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July 11, 2025

Chief Colleen Jacobs
West Valley City Police Department
3577 Market Street
West Valley City, UT 84119

Sheriff Rosie Rivera
Salt Lake County Sheriff's Office
3365 South 900 West
Salt Lake City, UT 84119

RE:	Death of Clarence Randolph Henry
Incident Location:	4850 W. Hellas Drive, West Valley City, Utah
Incident Date:	December 20, 2024
WVCPD Case No.:	24-107281
SLCSO Case No.:	24-27570
DA Case No.:	INV000622

Dear Chief Jacobs and Sheriff Rivera:

This letter addresses the December 20, 2024, death of Clarence Randolph Henry, after being taken into custody by officers from the Salt Lake County Sheriff's Office ("SLCSO").¹

Following Mr. Henry's death, SLCSO initiated the "Salt Lake County Law Enforcement Officer Involved Critical Incident ("OICI") Investigative Protocol," an agreement among participating law enforcement agencies designed to ensure compliance with Utah state law for OICI investigations. *See* Utah Code § 76-2-408(2)-(3). Pursuant to the protocol, an investigative task force was called in to investigate the OICI. The task force was led by the West Valley City Police Department ("WVCPD") protocol team and comprised of law enforcement officers employed by agencies other than SLCSO. After the investigation, on April 28, 2025, the task force's findings were presented to the Salt Lake County District Attorney's Office ("DA's Office"), which has the constitutional and statutory mandate to screen such matters for possible criminal charges.² The DA's Office has independently reviewed the facts developed from the OICI protocol investigation and reached its findings and conclusions in this matter.

¹ SLCSO Detectives Shane Scrivner and McKay Nehring were the initial officers who took Mr. Henry into custody on an active felony warrant. WVCPD K-9 Officers Allen, Lougy, and Mackintosh arrived on scene after Mr. Henry had been taken into custody.

² Utah Const. Art. VIII, section 16; Utah Code §§ 17-18a-203; *see also id.* at § 77-2-2(4) (defining "screening" as the "process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to

SUMMARY OF RELEVANT 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 change.

On December 20, 2024, at 6:51 p.m., during a multi-agency warrant operation conducted by WVCPD, SLCSO Detective Scrivner and Detective Nehring effectuated a traffic stop on a black Dodge Charger at 4850 West Hellas Drive in West Valley City and found that the driver, who was identified as Clarence Randolph Henry, had an active felony warrant for his arrest.³ Detectives Scrivner and Nehring took Mr. Henry into custody on his warrant at 6:52 p.m.

After Mr. Henry was in custody, Detective Scrivner requested a K-9 to assist with the traffic stop, and WVCPD K-9 Officer Lougy was dispatched; K-9 Officer Allen and K-9 Officer Mackintosh were also dispatched.⁴ Additionally, at some point during the stop, Mr. Henry called his mother to pick up the vehicle so that it wouldn't be impounded, and she responded to the scene.⁵

Officer Allen arrived on scene at 7:15 p.m., after which he deployed his K-9 and performed a sniff-search of the Charger. Officer Lougy then arrived at 7:19 p.m. As captured by body-worn camera, as Officer Lougy walked up to the scene, Mr. Henry is seen sitting on the curb near the SLCSO vehicle, with his hands behind his back, and is heard asking to be helped up.⁶ Detectives Scrivner and Nehring are nearby and Mr. Henry is then helped to a standing position, with his back to the SLCSO vehicle.⁷ Officer Allen puts his K-9 away, and other officers then perform a search the Charger.⁸

At about 7:26 p.m., Officer Mackintosh also arrives on scene and officers gather near Mr. Henry who was standing next to the SLCSO vehicle. Mr. Henry is seen having obvious difficulty breathing and is in physical distress, and as officers tell him to spit it out and ask him if he needs air. Meanwhile, Detective Scrivner asks dispatch to start medical and advises that the in-custody male is "just coughing and wheezing and spitting, so we think he may have

dismiss a prosecution that has been commenced, or cause a prosecution to be diverted"). "Commencement of prosecution" is further defined as "the filing of an information or an indictment." *Id.* at § 77-2-2(1).

³ The Third District Court issued an arrest warrant on December 16, 2024, after Mr. Henry failed to appear in Case No. 241913224, in which he was alleged to have committed the offenses of Possession of a Controlled Substance with Intent to Distribute, a third degree felony; Possession of a Controlled Substance, a Class A misdemeanor; and Possession of Drug Paraphernalia, a Class B misdemeanor.

⁴ The initial K-9 officer, Officer Lougy, was dispatched at 7:06 p.m.

⁵ Mr. Henry's mother was on scene by at least 7:26 p.m. (Lougy BWC at 10:26:09).

⁶ Body-worn camera recordings were not available for Detective Scrivner, Detective Nehring, or Officer Allen.

⁷ See Lougy BWC at timestamp 19:20:13.

⁸ Officer Allen later said that after deploying his K-9, he reported the K-9's positive indication on the vehicle to other officers and then subsequently departed the scene. Officer Allen explained that before he left, Mr. Henry was sitting on the ground in handcuffs and appeared to be sweating heavily despite the cold winter weather. Notably, during the search, officers did not locate any illicit substances or items during the search.

swallowed some drugs,” and that they just want to get him cleared before they take him to jail; Officer Lougy then requested that medical expedite.⁹

At 7:28 p.m., after asking Mr. Henry if he'd swallowed anything, officers helped Mr. Henry to a seated position. At 7:29 p.m., officers observed that he was foaming at the mouth, again asked medical to expedite, moved him into the “recovery position,” and administered a dose of Narcan (used to reverse an opioid overdoses). At 7:31 p.m., officers unhandcuffed Mr. Henry and administered a second dose of Narcan, while Mr. Henry continued to be breath with difficulty. At 7:32 p.m., after wondering if he'd swallowed cocaine and observing that his spit appeared brown, officers began rubbing his sternum and telling him to stay awake while observing that he was still breathing and had a pulse.

At 7:34 p.m., emergency medical responders arrived on scene, and Mr. Henry began seizing.¹⁰ Emergency medical responders took over medical care and transported Mr. Henry to a hospital where he was provided additional medical aid.¹¹ Ultimately, resuscitative efforts were unsuccessful, and Mr. Henry was pronounced deceased at 8:21 p.m.¹²

Jacob M. Donnelly, D.O., with the Utah Office of the Medical Examiner performed an autopsy of Mr. Henry's body and determined that Mr. Henry died as a result of drug toxicity: cocaine, ethanol, and midazolam. Dr. Donnelly also determined that atherosclerotic cardiovascular disease was a significant condition in Mr. Henry's death.¹³ In providing his opinion, Dr. Donnelly stated:

Toxicological analysis of the blood detected cocaine and its metabolites-benzoylcegonine and ecgonine methyl ester-along with midazolam and ethanol, with a blood alcohol level (BAC) of 0.026 g/100 ml. Delta-9 THC and its metabolites 11-Hydroxy Delta-9 THC and Delta-9 Carboxy THC were also present.

The combined effects of these substances can cause significant toxicity, including seizures, cardiac arrhythmia, coma, and death.

Neither the medical examiner, nor the protocol investigation, found any evidence of physical force used on Mr. Henry, other than handcuffing him.

EVIDENCE DERIVED FROM PROTOCOL INVESTIGATION

⁹ Officer Allen later explained that he returned to the scene after being informed that medical personnel had been requested for Mr. Henry but that he did not take any additional action and only witnessed officers helping Mr. Henry and medical personnel arriving on the scene.

¹⁰ After they arrived, Detective Scrivner explained to them: “[H]e was spitting up stuff saying that he was sick and then he was fine. He was talking, he got his mom here, and then just started acting like foaming at the mouth and was getting super tired and hard of breathing.”

¹¹ Emergency medical responders took over care approximately 43 minutes after the traffic stop began. Mr. Henry was transported from the scene at 7:40 p.m. and arrived at the hospital at 7:54 p.m.

¹² Mr. Henry was declared deceased approximately 1 hour 40 minutes after the traffic stop began.

¹³ Dr. Donnelly's report is dated January 29, 2025.

During the protocol investigation, Officers Scrivner and Nehring refused to be interviewed about the incident, as is their constitutional right.¹⁴ Protocol investigators collected and reviewed physical evidence, including but not limited to evidence documenting the scene, body-worn camera recordings from Officer Lougy and Officer Mackintosh,¹⁵ the dispatch radio recording and call log, and the autopsy findings.

FINDINGS AND CONCLUSIONS

Under Utah law, an “officer-involved critical incident” includes the following:

- (i) an officer’s use of deadly force;¹⁶
- (ii) an officer’s use of a dangerous weapon¹⁷ against an individual who causes injury to any individual;
- (iii) death or serious bodily injury to any individual, other than the officer, resulting from an officer’s:
 - (A) use of a motor vehicle while the officer is on duty; or
 - (B) use of a government vehicle while the officer is off duty;
- (iv) the death of an individual who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual’s death; or
- (v) the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer’s attempt to prevent an individual’s escape from custody, to make an arrest, or otherwise to gain physical control of an individual.

Utah Code § 76-2-408(1)(f) (emphasis and footnotes added).

In this case, Mr. Henry was not “in the legal custody of a state prison, county jail, or other correctional facility”; as such, he was not “in custody” within the definition provided by statute. See Utah Code § 76-2-408(1)(c). However, the SLCSO detectives had arrested Mr. Henry on his active felony warrant when his physical condition deteriorated and he lost consciousness. As captured by body-worn camera recordings, after officers observed that Mr. Henry was experiencing difficulty breathing, they helped him to a seated position (approximately 36 minutes after arrest), he began foaming at the mouth (approximately 37 minutes after arrest), began seizing (approximately 42 minutes after arrest), and ultimately never regained conscious. Even though Mr. Henry experienced a medical emergency while in custody, based upon available evidence, we do not believe that the facts of this case fall within the definition of an “officer-involved critical incident.”

¹⁴ Officers Scrivner and Nehring have a constitutional right to remain silent and are presumed innocent of any wrongdoing.

¹⁵ Body-worn camera recordings were not available for Detective Scrivner, Detective Nehring, nor Officer Allen.

¹⁶ “Deadly force” is defined as “a force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.” Utah Code § 76-2-408(1)(b).

¹⁷ “Dangerous weapon” is defined as “a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to an individual.” Utah Code § 76-2-408(1)(b).

As described above, the medical examiner, Dr. Donnelly, determined that Mr. Henry died as a result of drug toxicity: cocaine, ethanol, and midazolam, and that atherosclerotic cardiovascular disease was also a significant condition in his death. Dr. Donnelly further opined, “The combined effects of the[] substances [present in Mr. Henry’s body] can cause significant toxicity, including seizures, cardiac arrhythmia, coma, and death. Importantly, the medical examiner did not find any evidence of physical force used on Mr. Henry during autopsy.

During the protocol investigation, investigators also did not find any evidence of physical force used on Mr. Henry, other than handcuffing him. However, Detectives Scrivner and Nehring refused to interview with protocol investigators about the incident and no body-worn camera recordings were available for them. While we were unable to review any direct evidence of Detective Scrivner’s and Detective Nehring’s interactions with Mr. Henry during the initial portion of the stop, we are not aware of any other evidence in this case that would suggest that any officer used any unlawful force with Mr. Henry during his arrest.

In this case, we know from other sources of evidence, including the body-worn camera recordings of Officer Lougy and Officer Mackintosh, that the SLCSO detectives called out the traffic stop at 6:51 p.m. and that Mr. Henry was in custody at 6:52 p.m. At some point, Mr. Henry called his mother to come to the scene so that his vehicle would not be impounded. The first WVC PD K-9 officer arrived on scene at 7:15 p.m. By 7:19 p.m., when K-9 Officer Lougy arrived, Mr. Henry was sitting by himself on the curb (the detectives were present nearby but not in physical contact with him). Mr. Henry then asked to be helped up, the detectives did so, and Mr. Henry then remained standing by himself (the detectives were still present nearby but not in physical contact) as the K-9 officers searched his vehicle. At 7:27 p.m., the SLCSO detectives called for medical because Mr. Henry was “coughing and wheezing and spitting” and they suspected Mr. Henry may have swallowed some drugs. Then—approximately 36 minutes after arrest—officers helped Mr. Henry to a seated position, after which they observed that he was “foaming at the mouth.” At 7:31 p.m., officers unhandcuffed Mr. Henry and then kept him in a “recovery position” until emergency medical responders arrived. At 7:34 p.m., after emergency medical responders arrived, Mr. Henry began seizing, and the emergency medical responders took over medical care. Thus, based on the evidence before us, and in particular, the medical examiner’s findings, we believe that the Mr. Henry’s death was primarily the result of causes unrelated to the officers’ actions during arrest. As such, we believe the death of Mr. Henry falls outside the condition set forth in subsection (v) of Utah Code Section 76-2-408(1)(f) and does not qualify as an “officer-involved critical incident” under Utah law.

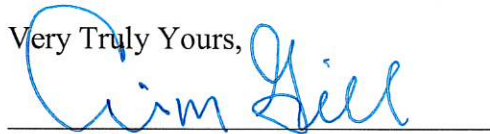
Furthermore, based on the information of which we are aware, we believe the officers’ actions were reasonable and consistent with lawful efforts to arrest Mr. Henry and provide emergency aid as he experienced a drug-induced medical emergency. We are not aware of anything in the officers’ actions that rises to a level of criminality, and as such, do not believe it is in the interest of justice to file a criminal charge and we decline to do so.

Even though we ultimately determined that the matter did not fall within the statutory definition of an officer-involved critical incident, we commend SLCSO for invoking the protocol

and requesting a protocol investigation of the matter. In doing so, SLCSO honors the protocol's intent and purpose of providing an independent, transparent investigation and review process. We also commend SLCSO and all the law enforcement agencies who supplied personnel and resources to the protocol investigation of this matter.

As outlined in more detail above, we conclude that the facts of this case do not fall within the statutory definition of an "officer-involved critical incident." *See* Utah Code § 76-2-408(1)(f). Further, based on the evidence of which we are aware, we believe that the officers acted reasonably and lawfully during Mr. Henry's arrest and as they provided aid to Mr. Henry as he experienced a medical emergency. Accordingly, we decline to file a criminal charge against any of the officers in this matter.

Very Truly Yours,



Sim Gill,
Salt Lake County District Attorney