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October 4, 2019

Re: Use of Deadly Force by Officer Safley on Tuesday, September 10, 2019 in Wellington City, Carbon County, Utah with Respect to Decedent Mr. Bobby Ray Duckworth

Chief Bradley,

In response to the above referenced incident, the Critical Incident Task Force (CITF) was organized in compliance with UTAH CODE ANN. § 76-2-408 and established protocols set forth in the Critical Incident Protocol. The CITF has invested hundreds of hours in the investigation and has submitted its completed investigation to my office.

Pursuant to Utah Code, I am charged and authorized to conduct, on behalf of the state, all prosecutions for a public offense committed within the county. I also investigate Carbon County deaths that occur, among other reasons, as a result of violence, gunshot, or accident. I am to determine if the decedent died by unlawful means, and whether a criminal prosecution shall be instituted. Additionally, pursuant to the Critical Incident Protocol, I must review a criminal investigation involving an officer's intentional or accidental use of any other dangerous or deadly weapon against another person. That includes an analysis of the facts of the incident, as well as the relevant law, to determine if criminal laws have been broken. If I find the officer has violated criminal laws, I am to prosecute as appropriate or arrange for a special prosecutor.

My Office has thoroughly reviewed the criminal investigation of the above referenced incident, including the written report, witness statements, and all additional material submitted by the CITF Incident Manager. Based upon a thorough review of the foregoing material and information, we make the following determinations:

1. Officer Safley's response to the scene of the suicidal subject within Wellington City, was lawful, pursuant to an intent to ensure public safety, and was necessitated by a serious threat to human safety.
2. The use of deadly force by Office Safley was within the scope and intent of Utah Code Ann. § 76-2-404(1)(c), as well as salient cases from the United States Supreme Court on this issue, namely *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989).
3. Officer Safley engaged Mr. Duckworth verbally without a display of force in an attempt to assist Mr. Duckworth with his situation.

4. Mr. Duckworth advanced upon Officer Safley in an aggressive manner displaying a deadly weapon, a large knife.
5. Officer Safley retreated creating distance between himself and Mr. Duckworth, allowing time to make additional commands to disarm and warn that deadly force would be used.
6. Mr. Duckworth accelerated his pursuit toward Officer Safley.
7. Officer Safley gave several verbal warnings both to disarm and that deadly force would be used if he did not disarm.
8. No cover was available to Officer Safley and further backward retreat on uneven loose gravel with trip hazards increased the danger to the officer.
9. The Carbon County Attorney's Office finds that Officer Safley's use of deadly force, leading to Mr. Duckworth's death, was reasonable and justified as the officer "reasonably believe[d] that the use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person." He acted promptly and lawfully.

Therefore, I find no criminal conduct and decline prosecution in this matter. I thank the Critical Incident Task Force for the time and for the immense resources and energy devoted to this very thorough, comprehensive, and professional investigation. I also express my deepest sympathies to the family and loved ones of Mr. Duckworth for their loss.

Sincerely,



Jeremiah C. Humes
County Attorney