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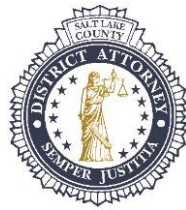
Salt Lake County District Attorney's Office Finds No Evidence of Wrongdoing in Prison Inmate's Death

Salt Lake City, UT -- After conducting a routine Officer Involved Critical Incident (OICI) review, the Salt Lake County District Attorney's Office has determined that the Sept. 13th, 2014 death of Utah State Prison inmate Christopher Lucas was not the result of unlawful means by law enforcement personnel.

The Salt Lake County District Attorney's Office is required by Utah State law, and operates pursuant to an agreement with participating law enforcement agencies and consistent with established protocols and applicable law, to perform joint investigations and independent reviews of officer involved critical incidents including police officers' use of deadly (including potentially deadly) force used in the scope of police officers' official duties.

See the attached letter to Salt Lake County Sheriff Winder and Rollin Cook, Executive Director of the Utah Department of Corrections, for more information.

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14717 S. Minuteman Drive
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July 15, 2015

RE: *Christopher Lucas' In-Custody Death*
Incident Location: Utah State Prison
Incident Date: September 13, 2014
UPD Case No.: CO14-144310
Our Case No.: 2014-2059

Dear Sheriff Winder and Director Cook:

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 the death of persons while in custody. 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 the decedent died of unlawful means by government actors, and if so, whether a criminal prosecution should be instituted. As outlined more fully below, the D.A.'s Office did not find any evidence of unlawful activity by corrections personnel. Although a criminal case has been filed against a civilian suspect for his alleged conduct in this matter, the D.A.'s Office declines to file any criminal charges against any corrections personnel in relation to the above referenced matter.

On September 13, 2014, Utah State Prison Inmates Christopher Lucas and Samuel Wise got into a fight. During the fight, Utah State corrections personnel used oleoresin capsicum ("OC") spray and pepper balls to break up the fight. After corrections personnel secured both inmates, Mr. Lucas complained that he was having a hard time breathing. Eventually, Mr. Lucas lost consciousness and medical personnel were unable to revive him and he died.

Pursuant to an agreement among the Unified Police Department of Greater Salt Lake and the Utah State Department of Corrections and the D.A.'s Office, the Department of Corrections requested UPD and the D.A.'s Office to jointly investigate the facts and circumstances surrounding Mr. Lucas' death while in the custody of the Utah State Prison. Once the investigation was complete, we reviewed the investigation's findings.

UTAH STATE LAW

Authority for our review of this OICI comes from the agreement between the D.A.'s Office and those participating in the LEADS protocol agreement (including the Department of Corrections), as well as Utah State law, set forth below:

U.C.A. 26-4-21. Authority of county attorney or district attorney to subpoena witnesses and compel testimony--Determination if decedent died by unlawful means.

...

(2) Upon review of all facts and testimony taken concerning the death of a person, the district attorney or county attorney having criminal jurisdiction shall determine if the decedent died by unlawful means and shall also determine if criminal prosecution shall be instituted.

FACTS

On September 13, 2014, Utah State Prison ("USP") Inmate Christopher Lucas and USP Inmate Samuel Wise got into a verbal argument about noise levels. They were housed in adjacent cells, and others overheard them yelling at each other. Eventually, cell doors in the unit were opened and Mr. Lucas went into Mr. Wise's cell; Mr. Wise's cellmate left the cell. Mr. Wise and Mr. Lucas began to fight, and corrections personnel instituted measures to contain and secure the inmates and break up the fight. Corrections personnel ordered the inmates to stop fighting, but Mr. Wise continued to fight Mr. Lucas.

Corrections officers closed all the cell doors and staged outside Mr. Wise's cell. Corrections personnel reported that Mr. Wise had Mr. Lucas bent over a table or chair and was repeatedly hitting him. Mr. Wise continued to ignore multiple verbal commands to stop fighting.

Corrections personnel decided to use less-than-lethal force to break up the fight and obtain the inmates' compliance. First, corrections personnel used OC spray directed at Mr. Wise. When that proved to be ineffective—Mr. Wise continued to assault Mr. Lucas—corrections personnel fired pepper ball rounds at Mr. Wise. Officers hit Mr. Wise with several pepper ball rounds before Mr. Wise stopped fighting and surrendered to corrections personnel.

Officers cuffed Mr. Wise and removed him from the cell. Then officers cuffed Mr. Lucas and removed him from the cell. After Mr. Lucas was taken into custody, Mr. Lucas complained that he was having trouble breathing. Mr. Lucas was given an opportunity to rest and catch his

breath before corrections personnel assisted him down a staircase. Mr. Lucas again complained he was having trouble breathing. Corrections personnel summoned medical attention.

Medics arrived and began to care for Mr. Lucas who at this point couldn't stand and exhibited signs of distress. Medical personnel provided additional care to Mr. Lucas, but he lost consciousness. Mr. Lucas was transported to Lone Peak Hospital where he died.

Our review considered the Report of Examination by Dr. Erik D. Christensen, Assistant Medical Examiner. Dr. Christensen found that Lucas died from a "cardiopulmonary arrest following a physical altercation and pepper spray exposure." *Report of Examination*, p.1. Dr. Christensen observed that Lucas had a "recent physical altercation with another prisoner...[and] pepper spray and pepper ball exposure in a closed cell." *Id.* Dr. Christensen also observed that Lucas' schizophrenia contributed to his death.

Describing Lucas' death in more detail, Dr. Christensen said that there were "three major factors at play as possible causes of this man's death: his recent altercation with another inmate, his exposure to pepper agents and his underlying mental illness." *Id.*

DISCUSSION

Scope of Review

We reviewed the investigation of the facts and circumstances surrounding Mr. Lucas' death to fulfil the District Attorney's statutory obligation to "determine if the decedent died by unlawful means and shall also determine if criminal prosecution shall be instituted." U.C.A. 26-4-21.

Video recordings of the incident corroborate witnesses' statements that corrections personnel did not use deadly force (i.e., firearms or other means likely to cause death) in dealing with the incident. Corrections personnel used verbal instruction followed by less-than-lethal force in the form of OC spray and pepper balls shot at Inmate Wise to obtain the prisoners' compliance. Corrections personnel did not use firearms or other means capable of producing death or serious bodily injury when they intervened in the fight. Therefore, our analysis only considers whether Lucas' death occurred by "unlawful means," and whether "criminal prosecution shall be instituted." *Id.* In both considerations, we only evaluate whether and if so to what extent actions by corrections personnel may be considered "unlawful means," and therefore whether "criminal prosecution shall be instituted" against corrections personnel. *Id.*

Our review and analysis does not include or consider a review or evaluation of internal Department of Corrections policies and procedures. Nor does our review and analysis consider whether a (civil) standard of care existed or was imposed any particular participant; or, assuming such a (civil) standard of care existed or was imposed, whether corrections personnel violated such a (civil) standard of care. We only look to whether Mr. Lucas died from unlawful means employed by corrections personnel, and if so, whether criminal prosecution should be instituted.

Corrections Personnel Lawfully Employed Less-Than-Lethal Force

In this incident, corrections personnel arrived to stop the inmates' fight and found Mr. Wise overpowering Mr. Lucas. When Mr. Wise failed to comply with corrections personnel's orders to stop fighting, corrections personnel were obliged to employ other methods¹, including use of force, to obtain Mr. Wise's compliance.

Evidence obtained during the investigation and presented to us for our review indicated that the OC spray was directed at Mr. Wise, although Mr. Lucas was likely in contact with at least some of the OC spray by virtue of his close proximity to Mr. Wise and the confined nature of the prison cell. Corrections personnel also said that they shot Mr. Wise with pepper balls, and given the relative positions of Mr. Wise and Mr. Lucas (Mr. Wise being over Mr. Lucas at the time) it seems reasonable to conclude that the pepper balls mostly or entirely impacted Mr. Wise.

Because Mr. Wise did not obey verbal commands to stop fighting, and because corrections personnel sought to end the fight, take both inmates into custody, secure the area and provide for the wellbeing of both inmates as well as others in the prison, corrections personnel lawfully employed means by which they could reasonably accomplish these goals.

No evidence exists of any other use of force or any other means otherwise whereby Mr. Lucas could have or would have incurred trauma or other life compromising conditions. Because it appears several factors contributed to Mr. Lucas' death, and because corrections personnel employed lawful force and methods to break up the inmates' fight and secure them, we conclude that Mr. Lucas did not die as a result of unlawful means used by corrections personnel². We also therefore conclude that no criminal prosecution against a corrections employee shall be instituted.

¹ **64-13-32. Discipline of offenders -- Use of force.**

(1) If an offender offers violence to an officer or other employee of the Department of Corrections, or to another offender, or to any other person; attempts to damage or damages any corrections property; attempts to escape; or resists or refuses to obey any lawful and reasonable command; the officers and other employees of the department may use all reasonable means, including the use of weapons, to defend themselves and department property and to enforce the observance of discipline and prevent escapes.

² The scope of our review does not consider whether Mr. Lucas died as a result of unlawful means employed by others, to wit: Mr. Wise and therefore we do not address Mr. Wise's conduct nor whether or not it was lawful.

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. In the meantime, thank you for the opportunity to review this case.

Very Truly Yours,

SIM GILL,
Salt Lake County District Attorney