



Ralph Chamness
Chief Deputy
Civil Division

SIM GILL
DISTRICT ATTORNEY

Jeffrey William Hall
Chief Deputy
Justice Division

Lisa Ashman
Administrative
Operations

Blake Nakamura
Chief Deputy
Justice Division

April 25, 2019

BY HAND DELIVERY

Chief Ken Wallentine
West Jordan Police Department
8040 South Redwood Road
West Jordan, Utah 84088

Sheriff Rosie Rivera
Unified Police Department of Greater Salt Lake
3365 South 900 West
Salt Lake City, Utah 84119

In re: *Use of Deadly Force by Officer Brian White*
Incident Location: 7003 South Cherry Leaf Drive, Apartment 525
Incident Date: October 11, 2018
UPD Case No.: 18-162033

Dear Chief Wallentine and Sheriff Rivera:

This letter addresses West Jordan Police Department (WJPD) Officer Brian White's discharge of his service weapon at Diamonte Reynolds Riviere on October 11, 2018. Mr. Riviere died following Officer White's use of deadly force.

Officer White's actions resulting in Mr. Riviere's death constituted the "use of a dangerous weapon," which is defined under Utah law as "a firearm or [] object that in the manner of its use or intended use is capable of causing death or serious bodily injury." Utah Code Ann. § 76-2-408(1)(a), (d). As a result, the law enforcement agency with jurisdiction over Officer White's conduct, WJPD, initiated what is known in Utah as the "officer involved critical incident" (OICI) protocol. *See* Utah Code Ann. § 76-2-408(2)-(3). Accordingly: (i) a law enforcement agency other than the agency employing Officer White, here the Unified Police Department of Greater Salt Lake (UPD), was called in to investigate Officer White's weapon discharge; and (ii) UPD's independent investigative 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 Ann. §§ 17-18a-203; *see also id.* at § 77-2-2(1) (defining "screening" as the "process used by a prosecuting attorney to terminate an investigative action, proceed with prosecution, move to 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(3).

For the reasons discussed below, the DA's Office declines to file criminal charges in this matter and believes that filing criminal charges against Officer White would be inconsistent with the evidence presented. Officer White's belief that deadly force was necessary to defend himself and/or the other officers on scene is reasonable in light of all the facts presented to us in our review. Here, Officer White made a decision to fire his weapon only after seeing Mr. Riviore brandish a knife and make stabbing motions more than once toward three law enforcement officers standing in the tight quarters of an apartment bedroom. When interviewed by protocol investigators, Officer White testified that he saw Mr. Riviore's weapon, which Officer White described as a 10"-12" knife, and watched him make "stabbing motion[s]" toward the officers. Two other officers on scene attempted to tase Mr. Riviore to no effect. Officer White testified, "[a]s Mr. Riviore was starting to advance out with the knife up in his hand, that's when I came up from my low ready and I fired two rounds at him" and "[a]t the point, I felt if, if I don't engage the threat, I feared he was going to stab and kill myself or [the other two officers]." In other words, Officer White fired his service weapon only because he "reasonably believe[d] that the use of deadly force [wa]s necessary to prevent death or serious bodily injury[3] to the officer or another person." Utah Code § 76-2-404(1)(c); *see also id.* at -404(1)(b) (authorizing deadly force where a law enforcement officer "reasonably believes that deadly force is necessary" to prevent a suspect's escape and the 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").

As outlined in more detail below, we conclude that Officer White's weapon discharge on October 11 was "justified" within the meaning of Utah state law. A justified use of deadly force affords an officer a legal defense to prosecution and we decline to file charges against him.

RELEVANT LEGAL STANDARDS

As relevant here,² law enforcement officers such as Officer White are legally "justified" in using deadly force when (*see* Utah Code Ann. § 76-2-404(1) (emphases added)):

² Also relevant, but less so given Officer White's status as a law enforcement officer, is the articulation of "justification" in Utah State law that applies to individuals more generally, including civilians (*see* Utah Code § 76-2-402(1) (emphases added)):

- (a) A person is justified in threatening or using force against another when and to the extent that the person reasonably believes that force or a threat of force is necessary to defend the person or a third person against another person's imminent use of unlawful force.
- (b) A person is justified in using force intended or likely to cause death or serious bodily injury [i.e., deadly force] only if the person reasonably believes that force is necessary to prevent death or serious bodily injury to the person or a third person as a result of another person's imminent use of unlawful force, or to prevent the commission of a forcible felony.

- (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.

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 injury³ to the officer or another person.” Utah Code § 76-2-404(1)(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 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.” *Id.* at § 76-2-404(1)(b). In determining whether the use of deadly force was “justified” under Utah law, courts may consider several factors, 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 Ann. § 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(1) (universal application), *with* Utah Code § 76-2-404(1) (application to law enforcement officers only), the Supreme Court of the United States did consider this in *Graham v. Connor*, 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 (*id.* (internal citations omitted; emphases added)):

³ “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 § 76-1-601(11).

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.

RELEVANT ETHICAL STANDARDS

The DA’s Office files cases that satisfy ethical standards and considerations in addition to legal standards for filing.⁴ Honoring ethical standards ensures that everyone 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 we consider before the DA’s Office will commence a case is whether there is a reasonable likelihood of success at trial. 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.

FACTS DEVELOPED DURING OICI INVESTIGATION

As noted previously, following Officer White’s use of deadly force, WJPD properly initiated the OICI protocol, *see* Utah Code Ann. § 76-2-408(2)-(3), such that: (i) UPD was called in to conduct an independent investigation of Officer White’s weapon discharge; and (ii) UPD’s independent investigative findings were presented to the DA’s Office to screen for possible criminal charges.

The following facts were developed by UPD throughout its investigation and were presented to the DA’s Office beginning on November 2, 2018. Additional evidence was obtained and submitted to the DA’s Office between that initial presentation and the present. Our opinions and conclusions are based on the facts we know presently; should additional or different facts subsequently come to light, our opinions and conclusions may likewise be different.

⁴ Among the legal standards 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. P. 4(b). 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 confession).

On October 11, 2018, at approximately 4:19 p.m., WJPD Officers Rye Jones and Michael Jones were dispatched to an active domestic violence call at the address 7003 South Cherry Leaf Drive, Apartment 525. The woman who called 911, Gloria Camden, indicated she had received a text from her daughter who was in the apartment. Ms. Camden said told police her daughter's boyfriend was holding a knife to the daughter's throat. Officer White, who had arrested Mr. Riviore in connection with a domestic dispute, involving the same victim, the previous week (further described below), also responded to the scene, indicating later he thought he had in "good rapport" with Mr. Riviore and could "talk him down." The officers knew that Mr. Riviore's presence at the apartment constituted a violation of Utah Code Ann. § 77-20-3.5(2)(a).

After arriving at the apartment, Officers Rye Jones, Michael Jones and Officer White knocked several times but no one answered the door. Officer White attempted to kick in the door but was unsuccessful. Joan Camden, Gloria's daughter, answered the door, holding a baby just inside the small living room area of the apartment. Joan told the officers Mr. Riviore still had the knife and that he was "in the back."

As the officers advanced into the bedroom area of the apartment, Officer White stated that he recognized Mr. Riviore's voice from the week before. Officer White said he could hear Mr. Riviore now saying, "fuck fuck fuck" from behind the cracked-open door to the bathroom. Each officer later indicated they almost immediately saw that Mr. Riviore was holding a knife while standing just inside the bathroom door. That observation by all three officers is corroborated by the body camera footage from each officer, which clearly shows Mr. Riviore standing in the bathroom, partially opening and then closing the bathroom door several times, while holding a knife and making motions toward the officers.

In response, Officers R. Jones and M. Jones drew their tasers, while Officer White drew his service weapon. Officer White later explained, "he could stab us very quickly, especially in such close proximity," so he chose his service weapon, as an alternative to the less-deadly force of the tasers, in case the situation became violent.

Officers repeatedly told Mr. Riviore to come out and drop the knife. Mr. Riviore repeated the process of partially opening and closing the bathroom door, while holding the knife and making motions with it toward the officers, a few times. When Mr. Riviore opened it slightly further and seemed to advance closer to the officers while still making motions with the knife, Officers R. Jones and M. Jones attempted unsuccessfully to the less-lethal force of their Tasers. Then Mr. Riviore opened the door one final time, wider than before so that most of his body could be seen and he seemed to advance slightly toward the officers. Officer R. Jones described this final action as Mr. Riviore, "step[ping] out with the knife up, as if he were going to lunge out of the door at us." At that point Officer White fired his service weapon at Mr. Riviore three times. Mr. Riviore immediately retreated into the bathroom, closing the door and locking it.

Hearing nothing further, the officers broke down the door to the bathroom and found Mr. Riviore prone inside. He was bleeding from the bullet wounds and the knife was lying nearby. The officers rendered first aid on scene but they were not successful in reviving Mr. Riviore.

Gloria Camden

When interviewed later on October 11, Gloria Camden said that, on the previous Friday, October 5, 2018, Mr. Riviore punched her daughter, Joan Camden, in the face. Although Mr. Riviore was arrested in connection with that alleged battery, according to Gloria Camden, she and Joan believed he would be released from jail on Tuesday, October 9, 2018, at which point they came up with a “panic” word; in this case, it was “fish” to indicate via text that Joan was in distress because of Mr. Riviore. The text Gloria Camden received on October 11 read, “Fish fish call the cops please tell them he is holding a life [sic] to my throat he said if I call the cops he will kill me.”

Joan Camden was also interviewed on October 11, 2018. She told officers Mr. Riviore arrived unexpectedly at her house that day. She indicated she told Mr. Riviore she didn’t want him there. Although she asked him to leave, he refused and pushed through the door. According to Joan, Mr. Riviore retrieved a knife from the kitchen and threatened her with it, saying that if she didn’t listen to him he would stab her in the throat. Joan further stated that Mr. Riviore called his father and an unknown friend from the apartment. Joan said she heard Mr. Riviore state he would “kill her,” “I can’t stand her,” “I don’t wanna do this anymore, and “she’s going to die.”

Officer White

On October 18, 2018, protocol investigators interviewed Officer White. Officer White said that on October 11, 2018, he and Officer Rye Jones and Officer Mike Jones arrived at the apartment. Officer White said that they knocked on the door, but initially there was no response. Officer White said eventually, the door opened and a woman (Joan Camden, who Officer White recognized from his encounter with the family a week previously) was holding her 11 monthold baby girl. Officer White said that soon as Joan opened the front door, she started whispering to the officers: “he’s in the bathroom, he’s in the bathroom.”

Officer White said that he and Officer Rye Jones and Officer Mike Jones walked past Joan towards the bedroom and bathroom where Mr. Riviore was. Officer White said as they passed by Joan, she whispered, “he still has the knife.” Officer White said “at the time I felt like oh, you know, holy crap. This is still active and going, you know?” Officer White said he “could tell [Joan] was scared.”

Officer White described the bedroom and bathroom: “So I’m standing here on the corner [of the bed in the bedroom] uh, right before the, right before the bathroom door. [Officer] Rye

Jones is standing right, pretty much directly in front of the bathroom door right here and then [Officer] Mike Jones is [farthest to the] right here.” Officer White said the officers positioned themselves in front of the bathroom door behind which Mr. Riviore was hiding.

Officer White said that Mr. Riviore opened the bathroom door while standing mostly behind it. Officer White said he could see Mr. Riviore still had the knife in his hands. Officer White said Mr. Riviore looked the officers in the eye and closed the door. Officer White said during this whole time, officers commanded Mr. Riviore to come out of the bathroom, to drop the knife and to show his “empty hands.”

Officer White said the officers were operating in very close quarters and in a tight space. Officer White said when Mr. Riviore opened the door with the knife in his hand, Officer Rye Jones backed up and stepped “up onto the, the mattress directly behind him uh, to get a little bit of distance because, you know, he doesn’t obviously want to be standing right in front of the door.”

Officer White said both Officers Jones deployed their Tasers in an effort to use less-lethal force to get Mr. Riviore to comply with their commands. Officer White said that when the door opened the second time, it opened a little bit further. Officer White said he saw Mr. Riviore “stick his hand out with the knife in his hand, slashing out in like a stabbing motion outside the doorframe.” Officer White said when Mr. Riviore opened the door the second time, both Officers Jones fired their Tasers towards Mr. Riviore. Officer White said it was immediately apparent that the Tasers were not successful and had no effect on Mr. Riviore.

Officer White said Mr. Riviore opened the bathroom door again. Officer White said this time, “he opened the door, he opened it wide enough to--from where I was at, I could see the majority of his body except for, you know, obviously his arm that’s holding the door handle.” Officer White said Mr. Riviore started “advancing out towards us from inside the bathroom and at that point, I, I felt if, if I don’t engage the threat, you know, I, I feared he was going to stab and kill myself or Mike and Rye.” Officer White said “as [Mr. Riviore] was starting to advance out with the knife up in his hand, that’s when I came up from my low ready and I fired two rounds at him and as I did that, I could see him starting to look at me. I fired two rounds and he moves back into the bathroom, closes it and he locks it and then after that, I, I don’t hear anything.”

Protocol investigators asked Officer White to estimate his distance from the bathroom door when he fired his weapon. Officer White said: “I was maybe, maybe a foot, foot and a half away. I was very, very close to it.”

ANALYSIS AND CONCLUSIONS

Our review of this matter included our consideration of the facts presented by the investigation and available to us for our analysis. From the facts available to us, we know certain aspects of the events prior to and including the time when Officer White decided to use deadly force.

Leading up to the interaction, we know the three police officers responded to the apartment because of a 911 call in which a woman reported that Mr. Riviore was holding a victim at knifepoint. We know the call for help from the victim, which precipitated the 911 call, was part of a pre-established safety plan because of a recent prior incident of domestic violence. We know the safety plan included the use of a code word to convey urgency in the request for help from police. And we know Officer White had responded to the prior incident and thus had interacted with Mr. Riviore and the victim recently.

We know that when officers responded to the apartment and knocked on the front door, there was initially no response. We know that officers continued to knock and announce their presence out of concern for the victim and out of urgency from information relayed by dispatchers. We know that the door was eventually opened by a woman carrying a baby. We know the woman was not then being held hostage and that she indicated to officers Mr. Riviore was in the “back,” or bedroom area, of the apartment.

We know that when the officers entered the bedroom, the body-worn cameras showed the state of the bedroom and the clutter that obstructed the officers’ ability to freely move about the bedroom. We know all three officers entered the room and faced the bathroom door. As they entered in, it likely became apparent to the officers that the space was confined, and the items cluttering the room were a factor. We know that Officer Mike Jones took a position farthest into the room; we know Officer Mike Jones was next to him and we know Officer White was closest to the bedroom door. Based on those factors, we can reasonably ascertain that Officer Mike Jones’ egress from the room would have been obstructed by the other two officers and that all three officers’ movements were constrained by the clutter and the proximity of the bed to the bathroom door.

Once officers entered the bedroom, we know multiple commands were shouted to Mr. Riviore, including commands to drop the knife and to show his open or empty hands. From the witness statements and the body-worn camera recording footage, we know that both Officers Rye Jones and Mike Jones drew their Tasers and that Officer White drew his firearm. We know from police officers’ training and experience that it is not uncommon for one officer to use a firearm to provide back-up to the officers using less-lethal force in case the less-lethal force fails and deadly force becomes necessary.

During the officers' interaction with Mr. Riviore, red dots from the Taser sights can be seen on the bathroom door. From body-worn camera video and witnesses statements, is apparent that officers looked for opportunities to use less lethal force. We know Mr. Riviore opened the door, made eye contact with the officers, and flashed the knife with his elbow bent and parallel to the ground and shut the door.

We know that red dots from the Taser sights can be seen on the bathroom door, from which we can reasonably ascertain that officers were looking for an opportunity to use less lethal force. We know Officer R. Jones and Officer M. Jones did, in fact, deploy their Tasers, i.e., used less-lethal force, the second time Mr. Riviore opened the door and brandished his knife in the officers' direction. We know the Tasers were not effective and, when Mr. Riviore opened the door and brandished the knife a third time, he raised the knife above his head while simultaneously appeared to move toward the officers. The body-worn camera footage shows Mr. Riviore's arm and his hand holding the knife. The recording shows his arm and elbow are no longer parallel to the ground, but his arm is raised and his hand holding the knife is now held above his head with the knife pointing in a downward, striking position.

We know by carefully examining the body-worn camera recording through a frame by frame analysis that, as Mr. Riviore's raised his arm up with the knife in his hand, Officer White's likely perception of the danger and decision to pull the trigger occurred practically simultaneously. Photograph 1 (attached) depicts the moment Officer White fired his weapon and shows Mr. Riviore's actions immediately prior to and during the shot during the time that Officer White made his decision to fire the weapon. We know that Officer White fired a burst of two shots and aimed at Mr. Riviore. We know both shots hit Mr. Riviore in the upper body; one shot in his torso under his raised right arm, and the other shot in his chest.

From the time officers first entered the bedroom until Officer White fired his weapon, we know that body-worn camera recordings show that twenty seconds elapsed. From the time when Mr. Riviore first closed the bedroom door in front of the officers (and then commenced to open and close the door as outlined above) until Officer White fired his weapon, we know that eleven seconds elapsed. We know that the distance between Officer White and Mr. Riviore's extended arm holding the knife was less than five feet.

These are all the facts that are available to us through the investigation and our review of the evidence presented to us including diagrams, photos, and body-worn camera recording. Just as we have access to the totality of these facts, we acknowledge that there are unanswered questions. We don't know why the officers chose to address the situation in the manner they did: the officers entered a congested, cluttered bedroom and found themselves in confined space; the domestic violence victim reasonably appeared to be removed from the immediate danger; the officers approached and confronted an armed man in very close proximity.

We offer no judgment on the tactics of closing the space available in the bedroom, and why the officers approached an armed person in the time available to the officers. The nature of our review is limited to a determination of the legality of this specific use of deadly force. In this case, we acknowledge the community at large may ask legitimate questions, for instance: did the decisions made by the officers to respond to the situation the way they did make the use of deadly force more likely to occur? To what extent did the outcomes of each decision made by the officers, one after another, contribute to a situation in which the use of deadly force became necessary? Did the sequential decisions of the officers ultimately reduce their ability to choose options other than the use of deadly force?

Although these issues may not bear directly on our analysis of the shooting's justification, these unanswered questions nevertheless relate to the circumstances surrounding Officer White's decision to use deadly force and are of interest to the community that we as law enforcement professionals serve, and the questions deserve thoughtful answers. Though we ultimately conclude that Officer White was "justified" as that concept is expressed in Utah law, we invite law enforcement professionals to carefully consider the facts as we now understand them to determine whether there were other possible effective options, and to consider how the officers' actions may have narrowed the range of possible effective options to resolve the situation before them.

Based on all the known facts available to us, we believe Officer White was "justified" in firing his service weapon at Mr. Riviore. Mr. Riviore, after physically threatening his girlfriend and seeking refuge in her bathroom once officers arrived, repeatedly opened the door and made stabbing motions toward the officers with a knife. When interviewed by protocol investigators, Officer White testified he saw Mr. Riviore's weapon, which Officer White described as a ten to twelve inch knife, and watched Mr. Riviore make "stabbing motion[s]" toward the officers. The two other officers on scene attempted to deploy Tasers at Mr. Riviore to no effect. Officer White testified, "[a]s Mr. Riviore was starting to advance out with the knife up in his hand, that's when I came up from my low ready and I fired two rounds at him" and "[a]t the point, I felt if, if I don't engage the threat, I feared he was going to stab and kill myself or [the other two officers]." This impression was shared by Officer White, who described Mr. Riviore as "step[ping] out with the knife up, as if he were going to lunge out of the door at us."

Officer White's beliefs (as expressed in his statements and answers to questions) are reasonably supported and corroborated by the physical evidence known to us. As shown in the body-worn camera recordings, Mr. Riviore's repeated stabbing motions toward the officers with a knife were in extremely close quarters, where camera footage shows that all three officers were apparently within a few feet of Mr. Riviore's knife. Camera footage also depicts the knife found at the scene—which is shown in the body camera footage as being in Mr. Riviore's hand, with movement toward the officers, in the time before Officer White deployed his weapon. It appears from the body-worn camera recording, as well as forensic evidence processed at the scene (including photographs of the bedroom, bathroom and bathroom door) that Officer White's

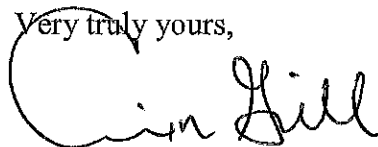
bullets actually traversed through the bathroom door, hitting Mr. Riviore while he was behind the closed door.

Human behavior dynamics may help explain how Officer White could have fired through the closed (or closing) door. During the time it took Officer White to see and perceive, process and react to Mr. Riviore (a time span measured in milliseconds), Mr. Riviore himself was almost certainly perceiving and reacting to the officers. In this case, it appears that while Officer White processed the events and made the decision to shoot, Mr. Riviore nearly simultaneously decided to quickly withdraw and close the bathroom door. Thus, although forensic evidence shows Officer White shot through the bathroom door, it appears from the body-worn camera recording that Officer White made the decision to use deadly force before Mr. Riviore closed the door. This inference is borne out in the photograph referenced above and attached as Photograph 1.

Because Officer White's belief that deadly force was necessary to prevent death or serious bodily injury to himself or the other officers engaged in the events at the time is reasonable and appears corroborated by the facts as we know them, his use of deadly force was "justified" under the statute. 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 (emphases added). On these facts, Officer White's decision to use deadly force directed toward Mr. Riviore was based on Officer White's "reasonabl[e] belie[f] that the use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person." See Utah Code § 76-2-404(1)(c) (emphases added).

Accordingly, we conclude that Officer White's weapon discharge on October 11, 2018 was "justified" within the meaning of Utah state law and we decline to pursue criminal charges against Officer White.

Very truly yours,



Sim Gill
Salt Lake County District Attorney

