



Ralph Chamness

Chief Deputy
Civil Division

Bridget Romano

Chief Deputy
Civil Division

SIM GILL
DISTRICT ATTORNEY

Jeffrey William Hall

Chief Deputy
Justice Division

Anna Rossi Anderson

Chief Deputy
Justice Division

Lisa Ashman

Chief of Administrative
Operations

July 23, 2026

Chief Jeff Nigbur
Sandy City Police Department
10000 Centennial Pkwy, Ste. 111
Sandy, UT 84070

RE:	SPD Officers Glenn Ware's and Ryan Shaddick's Use of Deadly Force
Incident Location:	8828 S. Shady Meadow Drive, Sandy, UT
Incident Date:	March 22, 2026
WVCPD Case No.:	26-22190
SPD Case No.:	26-12459
DA Case No.:	26INV000211

Dear Chief Nigbur:

This letter addresses the March 22, 2026, use of deadly force against by Sandy City Police Department ("SPD") Officers Glenn Ware and Ryan Shaddick against Isaac Jesse Watters.

Officer Ware's and Officer Shaddick's discharge of their firearms 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 West Valley City Police Department ("WVCPD") protocol team and comprised of law enforcement officers employed by agencies other than SPD. After the investigation, on April 27, 2026, 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

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.

On March 22, 2026, at 10:07 a.m., Isaac Jesse Watters called Sandy Police Department and requested police presence to retrieve money from his residence in Sandy. SPD Officers Bishop and Flores met with Mr. Watters and learned that his wife, M. W., had changed the locks on the residence and that he wanted to retrieve money from a safe. The officers observed that Mr. Watters' behavior appeared anxious and erratic. The officers verified that there were no active protective orders prohibiting Mr. Watters from being at the residence or contacting M. W. and then made contact at the residence with M. W. and her mother, T. M. The officers verified that there was no money in the safe and Mr. Watters eventually left the area.

Several hours later, at 2:48 p.m., T. M. and M. W. called 911 and reported that Mr. Watters had broken into the residence. SPD Officers Shaddick and Ware were dispatched to the call, and Officer Bishop advised them of the earlier contact. At 3:15 p.m., Officers Shaddick and Ware entered the residence with M. W. and T. M. The officers called out to Mr. Watters, who immediately responded and appeared in the entryway. The officers attempted to speak with him about what was going on. Mr. Watters began telling them that he wanted them to shoot him and then became insistent that they do so. Mr. Watters then produced a fixed-blade knife from a sheath under his right lower pant leg and began charging across the entryway towards the officers, who quickly drew their handguns and fired at him.² Officers rendered emergency medical aid to Mr. Watters, and Mr. Watters was transported to a hospital where he was pronounced deceased.

During the protocol investigation, Officer Ware and Officer Shaddick refused to be interviewed, as is their constitutional right. Investigators interviewed witnesses M. W. and T. M. about the incident, documented the scene and examined physical evidence, reviewed 911/dispatch recordings and call logs, reviewed body-worn and dash camera recordings, reviewed related home security videos, examined Officer Ware's and Officer Shaddick's weapons, and attended the autopsy.

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 criminal charge was filed against Officer Ware and/or Officer Shaddick for their use of deadly force, and a jury (or other finder of fact) was called upon to determine whether their use of deadly force constituted a criminal act, a jury would likely determine that they 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 Ware's and Officer Shaddick's use of deadly force would likely be subject to the

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).

² Officers Ware and Shaddick fired at 3:17 p.m.

affirmative legal defense of justification under Utah law,³ and we decline to file a criminal charge against them.

RELEVANT LEGAL STANDARDS

As relevant here, 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).⁴

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 injury[⁵] 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

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.

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).

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 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 and emphasis added).

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 who is 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. Pro. 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 statement).

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, WPCPD led an investigative task force of law enforcement officers who conducted the investigation of Officer Ware's and Officer Shaddick's use of deadly force, and the protocol investigation's findings were presented on April 27, 2026, 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 22, 2026, at 10:07 a.m., Isaac Jesse Watters called Sandy Police Department and requested police presence to retrieve money from his residence in Sandy. SPD Officers Bishop and Flores met with Mr. Watters, who advised that he had recently been released from jail after taking medication from his work, that his wife, M. W., had changed the locks on the residence, and that he wanted to retrieve money from a safe.⁷ The officers observed that Mr. Watters' behavior appeared anxious and erratic. The officers verified that there were no active protective orders prohibiting Mr. Watters from being at the residence or contacting M. W. and then made contact at the residence with M. W. and her mother, T. M. The officers verified that there was no money in the safe and attempted to facilitate giving some documents and financial cards to Mr. Watters, but he refused and eventually left the area.⁸

Several hours later, at 2:48 p.m., M. W. and T. M. called 911 and reported that Mr. Watters had broken into the residence and that they were driving there.⁹ SPD Officers Shaddick and Ware were dispatched to the call and Officer Bishop advised them of the earlier contact.¹⁰ Officers Shaddick and Ware met with M. W. and T. M. nearby before going to the residence.¹¹

At 3:15 p.m., the officers entered the residence with M. W. and T. M.¹² After observing damage to an office area, the officers called out to Mr. Watters, who immediately responded and

⁷ The officers made contact with Mr. Watters at approximately 10:27 a.m.

⁸ The officers' contact with Mr. Watters ended at approximately 10:54 a.m.

⁹ A home security camera captured Mr. Watters on the front porch at 2:45 p.m. Investigators later determined that Mr. Watters arrived and parked his vehicle down the street at approximately 2:43 p.m.

¹⁰ Officer Bishop called Officer Ware and advised him of the contact. Officer Ware then advised Officer Shaddick before meeting with M. W. and T. M.

¹¹ The officers met with M. W. and T. M. at 3:09 p.m.

¹² Officers gained entry to the residence through the garage (Ware at 15:15:38; Shaddick at 15:15:38).

appeared in the entryway.¹³ Officer Ware immediately noticed blood on Mr. Watters and began asking him if he was okay and what was going on. M. W. appeared behind the officers and the officers then separated them. Mr. Watters began telling the officers that he wanted them to shoot him and then insisted that they do so. Mr. Watters then produced a fixed-blade knife from a sheath under his right lower pant leg and began charging across the entryway towards the officers. Officers Ware and Shaddick quickly drew their handguns as Officer Shaddick commanded, "Don't move." Both officers fired at Mr. Watters, who fell to the ground and let go of the knife.¹⁴

The officers called out "shots fired," placed handcuffs on Mr. Watters, and began rendering emergency medical aid. Additional officers and medical responders quickly arrived on scene and Mr. Watters was transported to a hospital where he was pronounced deceased.¹⁵

As captured by body-worn camera, the time from when officers began entry into the residence to when shots were fired was approximately one minute and 29 seconds, and the time from when officers began calling out to Mr. Watters to when shots began was approximately 44 seconds. Investigators determined that the distance between Mr. Watters and Officer Ware when shots began was approximately 10 feet.

During the investigation, investigators determined that Mr. Watters had forced entry into the residence through a glass panel in a basement door, causing lacerations on his arm, and that he had gone to a safe in the basement after entry. Investigators also discovered evidence that Mr. Watters had purchased the knife that afternoon before returning to the residence.¹⁶

Witness Statements

Officer Ware

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

Officer Shaddick

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

M. W.

Protocol investigators interviewed Mr. Watters' wife, who we refer to as "M. W." Notably, M. W. said that at 9:33 a.m., Mr. Watters sent her a text stating that he was out of

¹³ Officer Ware called out to Mr. Watters by name (Ware at 15:16:23; Shaddick at 15:16:23).

¹⁴ The investigation determined that Officers Ware and Shaddick each fired six rounds (Ware at 15:17:07-15:17:09; Shaddick at 15:17:07-15:17:09).

¹⁵ Mr. Watters was declared deceased at 3:57 p.m.

¹⁶ A Walmart receipt in Mr. Watters' vehicle indicated that the knife was purchased at 1:14 p.m.

money and asking to come by and get some. M. W. said that around 10:35 a.m., she had officers knocking on the door, saying that Mr. Watters was in the car and wanted to get money. M. W. explained that she showed the officers the safe that he claimed there was money in. M. W. said she guessed that Mr. Watters got upset, had told officers that the credit cards she had found were expired, and had sped off. M. W. said that the officers were saying that he was “amped up.” M. W. explained that she explained about Mr. Watters’ behavior further and discussed trying again to get a protective order. M. W. said that they left to see a relative shortly after 2 p.m.

M. W. said that 10 minutes after they were at her relative’s, she got a notification from her Ring and that it was showing Mr. Watters exiting the house with one of her dogs running out too. M. W. said she just panicked that he was in the house. M. W. said that they arranged with her relative to leave the kids there and went back home and called 911 on the way and explained the situation. M. W. said that they parked down the street and waited for officers. M. W. said that they could see Mr. Watters’ car and that he had parked down the street. M. W. said that she didn’t know how Mr. Watters got into the house (her security cameras hadn’t caught him).

M. W. said that officers explained that they were very limited on what they could do because it was still legally his house. M. W. stated:¹⁷

So we drove down the street, opened the garage door, and then pulled the car up, not into the garage, but just in the driveway. And we asked the officers to go first. So they opened the door that leads from the garage to the living room. And they walked in and we were behind them. And then we walked a little bit to the left, and my office is just off of the living room and we saw that he had trashed, trashed everything, broken. I had all my plants that he knew I cared for, and he trashed the whole office, everything broken, everything.

So when they saw that, officers started to call out and ask, you know, call Isaac by name. And he said, “I’m here.” So, they walked a little forward. There’s, the living room connects into like the kitchen and there’s a little kind of mini hallway that leads to the entryway of the front of the house. So, they kind of turn the corner there. And we kind of walked up behind them as soon as we heard them say that he was, he was covered in blood and they were asking why he had blood on him. And then he saw me and he said, “What did you do?” And I said, “What did you do?” And then the officers told us to get back. So we stepped back into the living room so we couldn’t see the little hallway.

And then we heard Isaac just yell, “Kill me, kill me.” And the officers were saying, “We’re not gonna kill you.” And then, and then all of a sudden we could hear the officers kind of freak out a little bit, I don’t remember what they said exactly, but then we heard the shots. And me and my mom just grabbed each other and we just stood there. And then we could hear the officers saying that he had come at them with a knife, that he got shot in the chest, shoulder, and arm. . .

¹⁷ Quotations have been lightly edited for concision and readability.

M. W. said that they sat there and waited with the dogs and were told to stay where they were. M. W. said that officers led them to the back porch, they waited there, then they let her out the back gate where they got leashes for the dogs, she got checked out by an ambulance, and then they got in the car and came to the police station.

M. W. drew a diagram and explained that when the officers started walking over to the hallway, she and her mom followed behind and stood there and could see him and the officers. M. W. said that that's where Mr. Watters saw her and yelled, "What did you do?," the officers told them to step away and they went back into the living room right in front of the back door and the office, and then that's where they heard all of the things.

M. W. explained her relationship with Mr. Watters and what had been going on, including that officers had arrested Mr. Watters on Thursday the 12th, he was released the next day, she didn't want him home and had packed up his belongings in his car, she had changed the garage door number, and that they had been scheduling between their attorneys a time for him to get his belongings from the house.

When asked what she was thinking when she asked the police to go into the house first, M. W. expressed: "I was scared. I knew he was acting erratic. . . I really was scared for our safety. So I didn't dare going in first." When asked about seeing her office trashed, M. W. explained her office layout, that she had a bunch of plants, and that she could see a whole bunch of dirt. M. W. described that plants were thrown, there was dirt everywhere, and the whole area was just covered in plants and dirt. M. W. said she didn't look further because that's when they started to call out Mr. Watters name and so they had stepped out.

When asked about everything she heard during the confrontation with police, M. W. recalled, "so I had heard him, you know, say, you know, "just, just kill me. I want you to kill me." And then the officers, you know, saying, you know, "We're not gonna kill you," you know, that the voices were raised. And then I just kind of heard like scuff, scuff, scuffle, you know, "Back away" or something like that. And then the guns going off." When asked what made her think the officers were freaking out, M. W. explained it was because of raised voices and they started yelling.

When asked who lives in the house, M. W. said herself, Mr. Watters, their boys, and her two dogs. M. W. said that she had called her mom for help and she had flown in on Wednesday.

T. M.

Protocol investigators interviewed M. W.'s mother, who we refer to as "T. M." T. M. said she had been staying at M. W.'s house, they had gone to her sister's house, Mr. Watters started calling M. W.'s phone, M. W. didn't answer but then thought about looking at the cameras to see if he was there. T. M. said she saw Mr. Watters walking out the front door and the dogs running out. T. M. said they got in the car and drove. T. M. said that the officers that morning had said that if he comes back to the house to call 911, so she did. T. M. said they told them not to go there, to park a couple of streets down and wait for the officers, which they did because they saw his car parked a couple streets down. T. M. said the police came to them and

they told them what was going on. T. M. said they asked the police to follow them there to find out. T. M. explained that they knew that legally he was allowed to come into the house, but he had agreed through attorneys that he wouldn't.

T. M. said that the police followed them in, and they asked the police to go in first. T. M. said they went through the garage and that he wasn't in the area they walked in to. T. M. said that M. W.'s office was just around the corner and M. W. immediately noticed that her plants in there had all been destroyed. T. M. said that the officers from that morning had said that Mr. Watters was "pretty amped up"; they didn't talk to him or see him that morning. T. M. recalled:

So the officers called out to him. We kind of stayed back behind them 'cause we weren't comfortable with, she didn't want to see him at all. And as we came around the corner, he walked around and said he was fine and kind of started yelling at [M. W.] saying, "What are you doing" and "Why?" I don't remember the words that were mumbled. And they had just said, "Hey, no, you stay back here." And he was worked up and such. And so one of the officers said, "You guys stay back here."

So we stood in the family room and heard Isaac yelling at them to shoot him. A few times he says, "No, you just need to shoot me." Not too sure, I think it was pretty much right away, then we heard the shots. And we just kind of stayed there holding our ears and in shock. . .

T. M. said they heard Mr. Watters moaning, heard them call it in and were talking about starting CPR, and that first they were talking to Mr. Watters telling him to hang on and they were helping him out. T. M. said that something was said about a knife that Mr. Watters had, but she didn't remember if that was before or after the shooting, but she heard them say, "You need to put the knife away." T. M. said they heard them say they couldn't get a pulse and to start CPR. T. M. said that they stayed in the family room and kept the dogs away.

T. M. explained about Mr. Watters' and M. W.'s relationship and what had been going on. T. M. said that the day after Mr. Watters was arrested, she got a flight for the next day to come out. T. M. explained that that morning, Mr. Watters had texted saying that he was out of money and couldn't go to the bank and needed to come. T. M. said that about 30 minutes after, the police came to the door with Mr. Watters down the road. T. M. said that after they left, they got ready and went over to her sister's house and that it was about within about 10 minutes that he was there. T. M. said that they were able to leave the boys there when they came back.

When asked to explain what they had told police was happening when they had called police, T. M. explained that they told them what had happened earlier—that the police had said that Mr. Watters was "pretty amped up," that they had done everything to keep him from coming home, that they had explained that he still had that right and that if he broke in there was nothing they could do, that Mr. Watters had claimed there was cash in a safe but they had opened it and there was no cash, that the officers had voiced their concerns and had come back and said to go into the Third District Court against since M. W. was a witness and the one that turned him in, and that the officers were nervous about leaving the situation. T. M. said that they told the

officers that they were aware of the laws and that he had no right, but they wanted to go in and were hoping that he was just there to get something and was planning on leaving. T. M. explained that even before they went in the house, the officer asked them if they had anywhere else to stay if Mr. Watters refused to leave and they said that they could work something out but were hoping that he was just getting whatever he wants and would be out, but that they didn't feel comfortable going in, even being the first to go in, so they asked the police to go in first. When asked what she was feeling when she asked police to go in first, T. M. explained: "I just know how unstable he is. We've known he was suicidal. . . I felt very afraid of him. And just that he's unpredictable. It was just, I just knew that it was a dangerous situation for us to be in."

When asked about what she saw as they were going in, T. M. explained that they went in and the dogs were there greeting her, looked around, the police officers were in front of them and said that there was no one right there so they walked in, and M. W. noticed right away that there was dirt in the doorway of the office and went in there. T. M. said that they stayed there, they called out to him and he obviously wasn't around. T. M. said that they kind of went into the kitchen area because when Mr. Watters came around the corner and said, "I'm here," he had blood on his pants. T. M. said that the officer asked him about the blood. T. M. said that that was all that they saw. T. M. said that over the police, Mr. Watters kind of started yelling at M. W., and then one officer said that they should just stay back and so they kind of backed up.

When asked what she remembered hearing after moving back, T. M. said that the police were trying to calm Mr. Watters down and he said "No." T. M. said she heard them ask about the blood on his pants, "Are you bleeding?," and Mr. Watters said, "No, you really should just shoot me. You really need to shoot me." T. M. said she did not remember if Mr. Watters said "shoot" or "kill," but he probably said "You just need to shoot me" two or three times. T. M. said that she didn't remember details and she "could hear kind of a panic or a wrestling around, I'm not really clear on it, 'cause right after we could, you know, the shots and there was, and then we just kind of grabbed each other and held on and sat down."

Physical Evidence

Protocol investigators inspected and documented the OICI scene, reviewed 911/dispatch recordings and call logs, reviewed body-worn and dash camera recordings, reviewed home security recordings, downloaded the involved officers' weapons, and attended the autopsy.

OICI Scene

Protocol investigators inspected the OICI scene located at 8828 South Shady Meadow Drive in Sandy, which is a single-family residence. A white Subaru Outback was parked in the driveway in front of the open attached garage. Two police vehicles were parked on the street south of the residence: a marked SPD Ford sedan (Officer Shaddick's) and a marked SPD Ford truck (Officer Ware's).

Outside the front door of the residence, investigators located a pair of handcuffs (which an officer had removed from Mr. Watters' and placed there after he was transported). In/near the interior front entryway, investigators located a total of twelve spent 9mm shell casings.

Investigators located a SOG Seal Pup knife with a 5-inch fixed blade in a corner of the entryway. Investigators also located a hat, cut jeans, a shoe, miscellaneous personal items, and medical items. Investigators recovered a metal fragment from the front living room and identified penetrating defects to an entryway wall and to the living room floor; an additional metal fragment was subsequently located and provided to investigators.

In an office near a back sliding glass door, investigators documented multiple plants, dirt, and plant pots scattered across the room. Downstairs, investigators documented a shattered glass center on one of the doors that led to the backyard; glass from the door was shattered throughout the area inside. Suspected blood stains were located near the double doors and the nearby area. The blood trail then continued into a room with a safe and up the stairs to the main floor. Upstairs, investigators documented additional blood in the master bedroom and master closet.

On a street south of the residence, investigators located a silver 2007 Nissan Altima (Mr. Watters').¹⁸ Notably, during a subsequent search of the vehicle, investigators located a box/package for a SOG knife and a Walmart receipt indicating the purchase of a "SOG KNIFE" at 1:14 p.m. the day of the incident.

911/Dispatch Calls, Radio Traffic Recordings, and Call Dispatch Logs

Investigators reviewed 911/dispatch call recordings, radio traffic recordings, and call dispatch logs relating to the incident. Notably, Mr. Watters initially called dispatch at 10:07 a.m., and dispatch noted that the complaint needed help getting into the home and his wife locked him out, that he was in a 2007 silver Nissan Altima, and that he was south of the dispatched address. Officer Bishop and Officer Flores were dispatched to the call.

At 2:48 p.m., T. M. called 911 and reported that her daughter's estranged husband had just broken in the house, that they were heading down to let the dogs out, and that they had the police by that day and were told to call 911 if he returned; M. W. also spoke to the call taker. Officers Shaddick and Ware were dispatched to the call, and Officer Bishop then advised Officer Ware that he was going to give him a call. Several minutes later, Officer Ware told Officer Shaddick to just stage nearby and that he needed to explain a couple things to him.

Dispatch noted that both officers arrived on scene at 3:00 p.m. The dispatch notes indicate that both units were out with the complainant at 3:09 p.m. and that shots were fired at 3:17 p.m. Immediately before "shots fired" was called out, Officer Ware asked another unit to be started for them.

Body-Worn and Dash Camera Recordings

Protocol investigators reviewed body-worn and dash camera recordings for Officers Ware and Shaddick, as well as from the officers involved in the earlier call and officers who arrived on scene after shots were fired.¹⁹ Officer Ware's and Officer Shaddick's recordings

¹⁸ The vehicle was located at 8860 South Shady Meadow Drive in Sandy.

¹⁹ Officer Bishop's and Officer Flores's body-worn cameras capture their earlier interactions with Mr. Watters, beginning at 10:27 a.m. and ending at 10:54 a.m., and also their interactions with M. W. and T. M. at the residence.

capture their initial interaction with M. W. and T. M., during which M. W. explains that she turned Mr. Watters in and Officer Ware advises that he had just spoken with one of the officers from that morning.²⁰ T. M. advises that they've left the kids at a relative's house and the officers advise that they would make sure everyone is safe and would come to the house with them. M. W. points out Mr. Watters' car parked nearby.

The officers then meet M. W. and T. M. in the driveway of the residence, and they ask if the officers can walk in first. Inside the garage, the officers then discuss what M. W. and T. M. need from the residence, besides the dogs. At 3:15 p.m., Officer Ware opens the door to the house (Ware at 15:15:38; Shaddick at 15:15:38) and then he, Officer Shaddick, M. W., and T. M. enter into a living room area. After entering, M. W. remarks, "He trashed all my stuff." The officers walk towards an office located off the living room where numerous plants appear overturned. Officer Ware then asks M. W. for his name, and M. W. advises, "Isaac."

At 3:15 p.m., as the officers peer down a hallway from the kitchen towards the front door/entry area, Officer Ware calls out: "Isaac. This is Officer Ware with Sandy City Police. Where are you?" (Ware at 15:16:23; Shaddick at 15:16:23). Mr. Watters immediately responds, "I'm here," as he appears in the entryway, with blood visible on his left arm and pants (Ware at 15:16:26; Shaddick at 15:16:26). Officer Ware asks him what's going on with his arm and if he is okay, and Mr. Watters says, "I don't understand." Officer Ware tells him that he's all bloody and again asks him what's going on. Mr. Watters then expresses that it is his own home and his wife, that he doesn't know, and again that he doesn't understand (Ware at 15:16:34; Shaddick at 15:16:34). Mr. Watters then asks M. W., "What have you done?" and "what did you do?" (Ware at 15:16:37; Shaddick at 15:16:37) as Officer Ware begins telling Mr. Watters, "Let's talk over here" (Ware at 15:16:38; Shaddick at 15:16:38) and M. W. is heard asking back, "What did you do?" (Shaddick at 15:16:41). Officer Ware is seen trying to keep Mr. Watters back into the entry way as Officer Shaddick tells M. W. and T. M. to stay back away; meanwhile, Mr. Watters tells officers, "She's taking all of my stuff" (Ware at 15:16:45; Shaddick at 15:16:45) and Officer Ware tells him to "Let's talk over here and explain it to me."

Mr. Watters then tells Officer Ware, "I just want you to shoot me. I just want you to shoot me. I just want you to shoot me" (Ware at 15:16:48; Shaddick at 15:16:48), and Officer Ware asks Mr. Watters if he can sit down for him. Mr. Watters says, "Please. I just want you to shoot me" (Ware at 15:16:53; Shaddick at 15:16:53), the officers tell Mr. Watters that they don't want to do that, and Mr. Watters yells, "Just fucking shoot me!" (Ware at 15:16:55; Shaddick at 15:16:55). Officer Ware tells Mr. Watters that he's not going to do that, Mr. Watters insists, "Yes," and Officer Shaddick tells him that they don't want to do that. Mr. Watters walks up to Officer Ware, again telling him, "Shoot me" (Ware at 15:16:57; Shaddick at 15:16:57). Officer Ware again tells him that he's not going to do that, Mr. Watters tells him, "Yes. You have to shoot me" (Ware at 15:16:59; Shaddick at 15:16:59), and Officer Ware again tells him he's not going to do that as Officer Shaddick also tells him "no" and that they don't want to do that.

Officer Ware asks over his radio for another unit (Ware at 15:17:02; Shaddick at 15:17:02) as Mr. Watters reaches down to his left calf and produces a knife from concealment

²⁰ Officer Shaddick's body-worn camera recording begins at timestamp 15:09:31 and Officer Ware's begins at timestamp 15:10:25.

from under his right lower pantleg. The officers immediately draw their handguns and Officer Shaddick commands, “Don’t move,” as Mr. Watters begins to charge across the entryway towards them. Officers Ware and Shaddick fire their handguns at Mr. Watters (Ware at 15:17:07-15:07:09; Shaddick at 15:17:07-15:07:09). As he runs forwards, Mr. Watters falls to the ground, and the knife is seen sliding towards the entryway corner.

The officers advise of “shots fired” (Ware at 15:17:10), tells M. W. and T. M. to stay back, and commands Mr. Watters, “Drop the knife” (Shaddick at 15:17:20). Officer Ware makes contact with Mr. Watters and applies handcuffs, and Officer Shaddick runs to his vehicle to retrieve a first aid kit. Notably, when asked over the radio to provide details, Officer Ware advises, “He charged us with a knife. He’s got multiple gunshot wounds. He’s down. We’re rendering aid now” (Ware at 15:19:49). Officer Ware continues to render emergency aid as Officer Shaddick does a protective search of the house; meanwhile, other officers begin arriving.

Home Security Recordings

Investigators reviewed a short Ring doorbell recording from the Watters’ residence that begins at timestamp 2:45:41; it captures Mr. Watters and a dog outside on the front porch of the residence, appearing to have exited the residence.

Investigators also reviewed home security footage from a residence across the street from where Mr. Watters’ vehicle was located (south of the Watters residence); it captures Mr. Watters’ vehicle arriving and Mr. Watters then exiting and then walking away and out of view, northbound on Shady Meadows Drive (in the direction of the Watters residence). Investigators determined that Mr. Watters arrived in his vehicle at approximately 2:43 p.m.

Weapons Downloads

Protocol investigators examined and downloaded Officer Ware’s Glock 17 Gen 5 9mm pistol, which had an inserted 24-round extended-capacity magazine.²¹ Protocol investigators counted one round in the chamber and 18 rounds in the inserted magazine, for a total of 19 rounds. Presuming that Officer Ware began with a fully loaded inserted magazine and a round in the chamber, that count indicates that he likely fired up to six rounds during the incident.

Protocol investigators examined and downloaded Officer Shaddick’s Glock 19 Gen 5 9mm pistol, which had an inserted 17-round capacity magazine.²² Protocol investigators counted one round in the chamber and 11 rounds in the inserted magazine, for a total of 12 rounds. Presuming that Officer Shaddick began with a fully loaded inserted magazine and a round in the chamber, that count indicates that he likely fired up to six rounds during the incident.

Notably, these counts are consistent with the 12 spent shell casings recovered on scene.

²¹ Investigators also downloaded two spare 24-round extended-capacity magazines, which were both fully loaded.

²² Investigators also downloaded two spare 17-round capacity magazines, which were both fully loaded.

Autopsy

Protocol investigators attended the autopsy performed by the Utah Office of the Medical Examiner. During the autopsy, multiple bullets and fragments were recovered from Mr. Watters' body. As of the date of this report, the findings report has not been released.

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 Ware's and Officer Shaddick's use of deadly force. In other words, we believe that if charges were filed against them 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 they reasonably believed that deadly force was necessary to prevent death or serious bodily injury to themselves and/or another. 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, Officers Ware and Shaddick refused to be interviewed or provide a statement explaining their use of deadly force, as is their constitutional right. Without their explanations as to their use of deadly force, we don't know what their actual beliefs were or their reasons for their apparent decision to fire their weapons. We are therefore left to infer the rationale for their 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 Ware's and Officer Shaddick's actual beliefs and thus cannot say whether they "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 the officers responded to a report of Mr. Watters breaking into the residence after Mr. Watters had already met with other officers earlier that day who observed that his behavior appeared anxious and erratic. After Officers Ware and Shaddick made contact with Mr. Watters inside the residence and attempted to speak with him, Mr. Watters began saying, "I just want you to shoot me," and that he became more insistent that they did so. Mr. Watters then produced a knife from under his lower right pantleg and began charging across the entryway towards officers. Mr. Watters was approximately 10 feet from Officer Ware when officers fired.

Based upon the facts in this case, as outlined here, we believe it is reasonable for us to infer that Officers Ware and Shaddick believed they needed to use deadly force against Mr. Watters to prevent death or serious bodily injury to themselves and/or others, and that such a belief was reasonable. Mr. Watters presented an immediate threat of death or serious bodily injury to the officers when he produced a knife from concealment and then began charging across the entryway towards them.

The totality of the facts in this case, taken together with reasonable inferences about Officer Ware's and Officer Shaddick's apparent decisions to use deadly force, would likely cause a jury to determine that their use of deadly force satisfies the elements of the affirmative legal defense of justification. Assuming their 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 they used deadly force because they reasonably believed deadly force was necessary to prevent death or serious bodily injury 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 charges against Officers Ware and Shaddick for their use of deadly force, and they 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 they did not reasonably believe that using deadly force against Mr. Watters was necessary to prevent death or serious bodily injury to themselves or another person. We do not believe the facts of this matter would support an effort to disprove the justification defense. We believe that Officers Ware and Shaddick would likely claim successfully at trial that they reasonably believed deadly force was necessary; therefore, their use of deadly force would be found justified and they would be afforded a legal defense to a criminal charge.

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 Officers Ware and Shaddick for their use of deadly force, we would have to show evidence to prove, beyond a reasonable doubt, that

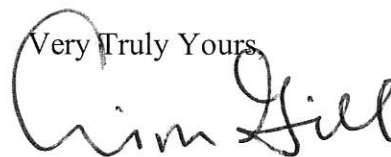
either they did not believe they needed to use deadly force to prevent death or serious bodily injury (to themselves or another person); or, that if they did believe they needed to use deadly force, that their belief was unreasonable. We do not believe we have sufficient evidence to do so. Based on the evidence before us, we conclude that no reasonable jury would unanimously determine that Officers Ware and Shaddick 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 Officers Ware and Shaddick 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 Officers Ware and Shaddick could successfully argue that they reasonably believed their use of deadly force was necessary to prevent death or serious bodily injury to themselves or another individual (in this case, themselves). 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 Ware’s and Officer Shaddick’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 Ware’s and Officer Shaddick’s decisions to use deadly force, would likely support a finding that they reasonably believed deadly force was necessary to prevent death or serious bodily injury to themselves and/or others. 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 them a legal defense to a criminal charge. Accordingly, we decline to file a criminal charge against them in this matter.

Very Truly Yours,


Sim Gill,
Salt Lake County District Attorney