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Agent J T Jensen
State Bureau of Investigation, State of Utah
5500 W. Amelia Earhart Dr., Bldg. #100
Salt Lake City, UT 84116

November 25, 2015

RE: *Cameron Carl Crimefighter Declination*
Incident Location: Utah State Capitol, 350 N. State St., Salt Lake City, UT
Incident Date: October 15, 2015
SIB Case No.: 15INV0514
SLCPD Case No.: 2015-198401
PIMS No.: 15028686

Dear Agent Jensen:

The Salt Lake County District Attorney's Office ("D.A.'s Office") operates under Utah State law as a prosecution agency to review scenarios and incidents occurring within Salt Lake County to determine whether criminal activity occurred and if so, whether we ought to file criminal charges related thereto. We follow Utah State law, applicable ethical rules and other considerations to determine whether criminal charges ought to be filed against a person when criminal activity occurred. Our review of claims of criminal activity and the evaluation of and determination to file criminal charges is generally referred to as "screening"¹ a case. The D.A.'s Office has screened the above referenced matter and, for reasons more fully set forth below, has declined to file criminal charges.

On October 15, 2015, it is alleged that Cameron Carl Crimefighter² went to the Utah State Capitol building and placed several items including an AK-47 style assault rifle wrapped in a white cloth on the floor underneath the rotunda. As outlined more fully below, Mr. Crimefighter claimed his actions were to say something respectful to families whose lives had been affected by the recent mass-shooting in Roseburg, Oregon and to make a statement that Mr. Crimefighter was no longer associated with guns.

¹ The Utah State Code defines "screening" as "the process used by a prosecuting attorney to terminate investigative action, proceed with prosecution [by filing an information or indictment], move to dismiss a prosecution that has been commenced, or cause a prosecution to be diverted." U.C.A. 77-2-2 (1).

² Based upon information obtained from public records, it appears that "Cameron Carl Crimefighter" is this individual's legal name.

UTAH STATE LAW

Part of any screening process includes a consideration of State law(s) that may have been violated. When we screened this case, we considered the following statutes as those possibly applicable to the facts set forth herein:

76-5-107.3 Threat of terrorism -- Penalty.

(1) A person commits a threat of terrorism if the person threatens to commit any offense involving bodily injury, death, or substantial property damage, and:

- (a) (i) threatens the use of a weapon of mass destruction, as defined in Section 76-10-401; or
- (ii) threatens the use of a hoax weapon of mass destruction, as defined in Section 76-10-401; or (b) acts with intent to:

- (i) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;
- (ii) prevent or interrupt the occupation of a building or a portion of the building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier; or
- (iii) cause an official or volunteer agency organized to deal with emergencies to take action due to the person's conduct posing a serious and substantial risk to the general public.

76-8-301 Interference with public servant.

(1) A person is guilty of interference with a public servant if he:

- (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
- (b) knowingly or intentionally interferes with the lawful service of process by a public servant.

(2) Interference with a public servant is a class B misdemeanor.

(3) For purposes of this section, "public servant" does not include jurors.

76-8-303 Prevention of Legislature or public servants from meeting or organizing.

A person is guilty of a felony of the third degree if he intentionally and by force or fraud:

- (1) Prevents the Legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing; or
- (2) Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

76-9-102 Disorderly Conduct.

(1) A person is guilty of disorderly conduct if:

- (a) the person refuses to comply with the lawful order of a law enforcement officer to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or
- (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

- (i) engages in fighting or in violent, tumultuous, or threatening behavior;
- (ii) makes unreasonable noises in a public place;
- (iii) makes unreasonable noises in a private place which can be heard in a public place; or
- (iv) obstructs vehicular or pedestrian traffic.

(2) "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.

(4) Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

76-9-103 Disrupting a meeting or procession.

(1) A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

(2) Disrupting a meeting or procession is a class B misdemeanor.

Criminal Charges and Prosecution: Legal and Ethical Standards

The D.A.'s Office is the public prosecution agency for and has jurisdiction over the prosecution of criminal offenses that occur within Salt Lake County. Among the duties of the D.A.'s Office is the responsibility to receive investigations of potential criminal activity from law enforcement agencies. Law enforcement agencies "screen" potential criminal charges by presenting evidence to the D.A.'s Office that may support the filing of criminal charges against a person suspected of committing a criminal offense.

When certain ethical and legal standards are satisfied, the D.A.'s Office files criminal charges against individuals accused of violating the law. Among the legal standards that a case must satisfy is probable cause to believe that offense was committed and the accused committed the offense. *See, e.g.*, Utah State Const. Art. I §12 and Ut.R.Cr.P. 4(b).

Each element of any offense charged must be supported by probable cause. For example, if a certain criminal offense requires that the perpetrator acted in a knowing and willful manner, the prosecutor must show probable cause to believe that the person acted with this intent.

Before a jury can convict an accused person of a criminal offense, the jury must be convinced that the prosecutor has proven each element of each offense beyond a reasonable doubt and to the unanimous satisfaction of all jurors. So our screening and analysis of criminal charges includes a consideration of whether evidence and proof exists for each element of each offense that may be charged.

The D.A.'s Office follows ethical standards promulgated by Utah State and private agencies, such as the American Bar Association and the National District Attorneys Association. Among these ethical standards are the duty and responsibility to file charges in cases for which there is probable cause and a reasonable likelihood of success at trial³. Like the standard for

³ For example, some of the standards promulgated by the American Bar Association provide direction in the screening decision making process:

Standard 3- 1.2 The Function of the Prosecutor

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(c) The duty of the prosecutor is to seek justice, not merely to convict.

Standard 3-3.9 Discretion in the Charging Decision

(a) A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.

probable cause, a prosecutor must have a reasonable likelihood of success with regard to each element of each offense charged.

In a matter in which a prosecutor does not have probable cause to support each element of each offense, and in which a prosecutor does not have a reasonable likelihood of success in proving each element of each offense, legal and ethical responsibilities require that the prosecutor not file a criminal charge. When this happens, the charges are “declined.” Our office cannot file a criminal charge in which an element of the offense cannot be proved.

FACTS

The following facts were developed from an investigation by the Utah State Bureau of Investigation (“SBI”) with assistance from the Salt Lake City Police Department (“SLCPD”) and the North Logan Police Department (“NLPD”) in addition to other law enforcement agencies who responded to the Capitol. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

At about 3:00 p.m. on October 15, 2015, a man, subsequently identified as Cameron Carl Crimefighter, drove to the Utah State Capitol at 350 North State St., Salt Lake City, Utah. Mr. Crimefighter got out of his car with a rectangular package and wreath of olive branches under his arm and entered the Capitol.

Witnesses in the Capitol reported seeing a man in his twenties wearing a suit walk to the area under the rotunda of the Capitol. Witnesses said they saw the man place a package and wreath on the floor. Witnesses said they saw the man kneel next to the package and appear to pray over the package for about two to three minutes. Witnesses said they saw the man stand up and walk out of the Capitol leaving the wreath and package on the floor.

Law enforcement officials went to the package after the man left. Capitol police requested the assistance of the Joint Terrorism Task Force Bomb Squad to render the package safe from the threat of a possible explosive device. Capitol police evacuated the Capitol and secured the scene. Once the bomb squad determined the package was safe, police inspected the contents.

Police found an olive branch wreath on top of the package with several items inside. Police found an AK-47 style rifle wrapped in white cloth inside a rifle case; a National Rifle Association membership card torn in half with the name “Cameron C. Crimefighter” written on it; an envelope with the words: “there is a world elsewhere” written on it and containing two pieces of paper with the same words written on one piece of paper and a children’s drawing of a picture of the world; and on the other paper was a list of the names of people who were killed in a recent school shooting in Roseburg, Oregon. A blue piece of tape was taped to the butt of the

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Standard 4-2.2 Propriety of Charges

A prosecutor should file charges that he or she believes adequately encompass the accused’s criminal activity and which he or she reasonably believes can be substantiated by admissible evidence at trial.

rifle and writing on the tape indicated that there was no ammunition for the rifle and the firing pin had been removed.

Capitol police collected the items, provided security at the Capitol and SBI continued their investigation.

At about 9:30 p.m., Mr. Crimefighter contacted the Utah Highway Patrol Dispatch Center and told dispatchers that he was the one who left the package at the Capitol earlier in the day. Police officers from NLPD and SBI interviewed Mr. Crimefighter who agreed to talk to investigators.

Mr. Crimefighter said that the shooting that had recently occurred in Roseburg, Oregon had made a significant impact on him. Mr. Crimefighter said that he didn't intend his act of leaving the package to be a political or religious statement. Mr. Crimefighter said he never considered his actions would be perceived as a bomb threat. He said he wanted make a statement that would be respectful and reverent.

Mr. Crimefighter discussed his intentions in planning and delivering the package and materials. He said his only intent was to say something respectful to the families involved in the Roseburg shooting tragedy, and that the statement was intended for them. Mr. Crimefighter said that he believed that by taking his package and delivering it to the Capitol, news of that action would spread and he hoped it would be received by the families involved in the Roseburg event.

Mr. Crimefighter said he wanted his statement to be received in a "gentle" way and that he intended that no disruption of events or business at the Capitol would occur. Mr. Crimefighter said he didn't think his actions would cause alarm or concern, but that he hoped people would see what he had delivered.

Mr. Crimefighter said that among the items he left in the delivery was his National Rifle Association membership card. Mr. Crimefighter said he left the card with his name on it for accountability such that he would be responsible for the items he delivered. Mr. Crimefighter said he wanted people to know that he delivered the package, so he included an item with his name on it. Mr. Crimefighter also said that he tore the membership card in half before he left it with the items as a statement that he was no longer associated with guns.

Mr. Crimefighter said he took care to research federal and State law to ensure that none of his actions violated any criminal statutes. He said that he believed that everything he did was in accordance with the law, and took steps to prevent his actions from violating the law. For example, Mr. Crimefighter said he removed the firing pin from the rifle, and left a note that there was no ammunition in or with the weapon, and that he had removed the firing pin, thereby rendering the weapon inoperable.

DISCUSSION AND CONCLUSIONS

Proof of Elements of an Offense.

In screening this case, we considered each of the statutes set forth above. Each offense listed specifies the kind of intent or state of mind we have to prove in order to obtain a conviction of that offense. For example, to prove a charge of “Interference With a Public Servant,” we would have to prove that Mr. Crimefighter acted “with a purpose to interfere with a public servant performing or purporting to perform an official function; or [Mr. Crimefighter] knowingly or intentionally interfere[ed] with the lawful service of process by a public servant.” U.C.A. 76-8-301. We’re not aware of any evidence to prove a claim that Mr. Crimefighter intended to interfere with a public servant. Without evidence to prove this element of the offense, we cannot charge Mr. Crimefighter with this crime.

For the offense of Disorderly Conduct, we would have to prove that Mr. Crimefighter left his package at the Capitol “intending to cause public inconvenience, annoyance, or alarm, or recklessly⁴ creating a risk thereof.” U.C.A. 76-9-102. In this instance, acting “recklessly” means to appreciate a risk but nevertheless act in disregard of that risk. We’re not aware of any evidence to prove a claim that Mr. Crimefighter intended to cause public inconvenience, annoyance, or alarm. And there is evidence that tends to prove Mr. Crimefighter did not act recklessly, even though his actions in fact caused to cause public inconvenience, annoyance, or alarm. Our focus remains on evidence to prove that Mr. Crimefighter appreciated but disregarded such a risk. In this case, there was nothing overtly suspicious about the package itself: it was a plain cardboard box. Mr. Crimefighter may have acted recklessly (i.e., appreciated the risk of causing alarm) if the size or shape of the package suggested a bomb, there were wires visible, or there was writing or other obvious signs that suggested an explosive. Without evidence to prove these elements of the offense, we cannot charge Mr. Crimefighter with this crime.

For other offenses, there was no proof of at least one of the elements of the offense. For example, to prove the offense of “Threat of Terrorism,” the statute requires proof that the “person threaten[ed] to commit any offense involving bodily injury, death, or substantial property damage...” U.C.A. 76-5-107.3. Considering the facts presently known, there is no evidence Mr. Crimefighter threatened to do anything. Without proof of this element of the offense (a threat), we cannot charge Mr. Crimefighter with Threat of Terrorism.

In another example, to convict Mr. Crimefighter of the offense of “Prevention of Legislature or public servants from meeting or organizing,” we would need to show proof that Mr. Crimefighter used “force or fraud” to prevent the public servants from meeting, etc. U.C.A. 76-8-303. We’re not aware of evidence to prove that Mr. Crimefighter used force or fraud during the event.

⁴ U.C.A. 76-2-103(3): “[A person acts recklessly] with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.”

We respectfully decline to file a criminal charge related to Mr. Crimefighter's actions on October 15, 2015 at the Capitol. We appreciate the very thorough and well performed investigation of these matters, and commend law enforcement personnel for the professional manner in which they handled the many aspects of this incident and investigation. If I can answer questions or otherwise be of assistance to you, please don't hesitate to let me know.

Very Truly Yours,
SIM GILL,
Salt Lake County District Attorney,

Jeffrey William Hall,
Chief Deputy