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Chief Deputy  
Civil Division



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Chief Deputy  
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**DISTRICT ATTORNEY**  
SALT LAKE COUNTY  
SIM GILL

April 23, 2012

***HAND DELIVERED***

Sheriff James M. Winder  
Unified Police Department of Greater Salt Lake  
3365 South 900 West  
Salt Lake City, UT 84119

**Re: Officer Involved Critical Incident – March 18, 2012**

Dear Sheriff Winder:

After working in conjunction with the Unified Police Department of Greater Salt Lake, the Salt Lake County District Attorney's Office has completed its review of an investigation concerning Unified Police Department Police Officers Brian Todd and Bryan Madsen's use of deadly force against Sean Morrison during an incident that occurred March 18, 2012, at 3791 South Paine Road in Magna, Utah. The purpose of the review was to determine whether the force employed against Morrison was lawful under Utah law.

**Jayne Morrison**

On Sunday, March 18, 2012, Jayne Morrison called police dispatch at approximately 8:38 a.m. to report that she was having problems with her son, Sean Morrison ("Morrison"). Morrison resided with Ms. Morrison and her other children at 3845 Westgate Circle in Magna, Utah. Ms. Morrison told police dispatchers that Morrison just left the residence and was wearing his father's body armor, a large leather trench coat and a ski mask. Ms. Morrison also informed police dispatchers that Morrison was armed with a gun, later determined to be a 45 caliber Taurus 1911, that he obtained from inside their residence. Mrs. Morrison stated that Morrison told her he was leaving so that "he didn't hurt [them]." While still on the call with police dispatch, Mrs. Morrison verbalized that she observed Morrison walking west on Miriam Way. Shortly thereafter, Mrs. Morrison announced that she heard shots fired, which were also later heard on dispatch recordings of the incident.

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**Officer Phillip Snyder**

Officer Phillip Snyder responded to the dispatch call and entered the area in his patrol vehicle via 7200 West. He turned right onto Miriam Way and proceeded westbound toward the Morrison home. Officer Snyder first observed Morrison wearing a dark trench coat and a ski mask at the intersection of Miriam Way and Miriam Circle. Upon seeing Officer Snyder, Morrison immediately fired a shot in his direction. Officer Snyder made an evasive maneuver in order to get out of the line of fire and turned into Miriam Circle, not realizing there was no outlet. Morrison fired another shot at Officer Snyder from behind his vehicle in Miriam Circle. As Officer Snyder turned his vehicle around in Miriam Circle to face Morrison, Morrison fired a third shot at Officer Snyder. Officer Snyder reported through dispatch that shots were fired at him by the suspect, who was now considered an active shooter.

Fearing for his own life, as well as the safety of the occupants of the homes in Miriam Circle, Officer Snyder drove his vehicle directly at Morrison in an attempt to hit and disable him. Morrison jumped out of the way of the vehicle and was not struck. Officer Snyder circled around at the next intersection and then proceeded to Centennial Way. Officer Snyder joined Officers Steven Larsen, Brian Todd, and Bryan Madsen on Centennial Way. Those officers also responded to the call and were walking south on Paine Road towards 3791 South, where dispatch reported a suspicious person was present. Officer Snyder observed Morrison exiting the backyard of the residence at 3791 South Paine Road and heard Officer Madsen give several loud and clear commands to Morrison to drop his weapon. Officer Snyder stated that the four officers visually and verbally identified themselves as police officers and gave repeated commands to Morrison to drop his weapon. Morrison made eye contact with the officers, but refused to comply. Officer Snyder did not discharge his firearm.

**Officer Steven Larsen**

Officer Steven Larsen first responded to the area of 8000 West heading eastbound on Miriam Way when he first observed Morrison. Officer Larsen heard Officer Snyder's report that Morrison fired shots at him near the intersection of Miriam Circle and Miriam Way. Officer Larsen did not observe the shots that were fired because his view was partially obstructed by a trailer that was parked on Miriam Way. Officer Larsen observed Morrison walking in the middle of the intersection of Miriam Way and Paine Road wearing a trench coat, a ski mask, and carrying a hand gun in his right hand. Officer Larsen observed Morrison continue to move towards him and then at a distance of approximately thirty (30) yards, the suspect partially brought the gun up twice in his direction and the third time pointed the gun directly at Officer Larsen. Officer Larsen backed away from suspect, moving westbound on Miriam Way and stopping behind the trailer again that he used for cover.

After taking cover behind the trailer, Officer Larsen heard the radio dispatch of a suspicious person at 3791 South Paine Road. Officer Larsen proceeded north along the street directly west of Paine Road to Centennial Way and parked his vehicle. Officer Larsen exited his police vehicle and joined Officers Phillip Snyder, Brian Todd, and Bryan Madsen in that area. All four officers began walking south along Paine Road in an attempt to locate Morrison.

Officer Larsen also observed Morrison coming from the backyard of the residence at 3791 South Paine Road, and stop in the driveway between two parked vehicles. Officer Larsen stated that Morrison did not respond to multiple commands by the officers to “drop the gun,” “show [his] hands,” and “get on the ground.” Rather, Morrison put the gun to his own head briefly and then pointed the gun towards Officers Todd and Madsen who were in the street directly west of him. Officer Larsen then saw Morrison manipulate the slide mechanism on the weapon and fire it at Officers Todd and Madsen. Officer Larsen did not discharge his firearm.

### **Officer Brian Todd**

Officer Brian Todd responded to the area of Miriam Way and 7200 South. Officer Todd met with Officer Madsen briefly and both discussed all the radio dispatch information regarding Morrison and the report of a suspicious person at 3791 South Paine Road. Given the information regarding Morrison’s use of body armor, Officers Todd and Madsen were concerned that a handgun may be ineffective against him in the event shots were fired. Officers Todd and Madsen consequently acquired their rifles in their police vehicles and began efforts to locate Morrison. Officer Todd also parked along Centennial Way and, along with Officers Madsen, Snyder, and Larsen, began moving south along Paine Road. Officer Todd and Officer Madsen were on the west side of the roadway when the suspect was located, still wearing the trench coat, ski mask and holding a gun in his right hand.

Officer Todd heard Officer Madsen verbally identify himself as “police” and order Morrison to “drop the gun.” Officer Todd proceeded toward Morrison and also verbally identified himself as “police” and ordered Morrison to “drop the gun.” Officer Todd observed Morrison put the gun to his own head and then bring the weapon down in front of him. Officer Todd observed Morrison begin manipulating the slide on the gun and then point the gun forward, directly at him. Officer Todd believed the suspect then fired his handgun and Officer Todd returned fire, shooting four times at the suspect with his rifle. The download count on Officer Todd’s rifle confirmed he fired four shots of .223 Federal Ammunition. No shots were discharged from his handgun.

### **Officer Bryan Madsen**

Officer Bryan Madsen also responded to the area of Miriam Way and 7200 South, meeting with Officer Brian Todd briefly as described above. Officer Madsen’s description of the initial encounter with Morrison is substantially similar to that stated by Officers Snyder, Todd, and Larsen above. Officer Madsen further indicated that he verbally identified himself as “police” and ordered Morrison to “drop the gun” and to “put [his] hands in the air” three or four times. Officer Madsen stated that he observed Morrison place the gun to his head and then brought the weapon down in front of him briefly while manipulating the slide on the gun. Officer Madsen stated that he then observed Morrison bring the weapon up, point it and fire at Officer Todd. Officer Madsen heard Officer Todd fire his rifle at Morrison. Officer Madsen also fired two rounds from his rifle at Morrison. The download count on Officer Madsen’s rifle confirmed he fired two shots of .223 Federal Ammunition. No shots were fired from his handgun.

After the shots were fired by Officers Todd and Madsen, Morrison appeared to have been hit and went down to the ground. All four officers proceeded toward Morrison once he was on the ground. Officer Madsen observed Officer Snyder kick the handgun away from Morrison, who was still conscious and attempting to move. Officer Madsen patted down Morrison for any additional weapons as he and Officer Snyder handcuffed Morrison. Despite being hit by a shot, Morrison continued to try to reach for the left side of his coat where a knife was located. Officer Madsen immediately called for medical assistance and began to render first aid until Unified Fire arrived and transported Morrison to Pioneer Valley Hospital. Morrison was later pronounced dead by the State of Utah Medical Examiner, the cause of death being a single shot through the side of his chest.

### **Discussion**

Utah Code Ann. § 76-2-404(1) provides:

(1) A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

(a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-5.5(3) or (4);

(b) effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

(i) 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

(ii) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed; or

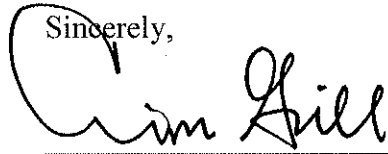
(c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

Officers Madsen and Todd were justified in using deadly force against Morrison under subsections (1)(b) and (1)(c). Both Officers were attempting to arrest Morrison while he was actively shooting his firearm at them. It was therefore reasonable for Officers Madsen and Todd to believe that the use of their firearms against Morrison was necessary to gain his arrest. Furthermore, Morrison already fired his firearm at Officer Snyder several times and fired at Officer Todd once. Thus, both Officers also had probable cause to believe that Morrison committed a felony that threatened death or serious bodily injury and that he was continuing to pose an imminent threat of death or serious bodily injury if his apprehension was delayed.

Similarly, because Morrison was actively shooting in a residential area as the officers were closing in on him, and he was disregarding their commands to put his firearm on the ground, Officers Madsen and Todd could reasonably believe that using their firearms against Morrison was necessary to prevent him from continuing to pose a threat of death or serious bodily injury to themselves or other persons.

By virtue of the imminent deadly threat that Morrison posed in firing his weapon at the Officers in a residential neighborhood, Officers Madsen and Todd were consequently legally justified in using deadly force against Morrison pursuant to Utah Code Ann. § 76-2-404 (1)(b), 76-2-404 (1)(c).

If you have any questions or concerns regarding the determination made in this case, or otherwise wish to discuss the matter, please feel free to contact our office to set up a personal meeting.

Sincerely,  
  
SIM GILL  
Salt Lake Country District Attorney

SG/BN