



DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

HAND DELIVERED

January 31, 2013

Chief Peter A. Fondaco
Murray City Police Department
5025 South State Street, Ste. 206
Murray, UT 84157

Re: Officer Involved Critical Incident – Trent Pearson January 8, 2013

Dear Chief Fondaco:

After working in conjunction with the Murray City Police Department, the Salt Lake County District Attorney's Office has completed its review of the investigation concerning Murray City Police Officer Trent Pearson's use of deadly force against Shawn M. Campbell during an incident that occurred January 8, 2013 at 4543 South Creekview Drive in Murray, Utah. The purpose of the review is to determine whether the force employed was lawful under Utah law.

911 Call

On January 18, 2013, a 911 call was made from 4543 South Creekview Drive by a male, later identified as Shawn M. Campbell. Dispatch relayed information to officers through Spillman that the male initially said "never mind" and refused to give information. The male later stated that he didn't want to live and had a weapon, but wouldn't say what kind of weapon he had. Eight Murray City Police Officers arrived, including Officer Chad Toole, Officer Richard Black, Sergeant Ross L. Huff, Officer Trent Pearson, Officer Matt Dibble, Officer Daniel Dukatz, Officer Brad Rowe and Officer Jason Coons. Most of the officers staged their vehicles on Creekview Drive near 4500 South and approached the residence located at 4543 South Creekview Drive on foot. Shawn M. Campbell was standing behind a parked SUV in the driveway of the residence at 4543 South Creekview Drive when officers arrived.

Officer Coons stationed himself furthest from Campbell, in the driveway of the residence directly west of 4543 South Creekview Drive. Officers Rowe and Dukatz were southwest of the suspect, stationed behind trees directly west of the driveway at 4543 South Creekview Drive. Sergeant Huff stationed himself east of Campbell, in the driveway of the residence directly east of 4543 South Creekview Drive. Officers Toole and Black were southeast of the suspect, stationed directly east of 4543 South Creekview Drive behind Sergeant Huff. Officer Dibble parked his police vehicle on Creekview Drive, stationing himself behind his vehicle which was southwest of 4543 South Creekview Drive. Officer Trent Pearson arrived with Officer Rowe,

who he was field training at the time. Officer Pearson approached Campbell from the south of the driveway at 4543 South Creekview Drive in direct sight of Campbell.

Officers Observations

Officer Toole was the initial responding officer on the call. Officer Toole observed Campbell standing behind a black SUV in the driveway at 4543 South. Officer Toole shined his flashlight on Campbell and asked him what he was doing outside but Campbell was nonresponsive. Officer Black also stated that they had tried to engage Campbell in conversation but "we weren't getting anything in response." Officer Dukatz also stated that Campbell was "just kind of just standing there. He wouldn't say anything." Officer Toole observed that Campbell had a black handgun which was pointed at the ground at that time. Officer Dukatz also stated that he observed Campbell holding a pistol with both hands.

Officer Toole drew his weapon and gave commands to Campbell to drop the gun. Officer Toole heard Sergeant Huff yell at officers to get to cover. Sergeant Huff also gave commands to Campbell to "show his hands" and drop the gun. Officer Coons could also hear the officers yelling commands to Campbell with their weapons drawn. Officer Dibble also heard Officer Pearson give commands to Campbell to drop the gun. Campbell was still connected to 911 upon the arrival of the officers, who can be overheard on the recording repeatedly shouting "put the gun down."

Sergeant Huff stated that Campbell was still "not responding to anybody." Campbell then began to move to the driver side of the SUV as the other officers approached from the south and west. Officer Toole stated that Campbell's attention shifted to the other officers approaching from the south and west, including Officer Pearson. Officer Dibble had also shined his spotlight on Campbell from the south and west from his vehicle in the roadway.

Officer Toole stated that Campbell "started to move the gun a little bit towards them" and then heard two shots fired. Officer Black also stated that "right before the shots came out he went from in front of the SUV around the driver's side front and at that point I lost visual of everything except for his head." Officer Dukatz also stated that at first, Campbell had the gun "kind of pointing forward and then he brought it around and when he pointed it at Officer Pearson is when Officer Pearson fired the two shots." Officer Black stated that "I could hear Officer Pearson yell out two times for him to drop the gun and then two gunshots and he went down." Officer Rowe also stated that Campbell "must have caught us out of the side of his eye 'cause he turned his head and then he started turning his body and bringing his arm up. As he brought that arm up, that's when the two shots came out was as he was bringing his arm and gun in hands up."

Officers attempted to render first aid to Campbell, who groaned, making it apparent that CPR was not needed. Murray Fire Department then arrived, evaluated Campbell, and transported him to Intermountain Medical Center for treatment. Campbell was treated for two gunshot wounds, one to his left shoulder and one to the left side of his abdomen at Intermountain Medical Center.

Officer Trent Pearson

Officer Pearson stated that as he approached the driveway at 4543 South Creekview Drive carrying his department issued AR-15 Rifle, he observed Campbell move towards him from behind the SUV to the driver's side of the SUV. Officer Pearson stated that Campbell was holding a gun and "that's the only thing I looked at from then on, was just his hands. I was waiting for some quick movement with his hands with the gun." Officer Pearson recalls other officers shining their flashlights on the house and drawing their weapons. Officer Pearson also

heard Officer Toole yell multiple times "drop the gun, drop the gun, you're gonna get shot, drop the gun, drop the gun." Officer Pearson stated that as soon as he saw Campbell, he brought his rifle up. Officer Pearson put Campbell in his sights and put the red dot on Campbell's chest.

Officer Pearson further described Campbell repositioning himself toward the side of the vehicle that he was on until "the gun was pointing directly at me. So at that time I realized that my life was in danger, any second he could pull that trigger and I knew that if he pulled that trigger the bullet would hit me because that's all I saw was just that cross section of the gun pointing right at me." Officer Pearson further stated that "I knew that something had to be done and I couldn't just stand there and keep giving verbal commands. He'd been given verbal commands for 30 seconds, 40 seconds, before then. He had plenty of time to comply, but I thought he was going to shoot me." Officer Pearson recalls giving at least one verbal command to drop the gun before firing two controlled bursts at Campbell.

Officer Pearson had qualified with his weapon on January 2, 2013 and the down count on the rifle revealed two rounds had been fired, with 1 round in the chamber and 25 in the magazine. All ammunition in the magazine was department issued Federal LE 55 grain tactical ammunition. Officer Pearson has had training once regarding the use of deadly force in the last six (6) months and twice in the last twelve (12) months. Officer Pearson is also S.W.A.T. and F.T.O. certified.

Additional witnesses to the incident

Todd and Stacy West, residents at 4547 South Creekview Drive stated that they awoke to yelling outside their home at approximately 1:45 a.m. Both observed officers in their driveway and heard repeated commands to "put the gun down" before hearing 2-3 shots fired.

Abraham Smith, resident at 4531 South Damsel Drive stated that he awoke to shouting "put the gun down" at approximately 1:30 a.m. Smith further stated that he heard someone shout again "put the gun down." Smith further stated that he saw a police cruiser with its lights on and then heard two gun shots.

Aspyn Besendorfer was asleep in bed in the residence at 4543 South Creekview Drive when she was awakened by people screaming "put the gun down." She woke up her father, Jason Besendorfer. Jason Besendorfer, a friend of Campbell's, had spoken with Campbell prior to going to bed that evening. Jason Besendorfer had spoken with Ashley Hammond, Campbell's ex-girlfriend, earlier in the evening. Jason Besendorfer was concerned and contacted Campbell to check on him. Campbell had stated that he had just had a fight with Ashley, but assured Jason Besendorfer that everything was okay. Jason Besendorfer stated that when he was awakened by his daughter, he could see something was going on outside and saw the officers and Campbell outside by the truck. Jason Besendorfer decided to move his daughter away from the window and into the back of the house during the incident.

Interviews with Ashley Hammond & Shawn Campbell


Ashley Hammond, Campbell's ex-girlfriend, had spoken with Campbell via phone and text message during the evening. Campbell had stated via text message: "Tell everyone good buy then. I love you. I can't live without you." Campbell further texted, "I will not make it through this night ... I am going away now. Like I said. I love you more than anyone will ever love you. You are a great person. Take care of our kids. My mom will help, ok." Campbell also stated to Hammond, "I'm going to go shoot myself in the head now."

Campbell was interviewed at Intermountain Medical Hospital where he stated that he did not remember details about the event as he had been drinking that evening. He further stated that he remembers a phone call, being outside and being hit "really hard" and falling down. Campbell further stated, "I mean, they get a call that somebody's suicidal and they come out and you know there's a guy with a gun they tell him to drop the gun, he doesn't drop the gun and he starts to raise his hand, I probably would have done the same."

Conclusion

This office has concluded the force employed by Officer Trent Pearson was legally justified under Title 76, Chapter 2, Part 4 (1953 as amended). Specifically, under both 76-2-404 (1)(b)(ii), 76-2-404 (1)(c), a peace officer is justified in using deadly force when 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. In this case, it is clear that Officer Pearson had probable cause to believe that Campbell posed a threat of death or serious bodily injury to Officer Pearson and/or reasonably believed that the use of deadly force was necessary to prevent death or serious bodily injury to himself. The accounts of all officers as well as witnesses to the incident are consistent and support Officer Pearson's belief that Campbell was raising the weapon at Officer Pearson at the time commands were made to drop the weapon, which Campbell ignored.

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

jv/bn/SG