

Utah County Attorney

Criminal Division



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August 17, 2016

Sheriff James O. Tracy
Utah County Sheriff
3075 North Main
Spanish Fork, UT 84660

Re: June 12, 2016, Officer Involved Shooting of Mr. Daniel Edwards

Dear Sheriff Tracy:

As you know, pursuant to Utah Code Section 17-18a-401, I am charged and authorized to "conduct, on behalf of the state, all prosecutions for a public offense committed within [the] county." Pursuant to Utah Code Sections 26-4-6, -7 and -21, I investigate Utah County deaths that occur, among other reasons, as a result of violence, gunshot, or accident. I am to "determine if the decedent died by unlawful means" and I am to "determine if criminal prosecution shall be instituted." Additionally, pursuant to Section III(A)(11)(c)(3) of the Utah County Officer Involved Incident Protocol (the "Protocol"), I will, after the completion of a criminal investigation involving an officer's "intentional or accidental use of any other dangerous or deadly weapon against another person," "analyze the facts of the incident as well as the relevant law to determine if criminal laws have been broken." See also Protocol Sections I(A)(1) and (2). If I find the officer has violated criminal laws, I am to "prosecute as appropriate or arrange for a special prosecutor." Protocol Section III(A)(11)(c)(3).

The Utah County Law Enforcement Officer Involved Incident Protocol Task Force has concluded its investigation involving the June 12, 2016, Officer Involved Shooting of Mr. Daniel Edwards by Utah County Sheriff Deputy Brett Lawrenson. After reviewing the results of that investigation and the pertinent statutes and case law, I find that Deputy Lawrenson was legally justified in his use of deadly force against Mr. Edwards. Therefore, this office will not institute a criminal prosecution against Deputy Lawrenson.

The following is a brief factual summary of what I believe occurred and a short analysis of how I arrived at my decision.

FACTS

On June 12, 2016, shortly after 8:30 p.m., Utah County Sheriff deputies were dispatched to 2198 East Summit Way, Eagle Mountain, as a result of a 911 call by Ms. Alexandra Keele saying her husband, Mr. Edwards, was threatening to kill himself and that he had a knife.

The call by Ms. Keele to Utah Valley Dispatch originated in a disagreement between Ms. Keele and Mr. Edwards involving Mr. Edwards' smoking cigarettes (he had recently undergone cancer treatment) and drinking alcohol (in the past he had made suicidal threats when consuming alcohol). During the disagreement, Mr. Edwards began to make suicidal threats by claiming he would hang himself with bungee cords and, later, by holding a large knife to his own throat.

Ms. Keele, not wanting their two young children to see what was occurring with Mr. Edwards, decided to leave the home with the children and with her 17 year old niece (who was also living at the home). Ms. Keele took the children and her niece to her car, but realized she had left a needed diaper bag in the house. Her niece offered to retrieve the diaper bag and she accordingly went back into the house.

The niece entered the house, went upstairs and retrieved the diaper bag. On her way back down the stairs she was met by Mr. Edwards who was still holding a large knife. Mr. Edwards refused to let his niece leave the home. The niece yelled for Ms. Keele as Mr. Edwards took the niece upstairs. The niece pleaded with Mr. Edwards to let her go, but he said something to the effect of, "not until the cops come."

After waiting about five minutes, Ms. Keele reentered the home to check on her niece. She overheard her niece from upstairs saying "let me go," and Ms. Keele told Mr. Edwards if he did not let her niece go she would call the police. Mr. Edwards said something to the effect of "that would help him with his plan," but would not let his niece go. So, Ms. Keele called 911, reported her husband was suicidal and reported he was holding his niece hostage.

Utah County Sheriff deputies arrived at the home at approximately 8:44 p.m. Utah County Sheriff Deputy James Bingham was familiar with the Edwards family and was therefore designated to work with Mr. Edwards. He was able to speak with Mr. Edwards beginning at about 9:00 p.m. In that phone conversation and in subsequent conversations, despite requests, Mr. Edwards was adamant that he had no intention of releasing his niece as she was his only "leverage." Mr. Edwards demanded to talk with Ms. Keele, but the deputies determined this was not a good course of action. Deputy Bingham attempted to speak with Mr. Edwards multiple times, but every time Mr. Edwards found out it was not his wife calling he ended the call. At one point Mr. Edwards said, "you have 30 seconds to put my wife on the phone, or else."

At 9:14 p.m., the deputies observed Mr. Edwards walk downstairs with his niece in front of him. He went to the backdoor, locked it and then retreated back upstairs still holding his niece against her will. At 9:31 p.m., Mr. Edwards told Deputy Bingham he would "take out" his niece unless his wife was put on the phone, and he gave Deputy Bingham "60 seconds" to comply. In fact, Mr. Edwards eventually told Deputy Bingham if he didn't get Ms. Keele on the phone, "I am going to kill her, you're going to have to come in here and shoot me or I am going to kill her."

At 9:33 p.m., based on the threats and the 60 seconds deadline, the deputies decided to enter the home. Deputies Brett Lawrenson, Kurtis Robertson, Hyrum Cox and Sgt. JJ Kantor entered the home and stationed themselves at the bottom of the stairway (Mr. Edwards and his niece were on the second floor).

Deputy Robertson asked Mr. Edwards if he and his niece were okay. Mr. Edwards replied they both were okay. Deputy Robertson asked to speak with the niece, and she indicated that she was alright, though she was difficult to understand because she was crying. Mr. Edwards continued to demand to talk with his wife, but Deputy Robertson again told him that she was not available and he needed to let his niece go. Mr. Edwards became more agitated and stated clearly and loudly the deputies had 60 seconds to get his wife or the hostage was “done.” Mr. Edwards began to count up loudly and deliberately from the number one. Deputy Robertson tried to stop the counting by attempting to engage Mr. Edwards in conversation, saying “60 seconds or what?” However, Mr. Edwards ignored his question, continued counting and raised his voice louder and louder. At this point all of the deputies believed that the niece was in imminent danger of death or serious bodily injury.

Deputy Lawrenson began slowly advancing up the stairs to gain a view of what was occurring with Mr. Edwards and his niece. Deputy Lawrenson observed the niece’s face and a large knife being held next to her head. Deputy Lawrenson ordered Mr. Edwards to, “drop the knife, drop the knife.” Mr. Edwards continued to hold the knife to his niece and he looked over the half wall toward Deputy Lawrenson. At about 9:36 p.m., as Mr. Edwards looked over the wall, Deputy Lawrenson fired one .223 round from his AR-15, striking Mr. Edwards in the face just below the nose. Mr. Edwards fell to the floor. The niece screamed and ran into an adjacent bedroom.

The deputies went up the stairs and found Mr. Edwards bleeding heavily from his head. The deputies determined he was obviously deceased. A large kitchen knife was laying by Mr. Edwards’ feet on the floor. The niece was physically unharmed.

LAW

The pertinent sections of law are Utah Code Sections 76-2-402 and -404. Section 76-2-404 states:

(1) A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when: . . . (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

Section 76-2-404(2) also states that, “[i]f feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c).” Similarly, Utah Code Section 76-2-402(1) states:

A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that force is necessary to defend himself or a third person against such other's imminent use of unlawful force. However, that person is justified in using force intended or likely to cause death or serious bodily injury only if he or she reasonably believes that force is necessary to prevent death or serious bodily injury to himself or a third person as a result of the other's imminent use of unlawful force, or to prevent the commission of a forcible felony.

And 76-2-402(5) states:

In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors: (a) the nature of the danger; (b) the immediacy of the danger; (c) the probability that the unlawful force would result in death or serious bodily injury; (d) the other's prior violent acts or violent propensities; and (e) any patterns of abuse or violence in the parties' relationship.

ANALYSIS

Deputy Lawrenson was justified in using deadly force against Mr. Edwards if he reasonably believed "that the use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person" or he reasonably believed that "force [was] necessary to defend himself or a third person against such other's imminent use of unlawful force."

As noted above, Mr. Edwards was initially threatening to kill himself and was holding his niece hostage with a large knife. During the negotiations Mr. Edwards both impliedly and directly threatened his niece. In fact, Mr. Edwards eventually told Deputy Bingham if he didn't get Ms. Keele on the phone he would "kill her" (his niece) if they deputies didn't come in and kill him. Near the end of negotiations Mr. Edwards told the deputies they had 60 seconds to get his wife or his niece was "done." Mr. Edwards began to count up loudly and deliberately from number one and refused to engage with the deputies after he started his final countdown. As Deputy Lawrenson advanced up the home's stairs and observed the niece's face, he also saw a large knife being held next to her head. Deputy Lawrenson ordered Mr. Edwards to, "drop the knife, drop the knife," but Mr. Edwards did not immediately comply.

These orders from Deputy Lawrenson to Mr. Edwards comply with the mandate in 76-2-404(2) ("If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c)").

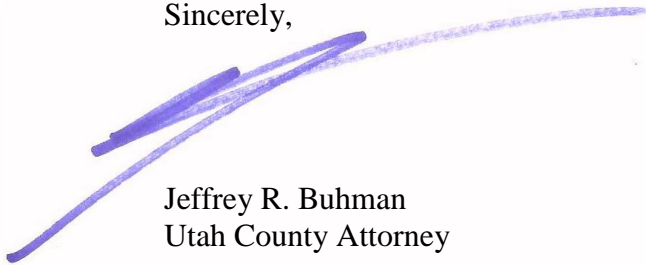
Because Mr. Edwards held a hostage at knife point, threatened to kill her, refused police orders and began a countdown presumably until he was going to kill his hostage, I find that Deputy Lawrenson's belief that Mr. Edwards intended to use imminent and unlawful deadly force against him or the niece was reasonable and justified. I further find that Deputy Lawrenson's use of deadly force was reasonable and necessary "to prevent death or serious bodily injury to the officer or another person" and was "necessary to prevent death or serious bodily injury to himself or a third person as a result of the other's imminent use of unlawful force." See Sections 76-2-402(1) and -404(1).

CONCLUSION

For reasons stated above, I conclude that Utah County Sheriff Deputy Brett Lawrenson was legally justified under Utah Code Sections 76-2-402 and -404 in his use of deadly force against Mr. Daniel Edwards. Pursuant to Utah Code Section 17-18-1 and the Utah County Law Enforcement Officer Involved Incident Protocol, I determine that this office will not institute a criminal prosecution against Deputy Lawrenson.

Please call me if you have any concerns or questions.

Sincerely,



Jeffrey R. Buhman
Utah County Attorney

cc: Deputy Brett Lawrenson

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