

New data on Utah police shootings and race called 'extremely uncomfortable', 'disappointing'

Tribune analysis shows police shoot at minorities at disproportionate rates.



(Rick Egan | The Salt Lake Tribune) Olivia Herrera and Bryan's son, Luciano Pena-Valencia place a flower on the memorial for Bryan Pena-Valencia on Saturday, March 20, 2021.

By Paighen Harkins, Jessica Miller, Muna Mohamed | FRONTLINE, Taylor Eldridge | FRONTLINE and Sam Stecklow | The Salt Lake Tribune

| Sep. 20, 2021, 6:00 a.m.

| Updated: 7:21 a.m.

<https://www.sltrib.com/news/2021/09/20/new-data-utah-police/>

Racial and ethnic minorities account for a third of the people shot at by Utah police over the past decade — despite these groups making up just a quarter of the population.

In contrast, 75.4% of Utahns are white, but they account for 63.5% of all police shootings.

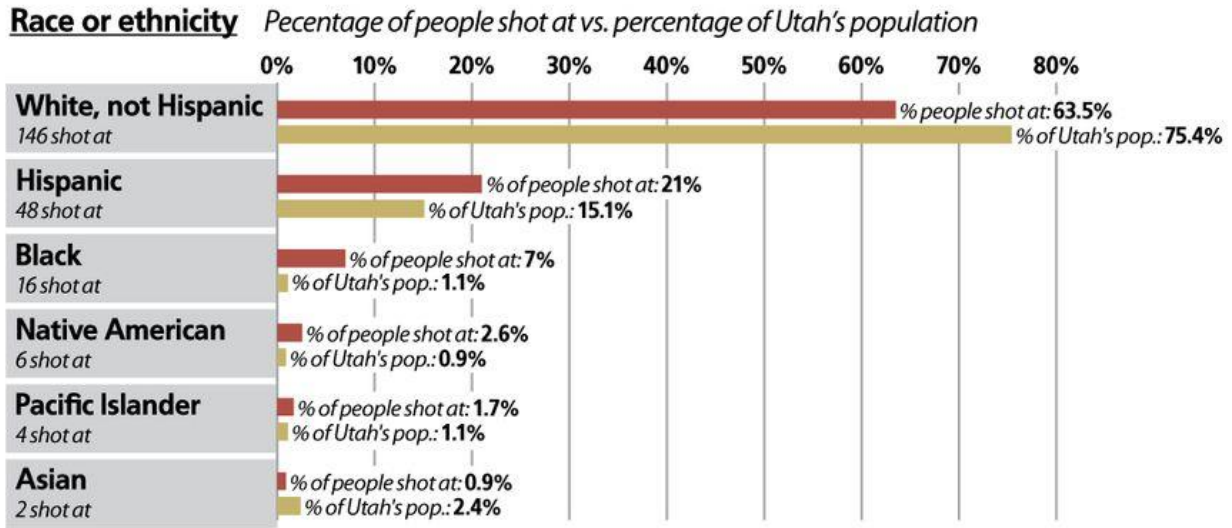
This Salt Lake Tribune analysis is unique. No government entity in Utah tracks police shootings, and few others have tried keeping their own stats.

The Tribune, with the help of the PBS series FRONTLINE, has expanded its police shooting database over the past year to learn more about who has been shot at and [who is doing the shooting](#).

The data leads to a clear conclusion: Police in Utah shoot at racial and ethnic minorities disproportionately to white people.

Whom Utah police shoot

Racial and ethnic minorities are shot at by police at disproportionate rates.



Note: 8 people who were shot at had an unclear race or ethnicity
Source: Salt Lake Tribune database, 2020 Census

GRAPHIC BY CHRISTOPHER CHERRINGTON | The Salt Lake Tribune

(Christopher Cherrington | The Salt Lake Tribune)

The disparity is the greatest among Black people. And the disparity grows wider when analyzing the weapon found on people. Half the 34 people shot at while carrying an edged weapon, like a knife, were racial or ethnic minorities, whereas white people were more likely to have a gun.

Black Lives Matter Utah leader [Rae Duckworth](#) said she prays Utah lawmakers will be convinced that police treat racial and ethnic minorities unfairly.

“If elected officials truly care about the community of Salt Lake City and Utah,” Duckworth said, “they will make a drastic change that ensures the safety of people in this state.”

Duckworth and her predecessor, [Lex Scott](#), have been yelling — literally — about this disparity for years. But it was hard to sway public officials with anecdotes and personal experiences.

Scott, who [recently stepped down](#) from the organization, added, “Every person should be extremely uncomfortable by the data that you found.”

Uncomfortable? Maybe. But those closest to the criminal justice system, including police chiefs and organizations representing officers, weren't surprised.

“It simply confirmed what we were experiencing empirically,” said Salt Lake County District Attorney Sim Gill.

Sen. Todd Weiler, R-Woods Cross and leader of the Senate Judiciary, Law Enforcement and Criminal Justice Committee, called the findings “disappointing.”

Rep. Angela Romero, D-Salt Lake City and one of six state lawmakers who identify as a racial or ethnic minority, said the stats “confirmed what I have always believed.”

And Jason Stevenson, spokesperson for Utah’s American Civil Liberties Union, said the findings were an example of police bias and an “extension” of the racist systems elsewhere in society, like in housing and job markets.

“It’s just been so difficult,” he said, “to try to get the data that you have.”

There is something powerful about seeing the numbers, and they’ll be helpful for those advocating for change, said Verona Sagato-Mauga, a member of Salt Lake City’s [Commission on Racial Equity in Policing](#).

“We hear so many stories. We see things on the news. We may have experienced it ourselves,” she said, “but until you have this data in your hands, I don’t think people really listen.”

The major findings

Eight journalists from The Tribune and FRONTLINE spent months collecting information to complete this analysis, which focuses on the police shootings between 2010 and 2020. During that time, police shot at 230 people in 226 separate confrontations.

Reporters reached out to family members, lawyers and even those who were shot at by police. Hundreds of law enforcement documents on each case were requested and reviewed. Data was then cross-checked with national lists of people police killed.

The team relied on booking photos, obituary pictures and other images found online for about 120 of these cases. Some of these decisions were judgment calls, made with the goal of listing the race or ethnicity of as many of these people as possible.

In cases where the team only had a name but no other information, the person’s race or ethnicity is listed as “unclear.” At this time, that accounts for eight of the shootings, or about 3% of the people in the database.

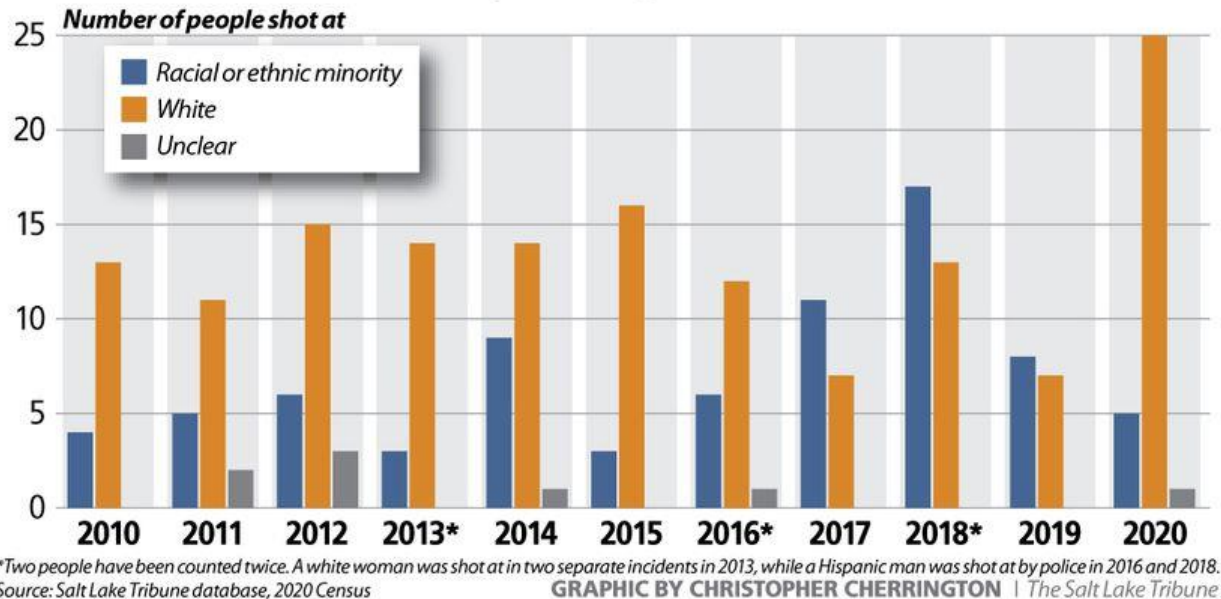
Here are the major findings:

- Blacks, Hispanics, Native Americans and Pacific Islanders are all shot at disproportionately to their populations in Utah. It’s the opposite for white people and Asians.
- The majority of white people shot at had guns or fake guns. The majority of racial and ethnic minorities didn’t.

- Police shot at more minorities than white people in 2017, 2018 and 2019. The trend reversed in 2020, however. That year, officers shot at 25 white people and five minorities. One person’s race is unclear.

Utah police shootings through the years

A breakdown of police shootings by year shows the percentage of racial and ethnic minorities shot at has risen in recent years, though that trend did not continue in 2020.



(Christopher Cherrington | The Salt Lake Tribune)

Who’s most impacted?

Ian Adams is the executive director of the Utah Fraternal Order of Police, a group that advocates on behalf of officers. He reviewed The Tribune’s data and said it documents disparities that “we should be concerned with at a broad policy level.”

He cautioned against drawing too many conclusions from what at times are small sample sizes. As did West Jordan Police Chief Ken Wallentine, who is the president of the Utah Chiefs of Police Association.

Both noted Utah police have not fatally shot an unarmed Black person in the past decade, and Adams said the national debate often focuses on those cases.

The [Washington Post found](#) that since 2015, Black people are shot and killed by police at more than twice the rate of white people — despite Black Americans making up 13% of the U.S. population. White people account for just over 60%.

In Utah, police shot at 16 Black people from 2010 to 2020. While Black people represent 1.1% of Utah’s population, according to the [latest census data](#), they make up 7% of all people shot at by law enforcement.

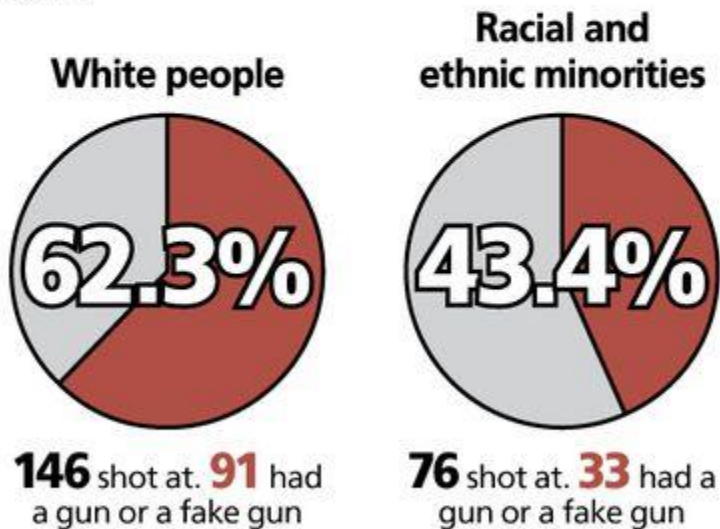
The Post database focuses on people killed in police shootings across the nation. The Tribune database includes people in Utah who were shot at, whether they were killed, injured or unharmed.

In Utah, 50% of the Black people shot at had an edged weapon, like a knife, when police fired. For whites, it was 10.3%.

When white people were shot, they had a gun or a fake gun 62% of the time. Minorities had a gun 43% of the time.

People who had guns during police shootings

The majority of white people shot at by police had a gun or a fake gun, and the majority of racial and ethnic minorities didn't.



Source: Salt Lake Tribune database

GRAPHIC BY CHRISTOPHER CHERRINGTON
The Salt Lake Tribune

(Christopher Cherrington | The Salt Lake Tribune)

When someone doesn't have a weapon

Minorities, specifically Hispanic men, are overrepresented among those shot at while unarmed.

Adams, with the FOP, called that disparity "the most significant" when he reviewed The Tribune data, but said he wasn't sure why it's happening.

Over the past decade, Utah police have shot at 19 people who were unarmed. In some cases, police thought the person had a weapon when the person didn't. In others, the person shot was an unarmed bystander or alleged accomplice hit by a bullet meant for someone else. One was a case of mistaken identity in which police shot the wrong man.

Six of those unarmed people — more than 30% — were Hispanic men.

That includes 28-year-old Bryan Pena-Valencia, who was shot and killed in March 2020. Unified Officer Omar Flores said he thought Pena-Valencia had a gun and was going to shoot him, but Pena-Valencia didn't have a weapon.

Salt Lake County prosecutors didn't see any facts that suggested Flores should have believed Pena-Valencia was armed.

What Pena-Valencia did, according to the district attorney's report, was run from the police until he was cornered in a backyard, and he did not respond sufficiently to their commands.



(Rick Egan | The Salt Lake Tribune) Family members take a break as they watch Mario Herrera do burpees during a burpee tribute for Bryan Pena-Valencia on Saturday, March 20, 2021.

In a written statement, Flores talked at length about how frightened he was that Pena-Valencia was going to kill him or his partner. Even when Pena-Valencia was trapped in the backyard and responding to Flores' commands, Flores was skeptical.

"I felt as though the suspect was trying to manipulate me and catch me off guard by being verbally compliant," Flores wrote, "... while being noncompliant with his physical actions to my commands, in order to harm me or my partner."

Flores said he fatally shot Pena-Valencia when he reached for his waistband. Flores' body camera apparently became unplugged during the chase. The other officer didn't have a body camera, like approximately two-thirds of Unified Police Department officers at that time.

Unified police didn't respond to The Tribune's request for comment.

Salt Lake County prosecutors ruled the shooting wasn't legally justified, but they didn't file charges. Gill, the district attorney, said Flores' decision to fire was not based on a "reasonable belief."

Still, Gill decided not to charge Flores because the facts "give rise to a reasonable doubt" that the officer acted with criminal intent. Gill didn't think he would win at trial.

Pena-Valencia's face is among 25 others on a Salt Lake City mural dedicated to people killed by police. His family held a news conference there in May with their attorney Bob Sykes to announce they were filing a civil lawsuit against the Unified Police Department.

"I don't know if race had anything to do with this, but a lot of people on this wall," said Sykes, referring to the mural, "have been my clients or consulted with me, and a lot of them are people of color. It's very disturbing to us as lawyers that this happens so often."

After Gill decided not to charge Flores, someone taped signs around Pena-Valencia's section of the mural.

They lambasted Gill's decision not to charge. One sign read: "Not a reasonable mistake: Shooting an unarmed, innocent FATHER SIX times..."

Mario Herrera, Pena-Valencia's cousin, said his death still weighs heavily on the family, especially on Pena-Valencia's son, Luciano.

Herrera said Luciano is scared to go to sleep and fears police officers. He said family members have been trying to teach the 12-year-old that not all officers are bad. They say the boy has been seeing a therapist, but it is hard to find closure when the family feels like justice wasn't served.

Why the disparity exists

[Justin Nix](#), a criminology professor at the University of Nebraska Omaha, said the "clearest explanation" for why racial and ethnic minorities are shot at disproportionately is that they're stopped by police disproportionately, too.

Research also shows that [officers treat people worse](#) — there are more unjustified stops, verbal abuse and stereotyping — in neighborhoods that are both poorer and populated by racial and ethnic minorities.

Some of it is an officer's bias in choosing whom to pull over or stop on the street, Nix said. But the bias could come from the people who call 911. Nix said people will report a Black person, for instance, being "suspicious" when they wouldn't call about a white person doing the same thing.

Research also bears out The Tribune's finding that white people more often have guns when shot, while racial and ethnic minorities often don't, Nix said. He [mentioned studies](#) that put [officers in simulations](#) and analyzed how they react. It showed people are more likely to misjudge an object for a weapon if a Black person is carrying it. And, he said, they're quicker to shoot someone in those situations.

[Delores Jones-Brown](#), professor emerita at the John Jay College of Criminal Justice in New York City, has tracked similar research for decades.

"Police," she said, "are instinctively conditioned to see Black people in particular, and people of color in general, as more threatening."

Not an isolated problem

Tom Ross, executive director of the Utah Commission on Criminal and Juvenile Justice, said The Tribune's data shows "that we need to be looking into this more."

Ross, who spent 34 years in law enforcement before moving to the commission earlier this year, said that making policy decisions based on data is critical.

While there's been little analysis done on police shootings in Utah, the state commission and others have studied different areas of the criminal justice system. The conclusions have been largely the same: People of color are disproportionately affected.

A [data analysis from the ACLU in 2017 shows that 43% of Utah's prisoners](#) were ethnic minorities. The state even found that subsequent efforts at reform to keep both kids and adults out of the system altogether primarily benefited white people.

That reform data was so startling that Utah officials decided in 2020 to give adult defendants the option to request a more lenient sentence [if they can show they have been affected by racial bias](#).

The slow pace of change

Utah lawmakers considered a slate of police reform bills in early 2021. They rejected radical restructuring, but they did [pass bills that would provide more de-escalation and mental health training](#). They also adopted others that require agencies to collect and report all officer use-of-force data to the FBI and the state Department of Public Safety, in addition to tracking every time an officer points a weapon or Taser at someone. Previously, some agencies didn't track any use-of-force data, and if they did, they weren't required to give that information to a central agency.

Adams, with the FOP, said it is “ridiculous” that this first look at race came from The Tribune and not the state.

He wants Utah legislators to require police to collect even more data. He wants to track encounters that end peacefully. That way, there’s a more complete picture of officer decision-making.

Rep. Angela Romero, a Democrat, sponsored the data-tracking bill and said she would support legislation to collect more information. But she cautions that change can happen slowly even when there’s data that identifies a problem.

Romero, who is Hispanic, said reviewing this data from The Tribune reinforced what she experienced as a young person. She said police once pulled her and her cousin over because officers thought they were part of a gang.

Romero said she and other lawmakers will keep filing bills that address police shootings and other reforms for law enforcement, and that this data should help. But even what she considered “easy” bills can be hard to get through Utah’s GOP-dominated Legislature, where many Republicans are less inclined to support major reforms. Her bill [mandating all rape kits be DNA tested](#) at the state crime lab took years to pass.

“When you’re dealing with institutions, it takes time,” Romero said, “but it doesn’t mean we’ve given up and we’re not listening to their voices.”

The Tribune will continue to track police shootings and the race of those shot at by officers.

Reporters Abby Ellis, Zoe Todd and Dan Glaun contributed to this article.

This story is part of a collaboration with FRONTLINE’s Local Journalism Initiative, which is funded by the John S. and James L. Knight Foundation and the Corporation for Public Broadcasting.