



**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

Chief Lee W. Russo  
West Valley City Police Department  
3600 South Constitution Blvd.  
West Valley City, UT 84119

Chief Mike Brown  
Salt Lake City Police Department  
475 South 300 East  
Salt Lake City, UT 84111

*Via Hand Delivery*

June 8, 2016

RE: *SLCPD Officers Stone's and Edmunds' Use of Deadly Force*  
Incident Location: 1376 South Major Street, Salt Lake City, Utah  
Incident Date: January 31, 2016  
WVPD Case No.: 16I005594  
SLCPD Case No.: 16-18146  
D.A. Case No.: 2016-280

Dear Chief Russo and Chief Brown:

The Salt Lake County District Attorney's Office ("D.A.'s Office") operates under Utah State law and pursuant to an agreement between the D.A.'s Office and participating law enforcement agencies to perform joint investigations and independent reviews of officer involved critical incidents ("OICI") including police officers' use of deadly force while in the scope of their official duties. Pursuant to the agreement between the D.A.'s Office and participating law enforcement agencies, the D.A.'s Office has reviewed the above referenced matter to determine whether, and if so why, the use of deadly force in the above referenced OICI was "justified." As outlined more fully below, the D.A.'s Office determined Salt Lake City Police Department ("SLCPD") Officer Jesse Stone's use of deadly force was "justified" under Utah State law. The D.A.'s Office also determined that SLCPD Officer Devin Edmunds' use of deadly force was "justified" under Utah law.

On January 31, 2016 SLCPD Officer Devin Edmunds saw two people walking in the middle of Main Street in Salt Lake City, Utah. Officer Edmunds stopped the female, later identified as Katalina Langi and the male, later identified as Palm Lautaimi. As Officer Edmunds investigated the situation, Mr. Lautaimi took a swing at Officer Edmunds and ran. Officer Edmunds saw Mr. Lautaimi running with a gun as he pursued Mr. Lautaimi.

Eventually, Officer Edmunds and SLCPD Officer Jesse Stone caught up to Mr. Lautaimi in the yard of a home at 1376 South Major Street. Mr. Lautaimi was pointing a gun at his own head. Officers ordered Mr. Lautaimi to drop the weapon. As Mr. Lautaimi lowered the handgun, he pointed the weapon at Officer Stone. Both officers fired their weapons, injuring Mr. Lautaimi. Mr. Lautaimi was transported to the hospital and survived his injuries.

### UTAH STATE LAW

As part of the review and “justification” determination, the D.A.’s Office relied in part upon the following statutory provisions for the legal analysis:

#### **76-2-401. Justification as defense -- When allowed.**

(1) Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:

- (a) when the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part;
- (b) when the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;

...

#### **76-2-404. Peace officer's use of deadly force.**

(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.

### ***Use of Deadly Force and “Justification as Defense” in Utah***

Reviewing a use of deadly force falls within statutory obligations imposed on the District Attorney to determine whether criminal activity has occurred in the jurisdiction and if so whether a prosecution should commence. A District Attorney determination considers whether a person who may have committed a crime nevertheless has a legal defense to prosecution. If a person who may have committed a criminal act has a legal defense to ostensible criminal charges related thereto, no charges can be brought against that person.

One legal defense to potential criminal charges available to police officers who used deadly force (whether or not the deadly force caused the death of a person) is the legal defense of “justification.” This legal defense is found in Utah State Code set forth above and operates in conjunction with other legal authority. The legal defense of “justification” could apply to any potential criminal charge; some of the potential criminal charges a police officer could face through an improper use of deadly force could include criminal homicide, murder; aggravated assault; or other violations set forth in the criminal code. The legal defense of “justification” is applicable to any potential criminal charge.

A person’s use of deadly force (including but not limited to use of deadly force by peace officers) is “justified” when the use of deadly force conformed to the statutes referenced above. Persons may lawfully defend themselves and/or others under circumstances outlined by law, and are afforded the legal defense of “justification” for the lawful use of deadly force in accordance with statutes. Utah Code Ann. 76-2-402 states that 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.” *Id.* This section also states: “A person is justified in using force intended or likely to cause death or serious bodily injury 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<sup>1</sup>.” *Id.*

In addition to the use of deadly force in defense of self or others, a peace officer’s use of deadly force is “justified” when:

“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

---

<sup>1</sup> **U.C.A. 76-2-402(4)(a)**: “For purposes of this section, a forcible felony includes aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Title 76, Chapter 5, Offenses Against the Person, and arson, robbery, and burglary as defined in Title 76, Chapter 6, Offenses Against Property.”

arrest from being defeated by escape; and 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 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 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.” U.C.A. 76-2-404.

In essence, the analysis for the use of deadly force to prevent death or serious bodily injury (whether by individuals or peace officers) turns on similar elements. Use of deadly force by *individuals*: “A person is justified in using force intended or likely to cause death or serious bodily injury 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” U.C.A. 76-2-402(1)(a),(b). Use of deadly force by *peace officers*: “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,” or to effect an arrest under circumstances set forth in law. See, U.C.A. 76-2-404. A peace officer’s use of deadly force is “justified” when that officer “reasonably believes” that the use of deadly force is “necessary to prevent” the threat of “death or serious bodily injury.”

This OICI investigation and our review that followed was conducted in accordance with an OICI investigation protocol previously established and in conformity with recently enacted legislation governing investigations of OICI events. The OICI investigation protocol strives to establish an investigation methodology and process that provides the D. A.’s Office with the evidence needed to review the investigation to determine whether a police officer’s use of deadly force conformed to the above referenced statutes. If the use of deadly force conformed to the statutes, the use of deadly force is “justified,” and the legal defense of “justification” is available to the officer such that criminal charges cannot be filed against the officer and the criminal investigation into the actions of the officer is concluded.

If the use of deadly force does not conform to the statutes above, the use of deadly force may not be “justified,” and the legal defense of “justification” may not be available to the officer. In other words, if the use of deadly force failed to conform to the applicable statutes, the law does not afford the officer the legal defense of “justification.” Further investigation may be needed to determine whether, and if so which criminal charges can and should be filed against the officer if any. Just because the legal defense of “justification” may not be available (because the use of deadly force did not conform to the statutes) does not therefore necessarily mean that criminal charges should be filed against the officer. For instance, the evidence available to the District Attorney may not support criminal charges, the case may not have a reasonable likelihood of success at trial, or other reasons may preclude a prosecution. Again, further investigation and consideration may be required to determine whether the use of deadly force warrants criminal charges.

As laid out in more detail below, because we conclude that Officer Stone’s and Officer Edmunds’ use of deadly force conformed to the relevant statutes outlined above, we therefore conclude that the legal defense of “justification” applies to the facts set forth herein and we will

not file criminal charges against Officer Stone or Officer Edmunds related to their use of deadly force.

### INVESTIGATION

During the 2015 Utah State Legislature's General Session, the legislature enacted U.C.A. 76-2-408 which sets forth in relevant part the following provisions governing the investigation of peace officers' use of deadly force:

#### **76-2-408 Peace officer use of force -- Investigations.**

(1) As used in this section:

- (a) "Dangerous weapon" is a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
- (b) "Investigating agency" is a law enforcement agency, the county or district attorney's office, or an interagency task force composed of officers from multiple law enforcement agencies.
- (c) "Officer" is a law enforcement officer as defined in Section 53-13-103.
- (d) "Officer-involved critical incident" is any of the following:
  - (i) the use of a dangerous weapon by an officer against a person that causes injury to any person;
  - ...

(2) When an officer-involved critical incident occurs:

- (a) upon receiving notice of the officer-involved critical incident, the law enforcement agency having jurisdiction where the incident occurred shall, as soon as practical, notify the county or district attorney having jurisdiction where the incident occurred; and
- (b) the chief executive of the law enforcement agency and the county or district attorney having jurisdiction where the incident occurred shall:
  - (i) jointly designate an investigating agency for the officer-involved critical incident; and
  - (ii) designate which agency is the lead investigative agency if the officer-involved critical incident involves multiple investigations.

(3) The investigating agency under Subsection (2) may not be the law enforcement

agency employing the officer who is alleged to have caused or contributed to the officer-involved critical incident.

...

To comply with state law requiring an outside agency to investigate an OICI, SLCPD invoked the OICI investigation protocol; as per a rotation schedule, an investigative team led by West Valley Police Department (“WVPD”) Sgt. Fossmo together with investigators other law enforcement agencies and investigators from the D.A.’s Office investigated this OICI.

On March 7, 2016, Sgt. Fossmo and personnel from the OICI protocol investigation team, including investigators from D.A.’s Office, presented their findings to the District Attorney for review and this opinion letter. During the presentation of the investigation findings, both investigation team personnel and D.A.’s Office investigators reported that SLCPD was helpful and accommodating with the investigation’s needs, but did not perform any investigation of the OICI itself.

### FACTS

The following facts were developed from the OICI protocol investigation. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On January 31, 2016 SLCPD Officer Devin Edmunds was on patrol in his assigned area. He was wearing his police uniform and driving his marked patrol car. While in the area of 1300 South and Main Street in Salt Lake City, Utah, Officer Edmunds saw two people walking down the middle of Main Street. Officer Edmunds stopped the male and the female to see why they were walking down the middle of the street.

Officer Edmunds made contact with the female, later identified as Katalina Langi and the male, later identified as Palm Lautaimi. Officer Edmunds asked Mr. Lautaimi for his identification. Officer Edmunds noticed Mr. Lautaimi kept putting his hands in and out of his pockets. Officer Edmunds told Mr. Lautaimi to keep his hands out of his pockets because Mr. Lautaimi was making Officer Edmunds nervous.

Officer Edmunds told Mr. Lautaimi he was going to put Mr. Lautaimi in handcuffs temporarily while he conducted his investigation. As Officer Edmunds put his hands on Mr. Lautaimi, Mr. Lautaimi tensed up quickly. Officer Edmunds told Mr. Lautaimi not to resist, but Mr. Lautaimi did not comply. Instead, Mr. Lautaimi turned and took a swing at Officer Edmunds and ran off heading eastbound across Main Street. Officer Edmunds gave chase.

As Officer Edmunds ran after Mr. Lautaimi, he saw Mr. Lautaimi point a gun at him; Officer Edmunds called out on the police radio that the fleeing suspect had a gun.

SLCPD Officer Jesse Stone was on duty when he heard Officer Edmunds on the radio say that he had a foot pursuit and the suspect was armed. Officer Stone drove his police car towards the chase.

### *Witness Interviews and Statements*

#### *Officer Edmunds*

OICI protocol investigators interviewed Officer Edmunds with his attorney Rebecca Skordas on February 9, 2016.

Officer Edmunds said he was on duty on January 31, 2016. He said he was assigned to work in the area of 1300 South to 2100 South and State Street to West Temple Street for his shift. Officer Edmunds said while on patrol, he drove on 1300 South and turned south onto Main Street. Officer Edmunds said he saw a male and female walking northbound Main Street in the middle of the road. Officer Edmunds said that as soon as the male and female saw him, the male walked towards the west side of Main Street and the female walked to the east side of Main Street.

Officer Edmunds said he stopped his patrol car to talk to the male and the female about walking in the middle of Main Street. Officer Edmunds said he got out of his patrol car and called the female to come over to him. Officer Edmunds said the male was nearby.

Officer Edmunds said he explained to the male and the female that they can't walk in the middle of the road. Officer Edmunds said he asked them both for identification. Officer Edmunds said that the male immediately got "fidgety," moving his hands around and wouldn't stay still. Officer Edmunds said the male kept saying he just wanted to go home.

Officer Edmunds said he told the male and the female that he was going to talk to them for a minute, and asked the male again to keep his hands where Officer Edmunds could see them. Officer Edmunds said the male was acting very nervous. Officer Edmunds said he told the male that his actions were making him nervous.

Officer Edmunds said he asked the male to come over next to his patrol car and said he told the male he was going to pat the male down. Officer Edmunds said he told the male that he was going to place the male in handcuffs for a minute because the male was making him nervous. Officer Edmunds said he called for a backup officer to respond to his location.

Officer Edmunds said he put his hands on the male and the male started to pull away from Officer Edmunds and would not place his hands behind his back. Officer Edmunds said he struggled with the male to place the handcuffs on him.

Officer Edmunds said the male pushed away from the patrol car and turned and took a swing at Officer Edmunds, attempting to punch him in the face. Officer Edmunds said the male turned and ran southbound on Main Street. Officer Edmunds said he reached for his Taser on his

duty belt; about the same time, Officer Edmunds said he saw the male turn and draw a handgun from his waistband and point it at Officer Edmunds.

Officer Edmunds said he drew his duty weapon from the holster and ordered the male to drop the gun. Officer Edmunds said the male did not comply with the command but continued to run away. Officer Edmunds said he continued to pursue the male.

Officer Edmunds said he followed the male down Harrison Avenue and then went south in an alley between Major Street and Main Street. While they were both running, Officer Edmunds said the male pointed his handgun at Officer Edmunds a second time.

Officer Edmunds said the male cut through a backyard and two witness bystanders pointed to the front of the residence and told Officer Edmunds that the male had fled through the yard. As Officer Edmunds approached the side of the house, he saw the male standing between the garage and the house. Officer Edmunds said he could hear Officer Stone yelling: "drop the weapon, drop the weapon!" Officer Edmunds said he moved around the south side of the house and saw Officer Stone pointing his duty weapon at the male.

Officer Edmunds said he saw the male pointing his handgun at his own head; Officer Edmunds said he ordered the male to drop the handgun several times. Officer Edmunds said he saw the male slowly lower the weapon in Officer Stone's direction and saw the muzzle point at Officer Stone. Officer Edmunds said when the male lowered the weapon at Officer Stone and point it at him, he feared the male was going to shoot Officer Stone. Officer Edmunds said he fired his duty weapon at the male. Officer Edmunds said he saw the male go down and he quickly went to the male and saw Officer Stone kick the handgun away from the male.

Officer Edmunds said he and Officer Stone took the male into custody and examined him for injuries. Officer Edmunds said he saw the male was bleeding from gunshot wounds, so he and Officer Stone rendered first aid until medical personnel arrived and transported the male to the hospital.

### *Officer Stone*

OICI protocol investigators interviewed Officer Stone with his attorney Rebecca Skordas on February 9, 2016.

Officer Stone said he was on duty on January 31, 2016 and working patrol when he heard Officer Edmunds radio that he had stopped pedestrians at 1350 South Main St. and asked for a back-up officer at that location. Officer Stone said he started driving to Officer Edmunds' location. Officer Stone said he heard Officer Edmunds call out that he was in foot pursuit and heard Officer Edmunds describe the fleeing suspect as a black male wearing a black shirt.

Officer Stone said he arrived in the area of Major Street and 1300 South and saw a black male<sup>2</sup> run out from behind a house at 1376 South. Officer Stone said the male saw him and

---

<sup>2</sup> Officer Stone said the male was wearing a white shirt, but Officer Stone said he saw clothing lying on the ground near the male and though the male had removed clothing and dropped it on the ground.

---

backed up; Officer Stone said he walked towards the male who was standing between the house and the garage holding a handgun.

Officer Stone said he ordered the male to drop the handgun several times, but the male did not comply. Instead, Officer Stone said the male raised his handgun and pointed it at his own head. Officer Stone said he continued to command the male to drop the handgun. Officer Stone said he tried to talk the male down, to calm him down and resolve the situation peacefully. Officer Stone said he told the male he didn't want to hurt himself and told him to drop the handgun. Officer Stone said he heard the male say, among other things: "Fuck this, I'm done."

Officer Stone said he saw the male lower the handgun in his direction and saw the muzzle point at him. Officer Stone said he believed the male was pointing the gun at him. Officer Stone said that he feared for his life. Officer Stone said he fired his duty weapon at the male because he believed the male was about to shoot him<sup>3</sup>. Officer Stone said he saw the male go down and the handgun fall from the male's hand.

Officer Stone said he and Officer Edmunds went to the male and Officer Stone said he kicked the male's handgun away. Officer Stone said he retrieved a medical first aid kit from his patrol car and rendered first aid to the male until medical personnel arrived.

### *Physical Evidence*

OICI investigators inspected and documented several items of physical evidence at the scene. Investigators inspected and documented Mr. Lautaimi's weapon. Investigators also recovered and documented empty (spent) cartridges from the police officers' weapons.

Both Officer Edmunds and Officer Stone were wearing body cameras which recorded much of the incident including the use of deadly force. OICI protocol investigators reviewed the video recordings and presented them to us as part of our review.

---

<sup>3</sup> Officer Stone said he believed the male was going to kill him and thought to himself: "Am I the next Doug Barney," referring to the recently murdered UPD Officer Barney, killed in the line of duty earlier that month.

---

## DISCUSSION AND CONCLUSIONS

### *Officer Edmunds and Officer Stone Reasonably Believed Deadly Force was Necessary.*

Officer Edmunds saw Mr. Lautaimi point a handgun at him as Mr. Lautaimi ran away. Officer Edmunds saw Mr. Lautaimi point his handgun at Mr. Lautaimi's head and then lower the handgun and point it at Officer Stone. Officer Edmunds reasonably believed that Mr. Lautaimi intended to inflict death or serious bodily injury upon Officer Stone. Officer Edmunds also reasonably believed that deadly force was necessary to prevent Mr. Lautaimi from inflicting death or serious bodily injury upon Officer Stone. As such, Officer Edmunds' use of deadly force against Mr. Lautaimi was "justified" under Utah State law, and provides Officer Edmunds a legal defense to a criminal prosecution. Accordingly, the District Attorney's Office declines to file criminal charges and prosecute or otherwise pursue matters against Officer Edmunds.

Officer Stone heard Officer Edmunds' radio traffic that the person he was pursuing was armed with a handgun. And Officer Stone saw Mr. Lautaimi point his handgun at Mr. Lautaimi's head. Officer Stone saw Mr. Lautaimi lower his handgun and point it at Officer Stone. Officer Stone reasonably believed that Mr. Lautaimi intended to inflict death or serious bodily injury upon Officer Stone. Officer Stone also reasonably believed that deadly force was necessary to prevent Mr. Lautaimi from inflicting death or serious bodily injury upon Officer Stone. As such, Officer Stone's use of deadly force against Mr. Lautaimi was "justified" under Utah State law, and provides Officer Stone a legal defense to a criminal prosecution. Accordingly, the District Attorney's Office declines to file criminal charges and prosecute or otherwise pursue matters against Officer Stone.

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.

Very Truly Yours,

---

SIM GILL,  
Salt Lake County District Attorney