson she didn't know anything about it.

A. A. said that when officers attempted to arrest Mr. Santiago, she remembered Mr. Santiago pulling back into the vehicle and telling officers he had anxiety and did not want to go to jail. A. A. said she did not see Mr. Santiago with a gun, but "everything happened so fast." She said she remembered hearing six or seven gunshots.

Witness E. A.

On August 5, 2019, protocol investigators interviewed E. A., daughter of A. A. E. A. was seated in the center-rear seat of the white Nissan. She did not recall whether or not Mr. Santiago had a gun on his person, but remembered Mr. Santiago trying to run away. E. A. said she recalled seeing Mr. Santiago with two gunshot wounds in his back.

Witness J. T.

On August 5, 2019, protocol investigators interviewed J. T. who was seated in the rear- passenger seat of the white Nissan. J. T. said that the group went to the Park Place complex so Mr. Santiago could get money from his grandmother to pay for a hotel room.

J. T. stated that, prior to the shooting, Officer Johnson asked whether the vehicle had current insurance and told the occupants that the vehicle had been involved in a recent shooting. J.T. said he heard A. A. deny the allegation. J. T. said he recalled officers attempting to arrest Mr. Santiago, to which Mr. Santiago responded, "I don't want to go to jail, I have had anxiety," and refused to exit the vehicle.

J. T. said that Mr. Santiago unzipped his backpack, reached in and pulled out a gun. J. T. said Mr. Santiago pointed the gun at the officers and leaned back toward the vehicle, where E. A. was sitting. J. T. stated that Mr. Santiago "released" a round from the gun. J. T. said that this was the only shot fired by Mr. Santiago. J. T. said that he had seen the gun in Mr. Santiago's possession on earlier occasions, but J. T. thought Mr. Santiago had sold it.

Witness P. M.

On August 5, 2019, protocol investigators interviewed P. M. who was the driver of the white Nissan. He stated that they were visiting some friends at the complex. P. M. recalled that Officer Johnson pulled his patrol vehicle behind his vehicle and inquired about the status of the vehicle's insurance.

P. M. said Mr. Santiago was in the car and opened his door so he could smoke a cigarette. At this time, P. M. said that the officers told Mr. Santiago that there was a warrant for his arrest, to which Mr. Santiago kept asking if he was going to go jail. P. M. said he didn't remember whether Mr. Santiago resisted the officers attempts to arrest him. However, he did remember hearing one gunshot, followed by several more gunshots.

As the gunshots were firing, P. M. said he ducked down in the driver's seat to avoid being shot. P. M. said that Mr. Santiago was known to carry a gun and for fleeing the police. P.M. told the protocol investigators he had been treated for a tiny scratch on his ear, possibly caused by shrapnel.

Physical Evidence

Protocol investigators inspected and photographed the OICI scene. Investigators documented the succession of events prior to, during and after Mr. Santiago was shot by Officers Johnson and Silva at the Park Place Apartments.

Inside the white Nissan, protocol investigators observed and inspected the items in the vehicle. Investigators discovered fired bullets (from the officers' weapons) located in the front driver's door, back of the front driver's seat, the rear and driver door. Investigators also found \$20.47 in currency, plastic containers containing heroin, a gray backpack with miscellaneous items, a glass pipe with partially burnt marijuana and a glass pipe with methamphetamine.

Investigators inspected the handguns used by Officer Johnson and Officer Silva. Investigators determined that both weapons had been fired. Officer Johnson's Glock 17 9mm pistol had seven cartridges missing. Officer Silva's Glock 17 4 9mm had eight rounds missing. Evidence collection at the scene recovered 13 of the spent 9mm casings. Mr. Santiago's 9mm pistol was discovered on scene, with one bullet having been fired. Seven bullets were located in Mr. Santiago during the autopsy.

Body-Worn Camera Recordings

Investigators reviewed video recordings made by the officers' body-worn cameras. The body-worn camera recordings are consistent with the officer's statements and appear to corroborate the timeline of events as outlined in witness statements.

As depicted in Officer Johnson's body-worn camera, Officer Johnson is initially observed speaking with A. A. and P. M., who are parked in a white Nissan in front of the Park Place Apartment buildings. Officer Johnson asks why the vehicle does not have auto insurance. Officer Johnson then proceeds to ask the driver, P. M., for identification and about any criminal charges P. M. might have. Officer Johnson is then heard radioing Officer Silva for assistance.

Soon after, Mr. Santiago opens his door and attempts to exit to smoke a cigarette, but Officer Johnson informs him that he is currently detained and cannot leave because the vehicle was involved in a prior shooting incident. Mr. Santiago then proceeds to tell Officer Johnson he has previously evaded police officers and was recently released from jail. Officer Johnson then tells Officer Silva to stand by Mr. Santiago's door because it appears, he is trying to flee. Officer Johnson then reenters his patrol vehicle to search for outstanding warrants related to Mr. Santiago.

When Officer Johnson returns to the white Nissan, he informs Mr. Santiago that he is under arrest due to outstanding warrants. Mr. Santiago replies, "Please no, please, hold on hold on, I have anxiety." Mr. Santiago, is then observed putting his head down, rifling through his backpack while attempting to exit. Officer Johnson says: "Don't, don't," as Officer Johnson then pulls a gun out and holds it against Mr. Santiago's back. Both officers try to push Mr. Santiago back into the vehicle, while pointing their guns at him, repeating: "Don't be stupid." Officer Johnson then yells: "What do you got!?" At this point, Mr. Santiago reveals a gun in his hand, with the barrel visible from the officers' vantage point. Officer Johnson begins to shoot Mr. Santiago as he runs out of the vehicle, with Officer Silva also beginning to fire his weapon. Mr. Santiago then falls to the ground. Officer Johnson and Silva maintain distance between Mr. Santiago. Then, after a few moments, Officer Johnson advises the occupants to exit the vehicle.

Officers Johnson, Silva and Officer Denning, who arrived

after the shooting, then approach Mr. Santiago, who is lying on the ground, remove the gun from his person and start administering first aid.

In total, Officer Johnson's body camera was turned on for 20 minutes. The footage following the shooting and after Mr. Santiago's apprehension shows officers administering first aid to Mr. Santiago and coordinating with other officers as they arrive on scene. Officer Silva's body-worn camera footage also corroborates Officer Johnson's footage.

Evidence:

- E: Firearms records of S & S1
- E1: Autopsy Photos of C
- E2: Scene Photos
- E3: Photos of C's weapon, seen jammed with an expended round in the ejector port
- E4: Body camera footage from S & S1, recounted above.

Allegations:

This matter was an Officer Involved Shooting wherein C died as a result of his wounds. These types of matters automatically trigger a full review.

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:

This case had a tragic ending in that a citizen lost their life during an interaction with police officers. This case illustrates, in the clearest terms possible, that incidents involving the use of deadly force can come out of nowhere and instantaneously.

Both officers had similar accounts of the events that occurred on that day which were confirmed both by their body camera footage and from some of the other occupants of the car in which Mr. Santiago was seated in. Accounts from the officers and witnesses inside car, as well as the body camera footage, confirms that Mr. Santiago drew a weapon from his backpack and pointed it at the officers. It is possible it was discharged inside of the car or immediately upon exiting the car but it has been conclusively proven that it was fired as an expended bullet was recovered from the car. Photos of the gun were taken, and it appears that the weapon “jammed” after being fired as the weapon is seen in partial “battery” with a discharged casing stuck in the feed port, rendering it inoperable until the jam could be cleared.

Both officers returned fire, or opened fire, based upon their simultaneous perception of a deadly threat facing them. The fact that Mr. Santiago pointed the weapon at both officers could reasonably be perceived as a threat of death, or serious bodily injury, even prior to the discharge of that weapon.

The body camera confirms the accounts of the officers and witnesses, as stated earlier, and from a routine investigative stop into a deadly gun fight came out of the blue, with no warning and in an instant.

Panel Findings:

As to the allegation that S and/or S1 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.

Kevin Parke
By Richard Rasmussen

5/15/20