

**OFFICE OF THE WASHINGTON COUNTY ATTORNEY**

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October 22, 2024

Sheriff Nate Brooksby  
Washington County Sheriff's Office  
620 South 5300 West  
Hurricane, UT 84737  
nbrooks@washeriff.net

Chief Lynn Excell  
Hurricane City Police Department  
90 South 700 West  
Hurricane, UT 84737  
lexcell@hcpd.utah.gov

Re: July 4, 2024, Critical Incident in Hurricane City

Dear Sheriff Brooksby and Chief Excell:

One of the most difficult and dangerous situations we ask our law enforcement officers to deal with is when someone is experiencing an extreme personal crisis, is possibly suicidal and in possession of a weapon, and is willing to harm others. In these dangerous situations, officers must first and foremost protect the public, fellow officers, and themselves from serious bodily injury and death. They also take all reasonable steps to deescalate the situation and get the person in crisis the help they need.

On July 4<sup>th</sup>, law enforcement fired several shots at [REDACTED] when he raised an assault rifle as if to point it in their direction. No one was injured, and the Washington County Metro SWAT team negotiators were eventually successful in getting [REDACTED] to turn himself in.

The law enforcement officers that fired shots appropriately balanced their responsibilities. The use of deadly force was justified. [REDACTED] was armed and had pointed a gun at himself and another person in a threatening manner prior to law enforcement arriving. He did not follow instructions and instead was verbally challenging the law enforcement officers. When he raised his assault rifle towards them, it was reasonable for both the Hurricane Officer and County Deputy to conclude that peace officers on the scene were at risk of death or serious bodily injury and consequently use deadly force.

Critical Incident Investigation Process

The Critical Incident Task Force (CITF) has concluded its investigation into the use of deadly force by Washington County Deputy [REDACTED] (County Deputy) and Hurricane City Officer [REDACTED], (Hurricane Officer) which resulted in no injuries. I have carefully reviewed the pertinent information and conclude that the use of deadly force was justified in this incident.



The Washington County Attorney's Office has the legal responsibility to determine whether a deputy or officer's use of deadly force was lawful. The CITF assists our office in this responsibility. The Task Force is chaired by the County Attorney Investigations Chief, Terry Taylor, and is comprised of experienced investigators from multiple law enforcement agencies who act under the direction of the County Attorney's Office to conduct an independent investigation.

To determine whether an officer's use of deadly force was legally authorized, his actions must be examined in light of Utah law, specifically Utah Code Section 76-2-404(2)(c), which states that a peace officer is justified in using deadly force when "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."

### Description of the Incident

On July 4, 2024, [REDACTED] was upset because his ex-wife was planning on spending the evening with a friend. The ex-wife was across the street from [REDACTED]'s residence a little after 4 pm when the friend arrived to pick her up. [REDACTED] approached the friend in an aggressive manner. After the ex-wife got into the vehicle, [REDACTED] brandished a handgun. He pointed it at the friend, threatened both the friend and ex-wife, and ordered her to get out of the vehicle. She complied and walked with him towards his residence. As they started walking, [REDACTED] turned the gun towards himself and held it to his head. The friend drove a short distance down the street. The ex-wife had a short conversation with [REDACTED] and walked to a neighbor's home, where she remained.

While this was occurring, multiple neighbors saw [REDACTED] with the handgun. At least one of them yelled at the ex-wife to get away from him and called 911. [REDACTED] pointed the handgun towards some of these neighbors. He went into his house and soon came back out holding both the handgun and an assault rifle. The 911 report included information that [REDACTED] had multiple firearms in the house and armor-piercing ammunition.

Around 4:20 several officers arrived on the scene. They initially stayed several houses down the street from where [REDACTED] was pacing in his driveway. [REDACTED] still had both firearms in his possession and was immediately confrontational with the officers. At times he put the handgun in his waistband and held the assault rifle with both hands. At other times he held the rifle in one hand and the handgun in the other which he pointed at himself. He did not follow officers' directions to put the guns down, but he did communicate with them by yelling and over the phone. Officers stood next to a vehicle and they had a ballistic shield, but they were partially exposed to [REDACTED].

Around 5:10, [REDACTED] threatened to shoot the officers and began to raise his rifle towards them. The County Deputy fired three shots, and the Hurricane Officer fired two shots toward [REDACTED]. No bullet struck [REDACTED], who moved into his house and remained inside until he surrendered to police over four hours later.

No one was injured during the initial threats by [REDACTED], the standoff with police, or while he was in his house.

### Investigation

The CITF was activated as soon as the officers fired shots at [REDACTED]. The CITF protocol was followed. The officers on scene and the accounts from the witnesses all reported that [REDACTED] was suicidal and threatening towards the officers. Both officers and a neighbor reported that [REDACTED] was raising the assault rifle towards the officers at the time the Hurricane Officer and County Deputy used deadly force.



Conclusion

The use of force in this instance was justified. The County Deputy and Hurricane Officer appropriately concluded that they and their fellow officers were at risk of death or serious bodily injury at the time they discharged their firearms.

Please convey to your Officer and Deputy our gratitude for the brave and caring ways in which they serve our community.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Eric Clarke', written over a light blue horizontal line.

Eric Clarke  
Washington County Attorney