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## Lack of Transparency Compounds Tragedy of Shooting Death of Patrick Harmon

SALT LAKE CITY, UT — The ACLU of Utah today called upon Salt Lake City and County officials to respond in good faith to the requests made by the family of Patrick Harmon, shot and killed by Salt Lake City police on August 13, as well as the demands of local activists.

“The shooting death of Patrick Harmon is a terrible tragedy, not just for his loved ones but for our entire community, and our elected officials must respond,” said Leah Farrell, Staff Attorney for the ACLU of Utah. “This is part of an intolerable pattern across the United States, as deaths at the hands of law enforcement, specifically of black and brown people, are determined to be ‘justified’ and acceptable. It absolutely makes sense that people are upset.”

On October 4, the Salt Lake County District Attorney’s Office finally released body camera footage of Mr. Harmon’s shooting death. The footage was made public 52 days after Mr. Harmon was shot and killed, despite on-going pressure from advocacy groups and media outlets.

Prior to releasing the body camera footage, Salt Lake County District Attorney Sim Gill announced that his office ruled the shooting death of Mr. Harmon to be “justified.” In an official letter announcing his determination, Mr. Gill stated that Mr. Harmon had attempted to run away from three police officers, one of whom had stopped Mr. Harmon due to his “erratic” bicycling. Mr. Gill also wrote that, “(a)s he ran, Mr. Harmon said, ‘I’ll cut you,’ and turned and faced the officers with the knife.”

Local activists, including those from Black Lives Matter (BLM) and Utah Against Police Brutality (UAPB), responded angrily to apparent discrepancies between Mr. Gill’s written account (based on officers’ recollections of the incident) and the actual body camera footage. In the body camera footage, one of the officers – not Mr. Harmon – can be heard shouting “I’ll fucking shoot you!” as Mr. Harmon ran away. When Mr. Harmon stopped and turned, he was shot by the officer.

“This is precisely why the public has demanded that their police wear body cameras, and why the footage should be released immediately after a critical incident, especially when someone is killed,” said Marina Lowe, Legislative & Policy Counsel for the ACLU of Utah. “It is completely inappropriate for the District Attorney to protect the footage for so long, and then interpret the footage for the public before letting us decide for ourselves what actually happened.”

Local activists have demanded that determinations about whether a critical incident is justified be made in an independent and fair manner. The ACLU of Utah agrees. Investigations of law enforcement, by law enforcement, are not meeting the expressed needs of the public to which law enforcement is accountable. Local activists have expressed concern about Mr. Gill’s ability to objectively review such incidents, and are asking to meet with the District Attorney, Chief Mike Brown of the Salt Lake City Police Department and Salt Lake City Mayor Jackie Biskupski. We encourage these public officials to honor activists’ requests.

Activists also have demanded that body camera footage be released within 24 hours of critical incidents, especially those that result in a person’s death. The ACLU of Utah agrees. In the case of Mr. Harmon’s death, as well as in the case of the shooting of Abdi Mohammed in 2016, there were marked differences between how the District Attorney characterized the incidents and how members of the public interpreted those same incidents based on their own viewing of the body camera footage.

In Salt Lake County, law enforcement officials have been allowed to frame a critical incident before the public can draw its own conclusions. This can prejudice the public against the victim of a critical incident, well before body camera footage is released. This threatens the interests of government transparency and accountability, and undermines public confidence in law enforcement.

Family members of Mr. Harmon have spoken publicly about the need for police to use non-deadly methods when interacting with the public. “They need to stop killing people,” Mr. Harmon’s sister Antoinette Harmon told Annie Knox of the Salt Lake Tribune. Mr. Harmon’s nephew, Lamar Ross, told Ms. Knox, that “the officers with batons and Tasers shouldn’t have resorted to using a gun.” The ACLU of Utah agrees. All non-lethal options should be exhausted before an individual is met with deadly force. When individuals like Mr. Harmon are stopped for low-level traffic infractions, such as crossing lanes of traffic on a bicycle without a rear reflector light, death should not be the outcome.

“The death of Patrick Harmon cannot be undone, and the very least we can do in the aftermath is to be forthright and respectful to his family and to the community,” said Farrell. “Full transparency, and a system-wide commitment to changing police culture, are both absolutely critical as we move forward.”

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