



SIM GILL

DISTRICT ATTORNEY

Ralph Chamness
Chief Deputy
Civil Division

Bridget Romano
Chief Deputy
Civil Division

Jeffrey William Hall
Chief Deputy
Justice Division

Anna Rossi Anderson
Chief Deputy
Justice Division

Lisa Ashman
Chief of Administrative
Operations

May 9, 2025

Chief Brian Redd
Salt Lake City Police Department
475 South 300 East
Salt Lake City, UT 84111

Chief Greg Severson
Sandy City Police Chief
10000 Centennial Pkwy #111
Sandy, UT 84070

RE:	SPD Officer Erik Slack's Use of Deadly Force
Incident Location:	11664 S. Eagle Bend Drive, Sandy, Utah
Incident Date:	March 26, 2023
SLCPD Case No.:	23-60862
SPD Case No.:	23-16068
DA Case No.:	DA-INV-2023-667

Dear Chiefs Redd and Severson:

This letter addresses the March 26, 2023, use of deadly force by Sandy City Police Department ("SPD") Officer Erik Slack against Dylan William Murphy.

Officer Slack's discharge of his firearm constitutes the "use of a 'dangerous weapon,'" which is defined under Utah law 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 a person." Utah Code § 76-2-408(1)(a), (f). As a result, pursuant to Utah State law and an agreement among participating law enforcement agencies called the "Officer Involved Critical Incident" ("OICI") Investigative Protocol (*see* Utah Code § 76-2-408(2)-(3)), an investigative task force was called in to investigate the use of deadly force. The investigative task force was led by the Salt Lake City Police Department ("SLCPD") protocol team and comprised of law enforcement officers employed by agencies other than SPD. After the investigation, on April 6, 2023, the investigative 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.¹

¹ 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 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).

SUMMARY OF FACTS AND FINDINGS

The following summary of facts was 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.

In the early hours of March 26, 2023, SPD officers were dispatched on a suicide attempt call and advised that Dylan William Murphy had cut himself earlier and refused to go to the hospital, had left on foot, and was bleeding. Officer Slack located Mr. Murphy walking in the area and attempted to make contact, but Mr. Murphy continued to walk away. After continuing to follow him, Mr. Murphy began walking towards Officer Slack's vehicle. Officer Slack quickly got out, called out for him to show his hands, drew his weapon, and began backing up. With both hands concealed, Mr. Murphy then charged towards Officer Slack. As Mr. Murphy neared Officer Slack, Officer Slack fired three times before falling backwards into the curb line on the passenger side of the vehicle.

As Officer Slack hurriedly got back up, Mr. Murphy partially removed his coat before turning to face him and charging at him again, still with his hands not fully visible. Officer Slack fired at him two more times, and Mr. Murphy fell to the ground on the passenger side of the patrol vehicle. After approximately a minute on the ground, Mr. Murphy got up off the ground, with empty hands, and began walking towards Officer Slack, who was in front of the patrol vehicle and retreating backwards. As Mr. Murphy advanced towards him, Officer Slack fired his weapon a final time, and Mr. Murphy immediately fell to the ground. After additional officers arrived on scene, officers approached and provided emergency medical aid, however, Mr. Murphy did not survive his injuries and was declared deceased on scene.

During the protocol investigation, Officer Slack refused to interview and investigators did not locate any other witnesses who observed the incident.² Investigators documented the scene and examined physical evidence, reviewed the 911 call and the dispatch call log and radio recording, reviewed Officer Slack's dash camera recordings and body-worn camera recording, examined Officer Slack's weapons, and reviewed the autopsy findings.

As we discuss in more detail below, we believe the facts of this matter, taken together with reasonable inferences derived from those facts, support a conclusion that if a charge was filed against Officer Slack for his use of deadly force, and a jury (or other finder of fact) was called upon to determine whether his use of deadly force constituted a criminal act, a jury would likely determine that he reasonably believed the "use of deadly force [wa]s necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect." Utah Code § 76-2-404(2)(c)). Consequently, we believe that Officer Slack's use of deadly force would likely be subject to the affirmative legal defense of justification under Utah law,³ and we decline to file a criminal charge against him.

² Officer Slack has a constitutional right to remain silent and to be presumed innocent of any wrongdoing.

³ A jury is instructed that if the evidence in a case supports an affirmative defense, they must find the person charged "not guilty" of the alleged offense.

RELEVANT LEGAL STANDARDS

As relevant here,⁴ law enforcement officers are legally justified in using deadly force when:

- (b) effecting an arrest or preventing an escape from custody following an arrest, if:
 - (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
 - (ii) (A) 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
(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect 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 an individual other than the suspect.

Utah Code § 76-2-404(2) (emphasis added).

Based on this statute, the legal defense of justification, then, may be available where a law enforcement officer “reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury⁵ to the officer or an individual other than the suspect.” Utah Code § 76-2-404(2)(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.” Utah Code § 76-2-404(2)(b). In

⁴ Also relevant, but less so given the officer’s status as a law enforcement officer, is the articulation of “justification” in Utah State law that applies to individuals more generally, including civilians, as provided in Utah Code § 76-2-402(2):

- (a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.
- (b) An individual is justified in using force intended or likely to cause death or serious bodily injury [*i.e.*, deadly force] only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony...

⁵ “Serious bodily injury” is defined, in turn, as “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.” Utah Code § 76-1-101.5(17).

determining whether the use of deadly force was “justified” under Utah law, several factors may be considered, 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 § 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 (universal application), *with* Utah Code § 76-2-404 (application to law enforcement officers only)), the United States Supreme Court did in *Graham v. Conner*, 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 . . . against the countervailing governmental interests at stake.” *Id.* Finally, the *Graham* court instructed:

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.

Id. (citations omitted).

RELEVANT ETHICAL STANDARDS

The DA’s Office files cases that satisfy ethical standards and considerations in addition to legal standards for filing.⁶ Honoring ethical standards ensures that everyone affected by the criminal justice system—suspects, defendants, victims, the community, and the system itself—is treated fairly, honorably, and respectfully.

Among the ethical standards considered before the DA’s Office will commence a case is whether there is a reasonable likelihood of success at trial. *See* American Bar Association Criminal Justice Standards, Prosecution Function 3-4.3. It is not enough that the technical elements of crime may be met if, when presenting those facts to a jury, the prosecution strongly believes no reasonable jury would unanimously convict the defendant based on those facts. Accordingly, any screening decision by the DA’s Office includes careful consideration of the various factors a jury may consider when weighing testimony, evaluating evidence, applying the law, and rendering a verdict.

⁶ Among the legal rules a prosecutor must follow is the requirement that “probable cause” must exist to believe an offense (i) was committed and (ii) was committed by the accused. *See, e.g.,* Utah R. Crim. P. 4(c). In making that determination, the DA’s Office must evaluate all evidence that will be legally admissible for or against the accused but may disregard evidence that likely will not be admissible at trial (*e.g.,* a coerced confession).

In addition to the ethical standards for filing and maintaining criminal charges, the DA's Office must also consider the unique procedural hurdles of a Utah prosecution, particularly where a defense includes a claim of a justified use of force, a claim of self-defense, or defense of others. In the 2021 General Session of the Utah State Legislature, legislators enacted a new pretrial justification process available to defendants who are charged with a crime involving the use or threatened use of force. If a defendant makes a *prima facie* claim of justification, the prosecution must disprove the justification claim by clear and convincing evidence or the case will be dismissed with prejudice. *See* Utah Code § 76-2-309. If an officer who used deadly force has a colorable claim of justification, the DA's Office has an ethical obligation to evaluate whether that claim can be disproven by clear and convincing evidence to a judge at a justification hearing and then disproven again beyond a reasonable doubt to a jury at trial.

FACTS DEVELOPED DURING OICI INVESTIGATION

The following facts were developed from the protocol investigation of the matter. As noted previously, SLCPD led an investigative task force of law enforcement officers who conducted the investigation of Officer Slack's use of deadly force, and the protocol investigation's findings were presented on April 6, 2023, to the DA's Office to screen for possible criminal charges. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On March 26, 2023, at 1:00 a.m., a male who we refer to as "K. M." called 911 and reported that his brother, Dylan William Murphy, had attempted suicide earlier that evening by cutting his wrists and forearms, he'd taken him to the hospital but he wouldn't go in, there was blood all over again, he'd taken off from the house on foot, and he had been bleeding for 20-30 minutes. Dispatch began providing call information to officers for the "suicide attempt." Officer Slack advised that he was in the area, he and two other officers were dispatched, and dispatch provided additional details about the call over the radio, including that it was unknown if Mr. Murphy had weapons, he was bleeding, he had cut himself earlier and refused to go to the hospital, and he had left on foot.⁷

Officer Slack located Mr. Murphy walking southbound on 1000 East along the west sidewalk and advised over the radio that he was going to be out with one male at that location (1000 East Sunburn Lane).⁸ Officer Slack slowed down and shined his patrol vehicle's lights on Mr. Murphy from behind. Mr. Murphy continued walking away and then ran southeast across 1000 East; as he did so, Officer Slack called out to him, using his name, but Mr. Murphy did not stop and continued walking southbound on the east side of 1000 East.⁹

⁷ Officers Slack, A. Burke, and Gerry were dispatched to the area of 11613 S Sunburn Circle in Sandy at 1:04 p.m. Dispatch advised over the radio that the call was for "a male/white/34, unknown clothing, unknown weapons, found blood all over the bathroom and in the bedroom, he had cut himself earlier, refused to go to the hospital, looks like he's left on foot, unknown direction, been bleeding for 20-30 minutes."

⁸ Officer Slack advised that he'd be out with him at 1:06 a.m.

⁹ Officer Slack first called out to Mr. Murphy at BWC timestamp 1:06:20.

Officer Slack again slowly followed in his vehicle and advised over the radio, "We're going to be 11640 South 1000 East, I'm just following the male, he's just walking away from me."¹⁰ Officer Slack followed Mr. Murphy east onto a residential street,¹¹ and Mr. Murphy then ran southeast across the road in front of Officer Slack's patrol vehicle and then continued walking southbound on the west sidewalk.¹² Officer Slack then advised over the radio, "He's got his right hand in his jacket, I can't see anything, he's just keeping it really tight," as he continued to follow.

After reaching the driveway of the second residence, Mr. Murphy walked out into the road, out ahead of Officer Slack's vehicle, with both hands concealed. Mr. Murphy walked southeast across the road but then began walking back north, toward Officer Slack's vehicle. Officer Slack quickly got out and stood inside his open driver door, and called out, "Hey Dylan! Let me see your hands, man!"¹³ Mr. Murphy started running towards Officer Slack, who backed up from the driver's door, drew his duty weapon, and hurriedly yelled, "Dylan! Let me see your hands! Hands!" As Officer Slack yelled, Mr. Murphy charged towards him, with both hands concealed, and growling.¹⁴ As Mr. Murphy ran, quickly reaching the driver's side, Officer Slack retreated backwards and around the back of his vehicle. Officer Slack again yelled, "Hands!" and then fired his weapon three times as he moved across the back of the patrol vehicle and then fell backwards over the curb line on the passenger side of the vehicle.¹⁵ Mr. Murphy, after reaching the vehicle's rear passenger corner area, turned and walked away behind the back of the vehicle.

As he got back up, Officer Slack continued yelling, "Hands! Let me see your hands! Show me your hands!"; meanwhile, Mr. Murphy was in the roadway and partially removing his coat (his right arm remained in it). Mr. Murphy then turned to face Officer Slack and again charged toward him, growling, with his right arm and hand still inside the coat sleeve, his coat hanging off his right side, and his left hand and wrist appearing to be wrapped in clothing. As Mr. Murphy neared the rear passenger corner, Officer Slack fired his weapon two more times and Mr. Murphy fell to the ground on the passenger side of the vehicle.¹⁶

Officer Slack continued moving quickly backwards and out in front of his vehicle, keeping his weapon pointed at Mr. Murphy, and attempted to advise of "shots fired" over his portable radio,¹⁷ then turned on his handgun's tactical light, illuminating Mr. Murphy who was lying on his side with his back toward Officer Murphy. Officer Slack yelled, "Let me see your hands!," and Mr. Murphy pulled his left hand out from under his body, then his right hand out

¹⁰ Over the radio, Sgt Martin then asked Officer Gerry to "light it up" (*i.e.*, to run code with lights and sirens activated) to get there if he was a bit out.

¹¹ Mr. Murphy went east on Castle Rock Road (11640 South).

¹² Mr. Murphy went south on Eagle Bend Road (1020 East).

¹³ Officer Slack called out to Mr. Murphy at BWC timestamp 1:08:02.

¹⁴ As he ran, his right hand appeared to be tucked into his coat pocket and his left coat sleeve was flopping around and appeared empty.

¹⁵ The first shot was fired at BWC timestamp 1:08:09.

¹⁶ Officer Slack began firing again at BWC timestamp 1:08:17.

¹⁷ Officer Slack's portable radio battery had died.

from the sleeve of his coat and placed both hands out in front of him while lying prone on top of his coat. Officer Slack gave multiple commands to roll over, and Mr. Murphy rolled onto his belly with both his hands still extended out in front of him. Officer Slack then commanded, "Keep your arms out."

With his weapon's light still pointed at Mr. Murphy, Officer Slack again attempted to advise of "shots fired" on his portable radio, Mr. Murphy moved his arms closer to his body and appeared to attempt to push himself up, and Officer Slack began commanding, "Stay on the ground!"¹⁸ Mr. Murphy then brought both arms closer to him, again appearing to attempt to push himself up off the ground; and Officer Slack again commanded, "Stay, stay on the ground, I will shoot." As Mr. Murphy pushed himself up to a kneeling position with his hands/forearms in front of him on the ground, Officer Slack commanded louder, "Stay on the ground!" As Mr. Murphy continued to move, Officer Slack again commanded, "Hey, stay on the ground!" Mr. Murphy pushed himself to a standing position and began walking toward Officer Slack, who had started retreating backwards.

As Mr. Murphy began walking towards Officer Slack, he looked directly at him, with both hands appearing empty, and Officer Slack again commanded, "Hey, stay on the ground" as he continued to move backwards. As Mr. Murphy strode quickly forward, his hands were balled into fists, he appeared to flex them in front of him, and his teeth appeared clenched. Mr. Murphy continued to advance, taking nine steps towards Officer Slack, and Officer Slack fired his weapon one more time.¹⁹ Mr. Murphy immediately fell to the ground on his hands and knees and then onto his back.

Officer Slack moved to the driver side of his vehicle while keeping his weapon pointed at Mr. Murphy, opened his door and advised over the car radio of "shots fired," and then got out and again pointed his weapon at Mr. Murphy.²⁰ Officer Slack got into his vehicle again to initiate his vehicle's emergency overhead lights, and advised of his location. Mr. Murphy's brother neared the scene, and Officer Slack commanded him to get back and then got back on the radio. Officer Slack got back out of his vehicle and kept his weapon pointed at Mr. Murphy as he waited for officers to arrive. After additional officers arrived on scene, officers approached and began rendering emergency medical aid to Mr. Murphy; however, Mr. Murphy succumbed to his injuries and was declared deceased on scene.²¹

The available evidence, and specifically, Officer Slack's body-worn camera recording, captures Officer Slack firing a total of six rounds at Mr. Murphy, in three separate volleys, which spanned approximately one minute and 16 seconds. Notably, about one minute and 40 seconds

¹⁸ At BWC timestamp 1:09:00.

¹⁹ Officer Slack fired the last shot at BWC timestamp 1:09:25.

²⁰ Officer Slack advised of "shots fired" at 1:09 a.m.

²¹ The first arriving officer, Officer Gerry, is first heard speaking to Officer Slack at BWC timestamp 1:11:48. After Officer Gerry arrived, he asked Officer Slack if he has any weapons on him, to which Officer Slack replied that he hadn't searched him and he was waiting for them to come. Before other officers arrived, K. M. and Mr. Murphy's father began to approach; officers gave numerous commands to them and waited until another officer arrived before they approached Mr. Murphy.

elapsed between when Officer Slack first attempted to make contact with Mr. Murphy and when Mr. Murphy turned towards him and the final encounter began.

Witness Statements

Officer Slack

Officer Slack refused to be interviewed by protocol investigators or make a statement about his use of deadly force.²² Officer Slack has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Additional Witnesses

Protocol investigators were unable to identify any witnesses who saw the shooting.²³

Physical Evidence

Protocol investigators inspected and documented the OICI scene, reviewed the 911 call, reviewed the dispatch log and radio recording, reviewed dash camera recordings and body-worn camera recordings, downloaded the officer's weapons, and reviewed the autopsy findings.

OICI Scene

Protocol investigators inspected the OICI scene located on the west side of the residential street in front of the residence at 11664 S. Eagle Bend Road (1020 East). The street runs north/south, and to the north, access is gained from Castle Rock Road (11640 South).²⁴ The street has houses along both sides, a single lane going in each direction, and a gutter, curb, easement, and sidewalk on each side.

In the southbound lane parked near the north property line of 11664 S. Eagle Bend Road, investigators observed a SPD marked patrol vehicle (Chevy Impala) which was facing south (its back end was in front of 11652 S. Eagle Bend Road). In the southbound lane south of the police vehicle, investigators observed Mr. Murphy's body lying on the road, with his feet closest to the police vehicle and his head and arms furthest away. Investigators determined that from the center of Mr. Murphy's body to the front of the police vehicle was approximately 9.25 feet. Investigators observed that Mr. Murphy was dressed in shoes, shorts, and a shirt. On the road between the patrol vehicle and the west curb, investigators located a gray coat and a shirt.

²² While Officer Slack refused to interview, investigators reviewed Officer Slack's recorded brief to a supervisor shortly after the incident occurred (described in the "Body-Worn Camera Recordings" section below).

²³ Investigators spoke with family members who witnessed events surrounding the incident (two of whom heard shots fired), however, none of them were present when the shooting occurred; they are mentioned here for the purpose of completeness. Additionally, investigators spoke with individuals in the neighborhood who heard shots fired but did not see the incident.

²⁴ Access is also gained from further south on Eagle Bend Road.

Investigators located a total of six 9 mm cartridge casings in the roadway, west gutter, and easement in front of the residence to the north (11652 S. Eagle Bend Road). Specifically, casings were located: (1) in the southbound lane (closer to the northbound lane) between the police vehicle and Mr. Murphy's body; (2) in the southbound lane between the police vehicle and the first casing; (3) in the northbound lane (close to the curb), southeast of Mr. Murphy's body and in front of 11663 S. Eagle Bend; (4) in the west gutter across from the right front door of the police vehicle; (5) in west gutter across from the right rear door of the police vehicle; and (6) on the easement of 11652 S. Eagle Bend just north of the mailboxes between 11652 and 11664 S. Eagle Bend.

Investigators also located apparent drops of blood on the road in the southbound lane across from the driveway of 11652 S Eagle Bend Road and (1) north of the right rear tire of the police vehicle and (2) closer to the northbound lane (northeast of the other drops).

Investigators also observed inside Mr. Murphy's residence, which was located nearby at 11613 S. Sunburn Circle, where they observed an X-Acto knife and also apparent blood drops/stains in his room and in the bathroom.

911 Call, Radio Recording, and Call Log

Investigators reviewed the 911 call, the radio traffic, and the dispatch call log. Notably, dispatch received the call from K. M. at 1:00 a.m. and began providing call details in the dispatch call log.²⁵ Over the radio, dispatch asked for units for "a suicide attempt" and Officer Slack advised he was in the area.²⁶ Officers Slack, A. Burke, and Gerry were dispatched at 1:04 a.m. Dispatch then advised that the call was for "a male/white/34, unknown clothing, unknown weapons, found blood all over the bathroom and in the bedroom, he had cut himself earlier, refused to go to the hospital, looks like he's left on foot, unknown direction, been bleeding for 20-30 minutes."

At 1:06 a.m., Officer Slack advised over the radio, "I'm going to be out with one male, it'll be 1000 East Sunburn Lane." About a minute later, Officer Slack advised, "We're going to be 11640 South 1000 East, I'm just following the male, he's just walking away from me." About 30 seconds after that, at 1:07 a.m., Officer Slack advised, "he's got his right hand in his jacket, I can't see anything, he's just keeping it really tight." At 1:09 a.m., Officer Slack advised over the radio of "shots fired." Officer Slack then communicated his location, that a family member walking behind his unit, that the suspect was down, and requested medical at his location.

Officer Gerry arrived on scene at 1:12 a.m., Officer Burke at 1:13 a.m., and Sgt. Martin at 1:14 a.m.

²⁵ During the 911 call, K. M. reported that his brother, Dylan Murphy, had attempted suicide earlier that evening by cutting his wrists and forearms, he'd taken him to the hospital but he wouldn't go in, there was blood all over again, and he'd taken off from the house on foot, and he asked for officers to be sent out to get him before he "bleeds out." Importantly, because Officer Slack was not privy to the 911 call, we did not rely on its contents for the purpose of our screening analysis.

²⁶ The provided address was 11613 S. Sunburn Circle in Sandy.

Dash Camera Recordings

Protocol investigators reviewed dash camera recordings from the front and rear of Officer Slack's vehicle, as well as from other officers who arrived after the shooting. When viewed together, the recordings show, in relevant part (which is without audio), the following.²⁷

As Officer Slack drives southbound on 1000 East and approaches Sunburn Lane (11575 South), Mr. Murphy is seen walking southbound along the west sidewalk (crossing Sunburn Lane, and then continuing south). Officer Slack remains behind, slows down, and then shines his vehicle's lights on him (illuminating Mr. Murphy's lower body). Officer Slack slowly follows as Mr. Murphy continues walking southbound on the sidewalk. Mr. Murphy then crosses the road (1000 East) in front of Officer Slack and runs southeast to the east side of the road. Mr. Murphy continues southbound as Officer Slack remains stopped on the west side of the roadway. Officer Slack then slowly drives southbound. After Mr. Murphy turns east onto Castle Rock Road, Officer Slack also turns east onto Castle Rock Road. After Officer Slack turns, Mr. Murphy runs southeast across Castle Rock Road in front of Officer Slack, and then continues southbound on the west sidewalk of Eagle Bend Road.

Officer Slack turns south onto Eagle Bend Road and then again slowly follows behind Mr. Murphy, who is still walking south. As Mr. Murphy gets to about the mailboxes between the first and second residences, he stops and faces Officer Slack before turning back and continuing southbound. After reaching the driveway of the second residence, Mr. Murphy goes out into the roadway, walking out in front of Officer Slack; notably, he is wearing a coat and his hands are both concealed. Mr. Murphy begins walking southeast across the roadway but then begins walking back north, toward Officer Slack. Mr. Murphy accelerates his pace and then charges towards the front driver side of Officer Slack's vehicle and goes out of view of the front camera. As he charges, Mr. Murphy is wearing a coat, with the left sleeve flopping, and both of his hands are concealed (the right appears to be tucked into the coat pocket).

From the rear camera, Officer Slack comes into view out the rear window as he moves backwards and across the rear of the vehicle, with a handgun raised and pointed back toward the driver side of the vehicle. As he moves, Mr. Murphy also comes into view and Officer Slack is seen firing his weapon at him. Officer Slack goes out of view on the rear passenger side, and Mr. Murphy, after reaching the rear passenger corner area, turns and walks into the roadway behind the vehicle, partially taking off his coat (his right arm is still in it). Mr. Murphy then turns and begins to run toward the passenger side of the vehicle where he appears to fall to the ground.

About ten seconds after Mr. Murphy disappeared from view on the front camera, Officer Slack comes into view on the front passenger side of his vehicle, quickly moving backwards and with his firearm pointed to the passenger side of the vehicle and downwards. Officer Slack moves back and is in front of his vehicle (with his weapon still pointed), as he reaches up to his

²⁷ Audio begins after the final shot is fired.

portable radio and appears to speak, and then turns on his weapon's tactical light. Officer Slack remains focused on the passenger side ground as he appears to give commands, moves positions in front of his vehicle, and then again reaches up to his portable radio and appears to speak. Officer Slack appears to give more commands as he begins taking steps backwards.

Then, just over a minute after Officer Slack came back into view on the front camera, Mr. Murphy comes into view on the front passenger side of the vehicle, quickly striding towards Officer Slack, who continues to walk backwards; Mr. Murphy is seen wearing a short-sleeved T-shirt and both hands are visible and are seen moving in front of him. As Mr. Murphy advances toward Officer Slack, Officer Slack fires his weapon and Mr. Murphy falls forward to the ground and then rolls onto his back. Officer Slack moves toward the driver side of his vehicle and out of view.

About 40 seconds later, the audio begins, and Officer Slack is heard advising of his location. Officer Slack provides additional information over the radio, and eventually, several minutes after the last shot was fired, Officer Slack and another officer come back into view. Shortly after, officers begin providing emergency medical aid to Mr. Murphy.

Body-Worn Camera Recordings

Protocol investigators reviewed Officer Slack's body-worn camera recording, as well as other officers who arrived on scene after the shooting. In relevant part, the recording depicts the following.

Officer Slack gets out of his vehicle which is facing southbound on 1000 East (just south of Sunburn Lane (11575 South)) and stands inside the open driver door as he calls out, "Hey Dylan! Dylan!"²⁸ Mr. Murphy is seen at a distance (further south), running southeast across the road (1000 East) before continuing southbound on the east side of 1000 East. After an oncoming vehicle passes, Officer Slack gets back into his vehicle, begins to slowly drive (southbound on 1000 East), and then advises on the car radio, "297. We're going to be at 11640 South, 1000 East, I'm just following the male, he's just walking away from me."²⁹ Shortly after, Officer Slack advises over his car radio, "297, just 10-14, he's got his right hand in his jacket, I can't see anything, he's just keeping it really tight."³⁰

Officer Slack parks his vehicle (near 11664 S. Eagle Bend Road), gets out and stands inside his open driver door, and calls out, "Hey Dylan! Let me see your hands, man!"³¹ Mr. Murphy starts running towards Officer Slack, who backs up from the driver door, draws his duty weapon, and hurriedly yells, "Dylan! Let me see your hands! Hands!" As Officer Slack yells, Mr. Murphy aggressively charges toward Officer Slack, with both hands concealed (his right hand is concealed in his coat and the left sleeve of his coat is flopping around and appears empty), and he is heard growling. As Mr. Murphy runs toward him (quickly reaching the

²⁸ The recording begins at timestamp 1:06:20.

²⁹ At timestamp 1:07:06. "297" is Officer Slack's call sign.

³⁰ At timestamp 1:07:43.

³¹ Officer Slack calls out to Mr. Murphy at timestamp 1:08:02.

vehicle's driver's side), Officer Slack continues moving backwards and around to the rear of his patrol vehicle. Officer Slack again yells, "Hands!" and then begins firing his weapon at Mr. Murphy.³² Officer Slack fires three times as he moves around the rear of the patrol car and then falls backwards over the west curb line.

From the curb area to the side of his passenger side of his vehicle, Officer Slack continues yelling, "Hands! Let me see your hands! Show me your hands!" as he gets back up; meanwhile, Mr. Murphy, who is in the roadway behind the rear of the vehicle, faces away and appears to be taking off his coat. Mr. Murphy then turns to face Officer Slack and again charges toward him, with his coat hanging off of his right side, his right arm and hand still inside the coat sleeve, and clothing appearing to be wrapped around his left hand and wrist, and again, he is heard growling. As Mr. Murphy nears the rear passenger corner area, Officer Slack fires two more times at him and Mr. Murphy falls to the ground near the gutter on the passenger side of the patrol vehicle.³³

Officer Slack continues moving backward (so that he is out in front of his patrol vehicle), is heard advising on his portable radio, "297, shots fired, shots fired" (however, it was not transmitted), and then turns on his handgun's tactical light, illuminating Mr. Murphy who is lying on his side, with his back toward Officer Murphy and his hands concealed from camera view. Officer Slack yells, "Let me see your hands!," and Mr. Murphy pulls his left hand out from under his body, then his right hand out from the sleeve of his coat, and places both hands out in front of him while lying prone on top of his coat. Officer Slack commands him, "Roll over," and Mr. Murphy responds, "C'mon, man." Officer Slack again commands, "Roll over," Mr. Murphy rolls onto his back, Officer Slack commands, "On your belly," and Mr. Murphy rolls onto his belly with both his hands still extended out in front of him. Officer Slack then commands, "Keep your arms out."

As Officer Slack keeps weapon/light pointed at Mr. Murphy, he again advises on his portable radio, "297, shots fired" (however, again it was not transmitted). As he does so, Mr. Murphy places his forearms and palms on the ground closer/underneath him, with his head raised, and appears to attempt to push himself up. Officer Slack yells, "Stay on the ground."³⁴ Mr. Murphy then brings both arms closer to him, with his head raised, and again appears to be attempting to push himself up off the ground (as he does so, he is lying on his coat and his right hand is concealed from camera view); and Officer Slack again yells, "Stay, stay on the ground, I will shoot." As Mr. Murphy pushes himself up from the ground with his hands and to a kneeling position with his hands/forearms in front of him on the ground (his coat is still beneath him, and his right hand is out of camera view), Officer Slack yells louder, "Stay on the ground!" As Mr. Murphy continues to move, Officer Slack again yells, "Hey, stay on the ground!" Mr. Murphy pushes himself up to a standing position and begins walking toward Officer Slack, who has started backing away.

³² The first shot is fired at timestamp 1:08:09.

³³ Officer Slack begins firing again at timestamp 1:08:17.

³⁴ At timestamp 1:09:00.

As Mr. Murphy begins walking toward Officer Slack, he looks directly at Officer Slack, with both hands appearing empty, and Officer Slack again commands, “Hey, stay on the ground” as he continues to move backwards. As Mr. Murphy continues striding forward, his hands, which appear to be balled into fists, move in front of him, and his teeth appear to be clenched. Mr. Murphy continues to advance and Officer Slack, who is still backing away, fires his weapon one more time.³⁵ Mr. Murphy immediately falls to the ground on his hands and knees and then, as Officer Slack again commands him to stay on the ground, onto his back.

Officer Slack moves to the driver side of his vehicle while keeping his gun pointed at Mr. Murphy, opens the driver door, advises over the car radio, “297, shots fired, shots fired,” and then gets out and then again points his gun at Mr. Murphy.³⁶ Officer Slack again opens his door, initiates his vehicle’s emergency overhead lights, and advises of his location. Off camera, a male voice is heard yelling, “Is my brother dead?,” Officer Slack commands the individual to get back, sirens can be heard in the distance, and Officer Slack gets back into his vehicle and advises over the radio of the family member, that he has one suspect down, and requests medical. After confirming his location to dispatch, Officer Slack again gets out and keeps his gun pointed at Mr. Murphy until another officer arrives.³⁷ Officer Slack advises the other officer of the current situation, and when asked if he has any weapons on him, replies that he hadn’t searched him and he was waiting for them to come. Other individuals are heard on scene confronting the officers (Mr. Murphy’s brother and father) and the officers give numerous commands to them. After another officer arrives on scene, they approach and begin providing emergency medical aid to Mr. Murphy until emergency medical services arrive on scene.

Surveillance Video

Investigators were unable to locate any surveillance recordings that captured the events either before or during the shooting incident.³⁸

Weapons Downloads

Protocol investigators examined and downloaded Officer Slack’s Glock 17 Gen 5 9mm pistol, which had an inserted 17-round capacity magazine. Protocol investigators counted one cartridge in the chamber and 11 cartridges in the inserted magazine, for a total of 12 cartridges.³⁹ Presuming Officer Slack began with a fully loaded inserted magazine and a chambered round, that count indicates that he likely fired up to six rounds during the incident. This count is consistent with the video footage depicting six shots fired and the six casings recovered on scene.

Autopsy

³⁵ Officer Slack fires at timestamp 1:09:25.

³⁶ Officer Slack advises of “shots fired” at timestamp 1:09:42.

³⁷ The arriving officer is first heard speaking to Officer Slack at timestamp 1:11:48.

³⁸ One recording begins after the final shot and captures Officer Slack moving back from in front of his vehicle to his vehicle’s front driver door and accessing inside his vehicle.

³⁹ Investigators also examined Officer Slack’s two spare 17-round capacity magazines, which were both fully loaded (17 rounds).

Amanda L. Ho, M.D., with the Utah Office of the Medical Examiner performed an autopsy of Mr. Murphy's body and determined that he died from gunshot wounds. Dr. Ho identified four gunshot wounds of: (1) the left side of his chest, with a trajectory of front to back, downward, and left to right, with a bullet recovered from the left side of the back; (2) the right side of the chest at the costal margin, with a trajectory of front to back, downward, and right to left, with a bullet recovered from within the third lumbar vertebral body; (3) the dorsal right forearm, with a trajectory of back to front, upward, and right to left, and exit of the medial/ulnar margin of the right forearm; and (4) the dorsal surface of the left wrist, with a trajectory of back to front and downward without any left/right deviation, and exit of the left palm.

In addition, Dr. Ho identified multiple sharp force injuries (including an incised wound of the left antecubital fossa, multiple incised wounds of the ventral left forearm, and multiple incised wounds of the ventral right wrist) and also abrasions to both knees. Dr. Ho also reported the postmortem toxicology results and noted that the combination of morphine, codeine, and 6-monoacetylmorphine is indicative of heroin.

LEGAL ANALYSIS

The scope of this review, and the OICI protocol investigation related to it, is narrow in its scope and purpose: to determine whether the facts of this case, when applied to the law, warrant the filing of a criminal charge against an officer who used deadly force. In considering whether to charge a criminal offense against a law enforcement officer who uses deadly force, we try to ascertain whether Utah's broad affirmative legal defense of justification, particularly as applied to law enforcement officers, effectively precludes criminal prosecution based on the facts before us. In other words, we ask whether an officer could establish at trial that his or her use of deadly force was justified. To answer that question, we ask whether he or she reasonably believed the use of deadly force was necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect. *See* Utah Code § 76-2-404(2)(c)).

As discussed more fully below, we believe the totality of the facts in this matter, taken together with reasonable inferences arising from those facts, would likely satisfy the elements of the affirmative legal defense of justification as applied to Officer Slack's use of deadly force. In other words, we believe that if charges were filed against him for his use of deadly force, a jury (or other finder of fact) would have a reasonable basis to conclude that they used deadly force because he reasonably believed that deadly force was necessary to prevent death or serious bodily injury to himself and/or others. Where the facts of a case satisfy these elements of the affirmative legal defense of justification, Utah State law affords an officer a legal defense and the finder of fact is instructed to render a verdict of not guilty of the offense(s) alleged.

As noted above, Officer Slack refused to be interviewed or provide a statement explaining his use of deadly force, as is his constitutional right. Without his explanation as to his use of deadly force, we don't know what his actual beliefs were or his reason(s) for his decision to fire his weapons. We are therefore left to infer the rationale for his apparent decisions to use

deadly force based on other evidence we received, as well as the reasonable inferences to be drawn from that evidence. In similar situations where a shooting officer has refused to answer questions or provide a statement, we have proceeded in this manner. In doing so, however, we have never strayed from the objective evidence or testimony of other witnesses, nor do we do so here. While it is the prerogative and constitutional right of an officer not to share information with investigators, an officer's refusal to explain his or her apparent decision to use deadly force does not diminish our duty to explain and account for our decisions and conclusions or absolve us of our obligations to the community to present the truth to the community about an officer's use of deadly force on a member of our community.

While we do not know Officer Slack's actual beliefs and thus cannot say whether he "reasonably believed" deadly force was necessary, we can infer the reasonableness of a belief that deadly force was necessary from the facts of which we are aware. In this case, we know that Officer Slack was responding to a "suicide attempt" call and that dispatch advised that it was unknown if Mr. Murphy had weapons, the caller had found blood all over, Mr. Murphy had cut himself earlier and refused to go to the hospital, and that he'd left on foot, and had been bleeding for 20-30 minutes.⁴⁰ We know that Officer Slack located Mr. Murphy walking on foot near the residence, Officer Slack attempted to make contact, and Mr. Murphy continued to walk away. Officer Slack then advised over the radio, "He's got his right hand in his jacket. I can't see anything. He's just keeping it really tight." After continuing to follow him, Mr. Murphy then began walking toward Officer Slack, who quickly got out of his vehicle and yelled, "Hey Dylan! Let me see your hands, man!," drew his duty weapon, and began backing up. Mr. Murphy, whose hands were concealed, then charged at Officer Slack and growled; as Mr. Murphy ran towards Officer Slack around the back of the vehicle, Officer Slack fired three times before falling backwards over the curb on the passenger side of the vehicle. Officer Slack got back up while continuing to yell commands for Mr. Murphy, who was walking in the roadway at the back of the vehicle, to show his hands. Mr. Murphy then turned to face Officer Slack and again charged at him while growling, with his coat hanging off of him, his right arm and hand still inside the coat sleeve, and his left hand and wrist appearing to be wrapped in clothing. Officer Slack fired two more times and Mr. Murphy fell to the ground on the passenger side of the vehicle.

As Mr. Murphy lay on the ground, Officer Slack again commanded him to show his hands, and Mr. Murphy pulled both of his hands out and placed them out in front of him (with his coat underneath him). Officer Slack commanded him to roll over multiple times, and Mr. Murphy rolled to his back and then onto his belly, with his hands still extended out in front of him. Officer Slack again commanded him to keep his arms out, and as he attempted to call out "shots fired" on the radio, Mr. Murphy began to attempt to push himself up. Officer Slack gave repeated commands to stay on the ground, but Mr. Murphy pushed himself up—first to a kneeling position and then to standing. As Officer Slack continued to give commands, Mr. Murphy began walking toward Officer Slack, who was retreating backwards. Mr. Murphy

⁴⁰ SPD provided information that about eight months prior, Officer Slack was dispatched to assist on a welfare check on Mr. Murphy; however, the call was cancelled several minutes after he was dispatched. We are not aware of any direct contact between Officer Slack and Mr. Murphy on that occasion, or at any other time. As such, we cannot say, if or how, his prior experiences or involvements influenced his beliefs and/or actions that night.

looked directly at Officer Slack as he strode quickly forward, with both hands appearing empty but balled into fists, and his teeth appearing to be clenched. As Mr. Murphy advanced towards Officer Slack, Officer Slack fired his weapon one more time and Mr. Murphy fell to the ground a second time.

In analyzing Officer Slack's use of deadly force, we first note that Officer Slack fired a series of three volleys—three shots as Mr. Murphy first charged towards Officer Slack as he retreated around the back of the patrol vehicle, another two shots as Mr. Murphy charged towards Officer Slack on the passenger side of the vehicle after Officer Slack had fallen and gotten back up, and one final shot—about one minute and seven seconds after the second volley—after Mr. Murphy got up off the ground and as he advanced toward Officer Slack a third and final time. While we consider this incident to be one continuous series of events, which must be viewed as a whole, we find that the three volleys were separated by sufficient time and change in events for Officer Slack to reassess the threat presented by Mr. Murphy and to determine whether it had subsided. Accordingly, in assessing Officer Slack's use of force, we considered the facts and circumstances that had unfolded (and of which Officer Slack would have been aware), for each of the three volleys of shots. We examine each of Officer Slack's apparent decisions to fire in turn.

Turning to the first volley of shots, as indicated above, we know that while Officer Slack, who was responding on the "suicide attempt," was advised that there were "unknown weapons" and that Mr. Murphy had cut himself and was bleeding. Officer Slack then located Mr. Murphy and attempted to engage with him, however, Mr. Murphy did not engage and instead walked away. Officer Slack continued to follow (meanwhile, additional units were en route and expediting). About a minute and 40 seconds after first calling out to him, Mr. Murphy turned and aggressively charged towards Officer Slack, with both his hands concealed, while growling. Officer Slack hurriedly gave commands, drew his weapon, and began retreating backwards to the rear of his patrol vehicle as Mr. Murphy advanced towards him. Officer Slack then fired at Mr. Murphy three times, before falling backwards to the ground (over the curb line and into a mailbox). Based upon the facts before us, we find that Mr. Murphy unlawfully presented a threat of death or serious bodily injury to Officer Slack when he charged towards him, with his hands concealed. Accordingly, we conclude that Officer Slack would have been reasonable in believing that deadly force was necessary.

Turning to the second volley of shots, which Officer Slack fired approximately eight seconds after the first volley, we know that while Officer Slack had fallen down and was hurriedly trying to get back up, Mr. Murphy walked away from Officer Slack, in the roadway behind the patrol vehicle, while partially taking off his coat. As Officer Slack got up and resumed giving commands to show his hands, Mr. Murphy turned to face him and again charged, while growling, with his hands still concealed (his right arm/hand was inside the coat sleeve while his left hand was no longer in the coat but wrapped in fabric). Importantly, while the threat could have subsided during the time between the first and second volleys, Mr. Murphy did not engage in any conduct which would have signaled that he no longer presented a threat to Officer Slack; rather, Mr. Murphy demonstrated an intent to not stop as he continued to not

comply with commands and instead charged at Officer Slack for a second time—even after being shot at. Accordingly, we find that the threat presented by Mr. Murphy not only continued, but became even more heightened, particularly in light of Officer Slack falling to the ground—a highly vulnerable and compromising position.

Turning to the third and final shot, we first find that the temporal break between the second volley and the final shot—approximately a minute and seven seconds—was significant, particularly as there were significant changes in circumstances during that time. For example, after the second volley, Mr. Murphy fell to the ground on the passenger side of the patrol vehicle, appearing to have been injured by the shots fired. As he lay on the ground, Mr. Murphy complied with Officer Slack’s multiple commands to show his hands, roll over, and to keep his arms out, only responding with “Come on, man!” Then, after approximately 41 seconds after the second volley, Mr. Murphy began pushing himself up. As Officer Slack quickly responded with commands to “stay on the ground,” Mr. Murphy continued to attempt to push himself up and not follow any further commands. Despite appearing physically compromised, Mr. Murphy pushed himself to a kneeling position (on all fours) before standing up fully and beginning to walk towards Officer Slack while looking directly at him, with both hands appearing empty but balled into fists, and his teeth appearing to be clenched. As Officer Slack retreated backwards, Mr. Murphy advanced towards him as he took nine steps, closing the distance. Officer Slack then fired one final round, and Mr. Murphy immediately fell to the ground.

When we assessed the level of threat presented by Mr. Murphy at the time of Officer Slack’s final decision to fire, we found that it was qualitatively different than for the first two volleys. In contrast to the first two volleys, Mr. Murphy had nothing in his hands, appeared physically compromised from being hit (and arguably less physically capable of causing harm), and was not advancing with the same speed and intensity. Accordingly, we find that the same urgency as existed before was simply not present for the final decision to shoot.

Nonetheless, despite the differences in the threat presented, we do not believe the evidence is sufficient to prove that Mr. Murphy did not pose an immediate threat to the safety of Officer Slack. Rather, when we considered the totality of the circumstances throughout the full encounter, we found that despite having empty hands, appearing physically compromised, and not advancing with the same urgency as before, Mr. Murphy again posed an immediate and serious threat to Officer Slack. When Officer Slack fired the final shot, Mr. Murphy had ceased complying with commands, pushed himself up to stand, and was walking determinedly towards Officer Slack, with fists balled up and teeth appearing clenched, and closing the distance between them Slack. Given the facts before us, we find no purpose for Mr. Murphy’s actions other than to create a threat of harm. Accordingly, faced with these circumstances, we believe Officer Slack would have been reasonable in believing that Mr. Murphy’s intent was to continue coming at him until he reached him, that Mr. Murphy posed a threat of harm, and that the harm posed by Mr. Murphy was imminent. Importantly, we note that Officer Slack did not immediately fire as Mr. Murphy stood and advanced towards him; rather, he did not fire until after Mr. Murphy had taken nine steps towards him, with no indication that he would cease or abandon his intention to advance.

The totality of the facts in this case, taken together with reasonable inferences about Officer Slack's decision to use deadly force, would likely cause a jury to determine that his use of deadly force satisfies the elements of the affirmative legal defense of justification. Assuming his testimony in a criminal case (if any) would be consistent the facts as we believe them to be based upon the evidence produced by the protocol investigation, we believe a jury would likely conclude that he used deadly force because he reasonably believed deadly force was necessary to prevent death or serious bodily to himself. Such a use of deadly force, by an officer who reasonably believes the deadly force is necessary to prevent death or serious bodily injury to himself or another person, satisfies the elements of the affirmative legal defense of justification and affords the officer a legal defense to a criminal charge. Thus, in this case, we believe a jury would likely find that the facts satisfy the elements of a justified use of deadly force.

If, for the sake of discussion, we elected to file a charge against Officer Slack for his use of deadly force, and he asserted the legal defense of justification, we would have to prove at trial, beyond a reasonable doubt and to the unanimous satisfaction of all jurors, that he did not reasonably believe that using deadly force against Mr. Murphy was necessary to prevent death or serious bodily injury. We do not believe the facts of this matter would support an effort to disprove the justification defense. We believe Officer Slack would likely claim successfully at trial that he reasonably believed deadly force was necessary; therefore, his use of deadly force would be found justified and he would be afforded a legal defense to criminal charges.

Because the statutory defense of justification is an affirmative legal defense, we, as the prosecution, bear the burden of showing evidence to prove that the affirmative defense does not apply. In other words, to achieve a conviction against Officer Slack for his use of deadly force, we would have to show evidence to prove, beyond a reasonable doubt, that either Officer Slack did not believe he needed to use deadly force prevent death or serious bodily injury (to himself or another); or, that if he did believe he needed to use deadly force, that his belief was unreasonable. We do not believe we have sufficient evidence to do so. Based on the evidence before us, we conclude that no reasonable jury would unanimously determine that Officer Slack did not reasonably believe deadly force was necessary in this situation. We conclude that we could not refute or overcome the affirmative legal defense of justification and therefore, we believe a jury would afford Officer Slack the legal defense.

As the United States Supreme Court instructed in *Graham*, assessing "reasonableness" in the Fourth Amendment context "requires careful attention to the facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to the safety of the officers or others." 490 U.S. at 496 (emphasis added). The facts of this matter support a conclusion that Officer Slack could successfully argue that he reasonably believed his use of deadly force was necessary to prevent death or serious bodily injury to himself or another individual (in this case, to himself). In short, paying "careful attention to the facts and circumstances" of this case, and considering the totality of the evidence and reasonable inferences to be drawn therefrom, we conclude that Officer Slack's use of deadly force would likely satisfy the elements of a justified use of deadly force as set forth in Utah State law.

CONCLUSION

As noted previously, the facts and conclusions set forth in this letter are based on the evidence of which we are currently aware. Should additional facts become available, these conclusions may change.

As outlined in more detail above, we conclude that the facts in this case, together with the reasonable inferences about Officer Slack's decision to use deadly force, would likely support a finding that he reasonably believed deadly force was necessary to prevent death or serious bodily injury to himself. As such, we believe that a jury would likely find that the facts and reasonable inferences satisfy the elements of the affirmative legal defense of justification and therefore afford him a legal defense to a criminal charge. Accordingly, we decline to file a criminal charge against Officer Slack for his use of deadly force in this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Sim Gill", is written over a horizontal line.

Sim Gill,
Salt Lake County District Attorney