

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S 2020-0013

Complainant: (Race/Gender)	C- Andrew Preece (W/M) (Deceased)
Alleged Policy Violation:	Excessive Force: OIS
Subject Officer: (Race/Gender)	S- Off. Seyedsherwin Mansourbeigi (I/M) S1-Off. DorothyRose Wilde (W/F)
Subject Officer's Years of Service:	S- 2 years S1- 1 year
Date of Alleged Incident:	7/25/20
Date Investigation Requested:	7/25/20
Date Filed with Internal Affairs	7/25/20
Date Investigation Completed:	1/2/21
Panel Members:	Kevin Parke Sandy Walsh Teresa Garrett Jessica Andrew Dennis Busch
Date of Panel Meeting:	1/5/21
Interviews Conducted:	3

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 received extensive media coverage including the release of the officer's body camera footage. Therefore, true names will be used as they are already in the public eye.

The SLCoDA's office along with an OICI team from West Valley Police Department conducted the review of this matter. As noted below, portions of the DA's letter are used within this document as the investigative team was large and their review, exhaustive.

The following summary comes from the DA's letter:

On July 25, 2020, SLCPD Officer Seyedsherwin Mansourbeigi and Officer DorothyRose Wilde were called to the Smith's grocery store at 445 South, 500 East in Salt Lake City, Utah. On the sidewalk to the south of the store, they encountered Mr. Preece and Emmanuel Valentino Montez-both who recently had been inside the store. Mr. Montez appeared to be intoxicated and Mr. Preece held him by the scruff of his neck as they walked. Mr. Preece held a large "Bowie" style knife in his right hand. Officer Mansourbeigi approached the men, ordered them to stop, and drew his taser from his holster.

Officer Wilde also arrived and got out of her car and approached the men. As she did so, Mr. Preece stepped behind Mr. Montez, grabbed him with his left hand around his waist and with his right hand, Mr. Preece held his knife to Mr. Montez's neck. Mr. Preece pulled Mr. Montez towards him. Officer Mansourbeigi drew his firearm and called on the police radio: "He's got a hostage."

Both Officer Mansourbeigi and Officer Wilde ordered Mr. Preece to drop the knife and release Mr. Montez. After Mr. Preece failed to follow several commands from both officers, Officer Wilde fired her duty weapon at Mr. Preece, followed closely by Officer Mansourbeigi who also fired his weapon. It appears four to five shots were fired at Mr. Preece while he was still holding Mr. Montez from behind with Mr. Preece's knife to Mr. Montez's throat. The remaining shots were fired as Mr. Montez pulled away from Mr. Preece. Officer Mansourbeigi fired six shots and Officer Wilde fired five. Mr. Preece fell to the ground and officers approached him and secured him. The officers and other SLCPD personnel assisted with life- saving efforts, but Mr. Preece died from his injuries.

Protocol investigations reviewed physical evidence (including the recordings made by the shooting officers' body-worn cameras) and interviewed other witnesses. Investigators also documented the scene of the incident and downloaded the shooting officers' weapons.

During the investigation, the DA's office noted the following facts:

FACTS DEVELOPED DURING OICI INVESTIGATION

As noted previously, WVCPD led an investigative task force of law enforcement officers who conducted the OICI protocol investigation of Officer Mansourbeigi's and Officer Wilde's use of deadly force. The protocol investigation's

findings were presented on August 19, 2020 to the D. A.'s Office to screen for possible criminal charges.

The following facts were developed from the protocol 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 July 25, 2020, Andrew Jacob Preece and Emmanuel Valentino Montez walked together into the Smith's grocery store at 455 South, 500 East in Salt Lake City, Utah. Mr. Montez appeared to be intoxicated; at times, Mr. Preece held Mr. Montez by the scruff of his neck to keep him standing. Store surveillance cameras recorded the men's demeanor as they walked into and throughout the store.

A cashier noticed the men enter the store and asked them to put COVID masks on, but neither of them complied. The cashier called a loss prevention officer and a manager; the loss prevention officer later testified (as outlined below) that he too had seen Mr. Preece and Mr. Montez enter the store. The loss prevention officer walked towards the men because, in his words, "they looked like they needed help."

Both the cashier and the loss prevention officer said they saw Mr. Preece take out a large, "Bowie" style fixed blade knife and hold it in his right hand. The loss prevention officer saw the men wander around the store and he asked the men to leave. The loss prevention officer saw Mr. Montez steal an umbrella as he left but allowed both men to leave the store. The loss prevention officer later testified he didn't engage the men because Mr. Preece had a large knife and because the men were leaving the store. The loss prevention officer called 911 and asked SLCPD to come to the store.

The loss prevention officer followed from a distance as Mr. Preece and Mr. Montez walked out of the store and into the parking lot where they continued to wander around and Mr. Montez struggled to stand. The loss prevention officer recounted how the men started fighting in the parking lot and that Mr. Preece hit Mr. Montez several times. The men wandered out of the parking lot and onto the sidewalk between the store and 500 South Street.

The loss prevention officer watched as SLCPD Officer Mansourbeigi arrived on 500 South in a marked police car with the siren activated. Officer Mansourbeigi got out of his car dressed in a police uniform and addressed Mr. Preece and Mr. Montez on the sidewalk.

Mr. Preece and Mr. Montez walked eastbound on the sidewalk adjacent to the Smith's store. Mr. Montez held the garden hose that witnesses observed him

with in the store. Mr. Montez walked in front of Mr. Preece. With his left hand, Mr. Preece held Mr. Montez by the scruff of his neck as they walked. Mr. Preece held his large "Bowie" style knife in his right hand. Officer Mansourbeigi approached the men, ordered them to stop, and drew his laser from his holster. Among the commands Officer Mansourbeigi issued to Mr. Preece during the incident were: "Drop the knife and ... hey!" "I will tase you if you don't stop;" "Stop right there, hey!" "Put it down, put it down!"

Officer Wilde arrived and got out of her car and approached the men. As she did so, Mr. Preece stepped behind Mr. Montez, grabbed Mr. Montez with his left hand around Mr. Montez's chest and with his right hand, Mr. Preece held his knife to Mr. Montez's neck. Mr. Preece pulled Mr. Montez towards him with Mr. Preece's left arm around Mr. Montez's waist. Officer Mansourbeigi drew his firearm from the holster and called on the police radio: "He's got a hostage."

Officer Wilde also broadcast on the police radio: "We've got a hostage." As recorded on her body-worn camera recording, Officer Wilde said to Mr. Preece: "Stop, put the knife down dude;" "It's not worth it;" "Put it down;" "I guarantee you, dude, I promise you, look I don't make promises I can't keep, I promise you that;" "Hey, look, it's not worth it;" "It's not worth it, dude;" Offers ordered Mr. Preece to drop the knife several times but Mr. Preece did not comply.

From the body-worn camera recording, it appears Officer Wilde fired first, and fired perhaps twice before Officer Mansourbeigi fired his weapon. It appears four to five shots were fired at Mr. Preece while he was still holding Mr. Montez from behind with Mr. Preece's knife to Mr. Montez's throat. The remaining shots were fired as Mr. Montez pulled away from Mr. Preece. Officer Mansourbeigi fired six shots and Officer Wilde fired five. Mr. Preece fell to the ground and officers approached him and secured him. The officers and other SLCPD personnel who arrived assisted with life-saving efforts, but Mr. Preece died from his injuries. The medical examiner determined Mr. Preece sustained five gunshot wounds.

Mr. Preece is the presumed Complainant in this matter but died of his wounds and could not provide any insight into his actions.

Off. Mansourbeigi is the subject of this matter and declined to be interviewed by the DA's office, as is his right.

Off. Wilde is the subject of this matter and declined to be interviewed by the DA's office as is her right.

Witness L. M.

Protocol investigators interviewed a witness we refer to as "L. M." who said she works at Smith's as a cashier and customer service representative. L. M. said earlier that day, about 9:00 a.m., she saw two men (later identified as Mr. Preece and Mr. Montez) enter the store. L. M. said as they entered the store, she asked the men to put on COVID masks, as per store policy. L. M. said neither complied.

L. M. said she could tell the men would be a "handful" because of their demeanor. L. M. said that they looked like they were high on something. L. M. said one of the men would stop walking and sway back and forth; the other man would breathe through his mouth and stare ahead. L. M. said that, at one point, she noticed that one of the man's pants was falling down and she said she was about to say something to him but then noticed he had a knife in his hand. L. M. described the size and shape of the knife and said the man held it by the "hilt." L. M. said it looked to her like a big "Bowie" knife.

L. M. said she called loss prevention officers to deal with the two men. L. M. said she also called the store manager. L. M. said loss a prevention officer escorted the two men out of the store. L. M. said that after they left, she heard the men were causing problems in the store's parking lot.

Witness T. J.

Protocol investigators interviewed a man we refer to as "T. J." who said he worked as a loss prevention officer at the Smith's grocery store. T. J. said earlier that day, he was working and saw two men (later identified as Mr. Preece and Mr. Montez) enter the store. T. J. said both men "looked like they needed help" and were not wearing masks. T. J. said he asked them to put their masks on but neither of them did. T. J. said the men started wandering through the store. T. J. said one of the men (Mr. Preece) pulled out a knife in front of a cashier while inside the store. T. J. said he saw Mr. Preece holding the knife with his right hand while he was in the store. T. J. said the blade of the knife was about 12 inches long. T. J. said Mr. Preece displayed the knife a few different times while in the store. T. J. said at one point while they were in the store, the men started fighting.

T. J. said he told both the men to leave the store. T. J. said the men had a hard time walking and stumbled as they walked. T. J. said Mr. Preece stole an umbrella from the store as they were leaving. T. J. said he did not attempt to stop the males because of Mr. Preece's knife and the men's behavior inside the store.

T. J. said both men left the store and began to argue while in the parking lot. T. J. said Mr. Preece hit Mr. Montez several times while in the parking lot.

T. J. said at times, it looked like the men were going to walk back into the store, but they never did. T. J. said he saw the men wander around in the parking lot before eventually wandering out of the parking lot and onto the sidewalk south of the store.

T. J. said he saw SLCPD officers arrive and confront the men. T. J. said the officers were wearing normal police uniforms. T. J. said the male officer was driving a marked patrol vehicle. T. J. said he heard the officer activate his siren as he pulled up to the men. T. J. said he saw another officer arrive. T. J. said he saw one of the officers holding a Taser. T. J. said he heard officers tell the man with the knife to drop it several times.

T. J. said he saw Mr. Preece grab Mr. Montez by the throat and stand behind Mr. Montez. T. J. said he saw Mr. Preece hold his knife to Mr. Montez's throat. T. J. said he heard an officer repeatedly tell Mr. Preece to drop the knife. T. J. said he heard gunshots and saw Mr. Montez run away from Mr. Preece. T. J. said he estimated he was about twenty meters from the officers as he observed the incident that took place on the sidewalk near the store.

Witness L. R.

Protocol investigators interviewed a man we refer to as "L. R." who said he worked as a manager at the Smith's grocery store. L. R. said he was working in the store's loading dock area when he heard commotion in the adjacent street. L. R. said he looked over a wall between the street/sidewalk and Smith's parking lot.

L. R. said he saw a man, later identified as Mr. Preece, holding another man, later identified as Mr. Montez, by the neck. L. R. said he saw police officers arrive and confront Mr. Preece. L. R. he ducked down behind the wall when he perceived officers likely were going to shoot. L. R. said he believed the officers needed to use deadly force because it appeared to him that Mr. Preece was holding Mr. Montez hostage with a knife.

Witness W. R.

Protocol investigators interviewed a woman we refer to as "W. R." who said she worked as a manager at the Smith's grocery store. W.R. said she was on break in the loading dock area when she heard police cars pull up to the sidewalk adjacent to the store. W.R. said she heard officers yelling and saw a man, later identified as Mr. Preece, holding another man, later identified as Mr. Montez, by the neck with a knife.

W.R. said she heard officers order Mr. Preece to drop the knife several times. W.R. said she saw and heard officers firing at Mr. Preece. W. R. said she took short cell-phone video of the incident which she produced to investigators.

Witness J. T.

Protocol investigators interviewed a man to whom we refer as "J. T." who said he was outside the store when he saw a man, later identified as Mr. Preece, grab a person J. T. described as a female, but who was later identified as Mr. Montez.

J. T. said he saw two police officers, dressed in uniform, dealing with two people on the sidewalk. J. T. said Mr. Preece grabbed Mr. Montez from behind as though he were "taking a hostage." J. T. said he heard officers yelling several times to let Mr. Montez go. J. T. said the officers were trying to talk Mr. Preece down, but that Mr. Preece said he wanted to get away. J. T. said he saw Mr. Preece holding a knife to Mr. Montez's neck. J. T. said he believed Mr. Preece was about to "plunge" his knife into Mr. Montez's neck. J. T. said he heard what he thought were about eight gunshots fired.

Other Witnesses

Protocol investigators interviewed three witnesses who gave statements that at least in part were not supported or corroborated by the body-worn camera recordings. We mention them here in the interest of completeness, but, inasmuch as a review of the body-worn camera recordings demonstrates inaccuracies with these witness accounts, we don't rely on them for our analysis or conclusions.

D. M., a motorist on 500 South who pulled over to watch incident did not see the incident from a good vantage point. S. C., the Smith's manager who didn't walk out to the sidewalk until well into the incident, provided information not corroborated by the body-worn camera video. And witnesses E. B. and C. B. who were passing motorists on 500 South as the shots were fired, stated they believed Mr. Montez had broken free and had run away prior to shots being fired. Witness E. B. specifically said she believed Mr. Preece was shot in the back as he was walking away, and the officers' actions were "murder." As mentioned above and discussed more fully herein, Mr. Preece was not shot in the back, and the officers began firing while Mr. Preece was still holding Mr. Montez by the waist with his knife held to Mr. Montez's throat.

Evidence:

Protocol investigators inspected and photographed the OICI scene, inspected the involved officers' weapons, and downloaded and reviewed body-worn camera recordings of the incident.

Investigators located ten⁵ 9mm empty (spent) cartridge casings, generally located approximately thirty-five feet away from Mr. Preece's body. Investigators photographed and recovered a large, orange handled hunting knife approximately eleven feet from Mr. Preece's body. Investigators noted the hunting knife's blade measured seven inches in length, and the entire knife, including the handle, measured twelve inches.

Investigators searched for video recordings of the incident in addition to the officers' body-worn cameras. Investigators found one surveillance/security camera recording that did not capture the actual incident, and one cell-phone video recording that captured some of the incident.

E: The letter from the District Attorney's office was used as noted above.

E1: The firearms records of both officers were reviewed showing both officers were current and qualified with their duty weapons.

E2: A still photograph taken from body camera footage showing the wounded Mr. Preece laying on the ground with a large knife next to him, both officers are visible

E3: A still photograph taken from body camera footage showing Mr. Preece holding a knife to the neck of another male.

E4: Body camera footage.

Protocol investigators obtained and reviewed Officer Mansourbeigi's and Officer Wilde's body-worn camera recordings.

Officer Mansourbeigi arrived at the scene first. His body-worn camera recording begins as he arrived at the sidewalk on the north side of 500 South. Shortly after Officer Mansourbeigi's arrival, his body-worn camera recording captured Mr. Preece and Mr. Montez walking eastbound on the sidewalk adjacent to the Smith's store. Mr. Montez is seen holding the garden hose identified by witnesses and walking in front of Mr. Preece. With his left hand, Mr. Preece appears to be holding Mr. Montez by the scruff of his neck as they walk. Mr. Preece's large "Bowie" style knife can be seen in his right hand.

As the audio recording begins, Officer Mansourbeigi can be heard asking back up police officers to expedite their response to the scene. Mr. Preece and Mr. Montez walk past Officer Mansourbeigi, who draws his taser from the holster and begins to issue commands to Mr. Preece. Among his commands to Mr. Preece during the incident were: "Drop the knife and ... hey!" "I will tase you if you don't stop;" "Stop right there, hey!" "Put it down, put it down!"

As Officer Mansourbeigi told Mr. Preece he would tase him, Mr. Preece raises the knife in his right hand and holds it to Mr. Montez's throat. Mr. Preece pulls Mr. Montez towards him with Mr. Preece's left arm around Mr. Montez's waist. Officer Mansourbeigi transitioned to his firearm and called on the police radio: "He's got a hostage."

Off camera and to Officer Mansourbeigi's left, Officer Wilde, who had just arrived on scene, can be heard on the police radio saying: "We've got a hostage." Officer Wilde can be heard saying: "Stop, put the knife down dude."

Among Officer Wilde's statements and commands to Mr. Preece captured on her body-worn camera audio were: "It's not worth it;" "Put it down;" "I guarantee you, dude, I promise you, look I don't make promises I can't keep, I promise you that;" "Hey, look, it's not worth it;" "It's not worth it, dude;"

From the body-worn camera recording, it appears Officer Wilde fired first, and fired perhaps twice before Officer Mansourbeigi fired his weapon. It appears four to five shots were fired at Mr. Preece while he was still holding Mr. Montez from behind with Mr. Preece's knife to Mr. Montez's throat. The remaining shots were fired as Mr. Montez pulled away from Mr. Preece.

Officer Wilde's video recording shows Mr. Montez walking away from the scene after the shooting, other SLCPD officers arriving on scene, and Officer Wilde directing other officers to approach Mr. Preece who was then on the ground and begin live-saving measures.

Autopsy

Dr. Krehbiel with the Utah Office of the Medical Examiner performed the autopsy of Mr. Preece. Dr. Krehbiel observed five gunshot wounds in Mr. Preece's body and recovered projectiles from inside Mr. Preece's body along with several fragments. Dr. Krehbiel noted two gunshot wounds were to Mr. Preece's front/right side of his right shoulder; one gunshot wound was in the left side of Preece's chest; and two gunshot wounds were in his neck/collarbone area traveling left to right. Dr. Krehbiel found no gunshot wounds in Mr. Preece's back.

Allegations:

As in all OISs, this matter is automatically reviewed to determine if the officers used Excessive Force: 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:

In closely viewing the videos and examining the evidence and statements of the available witnesses, it appears that Mr. Preece and Mr. Montez were under the influence of either alcohol or drugs. It can be determined that the two males were confederates of some type however the evidence only shows that Mr. Preece used force upon Mr. Montez. There is no evidence showing the reverse occurred.

The videos and the still shot clearly show Mr. Preece with the knife to the throat of Mr. Montez as he attempted to back away from the officers. The knife is also clearly captured on the ground after the shooting had occurred.

Both officers attempted to talk Mr. Preece into releasing his hostage and did so urgently and repeatedly. Off. Mansourbeigi initially deployed his Taser when trying to get Mr. Montez released but clearly the distances between the officer and the subject, with the hostage in the way, were too great for it to be used. No other tools were available to the officers.

Although the officers declined to be interviewed, as is their right, the evidence shows that Mr. Montez was under threat of death, or serious bodily injury, and that both officers perceived the threat increasing, resulting in them firing their weapons at almost the same time in response to that threat. There was no verbal communication between the officers, so their actions were based upon their own observations and not related to any communication between them. The extremely short time frame between Off. Wilde firing and Off. Mansourbeigi's firing second are an indication that the officers felt Mr. Montez's life was in danger.

CRB is saddened by the tragic outcome of this matter and cannot assign any rational motive for the actions of Mr. Preece.

Panel Findings:

As to the allegation that S 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.

Teresa Garrett
Panel Chair
By Richard Rasmussen

1/5/21