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January 28, 2025

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

Chief Mike Brown
Salt Lake City Police Department
475 South 300 East
Salt Lake City, UT 84111

RE: Arrest and Death of Megan Joyce Mohn
Incident Location: 900 North 400 West, Salt Lake City, Utah
Incident Date: January 11, 2022
WVCPD Case No.: 22-62675
SLCPD Case No.: 22-6065

Dear Chiefs Jacobs and Brown:

This letter addresses the January 11, 2022, arrest of Megan Joyce Mohn by Salt Lake City Police Department ("SLCPD"), during which she lost consciousness. Ms. Mohn never regained consciousness, and she ultimately passed away in the hospital on January 30, 2022.¹

Following the release of the Utah Office of the Medical Examiner findings on July 28, 2022, SLCPD 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 SLCPD. After the investigation, on September 12, 2022, 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.²

¹ Officers Joshua Hoyle, Sherwin Mansourbeigi, Dalton Hatch, and Todd Goodsell were involved in the arrest and restraint of Ms. Mohn. After officers moved Ms. Mohn to a recovery position, Sergeant Drew Hadley also arrived on scene.

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

The DA's Office has independently reviewed the facts developed from the OICI protocol investigation and reached its findings and conclusions in this matter. To assist in our review of the evidence, we engaged the services of Eric P. Daigle, a court-qualified use-of-force expert witness, and we asked that he review the evidence and provide expert opinions regarding the officers' use of force, viewed in light of current police practices, policies, and standards for the use of force. Mr. Daigle's written expert report, which was provided on March 21, 2024, is attached hereto and incorporated by reference.

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 January 11, 2022, at about 3:30 a.m., SLCPD Officer Hoyle, who was working a part-time shift at Marathon Petroleum's Salt Lake City Refinery,³ was notified by a Marathon Petroleum security guard that "a female had trespassed into a controlled area of property, was running into traffic in the intersection, acting erratically, and wielding two sticks around."⁴ Officer Hoyle located the female, later identified as Megan Joyce Mohn, in the intersection of 900 North and 400 West, "yelling and wielding [two] four-foot pieces of rebar," and made contact with her. When confronted, Ms. Mohn complied and dropped the rebar pieces but would not give her name.⁵ Ms. Mohn remained verbally and physically non-compliant with Officer Hoyle as he gave commands and attempted to arrest her. Officer Hoyle placed handcuffs on Ms. Mohn at about 3:35 a.m. and assisted her to a seated position on a grass park strip.⁶

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 refinery is located at 474 West 900 North in Salt Lake City.

⁴ See Officer Hoyle's written report dated January 11, 2022.

⁵ Officer Hoyle was not wearing a body-worn camera. Officer Hoyle later described in his report:

Upon arrival, I located the female, later identified as Megan Mohn [], on the East side of the intersection yelling and wielding (2) four-foot pieces of rebar. I activated my emergency lights and exited my patrol vehicle. I commanded the Megan to drop the sticks, which she complied. I asked Megan what was going on? Megan replied, however, I could not understand what she was saying? I asked Megan what her name was, but she would not provide her identity. Megan was asked multiple times for her identity; however, Megan would not inform Officers of her name.

⁶ Officer Hoyle further described in his report:

Megan was marching erratically around the intersection and I commanded Megan to sit down. Megan stated she would not sit down as she didn't want to end up "dead in the Jordan River". Megan began to walk briskly away from me, and I commanded Megan to "sit the fuck down". Due to Megan's non-compliance, I grabbed Megan and began trying to place her into handcuffs, but Megan began resisting arrest. Megan was screaming "Help Me" and informing that the "two brothers were after her". I could smell a strong odor of alcohol generating from Megan's breath. I finally got handcuffs on Megan and again told her to sit down. I informed Dispatch of my location and that I had a female placed under arrest. Megan was still actively resisting and screaming. Megan was informed again to sit down but refused and was assisted onto her rear on the grass.

Similarly, the Marathon Petroleum security guard, who we refer to as "S. R.," described in a written statement:

At 3:36 a.m., Officer Mansourbeigi arrived on scene and made contact with Officer Hoyle.⁷ As Officers Hoyle and Mansourbeigi attempted to obtain her name, Ms. Mohn kept asking them to call the police and repeatedly screamed for help. Ms. Mohn continued communicating with the officers as they kept her seated on the ground.⁸ At 3:38 a.m., Officer Mansourbeigi asked dispatch if more units were responding.⁹ Ms. Mohn continued not providing her name and the officers decided to cut off the backpack she was wearing. Ms. Mohn was observably in a state of distress and communicating in incoherent and irrational statements.

At 3:39 a.m., as Ms. Mohn continued screaming for help, Officer Mansourbeigi began cutting one of the backpack straps (at 3:39:18 a.m.).¹⁰ Ms. Mohn then began aggressively struggling with the officers and kicking at them, the officers turned Ms. Mohn onto her stomach, and Officer Mansourbeigi got control of her legs (at 3:39:41 a.m.) and then requested a WRAP restraint over the radio (at 3:39:55 a.m.).¹¹ Officers Hoyle and Mansourbeigi then continued to hold her down, partially on her side, with the backpack wedged between the front of her hips and the ground at times, as she yelled, kicked, and struggled against the officers. Officer Hoyle later described: "I was holding [her] shoulders and had a knee lightly placed in the mid-section of [her] back while Ofc Mansourbeigi had control of [her] feet to prevent her from kicking Officers again."¹² Officer Mansourbeigi also later described: "I held her legs down by applying positive pressure on her calves and ankles while Officer Hoyle was holding her lower back down."¹³

I continued to watch from my security vehicle to prevent further entry until Officer Hoyle could arrive. Officer Hoyle arrived at ~0330. He got her to drop her weapon and eventually sit on the ground. He attempted to ask her name but she just kept screaming incoherent language. She yelled phrases like "I don't want to die in the Jordan River," "The two brothers are after her," "Help," etc. She was resisting and attempted to run. Hoyle managed to cuff her and called for backup.

The dispatch call log indicates that Ms. Mohn was in custody at 3:35:34 a.m.

⁷ Officer Mansourbeigi's body-worn camera recording begins at 3:36:21 a.m., just prior to his arrival on scene. The first thirty seconds of the recording has no audio, as is consistent with the buffering feature of an Axon-brand body-worn camera. For purpose of this narrative, times are taken from Officer Mansourbeigi's body-worn camera recording, unless otherwise indicated.

⁸ The recording captured some of Ms. Mohn's statements, including: "I'm good," "I'm probably gonna go to jail anyways, so," "Hi," "will one of you use your cell phone to call the police?," "Yeah, but I wanna hear them confirm that," "They're gonna kill me," "Please don't, please don't shoot, okay, I'll stay down," "please don't tell me, I don't wanna die, please, I have so much stuff to do," "No, it [ID] got stole," "Iemme calm down," "Damn, can I have some water please?," "Oh, that's, that's just exploitation," "Can you call in some more police, please?," "Oh, I think, I think we need more police," "I have to do good things still, I sound like all those stupid people on TV, don't I, huh," "Fuck. I'm fucked up," "I'm just, I'm just really scared," "I won't, I won't hurt you, please," and "Please don't."

⁹ The dispatch call log indicates that Officers Hatch and Goodsell were en route at 3:39 a.m. and Sergeant Hadley was en route at 3:40 a.m.

¹⁰ Ms. Mohn screamed, "You – need to – stop!," and stated, "I don't want my backpack... It's a good backpack."

¹¹ See Mansourbeigi BWC. The dispatch call log indicates that a WRAP was requested at 3:40:16 a.m.

¹² See Officer Hoyle's written report.

¹³ See Officer Mansourbeigi's written report.

At 3:41 a.m., Officer Hatch arrived on scene, cut off Ms. Mohn's other backpack strap (at 3:41:43 a.m.), and it aside while Officers Hoyle and Mansourbeigi held Ms. Mohn down.¹⁴ Ms. Mohn responded, "Okay, first of all, alcohol is a great drug" (at 3:41:52 a.m.), yelled, "I didn't even do it!" (at 03:42:00 a.m.), and kicked and pushed back against officers.¹⁵ At 3:42 a.m., Officer Mansourbeigi then crossed Ms. Mohn's legs and pushed them toward her buttocks (at ~3:42:03 a.m.) and Officer Hatch also began holding down the left side of her body, as Officer Hoyle continued to hold the right side of her body down in a prone position. Officer Hatch later described: "I responded by placing my left knee on the small of [Ms. Mohn]'s back and use[d] my right hand to hold [Ms. Mohn]'s foot to prevent her from kicking."¹⁶

Ms. Mohn yelled for help and began struggling against the officers as they continued to hold her down in a prone position while waiting for a WRAP restraint to arrive. As they held her down, Officer Hoyle began explaining to the other officers how the call began (at 3:42:18 a.m.), Officer Mansourbeigi attempted to put handcuffs around Ms. Mohn's legs, and Officer Hoyle advised that he had leg shackles in his patrol vehicle (at 3:42:55 a.m.). At 3:43 a.m., the officers observed that Officer Goodsell was arriving on scene, and Officer Hatch told Ms. Mohn to "relax," "stop," and that she was kicking his partner (at 3:43:07 a.m.).¹⁷ As captured on body-worn camera, Ms. Mohn then stopped moving and stopped making any sounds (at 3:43:19 a.m.).

Officer Goodsell approached and took Officer Hoyle's place holding Ms. Mohn's right side, and Officer Hoyle went to retrieve the leg shackles from his vehicle (at ~3:43:27 a.m.). Officer Goodsell later described, "I placed my right shin on her left forearm, and got almost no reaction."¹⁸ Meanwhile, Officer Mansourbeigi continued to hold Ms. Mohn's legs crossed and bent towards her body; he later described, "I bent [Ms. Mohn]'s knees up and crossed her ankles. I then put positive pressure on her crossed ankles against her buttocks."¹⁹ Officer Hoyle returned with leg shackles and then began applying them (at 3:43:59 a.m.).

At 3:44 a.m., after observing that Ms. Mohn was not responding, Officer Goodsell asked to see if they could get her into the "recovery position" (at 3:44:21 a.m.), and the officers turned Ms. Mohn onto her side.²⁰ Officer Goodsell began to medically assess Ms. Mohn and observed that she was breathing but not moving, and not reacting to stimuli; meanwhile, Officer Mansourbeigi requested over the radio that dispatch send emergency medical responders (at

¹⁴ The dispatch call log indicates that Officer Hatch was at scene at 3:40:45 a.m. His body-worn camera recording begins at 3:40:50 a.m.

¹⁵ The protocol team found that Ms. Mohn was placed in a prone position at 3:41:55 a.m.

¹⁶ See Officer Hatch's written report dated January 11, 2022.

¹⁷ The dispatch log indicates that Officer Goodsell was at scene at 3:42:35 a.m.; his body-worn camera recording begins at 3:42:54 a.m., before he exited his vehicle.

¹⁸ See Officer Goodsell's written report dated January 11, 2022.

¹⁹ See Officer Mansourbeigi's written report. Notably, after reviewing the body-worn camera recordings, protocol investigators found that "officers only applied pressure to [Ms. Mohn's] lower back. Officers did not apply any pressure to [Ms. Mohn's] neck or mid-back above her lungs."

²⁰ After reviewing the body-worn camera recordings, protocol investigators found that "[Ms. Mohn] was in the prone position for approximately three (3) minutes and ten (10) seconds before she was moved into the recovery position."

3:44:49 a.m.).²¹ Officers continued to assess and provide emergency medical aid to Ms. Mohn, Officer Goodsell requested over the radio to have emergency medical responders expedite (at 3:46:32 a.m.), and Sgt. Hadley arrived to assist.²²

At about 3:48 a.m., after observing that they could no longer see Ms. Mohn's breath, officers removed the leg shackles and handcuffs and rolled her onto her back; they then moved her back into the "recovery position" after her pulse was detected and as they waited for emergency medical responders to arrive. At 3:51 a.m., emergency medical responders arrived and made contact with the officers. At 3:52 a.m., after observing that he no could no longer detect a pulse, Officer Goodsell began chest compressions. At 4:04 a.m., emergency medical responders observed that Ms. Mohn had regained her pulse, and they subsequently transported her by ambulance to a nearby hospital.²³ Ms. Mohn remained in the hospital, never regaining consciousness, and ultimately passed away 19 days after the incident, on January 30, 2022.²⁴

Notably, after emergency medical responders left with Ms. Mohn, officers located field-tested-positive methamphetamine, suspected spice, a used hypodermic needle, a glass pipe with burn marks and residue, and four cans of beer during an inventory search of her belongings.

Jason G. Lozano, M. D., with the Utah Office of the Medical Examiner performed an autopsy of Ms. Mohn's body and ultimately determined that Ms. Mohn "died as a result of an anoxic brain injury due to cardiac arrest due to a probable methamphetamine intoxication in the setting of an altercation involving physical restraint" (emphasis added).²⁵ In his report, Dr. Lozano specifically found: (a) that the hospital admission urine toxicology screen was positive for amphetamines, (b) a reported history of illicit drug use, and (c) that methamphetamine was found in a bag carried by Ms. Mohn. In discussing "the temporal relationship of the cardiac arrest occurring during an altercation involving physical restraint," Dr. Lozano recognized that "methamphetamine intoxication alone can result in cardiac arrest" but then opined: "Demand ischemia of the myocardium due to physical exertion during the altercation may have precipitated the cardiac arrest. Also, the history of being held down in the prone position raises concern for an asphyxial component" (emphasis added). Dr. Lozano's report is dated July 28, 2022 ("ME Report").

EVIDENCE DERIVED FROM PROTOCOL INVESTIGATION

²¹ The dispatch call log indicates that Ms. Mohn was unconscious, breathing, and not alert at 3:45:28 a.m., and that emergency medical responders were dispatched at 3:45:29 a.m.

²² The dispatch call log indicates that emergency medical responders were requested to expedite at 3:46:45 a.m. Sergeant Hadley's body-worn camera recording begins at 3:46:23 a.m., prior to his arrival; the dispatch call log indicates that he arrived on scene at 3:46:55 a.m.

²³ Ms. Mohn was transported at 4:07 a.m.

²⁴ At the hospital, Ms. Mohn was diagnosed with an anoxic brain injury. Upon admission, her urine drug screen was positive for amphetamines, cannabinoids, and alcohol (3 mg/dL). Notably, on January 19, 2022, a neurologist found that her MRI showed diffuse anoxic injury and opined: "I do believe her altered mental status secondary to a likely hypoxic injury suffered during her cardiac arrest. This could also certainly be related to her methamphetamine abuse. Her drug screen was positive for amphetamines and cannabinoids."

²⁵ Dr. Lozano performed the autopsy on February 10, 2022.

As indicated above, SLCPD invoked the OICI protocol on July 28, 2022, following the release of the autopsy findings. During the protocol investigation, investigators collected and reviewed physical evidence provided by SLCPD, including but not limited to case reports (which included written reports of each of the involved officers), dispatch recordings and logs, body-worn camera recordings, and evidence documenting the scene.²⁶ Protocol investigators also obtained and reviewed surveillance video recordings, Ms. Mohn's medical records, and the autopsy findings. Notably, Officers Hoyle, Mansourbeigi, Hatch, and Goodsell refused to be interviewed by investigators about the incident, as is their constitutional right.²⁷

FINDINGS AND CONCLUSIONS

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

- (i) an officer's use of deadly force;²⁸
- (ii) an officer's use of a dangerous weapon²⁹ 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).

Based on the evidence before us, we believe this matter is appropriate for review as an "officer-involved critical incident" under subsection (v) of Utah Code Section 76-2-408(1)(f).³⁰ In this case, Ms. Mohn lost consciousness and became seriously injured while multiple officers restrained her in a prone position for over three minutes, with her hands handcuffed behind her back and her legs pinned towards her buttocks. Further, after officers began assessing and monitoring her medical condition, they determined that she lost her pulse such that chest

²⁶ Body-worn camera recordings were available for Officers Mansourbeigi, Hatch, and Goodsell, as well as Sergeant Hadley and other officers who responded. Notably, Officer Hoyle was not wearing his body-worn camera.

²⁷ The officers have a constitutional right to remain silent and are presumed innocent of wrongdoing.

²⁸ "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).

²⁹ "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).

³⁰ Ms. Mohn was not "in custody" within the definition provided by statute, which defines "in custody" as "in the legal custody of a state prison, county jail, or other correctional facility, including custody. . ." Utah Code § 76-2-408(1)(c).

compressions were necessary. Ms. Mohn never regained consciousness, and she ultimately passed away in the hospital, 19 days after the incident.

As described above, the medical examiner, Dr. Lozano, determined that “Ms. Mohn died as a result of an anoxic brain injury due to cardiac arrest due to a probable methamphetamine intoxication in the setting of an altercation involving physical restraint” (emphasis added)). In his report, Dr. Lozano specifically found: (a) that the hospital admission urine toxicology screen was positive for amphetamines, (b) a reported history of illicit drug use, and (c) that methamphetamine was found in a bag carried by Ms. Mohn.³¹ Dr. Lozano opined:

Reportedly, the decedent was exhibiting erratic and violent behavior when she was subdued by law enforcement officers. Initially she was seated and handcuffed with her hands behind her back but when she began to struggle, she was held down in the prone position by several law enforcement officers. She became unresponsive and resuscitative efforts were begun which culminated in transport to a local hospital where she was diagnosed with an anoxic brain injury due to a cardiac arrest. Admission urine toxicology screen was positive for amphetamine.

Although methamphetamine intoxication alone can result in cardiac arrest, the temporal relationship of the cardiac arrest occurring during an altercation involving physical restraint cannot be ignored. Demand ischemia of the myocardium due to physical exertion during the altercation may have precipitated the cardiac arrest. Also, the history of being held down in the prone position raises concern for an asphyxial component. Death due to asphyxia may leave no evidence at autopsy.

Based upon the medical examiner’s findings, in conjunction with other facts and evidence in this case, we believe that Ms. Mohn’s death was likely caused, at least in part, by her drug use. However, we could not determine to what extent, if at all, the officers’ actions during their arrest and restraint of Ms. Mohn caused or contributed to her serious bodily injury and/or death; nor could we rule out that the officers’ actions did not cause or contribute to Ms. Mohn’s serious injury and/or death. In other words, while we could not determine that Ms. Mohn’s serious injury and/or death necessarily **resulted from** the officers’ efforts to effectuate arrest and gain physical control of her, we also could not definitively determine that Ms. Mohn’s serious and injury and/or death was not the **result of** the officers’ conduct.

In this case, the medical examiner found that he could not ignore “the temporal relationship of the cardiac arrest and its occurrence during an altercation involving physical restraint.” In addition, the facts and circumstances of this case demonstrate that Ms. Mohn, who

³¹ As indicated above, Ms. Mohn’s urine drug screen at the hospital was positive for amphetamines, cannabinoids, and alcohol (3 mg/dL). In addition, officers located field-tested-positive methamphetamine, suspected spice, a used hypodermic needle, a glass pipe with burn marks and residue, and four cans of beer during an inventory search of her belongings. Further, Officer Hoyle later reported, “I could smell a strong odor of alcohol generating from [Ms. Mohn’s] breath.” See Officer Hoyle’s written report.

appeared erratic and to be experiencing some level of delirium, sustained serious injury while in a prone position, after arrest, restrained by multiple officers who exerted physical force on her, for over three minutes. Even when causation cannot be conclusively determined, where there is a temporal relationship between an officer's restraint of an individual and the individuals' serious injury and/or death, and the evidence supports a conclusion of a causal connection between the officer's conduct and the injury and/or death, it is incumbent for us to review. In this case, in which officers were attempting to physically control Ms. Mohn when she became unconscious—sustaining serious injury and eventually death—we find that the facts fall within the meaning of subsection (v) of Utah Code Section 76-2-408(1)(f) and that review as an “officer involved critical incident” is appropriate. Indeed, the conduct in this case is the kind of conduct which calls for review.

Notwithstanding the foregoing, we evaluated whether the facts of this case, when applied to the law, warrant the filing of a criminal charge against any of the involved officers for their conduct during their arrest and restraint of Ms. Mohn. As indicated above, we retained the services of a court-qualified use-of-force expert witness, Eric P. Daigle, Esq., to evaluate the evidence and provide expert opinions regarding the officers' use of force, viewed in light of current police practices, policies, and standards for the use of force. In his report, Mr. Daigle concluded:

In sum, the evidence in this case supports that Salt Lake City Police Department Officers' use of force against Ms. Mohn while taking her into custody on January 11, 2022, and the manner in which they responded to her actions, was reasonable or necessary considering the totality of the circumstances, as well as consistent with policy and procedure, and industry standards.

(Daigle Rpt. at 14, ¶ 40 (emphasis added)).

Based on the evidence in this case, we do not believe we could meet our high prosecutorial burden of convincing a jury, beyond a reasonable doubt and to their unanimous satisfaction, that the elements of a criminal offense are met. Here, the medical examiner's opinion as to the cause of Ms. Mohn's death, as well as Mr. Daigle's expert testimony that the officers responded reasonably and necessary to Ms. Mohn's actions and consistent with policy, procedure, and industry standards, gives rise to a reasonable doubt and compromises our ability to meet our high prosecutorial burden.³² While we know, based on current medical literature and

³² SLCPD's “Use of Force” Policy, subsection 300.9, entitled “Medical Considerations,” provides:

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed. Absent exigent circumstances or direction from a medical service provider, individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Subsection 300.9 also provides:

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought

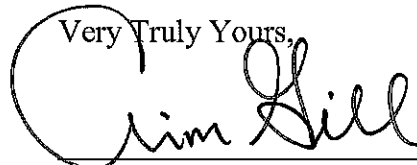
experts in the field, that holding individuals in prone positions, especially when they are already in a compromised state, can contribute to their physical demise and even cause death, we cannot overcome the reasonable doubt introduced by the medical examiner and Mr. Daigle.

While we must decline to file a criminal charge in this matter based on the current law, the burden of proof required for a criminal prosecution, and the ethical safeguards imposed on prosecution, we must draw attention to police training, practices, and policies which have not been updated to be in line with current medical knowledge and do not adequately minimize the risk of human injury and loss of life. While the conduct of police may be consistent with the training they receive, it is not unreasonable for us to draw attention to the possibility that our consistent actions may be contributing to adverse outcomes for individuals and resulting in death or serious bodily injury.

It would be unethical at this stage to prosecute officers who act consistent with their training when that training may be inconsistent with the medical realities of physically compromised individuals who they must confront daily. Furthermore, it would be unfair to expect a change in behavior when it comes to current practice unless an opportunity to change that behavior to be consistent with current medical findings is made available to police agencies. While hands-on contact may be both unavoidable and even necessary to ensure both community and officer safety, we implore police agencies to revisit, review, and retrain officers consistent with current medical knowledge regarding the dangers of prone positions, especially for medically high-risk individuals.

As outlined in more detail above, we believe the facts of this case are properly before as an "officer-involved critical incident" pursuant to subsection (v) of Utah Code Section 76-2-408(1)(f). The evidence in this case, and in particular, Mr. Daigle's expert opinion that the force used by the officers was reasonable and necessary, and consistent with policy, procedure, and industry standards, gives rise to sufficient reasonable doubt and compromises our ability to meet our high burden of prosecution. Accordingly, we must decline to file a criminal charge in this matter.

Very Truly Yours,

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

Sim Gill,
Salt Lake County District Attorney

under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.