



Utah County Attorney

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December 13, 2022

Chief Andrew Burton
Saratoga Springs Police Department
367 South Saratoga Road
Saratoga Springs, Utah 84045

RE: Use of Deadly Force Screening

Involved Officers:

- Officer Sekona (Saratoga Springs Police Department)

Person Against Whom Force Used: Clayton Paal

Incident Location: 128 North Harvest Village Lane, Saratoga Springs, Utah

Incident Date: August 11, 2022

UCAO Case No: 22CA00121

OICI Case No: 22CI05

OICI Incident Manager: Sgt. Loveridge, Lehi PD

Dear Chief Burton:

I have now had an opportunity to screen this case based on all the reports, statements and other evidence provided to my office by the OICI Investigation team on October 21, 2022 and any necessary follow-up completed by the Officer Involved Incident team that was submitted subsequently.

RELEVANT LEGAL STANDARDS

Utah Code §76-2-408 states that an investigation shall be initiated for any of the following circumstances:

- An officer's use of deadly force
- An officer's use of a dangerous weapon against a person that causes injury to any person
- Death or serious bodily injury to any person resulting from an officer's use of a motor vehicle while the officer is on duty or use of a government vehicle while off duty
- The death of a person who is in custody

- The death of or serious bodily injury to a person not in custody resulting from an officer's attempt to prevent a person's escape from custody, to make an arrest, or to otherwise gain physical control of a person

Under Utah Code § 76-2-404(2) 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.

Under Utah Code § 76-2-404(3), if feasible, a verbal warning should be given by the officer prior to any use of deadly force.

When determining whether to file criminal charges, the Utah County Attorney's Office files charges when there is a reasonable likelihood of success at trial based on the admissible evidence. This includes the obligation to disprove any claims of justification Under Utah Code §76-2-404(2) beyond a reasonable doubt.

FACTUAL SUMMARY

On August 11, 2022, officers were dispatched on a suspicious male who was walking from door to door in an area of townhomes, checking to see if the front doors were unlocked. The initial citizen provided a description of an older white male wearing black boxers or briefs. Officer Sekona responded in his patrol vehicle and in full uniform. When Officer Sekona arrived on scene, he was met by Witness 1 who pointed and told him the direction the suspect was headed and that Witness 2 was chasing the suspect. Officer Sekona was able to catch up to Witness 2 and the suspect, later identified as Clayton Paal. When Officer Sekona exited his vehicle, his overhead emergency lights were activated and Mr. Paal was sitting on the grass. Officer Sekona separated Mr. Paal and Witness 2 and ordered Mr. Paal to get on his stomach.

Instead, Mr. Paal stood up and started to run away. Officer Sekona deployed his taser and Mr. Paal fell to the ground. Officer Sekona again ordered Mr. Paal to get onto his stomach. Mr. Paal stood up and Officer Sekona again told Mr. Paal to get on the ground. Mr. Paal started to run away a second time. Officer Sekona attempted to again taser Mr. Paal as he was running away but was unsuccessful. Officer Sekona tackled Mr. Paal, who immediately began to complain of hip pain. Officer Sekona secured Mr. Paal and called for medical. Mr. Paal was determined to have a dislocated hip and associated fracture.

CONCLUSION

Based on the foregoing and all additional information contained in the various police reports compiled during the investigation, the Utah County Attorney's Office declines to file any criminal charges against Officer Sekona.

Sincerely,



David O. Leavitt
Utah County Attorney

cc: Lt. Toby Peterson, Lehi PD
Sgt. William Loveridge, Lehi PD