

Ralph Chamness
Chief Deputy
Civil Division



Jeffrey William Hall
Chief Deputy
Justice Division

Blake Nakamura
Chief Deputy
Justice Division

DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

HAND DELIVER

January 11, 2013

Sheriff Jim Winder
Unified Police Department
3365 South 900 West
Salt Lake City, UT 84119

Re: Officer Involved Critical Incident – December 20, 2012

Dear Sheriff Winder:

After working in conjunction with the Unified Police Department, the Salt Lake County District Attorney's Office has completed its investigation concerning the use of deadly force against Jose Luis Rodriguez-Castro by Officer S. Lloyd of the Unified Police Department. The incident occurred on December 20, 2012 at 5686 Redwood Road in Taylorsville City. The purpose of the review is to determine whether the force employed was lawful under Utah law.

On the morning of December 20, 2012, Tina Martinez and Jose Luis Rodriguez-Castro, her live-in boyfriend, dropped off Tina's children at her parent's home. Afterwards, Tina drove Jose to a friend's home, with whom Jose was scheduled to work. At the friend's home, Jose did not exit the vehicle, a brown Chevy Suburban, but instead told Tina that he wanted her to answer some questions. Jose told Tina that he did not know why she was "doing this" to him, but did not explain what he meant. A conversation ensued for a few minutes, and Tina told Jose that she needed to go or she was going to be late for her 9:00 AM appointment at Workforce Services. Jose continued to say that he did not know why she was doing this, and he was not getting out of the car until she answered his questions. Tina finally said that she was not going to miss her appointment and drove away from the home, with Jose remaining in the vehicle.

During the drive, Jose continued to argue with Tina, demanding that she answer his questions. They arrived at Workforce Services, located at 5686 Redwood Road in Taylorsville City, and Tina pulled into a parking stall. After the car was parked, Jose did not allow Tina to remove her seatbelt, preventing her from leaving the car. Tina then called her father's home and her sister, Cassie, answered. While on the call, Tina noticed that Jose had a large hunting knife sitting under his leg. She told Cassie that Jose had a knife and would not let her out of the vehicle. Cassie told her father about Tina's crisis and he called 911.

Afterwards, Jose held the knife to his own heart and threatened to kill himself. Tina tried to convince Jose to take the vehicle and let her leave, but Jose would not allow it. Tina then noticed that a police officer had arrived. The time was approximately 8:49 AM.

Officer S. Lloyd, of the Unified Police Department, heard the dispatched call of a couple in a brown Chevy Suburban in the Workforce Services' parking lot. He learned that the female was in the driver's seat, held against her will, threats were made, and a knife was involved. After he arrived at the parking lot, Officer Lloyd located the Suburban and activated his vehicle's video system.

Officer Lloyd parked his vehicle at an angle to the passenger side of the Suburban and activated his emergency lights. He exited his vehicle and approached the passenger side of the Suburban. During this time, Mr. Rodriguez-Castro, who was sitting in the front passenger seat, turned back and forth watching Officer Lloyd, who eventually approached the window. Mr. Rodriguez-Castro rolled down his window a few inches and Officer Lloyd began to converse with him. Mr. Rodriguez-Castro responded, "You don't need to be here." In reply, Officer Lloyd told him he was just there to make sure everyone was okay. Mr. Rodriguez-Castro answered, "You need to leave, I'm going to die. So don't worry, I'm going to die." Officer Lloyd contacted dispatch and the recording indicates that he requested additional units "step it up."

Tina Martinez was observed by Officer Lloyd to be seated in the driver's seat with her seat belt on. Officer Lloyd saw that she was hysterical.

Officer Lloyd observed Mr. Rodriguez-Castro become more agitated, and began turning toward Ms. Martinez. Mr. Rodriguez-Castro was asked by Officer Lloyd to roll the window down a little more, but he responded that he did not want to talk and the officer needed to leave. Officer Lloyd contacted dispatch and said, "Can you step up the units here? He is really agitated in the car." As Officer Lloyd spoke with dispatch, Mr. Rodriguez-Castro told him, "You don't want any of this."

Officer Lloyd saw Mr. Rodriguez-Castro reach down toward his waist, but he could not see the waist because of the vehicle's door. Officer Lloyd backed away slightly from the vehicle and continued to talk with Mr. Rodriguez-Castro.

Another patrol vehicle traveled toward the area, with lights and sirens activated. Mr. Rodriguez-Castro saw the patrol vehicle and became more agitated. He grabbed the item in his waistband, and jumped between the two front seats into the back seat, behind Tina Martinez, who was still in the driver's seat. Mr. Rodriguez-Castro stood behind her seat, placed his left arm around Ms. Martinez's head and neck area, and held a knife, with a seven inch blade, in his right hand held near Ms. Martinez's neck. Officer Lloyd withdrew his firearm and told Mr. Rodriguez-Castro several times to drop the knife, but he did not comply. Tina reported that Jose tried to stab her, but she grabbed onto the knife and his arm to prevent the stabbing. Mr. Rodriguez-Castro started to move the knife toward Ms. Martinez's throat, at which point Officer Lloyd began to fire his firearm. Officer Lloyd continued to shoot until Mr. Rodriguez-Castro's body fell backward. Once Mr. Rodriguez-Castro fell back, Officer Lloyd ceased fire and helped Ms. Martinez out of the vehicle.

Tina Martinez's and Officer Lloyd's versions of events were corroborated by each other's statement and witnesses in the area, including other officers that arrived during the incident. One civilian witness stated he clearly heard Officer Lloyd issue commands to "drop it" at least 6 times. Moreover, Officer Lloyd's dash-cam video corroborates their statements.

Officers searched the Suburban and found the knife. It is large hunting knife with a 7 inch blade. Traces of blood and tissue were found on the blade.

Officer Lloyd's firearm, a .40 caliber semi-automatic handgun, was examined. Investigators determined that 10 rounds were fired from the weapon. All 10 bullets were recovered, with 2 found in the Suburban, 1 recovered from a truck in the parking lot, and 7 recovered in Mr. Rodriguez-Castro body. CPR was performed on Mr. Rodriguez-Castro and medical units arrived; however, he was pronounced dead at the scene. Tina Martinez was transported to the hospital for treatment of injuries to her forehead and her left fingers.

Utah Code Ann. § 76-2-404(1)(c) provides:

A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when... (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.

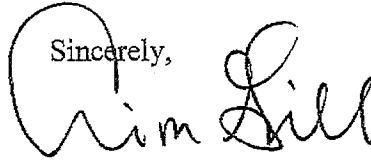
Officer Lloyd was justified in using deadly force against Mr. Rodriguez-Castro under this statute. Officer Lloyd learned from dispatch that there was a dispute in a vehicle where a woman was held against her will and a knife was involved. After he arrived, Officer Lloyd spoke with Mr. Rodriguez-Castro and determined he was agitated and upset. Additionally, he saw that Tina Martinez was hysterical. After some time, Mr. Rodriguez-Castro reached toward waistband, jumped in the backseat, held Ms. Martinez, and held a knife. Officer Lloyd made repeated requests of Mr. Rodriguez-Castro to drop the knife, but he did not comply. When Mr. Rodriguez-Castro tried to stab Ms. Martinez, Officer Lloyd fired his weapon – very likely saving Ms. Martinez's life. Certainly, Officer Lloyd could reasonably believe that using his firearm against Mr. Rodriguez-Castro was necessary to prevent death or serious bodily injury to another person.

Therefore, Officer Lloyd was legally justified in using deadly force against Mr. Rodriguez-Castro pursuant to Utah Code Ann. § 76-2-404 (1)(c), by virtue of the imminent deadly threat that Mr. Rodriguez-Castro posed to Ms. Martinez.

December 20, 2012

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,

A handwritten signature in cursive script that reads "Sim Gill". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

SIM GILL,
Salt Lake County District Attorney

SG/NJE/nje