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DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

HAND DELIVER

October 26, 2011

Chief Chris Burbank
Salt Lake City Police Department
315 East 200 South
Salt Lake City, UT 84111

Re: Officer Involved Critical Incident – September 27, 2011

Dear Chief Burbank:

After working in conjunction with the Salt Lake City Police Department, the Salt Lake County District Attorney's Office has completed its investigation concerning Salt Lake City Police Sergeant D. Christensen's use of deadly force against Carl Hinshaw during an incident that occurred September 27, 2011 at the Colonial Motel, 1530 South Main Street #14, in Salt Lake City. The purpose of the review is to determine whether the force employed was lawful under Utah law.

During the afternoon of September 27, 2011, Howard Hedden and his son Mark Hedden were at their family business, A-1 Vacuum Sale and Service, 1597 South Main Street, in Salt Lake City. At approximately 1:25 p.m., Howard and Mark were sitting near the front counter of the business having a conversation, when a male came in wearing a black sweat-suit with a hoodie pulled over his head, dark sunglasses over his eyes, and an orange bandana over his nose and mouth. The male announced, "This is a hold up, give me your money. I'm serious, I have a gun." The male then pulled a black handgun from behind his right hip, displayed it, and returned the gun to his right hip, holding it in his right hand the entire time.

Howard responded that they did not take in much money that day and did not have much to give him. The male replied that he wanted the money from their wallets. Mark said that the male was not going to get any money from him and the male hit Mark above his right eye with the gun. Howard, seeing that the male was distracted with Mark, went into the back room to retrieve his .38 caliber revolver and his Rottweiler. Howard returned to the front room with his dog and pointed his gun at the male. In response, the male turned toward the front door and exited the business.

The male fled from the store and ran northbound along Main Street. Howard fled after the male with his own gun in hand but the male ran out of sight. Mark saw the male remove his bandana and clothing as he ran.

Howard returned to his business and exited through the back door to look for the male. Howard found him in the parking lot directly behind and east of A-1 Vacuum. Howard saw that the male changed his clothes; he was no longer wearing the sweat-suit and bandana, but was instead wearing a red t-shirt and black shorts. Howard confronted the male and told him to wait for police. The male apologized to Howard, saying "he would never do this again." Eventually, the male edged away from Howard and ran southbound on Major Street.

During this time, Mark entered his car to locate the male. While in his car, Mark called 911 and informed dispatch that a male, dressed in dark clothes, had a black handgun and tried to rob them.

Sgt. D. Christensen of the Salt Lake City Police Department heard the dispatch regarding robbery at A-1 Vacuum and went to the area to investigate. Based on his experience in investigating robberies, Sgt. Christensen knew that many robberies occur close to where a person is residing, and he decided to check the Colonial Motel, which is just up the street from A-1 Vacuum at 1530 South Main Street.

Sgt. Christensen met with the manager of Colonial Motel, David Pope, and asked to see the surveillance video from the motel. They viewed the surveillance video and observed a man leave room #14 wearing a dark hoodie and dark pants. The time stamp on the video indicated that the male left the room at 1:19 p.m., six minutes prior to the robbery at A-1 Vacuum.

Sgt. Christensen was aware that Detective T. Flores and Detective J. Washington from the Salt Lake City Police Department arrived at A-1 Vacuum to conduct an investigation of the robbery. Sgt. Christensen called Det. Washington to respond to the Colonial Motel and observe the video surveillance. Detectives Flores and Washington watched the video with Sgt. Christensen and it was determined that they should perform a "knock and talk" on room #14.

The officers arrived at room #14, knocked on the door but no one answered. While at the door, a female, later identified as Virilissa Hinshaw, came up to them and told the officers that she was living in the room. Sgt. Christensen asked Ms. Hinshaw if anyone was in the room and she replied that no one was there. Ms. Hinshaw said her husband left for work at 11 a.m. and had not returned. Officers asked if she could open the door so they could check the room and Ms. Hinshaw tried to open it but could not since the door was locked. Sgt. Christensen asked Ms. Hinshaw if it would be helpful to get a key from the manager, Mr. Pope, and she agreed that it would be helpful. Det. Flores left to get Mr. Pope to unlock the door.

Mr. Pope arrived with a key to room #14 and gave it to Sgt. Christensen, who unlocked the door. With Detectives Flores and Washington next to him, Sgt. Christensen opened the door and announced "Salt Lake City Police. If anyone is in there show your hands." There was no response. Sgt. Christensen stated again, "Salt Lake City Police. If anyone is in there, come out and show your hands." Again, there was no response. Sgt. Christensen and Det. Washington

looked at each other and determined that they should enter the motel room to clear it out. Sgt. Christensen said "Salt Lake City Police. We're coming in."

Sgt. Christensen entered the room first with Det. Washington following. Det. Flores stayed outside the keep guard. With his .45 caliber semi-automatic firearm in the low ready, Sgt. Christensen observed a main room with a bed in the middle of it, along with rooms that were attached to the main room. Sgt. Christensen walked around the bed, clearing out the main room, and asked Det. Washington to clear out an attached room while he cleared out the other, which was a back bedroom.

As Sgt. Christensen approached the back bedroom, he noticed that the back bedroom door was open. As he got closer to the doorway, he decided to slowly circle around the doorway in order to get a better view of the room. As he continued to clear the back bedroom doorway, a male suddenly jumped from behind the wall into the middle of the doorway and said "Hey!" The man had his arms extended outward, with hands together at chest level, in the manner consistent with holding a gun in order to fire it. Sgt. Christensen remembered seeing a gun and thought the man "got the jump" on him, as if he was going to ambush Sgt. Christensen and fire the weapon. Sgt. Christensen immediately fired four rounds from his firearm at the male. The male fell backward onto the bed and ended up face down with his arms underneath him.

Det. Flores, who was keeping watch outside the motel room, heard the shots and then heard Sgt. Christensen yell "show me your hands, show me your hands." Det. Flores entered the room and heard Sgt. Christensen and Det. Washington say that there was a gun under the male.

Det. Washington and Sgt. Christensen decided to secure the male. They managed to pull the male's left hand out from under his chest to place a handcuff on it, and then rolled the male to get his right hand out from under his body to get a handcuff on that wrist. The male, later identified as Carl Hinshaw, was alive at the time but laboriously breathing. Dispatch was contacted, was informed of the situation, and paramedics arrived on scene.

The room was searched by officers and they did not locate a firearm near Mr. Hinshaw; however, found a folding knife was found under his body. A photograph was later taken of Mr. Hinshaw's left hand. The hand had a large amount of dried blood surrounding a bloodless rectangular outline in the palm of the hand. The width and length of the bloodless rectangular outline is consistent with a knife that was held in the hand.

Sgt. Christensen believed he was shot and was surprised to later learn he was not. Sgt. Christensen continued to check himself several times to make sure he was not bleeding.

Carl Hinshaw eventually died after being fired upon and an autopsy was performed. It was determined that three bullets entered Mr. Hinshaw. One bullet entered and exited the left forearm, striking Mr. Hinshaw's left chest, just above the left nipple; corroborating Sgt. Christensen that Mr. Hinshaw's arms were extended out as if a firearm was in his hands. Another bullet struck Mr. Hinshaw in the center of his lower back and the other bullet entered his left buttock. One other bullet was found in a wall of the back bedroom in the motel room. Four shell casings were found in the main room.

Officers later spoke with Virliisa Hinshaw, Carl Hinshaw's wife. Ms. Hinshaw told them that they had to pay the motel that day or they were going to be kicked out. Ms. Hinshaw told police that Mr. Hinshaw left in the morning and came back all sweaty. Additionally, Ms. Hinshaw said that Mr. Hinshaw would often say "I'd rather die than go back to jail."

Officers continued to investigate the robbery at A-1 Vacuum and found several items in a single pile in the parking lot east of the business. Those items include a black, hooded sweatshirt; a brown bandana; dark sweatpants; and a BB gun that resembles a handgun.

Officers observed surveillance video from Colonial Motel and other surrounding businesses in an attempt to track the movements of Mr. Hinshaw. Video surveillance from Colonial Motel shows Mr. Hinshaw leave room #14 in dark sweatpants, and a dark hooded sweatshirt at 1:19 p.m., shortly before the robbery occurred. Shortly after the robbery, video surveillance at surrounding businesses show a man, appearing to be Mr. Hinshaw, in a red shirt and dark shorts running along Major Street and State Street. Video surveillance at Colonial Motel showed Mr. Hinshaw return to room #14 at 1:40 p.m. with shorts on, but no shirt and no dark sweat-suit.

This office has concluded the force employed by Sgt. Christensen was legally justified under Title 76, Chapter 2, Part 4 (1953 as amended). Specifically, under 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,

/s/ Sim Gill

SIM GILL,
Salt Lake County District Attorney

SG/NJE/nje