

CACHE COUNTY ATTORNEY



James M. Swink
Cache County Attorney

Tony C. Baird
Chief Deputy

Spencer D. Walsh
Chief Prosecutor

Barbara K. Lachmar
Jacob C. Gordon
Daniel V. Major
Aaron M. Jossie
Lee Edwards
Griffin M. Hazard
Deputy County Attorneys

Terryl Warner
Jenny Nielsen
Joan Liquin
Victim Advocates

199 North Main Street
Logan, Utah 84321
(435) 755-1860
Fax: (435) 755-1969 or (435) 755-1970
E-mail: (first initial)(last name)@cacheattorney.org

October 21, 2016

Sheriff Chad Jensen
Cache County Sheriff's Office
1225 West Valley View
Logan, UT 84321

Re: Use of Deadly Force by Sergeant Greg Johnson on Monday, September 19, 2016 in Logan Canyon, Cache County, Utah with Respect to Decedent Jeremy Ray Swenson.

Sheriff Jensen,

In response to the above referenced incident, the Critical Incident Investigative Team (CIIT) was organized in compliance with UTAH CODE ANN. § 76-2-408 and the established protocols set forth in the Northern Utah Critical Incident Protocol Agreement. The CIIT has invested over 750 hours in the investigation and has submitted its completed investigation to my office.

We have thoroughly reviewed the written report, witness statements, and all additional material submitted by the CIIT lead investigators. Based upon a thorough review of the foregoing material and information my office makes the following determinations:

1. Sergeant Johnson's presence at the scene .4 miles up Right Hand Fork in Logan Canyon, was lawful, was 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 Sergeant Johnson 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. The Cache County Attorney's Office finds that Sergeant Johnson's use of deadly force that led to Mr. Swenson'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." The officers acted properly and lawfully.

I thank the Critical Incident Investigation Team for the time, 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. Swenson.

My sincerest regards,

A handwritten signature in black ink that reads "James M. Swink". The signature is written in a cursive, flowing style.

James M. Swink
Cache County Attorney