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DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

HAND DELIVERED

August 2, 2011

Sheriff James M. Winder
Unified Police Department of Greater Salt Lake
3365 South 900 West
Salt Lake City, UT 84119

Re: Officer Involved Critical Incident – July 7, 2011

Dear Sheriff Winder:

After working in conjunction with the Unified Police Department of Greater Salt Lake, the Salt Lake County District Attorney's Office has completed its investigation concerning Unified Police Department Police Officer J. Timpson's use of deadly force against Louis Gregg during an incident that occurred July 7, 2011 at 2860 South Patricia Drive, Magna, Utah. The purpose of the review was to determine whether Officer J. Timpson's use of deadly force against Louis Gregg was justified under Utah law.

On July 7, 2011, Carolyn Hunger called police at approximately 3:37 P.M. to report that her neighbor, Louis Gregg, against whom she has a current Civil Stalking Injunction, was threatening to beat up her fourteen (14) year old son. Prior to Officer J. Timpson's arrival on scene, dispatch verified for him that a current Civil Stalking Injunction existed against Louis Gregg, that was issued on or about August 7, 2009, under Third District Court case number 090912847. Dispatch also verified for Officer J. Timpson that a \$15,000 arrest warrant was outstanding for Louis Gregg for a Third Degree Felony Aggravated Assault case involving a knife used against another neighbor under Third District Court case number 111904781. Officer J. Timpson further verified Gregg's criminal history using his lap top computer and noted that Gregg had a history of mental health problems and frequent interaction with police.

After arriving at the scene, Officer J. Timpson initially made contact with Gregg, who was sitting in his upstairs window sill and yelling. Gregg immediately began to curse at and threaten Officer J. Timpson, saying he was going to "break every bone in his face," "fuck him up," and "kill him." Gregg appeared to be highly agitated and was going from the front upstairs window of the house to the back porch of the house and continuing to threaten and curse at Officer J. Timpson. Officer J. Timpson repeatedly told Gregg he only wanted to speak with him and that he was not there to harm him. Officer J. Timpson noticed Gregg was holding a black

metal pole in his hand when he came out on the back porch briefly. Officer J. Timpson continued to ask Gregg to come down and speak to him, but Gregg continued to refuse and told Officer J. Timpson to come up where he (Gregg) was standing and he would "kill him." Officer J. Timpson notified dispatch regarding the threats Gregg had verbalized towards him and of the metal pole in Gregg's possession.

Officer E. Twohill heard the reports coming through dispatch and advised that he would respond to the scene. Officer E. Twohill previously responded to Gregg's residence and was familiar with Gregg. After arriving, Officer E. Twohill made verbal contact with Gregg from outside the front of the residence (again through the upstairs window where Gregg was sitting and/or standing) and attempted to de-escalate the situation. Gregg indicated that he remembered Officer E. Twohill from a prior incident and agreed that he could come in and talk to him. Officer E. Twohill and Officer J. Timpson then approached the front door of the residence. The front door has a small cement landing slightly wider than the door that is without railings and that is raised from the ground that both officers were standing on.

At the front door, Officer J. Timpson was slightly behind and to the right of Officer E. Twohill who was located at the threshold of the front door with one foot inside the residence. After opening the front door, Officer E. Twohill could not see Gregg and called for him. Officer J. Timpson had withdrawn his Taser from the holster as he and Officer E. Twohill were approaching the front door.

After calling for Gregg, Officer E. Twohill observed Gregg coming around the corner from the kitchen to the top of the stairs that leads down to the front door where he and Officer J. Timpson were located. Officer E. Twohill immediately noticed that Gregg had a 6-8 foot long, 1 ½ inch in diameter metal pipe in his right hand, with 4-6 feet of the pipe in front of his hand that he was holding parallel to the ground and handling in a threatening manner toward the officers. Officer E. Twohill withdrew his Taser at that point, fearing for both his safety and the safety of Officer J. Timpson. Officer E. Twohill repeatedly told Gregg to drop the pipe. Gregg ignored all commands to drop his weapon and continued to proceed towards the officers.

When Officer E. Twohill withdrew his Taser, Officer J. Timpson put his Taser back into its holster and withdrew his firearm, as per training. Gregg continued towards the officers, starting down the stairway and stating that he was going to "hit them with the pole" and "kill them." Gregg was also thrusting the pipe back and forth toward the officers in an aggressive manner as he was descending the stairs. Officer E. Twohill shouted "Taser, Taser, Taser" when Gregg was approximately one half way down the stairs, a distance of approximately five to six feet from the officers, and then fired his Taser.

The Taser was unsuccessful at stopping Gregg, and seemed to further agitate Gregg. Gregg then raised the bar over his head in a manner as if to strike the officers similar to an axe or as if to throw the bar similar to a spear. Officer E. Twohill immediately began to attempt to reload his Taser after the unsuccessful deployment, but believed that he would not be able to reload his Taser before being struck by Gregg with the pipe and mentioned that he was thinking "I am not going to make it."

Fearing for both his safety, and the safety of Officer E. Twohill, Officer J. Timpson fired his weapon at Gregg. Officer J. Timpson specifically stated that he felt Officer E. Twohill was in serious jeopardy of being hit with the pipe when he made the decision to fire the first shot at Gregg. Officer J. Timpson also stated that they had attempted less lethal alternatives already, which had been ineffective. Officer J. Timpson further stated that his decision to use lethal force was also based on Gregg's history of violence, his outstanding warrant for a violent felony, and his current allegations of violating the Civil Stalking Injunction with threatening behavior. In addition, Officer J. Timpson stated that Gregg was using an instrument that could cause serious bodily injury or death and that his demeanor was such that Officers and civilians were in imminent risk of danger.

Officer J. Timpson's first shot hit Gregg in the right arm when Gregg was approximately two to three feet away from officers and still descending the stairs while holding the metal pipe in the overhead, striking position. Gregg did not stop until after the second round hit him in the chest area. Gregg was on the last step prior to the landing when he finally fell backward into the stairs and dropped the bar. Officer E. Twohill quickly removed the bar from within Gregg's reach and dropped it outside the doorway.

Multiple witnesses supported Officer E. Twohill and Officer J. Timpson's account of the dynamic situation. Witnesses substantiated that the officers were attempting to talk with Gregg and repeatedly stated that they did not want to hurt Gregg and that they merely wanted to talk to him. Witnesses also substantiated that officers repeatedly told Gregg to drop his weapon and that Gregg refused to do so. Witnesses also substantiated that officers attempted to use less lethal force (Taser) in order to subdue Gregg, but that force was unsuccessful. Witnesses also substantiate that Gregg was behaving particularly aggressively and erratically on the date in question and specifically observed Gregg's use of the pipe in an aggressive manner towards the officers.

This office has concluded the force employed by Officer Timpson against Louis Gregg was legally justified under Title 76, Chapter 2, Part 4 (1953 as amended). Specifically, under both 76-2-404 (1)(b), 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,

SIM GILL

bn/SG