

Weber County Attorney's Office  
Criminal Investigation  
Officer Involved/Deadly Force Used  
Date 03-13-2020  
Investigator Steve Haney

Premise:

City:

Agency Involved: Weber County Sheriff's Office  
Weber County Case # 20WC6435 (Domestic violence)  
Weber County Case #20WC6445 (Suspicious person)  
Riverdale Case #20RI2703 (Reckless driver)  
Riverdale Case #20RI2709 (Damaged property)  
CSI Case #20CS459

PURSUANT to URCrP, Rule 16(e) and UCS §77-38-6, the victim(s) and witnesses' identifying information has been redacted from the enclosed documents.

### INTRODUCTION

On March 13<sup>th</sup> 2020, the Weber County Sheriff's Office reported that there had been an officer involved shooting involving a member of their department. The OIS shooting protocol for Weber County was initiated.

This force investigation was handled by the Weber County Attorney's Office as outlined in the protocol. The information provided in this document is a summary of the complete and thorough investigation conducted by the Weber County Attorney's Office Force Investigation Team. The following investigators were utilized;

Weber County Attorney's Office Force Investigation Team Involved:

Investigator Steve Zaccardi- HTF Commander (WCAO)

Detective Ryan Reid- Assistant Team Leader HTF (Roy City Police)

## **Overview/ Summary**

Involved: Deputy Jared Ortgiesen

Subject: Daniel Ritchey

Victim: Christine Jones

Witness: Joseph Rivera

Witness: Michelle Martinez

Witness: Joshua Taylor

Witness: Clayton Peterson

Deputy Jared Ortgiesen of the Weber County Sheriff's Office responded to the residence of on the report of domestic violence at 21:34:46 on 03-12-20.

Christine Jones gave a statement saying her son Daniel Ritchey had assaulted her in her residence. Daniel left the residence prior to law enforcement arrival.

Deputy Ortgiesen investigated this complaint by documenting injuries on Christine Jones and collecting a broken cellular phone that Daniel allegedly smashed during the assault. Deputies searched the area for Daniel and also were investigating if he had left with a girlfriend.

At approximately 0019, Riverdale Police Department started investigating a series of hit and run accidents. This led the Riverdale Police Department into the Washington Terrace area looking for this vehicle. (20RI2703)

The vehicle was located abandoned in a parking lot of an apartment complex at There had been a call into dispatch where an intoxicated male had knocked on an apartment door by mistake.

Deputy Ortgiesen and Riverdale Officers then spoke with Michelle Martinez who told them that Daniel Ritchey had knocked on their door after knocking on the wrong door which prompted the 911 call. Joseph Rivera is an acquaintance of Daniel and identified him. Daniel asked to come inside the apartment but Rivera refused because Daniel was so intoxicated. According to Rivera, Daniel wandered away from the apartment.

Deputy Ortgiesen and Officer Phillips of the Riverdale Police Department realized the driver of the vehicle in the hit and run accidents was the same person that Deputy Ortgiesen had investigated for the DV assault. They decided to go to \_\_\_\_\_ and try and locate Daniel.

They arrived at the residence and Deputy Ortgiesen went to the front door to make contact and Officer Phillips went to watch the back door.

Deputy Ortgiesen radioed that Daniel was inside the home. Shortly after, Deputy Ortgiesen called out shots had been fired.

Daniel was transported to McKay-Dee Hospital with wounds to his right hand. Christine Jones was also taken to the hospital with chest pains due to a pre-existing condition which was induced by stress.

## **Investigation**

I was contacted by Chief Investigator Zaccardi who had been notified that there had been an officer related incident in Weber County where deadly force had been used. I was assigned to be the lead investigator in this investigation and immediately responded to the scene.

I arrived on scene and the area had been secured with crime scene tape. The residence of \_\_\_\_\_ is on the northwest corner of \_\_\_\_\_. I made contact with Sgt Stephanie Tatton of the Weber County Sheriff's Office. She briefed me on the situation and what led up to the incident.

Investigator Zaccardi of the Weber County Attorney's Office arrived and we made investigation deployment strategy decisions. Investigator Zaccardi would respond to the hospital and attempt to interview Daniel and his mother, Christine Jones.

I called Detective Ryan Reid who is member of the Force Investigation Team. I requested that he respond to assist in the investigation. Once Detective Reid arrived, I assigned him the task of interviewing Officer Phillips of the Riverdale Police Department and gathering the information of the Riverdale Police Department's investigation in the reckless driver and hit and run accident.

The mobile command past arrived and was set up near the edge of the crime scene. I set up inside the mobile command and begin to apply for search warrants.

## **Search Warrant**

I obtained a search warrant for the residence of \_\_\_\_\_ which was signed by Judge Neider. I also obtained a search warrant for the collection of Daniel Ritchey's blood, DNA, and clothing. This warrant was also reviewed and signed by Judge Neider.

The warrant on the residence of \_\_\_\_\_ was served. CSI Romney and CSI Gerard started by doing a 3D scan of the walkway leading up to the house and the interior of the living room and kitchen. CSI Romney documented items with markers and photographed the scene.

I entered the residence with CSI Romney and examined the scene. There were drops of blood on the front cement steps and just inside the front door on the tile landing area. There were four bullet holes in the north wall of the front living room. On the other side of the wall there was a hallway that led into the kitchen area. On the kitchen floor was a black barreled rifle with a brown wooden stock. The gun appeared to be damaged. There was blood drops around the floor of the kitchen and on some walls.

I made note of the scene and discussed them with CSI Romney. I then exited the inner scene.

## **CSI and processing the scene**

CSI Romney was responsible for processing the scene. 3D Faro scans were first done from the front yard area of the residence and leading into the living room and kitchen areas of the house. CSI Romney identified and marked evidence and items that were collected.

CSI Romney marked and identified the following;

- JR1- Speer 9mm luger cartridge casing, found in living room on chair.
- JR2- Speer 9mm luger cartridge casing, found in living room on the floor under TV.
- JR3- Speer 9mm luger cartridge casing, found behind the TV in living room on heating vent.
- JR4- Speer 9mm luger cartridge casing, found behind the TV in living room on heating vent.
- JR5- pump action rifle, BB, serial #R315475, found on kitchen floor.
- JR6- black handled hatchet, found by steps leading to the back door.
- JR7- (1) black screw, found on the kitchen near the rifle.
- JR8- recovered bullet, found on the kitchen floor behind the refrigerator.
- JR9- little plastic baggy containing possible marijuana, found in northwest bedroom.

The warrant was also served on Daniel Ritchey at the hospital and the following was collected and turned over to CSI Romney;

- JR10- buccal swab of Daniel Ritchey
- JR11- grey t-shirt
- JR12- denim pants
- JR13- two white/black Nike shoes
- JR14- two white socks
- JR15- black shorts

All of these items were documented in search warrant returns. CSI took these items to be processed and held for evidence.

**The follow are photographs of the scene along with notable items that were marked;**

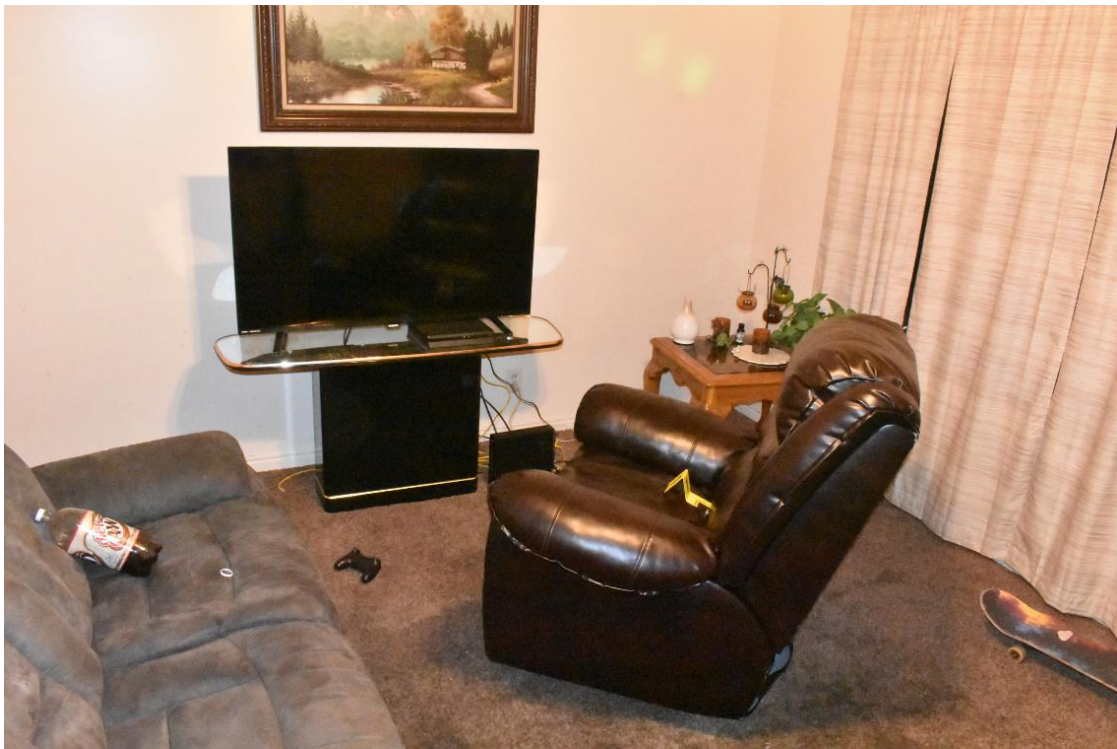


JR5- BB Rifle found in the kitchen

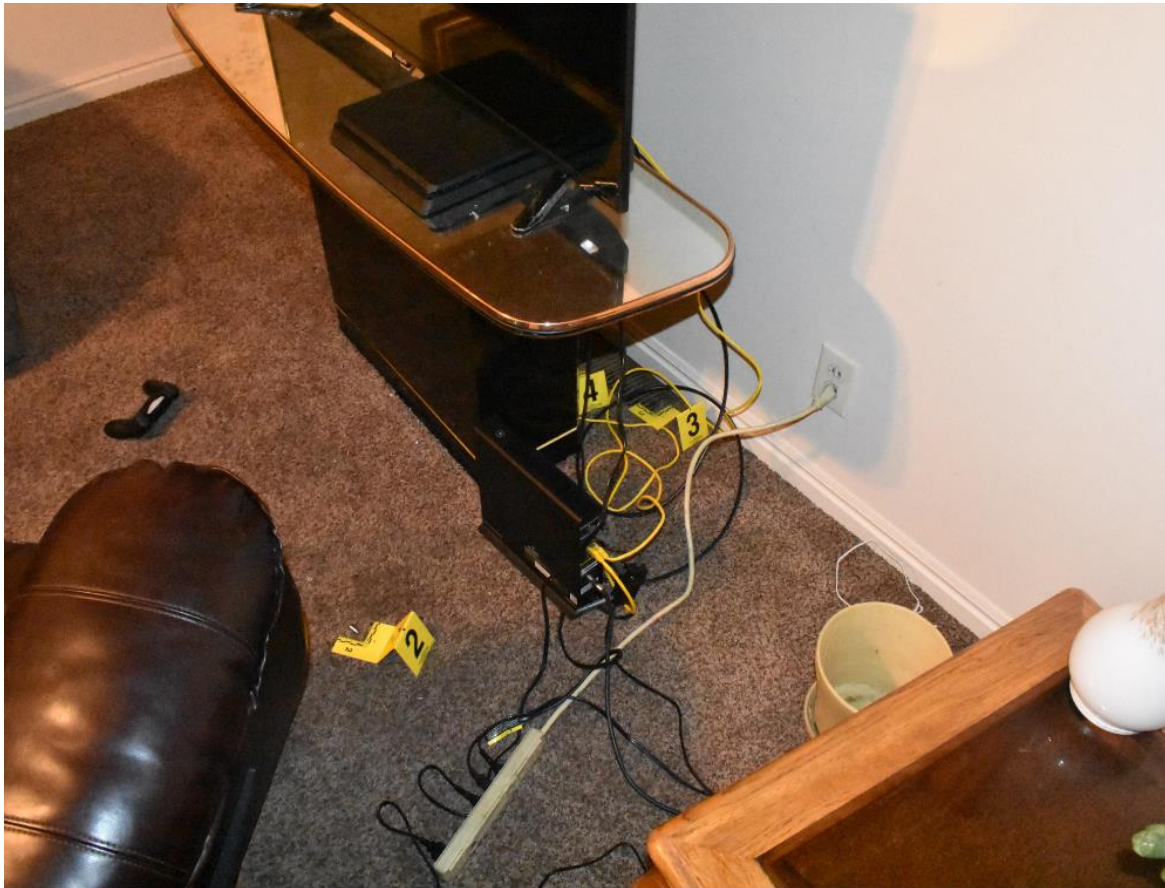




JR1 and JR2- 9mm cartridges found in front living room



JR3 and JR4- 9mm cartridges found in front living room behind TV stand





**Evidence markers showing four bullet holes in north wall of living room**



**Evidence markers showing other side of the wall from inside hallway**





**Photograph of trajectory rods showing the path of each bullet**



### **Trajectory of bullets**

CSI placed trajectory rods into the sheet rock to analyze where these rounds went after they exited the sheet rock. The bullet hole that is furthest to the west is believed to have been the first round fired by Dep Ortgiesen due to the angle being the straightest north to south. The other three holes have angle towards the west which matches Dep Ortgiesen moving to the east while firing.

The path of the three bullets that were furthest to the east and angled was found to have entered into the kitchen and eventually stopped when embedded into the brick of the house.

The bullet that went through the wall on Dep Ortgiesen's first shot did not penetrate the next wall. It is believed to be the bullet to strike the gun and right hand of Daniel Ritchey. The projectile from this bullet ricocheted and was located under the refrigerator.

JR8- Bullet found under fridge



## **Processing Deputy Ortgiesen**

I went to the Washington Terrace City Office where Deputy Ortgiesen had been taken. I then met with Dep Ortgiesen and explained the process of the investigation to him. CSI Grogan then photographed Ortgiesen of how he looked at the time of the incident. CSI Grogan then filmed me remove Dep Ortgiesen's duty weapon from his holster and remove the magazine from the firearm. I pulled back the slide and a live round was chambered and removed. I then placed the chambered round on a table and then counted 11 more live unfired rounds in the magazine and also placed them on the table. CSI Grogan took photographs of the serial number to the Glock 9mm that had been issued to Dep Ortgiesen by the Weber County Sheriff's Office. The gun was then collected into a gun box and the ammunition was also collected into an evidence bag and marked.

CSI Grogan then video recorded me remove both spare magazines from Dep Ortgiesen's duty belt. I counted both magazines out and placed them on the table. Both were verified as having 16 unfired 9mm rounds inside of them. Dep Ortgiesen disclosed that he carries 16 rounds in all three magazines. Lt Butler of the Weber County Sheriff's Office was on scene and advised me that the Weber County Sheriff's Office had implemented training for the deputies to carry all their duty magazines this way with 16 in each. CSI Grogan collected the ammunition and spare magazines and they were placed into evidence bags.

Below is a photograph of Deputy Ortgiesen and how he was dressed at the time of the incident.



**Deputy Jared Ortgiesen**



Weber County Sheriff's Office Patrol Deputy  
Duty uniform  
Department issued Glock 9mm Gen 5, serial number  
12 rounds counted in handgun  
16 rounds counted in both spare magazines

**Subject**

**Daniel Alvin Ritchey**



Daniel Alvin Ritchey

## **Criminal History**

TOTAL NUMBER OF INCIDENTS: 9

TOTAL NUMBER OF INCIDENTS WITH CONVICTIONS: 8

TOTAL NUMBER OF INCIDENTS WITH A FELONY: 3

TOTAL NUMBER OF INCIDENTS WITH A FELONY CONVICTION: 2

TOTAL NUMBER OF INCIDENTS WITHOUT DISPOSITIONS: 0

DATE OF LAST INCIDENT: 3/6/2018

- 2008- Arrested by Layton Police Department, charged with;  
Retail theft- Class B  
Convicted
- 2009- Arrested by Weber County Sheriff's Office, charged with;  
Unlawful possession alcohol- Class B- Convicted  
Interfering with arrest- dismissed
- 2009- Arrested by Weber County Sheriff's Office, charged with;  
Unlawful possession of alcohol-Dismised  
Intoxication- Dismised
- 2010- Arrested by Weber County Sheriff's Office, charged with;  
Unlawful possession /consumption-Class B-Convicted  
Escape from custody- Unknown
- 2012- Arrested by Ogden City Police, charged with;  
Theft-Felony- Convicted  
Fail to stop at command of law enforcement-Class A- Convicted  
Fail to stop at the command of police- Dismised  
Interfering with arrest- Dismised
- 2016- Arrested by UHP in Farmington, charged with;  
Assault against Police Officer- Class A-Convicted
- 2017- Arrested by Cache County Sheriff's Office, charged with;  
Open container of alcohol-Class C-Convicted
- 2017- Arrested by Riverdale Police, charged with;  
Retail theft- Felony 3-Convicted
- 2018-Arrested by Ogden City Police, charged with;  
Possession of illegal narcotics- Class A-Convicted



## **Interview of Deputy Jared Ortgiesen**

On 03-16-20, Deputy Ortgiesen came to the Weber County Attorney's Office to make his statement. This interview was recorded by audio and video. I asked Deputy Ortgiesen how long he had worked as a law enforcement officer. Dep Ortgiesen told me he started over 18 years ago at the Washington Terrace Police Department and then transferred over to be a Deputy with the Weber County Sheriff's Office about a year later when the Sheriff's Office absorbed the Terrace City Department.

I asked Dep Ortgiesen to tell me what had occurred on 03-12-20 and into the early morning hours of 03-13-20. Dep Ortgiesen said he responded to a dispatched call of a welfare check at the address of

Christine Jones was there with her daughters and reported that her son had assaulted her earlier that night. Dep Ortgiesen said he noticed how red Christine's face was, and how she was touching the top of her head gingerly as if there was an injury.

Christine stated that she had gone to buy shoes for her grandson and when she returned, her son, Daniel Ritchey, was at the house and was angry with her about having the cell phone. Daniel took the phone from his mother and began to hit her in the head with his fist. After hearing the story of the assault and also how Daniel had taken Christine's cellular phone and smashed it, Dep Ortgiesen examined Christine's head and felt a bump through her hair which caused Christine to wince in pain. Dep Ortgiesen took photographs of this bump and also of a mark on Christine's arm that she said was also from the assault.

Dep Ortgiesen said that Christine thought that Daniel had left with his girlfriend who had shown up at the house. Dep Ortgiesen explained to Christine how to get a protective order against Daniel. Dep Ortgiesen said he was finished with his investigation but did not know where to look for Daniel at that point. Christine said Daniel did not live there at her residence but would stay there sometimes. It was unknown exactly where Daniel "lived".

Dep Ortgiesen said he suggested to Christine that she stay with one of her daughters for the night because they did not know where Daniel was currently and if he would return. Christine refused and told everyone that she would be fine.

Dep Ortgiesen said he started writing his report and was looking up the names involved in the incident in the law enforcement records and reporting system. Dep Ortgiesen said there was an alert attached to Daniel's name sheet that had him listed as potential violent against law enforcement. Dep Ortgiesen said as he was reading this, Deputy Jose Leon stopped next to him and advised Dep Ortgiesen that he was familiar with Daniel and that Daniel was known to fight officers.

Dep Ortgiesen said he left the area and finished his report in the area of Hwy 89 and I-84. Dep Ortgiesen said he was just finishing the report when he was advised of a suspicious person call at 377 W 4800 S #302. An unknown male had pulled into the parking lot in a vehicle that was making loud noises. The unknown male then knocked on the door to #302 and the complainant did not know him.

Dep Ortgiesen said Riverdale Police were also in the area of this apartment complex looking for a reckless driver involved in a hit and run accident. The vehicle involved had been located in the parking lot of this complex and it was damaged and broken down.

Dep Ortgiesen and two Riverdale Officers went inside the apartment building and made contact with the occupant of       . It was a female who said that she had heard the suspect vehicle pull into the parking lot on the flat tire. Shortly after she heard a knock on her door but she did not answer because she did not know who was knocking. The female called 911 and asked for a deputy to respond. Dep Ortgiesen said she then told him that she believed that this male went to apartment        and knocked on that door.

Dep Ortgiesen said voices could be heard coming from inside apartment        so he and the officers from Riverdale listened for a minute and could hear what sounded like a conversation happening.

Dep Ortgiesen said while they were listening, Weber dispatch advised them there was another report of a suspicious male in the area walking in the road. Dep Ortgiesen said they decided to make contact with apartment        before moving on to this new information. Dep Ortgiesen knocked on the door and made contact with the male who lived there. Dep Ortgiesen said this male was playing "Fortnite" on a gaming system that was logged into the internet. He was playing against others who were not there but tied into a headset system where they can converse while playing. Dep Ortgiesen asked the male about someone knocking on his door a few minutes prior. The male told him that a Daniel Ritchey had just been there but had left. Dep Ortgiesen said this male said he knew Daniel Ritchey through his child's mother and did not allow him inside. He also mentioned that Daniel was very intoxicated and smelled of liquor.

Deputy Ortgiesen then left the apartment building and observed the vehicle that had been parked in the apartment parking lot. It was a Ford Taurus and matched the description of the vehicle that Christine believed Daniel had taken. The vehicle had sustained to the front end and was not drivable.

Deputy Ortgiesen said he and the Riverdale officers decided to go to the        residence and attempt to locate Daniel. Dep Ortgiesen said he spoke with Riverdale Sgt McNeely about going to the house and then they headed that way in their police vehicles. Dep Ortgiesen said he pulled his patrol truck just east of the driveway of the residence and parked. Dep Ortgiesen said he saw Sgt McNeely continue to drive the area searching to see if the suspect was still on foot in the area.

Deputy Ortgiesen said he walked up towards the front door and he could hear an argument happening inside the house. Dep Ortgiesen could hear Christine and a male voice yelling at each other. Dep Ortgiesen said he believed that he then used his radio to advise the other units in the area that Daniel was inside the house. Deputy Ortgiesen said he could see inside the house and observed Christine straight ahead. She was standing in the doorway that led into the hallway to the kitchen and bedrooms. Dep Ortgiesen said Christine was looking at someone who was not visible to him. She was talking toward the kitchen area. Deputy Ortgiesen said he opened the door and stuck his head inside. Dep Ortgiesen said he noticed Christine make a gesture with her hands as if she is motioning to show that Daniel is right there in the house.

Dep Ortgiesen said he wanted to use surprise to get close to Daniel before announcing his presence because he had read the alert on Daniel's name sheet that had Daniel listed as potential dangerous and violent towards police. Dep Ortgiesen said that as he stepped into the living room, Daniel looked around the corner of the hallway wall and looked right at him. Dep Ortgiesen said he saw that Daniel had a rifle in his hands. Dep Ortgiesen then saw Daniel start to raise the barrel of the gun towards him. Dep Ortgiesen said he then stopped to his right and fired his duty weapon at Daniel. He recalled that he fired 3 to 4 rounds but was not positive.

Dep Ortgiesen said he could not see Daniel anymore and realized he had fired into the wall. Christine had fled east into the bedroom area and he could not see her either. Dep Ortgiesen retreated out the front door and took a position of cover and concealment behind a van that was parked in the driveway of the residence.

Dep Ortgiesen said he radioed to dispatch and advised them that shots had been fired and hoped the Riverdale officers had heard the shots and were coming to assist him. Dep Ortgiesen said that Christine then came out of the house and he yelled at her to come to him. Daniel then also came out and surrendered. Dep Ortgiesen said he yelled to another officer to handcuff Daniel while he covered him. After Daniel had been secured, Dep Ortgiesen said he removed himself from the scene and waited for his supervisor to arrive.

I then asked Dep Ortgiesen about what he had heard when he first walked up to the front door. Deputy Ortgiesen told me that it was yelling but he could not recall what exactly was being said but it was an argument between the two.

I asked Dep Ortgiesen if he felt that he had probable cause to arrest Daniel from the prior complainant made by Christine. Dep Ortgiesen explained he believed there was probable cause to arrest Daniel and charge him with DV assault and DV Criminal mischief. Daniel was also the suspect in the hit and run driving cases that Riverdale Police were investigating.

I then asked Dep Ortgiesen if he felt there was exigent circumstances were he believed he needed to make entry and intervene in this argument. Dep Ortgiesen explained that due to Daniel already assaulting Christine just a few hours earlier and now he was back in the house and they were fighting. Dep Ortgiesen said he believed Christine was in danger at this time and he needed to prevent her from getting hurt. Dep Ortgiesen said this was another reason why he didn't want to make his presence known and wanted to surprise Daniel.

I asked Dep Ortgiesen about when he first saw the rifle in Daniel's hands and how it was positioned. Dep Ortgiesen said when he first noticed it, Daniel had it pointed down towards the ground but at the same time, Dep Ortgiesen said the barrel was already coming up towards him.

I asked Dep Ortgiesen if he already had his duty weapon out when he came through the door. Deputy Ortgiesen said he did not. Dep Ortgiesen explained to me that he stepped into the house and saw the rifle and then just remembers shooting his weapon and that he does not recall drawing it from the holster.

I asked Dep Ortgiesen if he had a his flashlight out when he entered the residence and Dep Ortgiesen could not remember but thought that he did not because the inside of the residence lights were on.



I inquired further about him seeing the barrel of the rifle being raised at him. Dep Ortgiesen said the barrel started to break the door to the hallway as it was being raised towards him and further explained that it was on the corner of the that hallway so that's why Dep Ortgiesen moved to his right.

I asked Dep Ortgiesen what he did after he fired the shots. Dep Ortgiesen said after he fired the 3 to 4 shots, he realized that he had shot into the wall and could not see where Daniel was now. Dep Ortgiesen said he thought that Daniel was either down on the ground or had retreated into the kitchen. Dep Ortgiesen said he then exited back out the front door and took up a position of cover behind a van that was in the driveway.

I asked Dep Ortgiesen about the rifle that he saw Daniel possess. Dep Ortgiesen described it as having a black barrel and a wooden stock. I asked if he thought about being outmatched from the caliber of guns. Dep Ortgiesen said he didn't think about that. Dep Ortgiesen said he left the residence because he did not have any cover in that living room and if Daniel would have come back around the corner, he felt he would have been exposed.

I asked Dep Ortgiesen about Christine. Dep Orgiesen said he thought back on the situation and wished he could have pulled her out with him when he exited but she had disappeared back into the bedroom area to the west of the house.

I asked if he had questioned Christine during the DV investigation if Daniel had a room inside the house. Dep Ortgiesen said that he had asked her and she said that Daniel was not living there but he was always there.

Deputy Ortgiesen had not reviewed the footage from his body camera prior to him giving his statement. I advised him that I would be playing this footage and asked him if he needed a break before watching it. Deputy Ortgiesen said that he didn't. I then asked Dep Ortgiesen to review the footage and then I would be asking him further follow up questions to see if the footage provided him with more details.

I then played the footage on a large screen in the interview room and we reviewed it together at normal speed.

After it played at normal speed I then showed the incident frame by frame. I then asked Dep Ortgiesen if it refreshed anything in his mind that he would like to add. Dep Ortgiesen said he now realized that he did have his flashlight out in his left hand but did not remember it. Dep Ortgiesen then pointed out that he yelled out, "Wahooo!"

Dep Ortgiesen explained he was trying to get other officers attention and did not know if anyone knew what had happened. Dep Ortgiesen further explained that Riverdale operates on another radio channel and also that his blue tooth radio microphone had been malfunctioning earlier in the shift and he did not know if his radio traffic had gone through to dispatch and other officers.

I followed up with some questions about Dep Ortgiesen's feelings when he observed the rifle. I asked Dep Ortgiesen how he felt at that moment. Dep Ortgiesen told me that when he saw the rifle start to raise up towards him, he believed that Daniel had the intention of shooting him which would cause him to die or be seriously wounded. Deputy Ortgiesen said he feared for his life at this instant and if he did not take immediate action, his life was in danger.

I also asked Deputy Ortgiesen about stepping off line and to the right. Deputy Ortgiesen said he did not recall consciously thinking about moving off line but recalled seeing the barrel raise and knew that he had to move. Dep Ortgiesen also mentioned how training at the Sheriff's Office has taught him to move off line if one is being fired upon.

I finished by asking Dep Ortgiesen if he perceived the rifle as a deadly weapon. Dep Ortgiesen said yes he did. I then asked if he saw the weapon being raised towards him and if he felt Daniel was going to shoot him. Dep Ortgiesen said, "yes, absolutely."

## Body Camera Examination

*This footage is from the body camera attached to Deputy Ortgiesen's uniform. It is a WatchGuard brand body camera and has a date and time counter at the top of the footage. The reference in this report will be from that time counter.*

**(01:01:52)** The footage of this body camera starts as Deputy Ortgiesen is walking towards the residence of [REDACTED]. There is no audio.

**(01:02:02)** The audio turns on. Deputy Ortgiesen has walked up the driveway and is approaching the east side of the residence.

**(01:02:05)** Deputy Ortgiesen can be heard advising other officers through his radio that Daniel is inside the residence.

**(01:02:09)** Deputy Ortgiesen reaches the front door and his right hand opens the metal screen door that is partly open. Yelling can be heard between a male and female. The female voice yells, "Where are you going?"



**(01:02:12)** Deputy Ortgiesen begins to enter through the front door. Christine Jones can be seen standing in the hallway looking towards the west. Christine is looking towards Dep Ortgiesen.



**(01:02:13)** Deputy Ortgiesen steps inside the house and Daniel Ritchey looks around the corner of the hallway. Christine is seen backing up with her arms extended.





**(01:13:13)** Deputy Ortgiesen has entered inside the residence and a male's voice calls out, "what's up?" A male can be seen standing on the right side of the doorway that leads into the hallway and towards the west. The male is looking right at Deputy Ortgiesen and he appears to be holding a rifle at the low ready position.



**(01:02:13)** The barrel of the rifle of the barrel is raising up towards Deputy Ortgiesen and extends past the opening of the hallway door. Christine's arms are extended as if she is trying to stop Daniel.



(01:02:14) Deputy Ortgiesen draws his duty weapon.



(01:02:14) Deputy Ortgiesen fires his first shot.

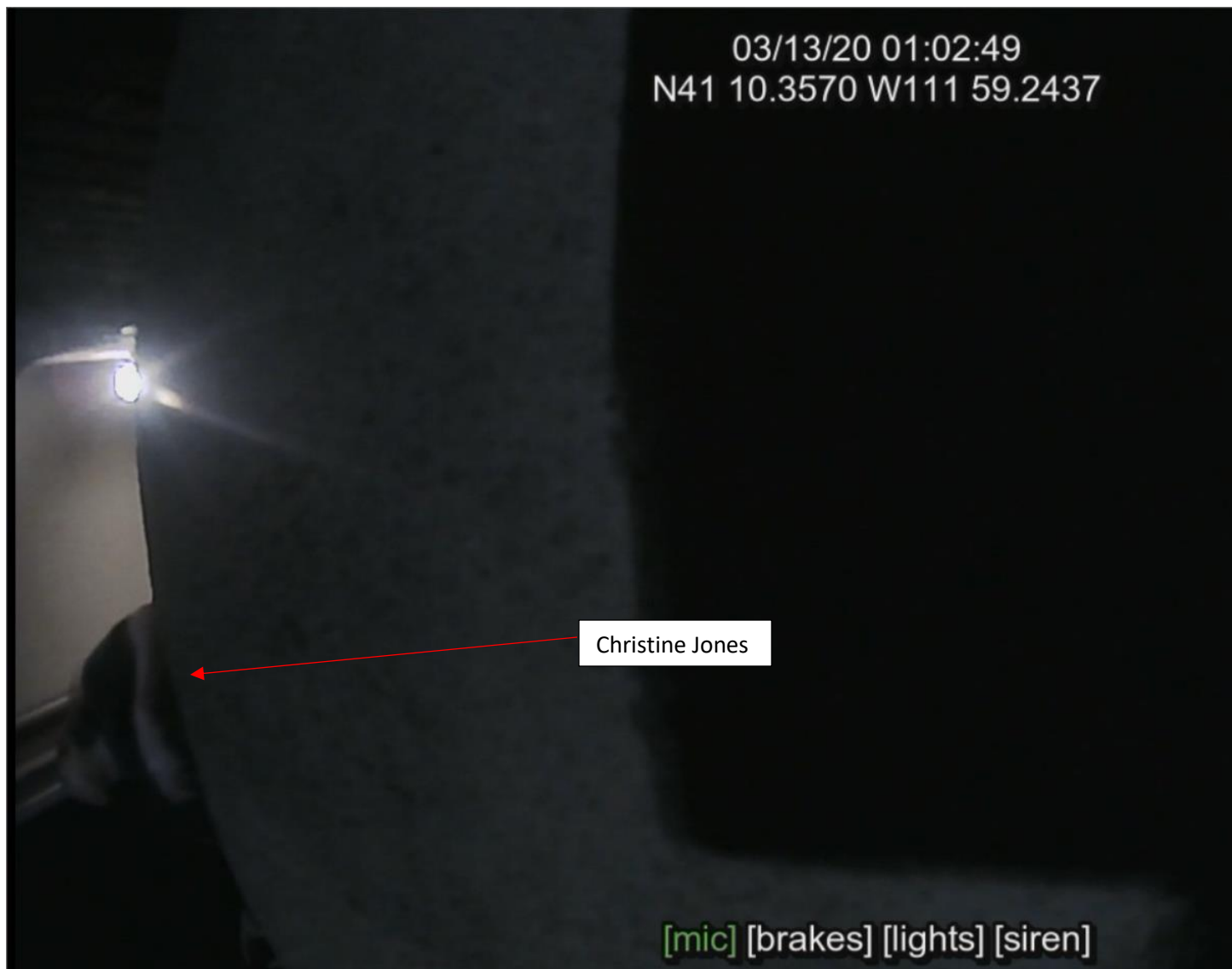


**(01:02:16)** Deputy Ortgiesen fires his fourth and final shot.

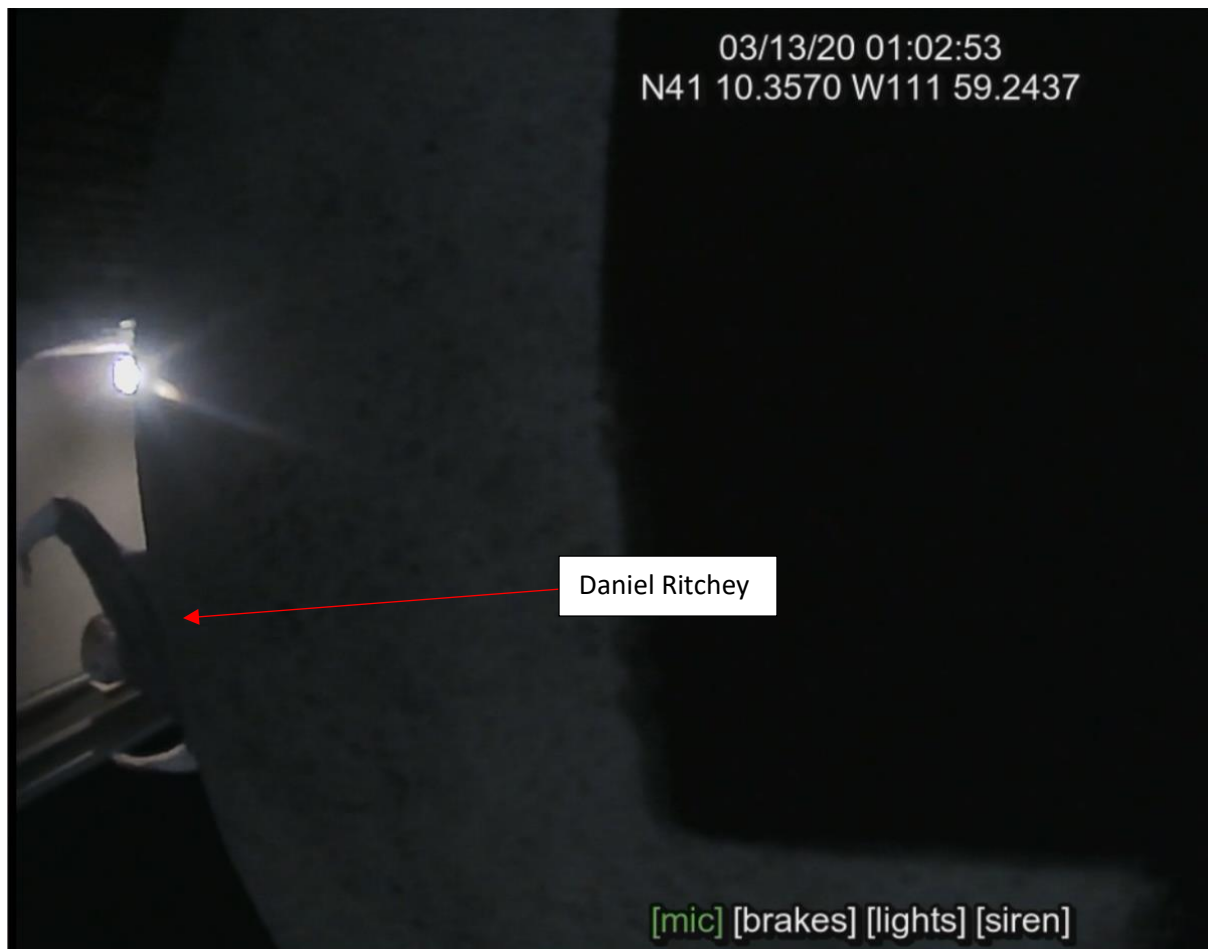
**(01:02:16)** Deputy Ortgiesen is exiting the front door.

**(01:02:19)** The body camera has fallen off of Deputy Ortgiesen's uniform and is laying on the steps and is pointing up.

**(01:02:49)** Christine exits the house and yells that Daniel has been shot and needs medical. She can be seen in the bottom left side of the frame. (Red arrow)



**(01:02:53)** Daniel Ritchey can be seen in the left corner of the frame exiting the house and surrendering.  
**(Red arrow)**



(01:03:33) An Officer places handcuffs on Daniel and starts to examine if for injuries. Christine can be heard wailing.

(01:04:39) As the officer is looking at his injuries, Daniel states, "I just want to die, man".

(01:05:00) Daniel is now face down on the ground in handcuffs being assessed. Daniel states, "I thought you guys are supposed to shoot for the chest."

(01:05:18) Daniel starts to yell at Christine who can still be heard wailing in the background. Daniel then starts to bark like a dog.

(01:07:11) Daniel again tries to yell at Christine. He barks like a dog again and also calls her a "motherfucker".

(01:09:08) Daniel keeps asking which officer shot him and states that it should have been "two to the body and one to the head."

(01:09:35) Sgt DeHart has picked up the dropped camera and takes it to Deputy Ortgiesen who has removed himself from the inner perimeter.



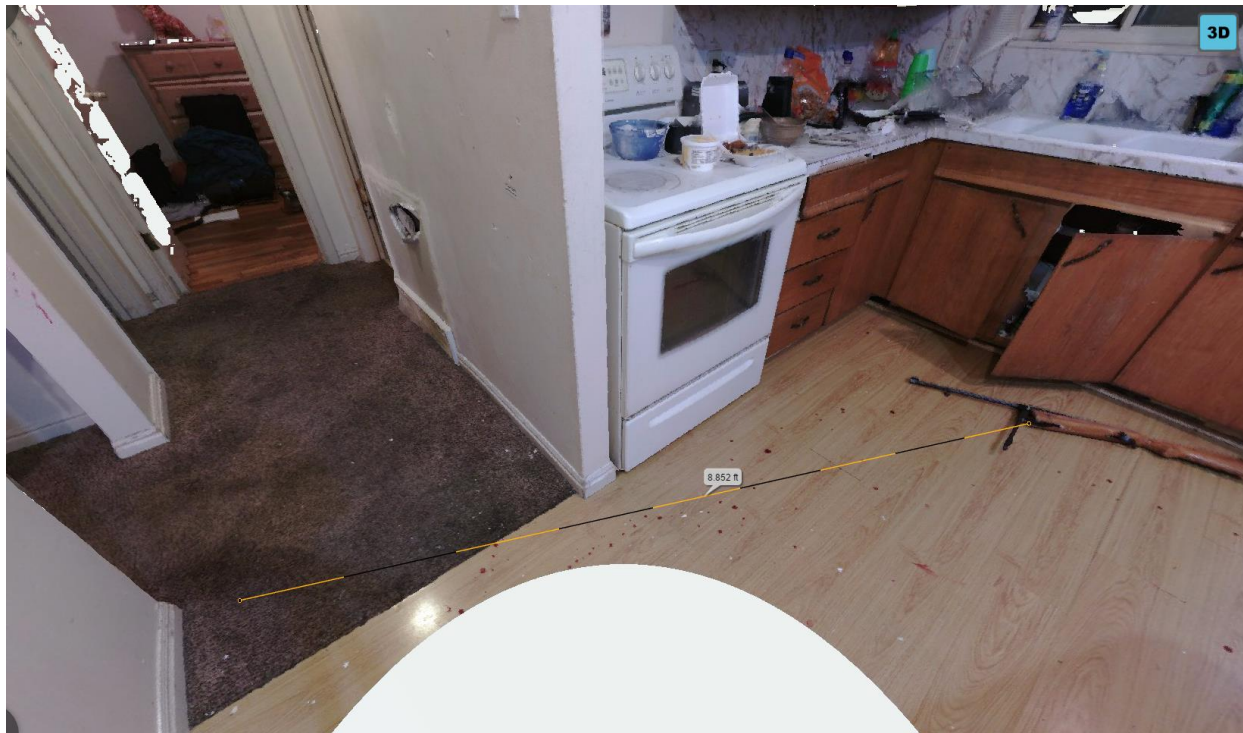
### 3D Scan Examination

***The following is an examination of images taken using a 3D scanning device. CSI scanned the crime scene area on the night of the shooting to get an accurate account of measurements. I used the images of the 3D scans and also still frame footage from the body camera footage. I have been able to determine distances by using markings from the baseboards, carpet, marking on the walls, and entryway tile.***

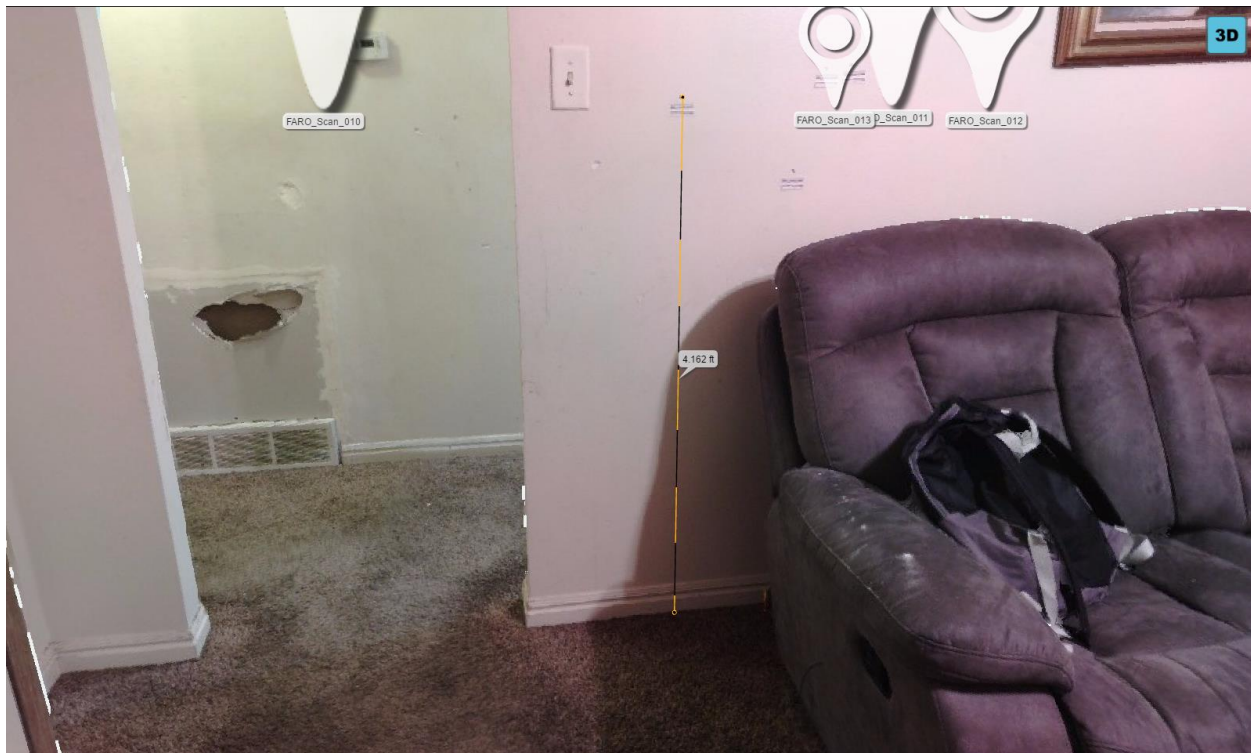
**#1- 10.881 feet.** Approximate distance from where Daniel Ritchey was standing to where Deputy Ortgeisen was standing when Daniel appeared around the hallway corner into the front living room.



**#2-8.852 feet.** Approximate distance from where Ritchey was standing to where the gun was located in the kitchen.



**#3- 4.162 feet.** Approximate height of the entry bullet hole into the sheet rock of the front living room.





**#4- 4.151 feet.** Approximate height of the exit bullet hole in the sheet rock into the hallway. This bullet is believed to have struck the BB gun Daniel was holding. The second measurement in this photograph is Daniel Ritchey's approximate height of 5'9" and would be where Daniel was standing at the time of the incident.



### Injuries to Daniel Ritchey

Daniel Ritchey was transported to McKay Dee Hospital where he was treated for wounds to his right hand. Specifically his index, middle, and pinky fingers.



Daniel was admitted into the hospital and kept there overnight due to signs of drug withdrawal from Daniel. Deputies from the Weber County Sheriff's Office stood guard over Daniel during this time. Deputy Jake Wilson contacted me and advised me that while he was guarding Daniel at the hospital, he had overheard Daniel make statements to the medical staff that this was a suicide attempt and he had tried to force law enforcement to kill him by brandishing a BB gun. This is documented in Deputy Wilson's supplemental report of case 20WC6445.

Because of these statements, doctors also wanted mental health evaluations done prior to his release. Daniel was not released from the hospital until 03-14-20 at approximately 1130 hrs. Sgt Greenhault of Weber County Sheriff's Office notified me by phone that Daniel was being released. I was advised that Daniel would be transported to the Sheriff's Office.

### **Interview of Daniel Ritchey**

I interviewed Daniel Ritchey at the Weber County Sheriff's Office Investigations Bureau interview room. This interview was recorded by audio and video. Daniel had just been released from the hospital and had been transported there. I sat down with Daniel and provided him with some coffee. I then advised Daniel of who I was and why I needed to speak with him. I then advised Daniel of his Miranda Rights which Daniel said he understood and was willing to answer questions.

I started by asking Daniel about where he went after the fight between him and his mother. Daniel said he took his mother's vehicle and went to McDonalds on 40<sup>th</sup> and Washington. Daniel said he was with his girlfriend "Alita" but could not give me her last name. Daniel then admitted to using drugs at this time.

Daniel was asking me about charges that he could be facing when he told me that when he was confronted by the deputy, he was holding a BB gun and did not intend to harm anyone but wanted law enforcement to kill him. I talked to Daniel about why he was feeling suicidal. Daniel said he was having problems with his girlfriend and he was also distraught about his father dying. I asked Daniel if that was why he pointed the gun at the deputy. Daniel told me that he didn't recall pointing it at him but said he remembered lifting it up but not pointing it directly at him.

I asked Daniel if he was trying to get the deputy to shoot and kill him. Daniel said yes and that he was trying to end his own life.

I spoke to Daniel about the reasons why he acted this way and Daniel told me that he never intended to hurt anyone but said that he needed help. Daniel told me that his wife had been killed a few years ago in a traffic accident in Ogden and now his current girlfriend was causing issues for him and she was pregnant with his child. This has all led to alcohol and drug abuse by Daniel.

I asked Daniel where the BB gun was when he grabbed it. Daniel told me that it was in the living room. Daniel said he son plays with it so it moves around the house frequently. Daniel said he just saw it and picked it up. I asked Daniel what his plan was and where was he going with the gun. Daniel said he was going to walk outside with the gun and force officers to shoot him. Daniel told me that he knew that law enforcement was coming to the house because of what happened between him and his mother earlier.

I then asked Daniel about where his sister's vehicle was currently. Daniel said it was parked close by his mother's residence. I asked what had happened with the vehicle, Daniel said he thought that he had hit a fence at one point and had parked it and walked home. I asked Daniel if he talked to anyone and he could not remember. Daniel said he might have knocked on the door to his aunt but did not think he talked to anyone. Daniel said he was extremely intoxicated from drinking a fifth of whisky that his girlfriend had given him.

Daniel then spoke of the help that he needed. Daniel said he needed mental health help along with a drug and alcohol addiction. Daniel admitted to mostly using methamphetamine and also some heroin use as well.

I asked Daniel about coming back to his mother's house after he parked the vehicle. I asked Daniel about seeing his mom. Daniel could not remember. Daniel said he recalled starting to argue with his mom and grabbing the gun. Daniel said he right after he picked up the gun he thinks officers are coming through the front door. I asked Daniel if he remembered seeing the officer. Daniel did not and asked if this all happened in the living room. I told Daniel that the officer was in the living room and that Daniel was in the hallway towards the kitchen. Daniel did not seem to recall this, but said it made sense.

I asked Daniel about his mother asking him where he was going right before the officer entered into the residence. I told Daniel it could be overheard on the officer's body camera. Daniel could not remember this and did not know. I asked why he did not recall this. Daniel agreed that it was probably a mixture of him being intoxicated and distraught. Daniel then said his mother probably was asking where he was going because he was planning to leave the house and have a police officer shoot and kill him.

I asked again if he knew that law enforcement was coming or if he was going to go out and find them and force a confrontation. Daniel said he knew they were coming and then told me that he knew they were already there and thought that he maybe had heard them coming and had heard a police radio outside of the residence.

I asked Daniel about what was going on with his mother. Daniel said that Christine has been "driving him crazy" by walking around the house "mumbling" and he doesn't know if she is talking to him or not. Daniel then mentioned being high on drugs often which leads to more confusion. Daniel spoke as if he is living there at the house but does not want to be there. I then asked about the broken cell phone and Daniel claimed it was broken before this incident when it was dropped accidentally.

I asked Daniel why he was so angry with his mother this day. Daniel said that Christine does not like his girlfriend and Daniel recently found out that she is pregnant and it is causing him stress. Daniel said they don't have any money and Christine will not let his girlfriend in the house so they have no place to go.

Daniel wanted to know what his charges were. I told him about the domestic violence charge where he had assaulted his mother. I then explained that I would be charging him with aggravated assault on a police officer. Daniel needed an explanation as to why he would be arrested for this.

I offered an opportunity for Daniel to write a statement and at first Daniel said he was not willing to give a written statement. After explaining his options, Daniel agreed to give a statement but told me that he was not able to read or write and asked me to write his statement for him. I retrieved a



statement form with an 1102 admonition. I then read this admonition to Daniel and he agreed to it and initialed the form.

I dictated Daniel's statement at this point. Daniel stated that he was sorry for the problems that he caused and how he wanted help for his issues. Daniel also apologized to the police officers who were involved and that he never had intentions to harm any of them. Daniel signed the bottom of the form. I made note that Daniel initialed and signed with his right hand.

At the conclusion of this interview, I booked Daniel Ritchey into the Weber County Jail for the following offenses;

F2- Aggravated assault on a law enforcement officer.

MB- Domestic violence assault.

MB- Domestic violence criminal mischief.

## **Witness Interviews**

### **Christine Jones-**

Christine Jones was interviewed at McKay Dee Hospital by Investigator Zaccardi. Christine was transported to the hospital by an ambulance after she experienced chest pains and advised medical that she had a heart condition. In the body camera footage, Christine was very emotional and could not be calmed down even by Daniel who tried to yell to her that he was okay and was only wounded in the hand.

Christine told Investigator Zaccardi that Daniel did not have the gun in his hands when Dep Ortgiesen entered into the residence. Christine said the gun was on the floor and Daniel had his hands up as if he was surrendering. Further information for this interview will be documented in Zaccardi's supplemental report.

On 03-19-20, I spoke with Christine Jones on the phone. I recorded this conversation with a digital audio recorder. Christine had contacted Investigator Zaccardi and requested contact from the lead investigator. During this request, Christine told Investigator Zaccardi that she did not remember what had happened that night and wanted some answers.

When I spoke with Christine, she advised me that she needed to know what happened that night. I asked Christine if she recalled the deputy coming to her house to investigate her being assaulted by Daniel. Christine and I talked about that incident and she said Daniel hit her in the head while he was trying to get the cell phone from her. I told Christine that officers from Riverdale Police and the deputy from the Sheriff's Office were also looking for Daniel because he had wrecked the vehicle he was driving by crashing through a fence and mailboxes and then hitting a parked vehicle and then fled that scene.

I then talked to Christine about when Daniel came back to her residence and what had happened. Christine told me that Daniel came into the house and she told him about the assault report being made and how police were looking for him. Christine said she and Daniel were arguing about that when she noticed the deputy outside of the front door. Christine then told me that she did not think

Daniel had the gun. I advised Christine that the incident had been captured on body camera and that I had reviewed it. I told Christine that Daniel did have the gun and raised it towards the deputy.

Christine then told me that the BB gun had been on the back porch and she did not know how Daniel would have gotten it. Christine then disputed why the hatchet had been taken from the house during the search warrant. Christine said that the hatchet was on the floor by the back door because it was recently being used to board up the back door so Daniel's girlfriend could not get into her house. I advised Christine why we took the hatchet and how it seemed out of place. I also told Christine how Daniel had told me that he had found the gun in the living room and about his intentions of provoking officers into shooting and killing him. Christine agreed that Daniel has been having emotional problems because of his father passing away and also his wife being killed in a car accident a few years ago.

I brought up the initial assault where Christine had reported the Daniel had struck her in the head. Christine agreed and said she and Daniel were fighting over the cell phone. I reminded Christine that there is no justification for him striking her.

Christine repeatedly during this interview wanted to place blame on Daniel's girlfriend, and how she was the cause of his problems. Christine also wanted Daniel to be able to get help for his mental health problems along with his drug and alcohol addictions.

I asked Christine what she recalled when the deputy stepped into her house. Christine said she remembered the officer calling out Daniel's name when he entered into the house and then the officer started shooting in the living room and Christine said she was surprised she was not hit by any bullets.

Christine then said she did not even remember Daniel having the gun with him when the officer arrived. Christine then said that she remembered seeing the officer at the front door but did not remember him entering the house, Christine said the officer yelled Daniel's name and then shots were fired.

I asked Christine again about her arguing with Daniel right before Deputy Ortgiesen entered into the residence. Christine said she was telling him police had been contacted. I advised her about being able to hear her on the body camera footage and how she can be heard asking Daniel where he was going. Christine said she could was probably telling Daniel that he had to go because the police had been called earlier and were looking for him. I then told Christine what I had observed and heard on the body camera and how she was asking Daniel where he was going and they were arguing when Deputy Ortgiesen made entry into the house. I advised her that no one called out Daniel's name but Daniel acknowledged Deputy Ortgiesen and then started to raise the gun towards him. Christine said she did not remember any of that.

I told Christine that she will be able to see the body camera footage when the investigation is complete. Christine said she would want that to help her recall what happened. Christine then again wanted to talk about Daniel's girlfriend, Alita Agulera. I told Christine that investigators have attempted speak with her but she has not been spoken with.

I advised Christine to call me if she has any questions and gave her my contact information. The interview was then ended.

### Joshua Taylor-

Joshua Taylor called 911 at 0019 hrs when he heard a vehicle traveling towards his residence at a high rate of speed. In the recorded 911 call, Taylor describes how this vehicle is driving recklessly and might have hit his truck that was parked on the street in front of his residence. Taylor got into his vehicle and attempted to follow the vehicle but it had disappeared after going east on 4800 S.



Taylor went back towards his residence and then found damage on his vehicle indicating that his vehicle had been struck by the suspect vehicle. Riverdale Police responded and made contact with Taylor but then left the area when the suspect vehicle was located in the parking lot of the apartments at





Taylor was waiting in his vehicle for police to return when he observed a male walking down the road. Taylor attempts to speak with this male who he describes as “staggering” as he is walking. Taylor then called 911 again to report this. Taylor told dispatch that when he attempted to speak to this male, the suspect male claimed he was looking for his girlfriend. Taylor said this male then ran off quickly.

Taylor gave an 1102 statement about what he had witnessed that morning.

#### **Michelle Martinez-**

Michelle Martinez called 911 after she heard a vehicle pulling into the parking lot of her apartment complex. The vehicle had a blown tire and was traveling on a rim so it was very loud. Martinez told dispatch in the recorded phone call that the vehicle was damaged and losing parts as it drove in. Martinez then advised the dispatcher that there was a knock on her door soon after the vehicle pulled into the parking lot and she believed the driver of this vehicle was person who knocked on her door. Martinez did not open her door but thought she heard a male talking to the occupant of #304.

Martinez gave an 1102 statement to what she had witnessed.





**Joseph Rivera-**

Rivera was contacted at his apartment the morning of 03-13-20 by Dep Ortgiesen and the Riverdale Officers. This was recorded on Officer Phillips body camera. Rivera told officers that Daniel Ritchey who had knocked on his door and that Rivera had refused him entry and that Daniel smelled strongly of liquor. Rivera was familiar with Daniel because he shares a child with Daniel's girlfriend.



Daniel left the area but Rivera did not know where he went or which direction. Rivera declined to give a written statement at that time. I contacted Rivera at his apartment and he again declined to give a statement.

### **Clayton Peterson- Washington Terrace Fire Chief**

Clayton Peterson responded to the scene of \_\_\_\_\_ in his duties of Fire Chief with the Washington Terrace Fire Department. Peterson gave a written statement documenting how he had been involved in giving Daniel Ritchey medical treatment and had been asking him standard medical attention questions when Daniel admitted that he this incident was a suicide attempt.

An 1102 statement was obtained from Peterson.

## **Conclusion**

### **Daniel Ritchey's Actions**

As documented in this report, there was evidence that Daniel Ritchey assaulted his mother, Christine Jones, and damaged her cellular phone at her home in Washington Terrace. Daniel had left the scene in a Ford Taurus. He was then the suspect in a damaged property traffic offense that Riverdale Police were investigating and had been witnessed on foot in the area near his mother's residence.

Daniel could be heard verbally fighting with Christine Jones by Deputy Ortgiesen as he walked up to the residence of \_\_\_\_\_

Deputy Ortgiesen opened the screen door and entered into the living room area of the house. Daniel Ritchey appeared around the corner of the hallway and acknowledges Deputy Ortgiesen by yelling, "what's up?!" (This can be heard on Deputy Ortgiesen's body camera)

As documented in CSI photographs, Deputy Ortgiesen was wearing a Weber County Sheriff's Office patrol uniform that is recognizable as law enforcement.

During his interview, Daniel said he was distraught and wanted to force law enforcement to shoot and kill him. Daniel said he could not remember raising the gun towards Deputy Ortgiesen but admitted to having the gun in his hands when Deputy Ortgiesen came into the residence. Daniel stated that he found the BB gun in the living room after arriving at the home and knew that the police were coming there to arrest him. Daniel also said he remembered being aware that law enforcement were outside the residence and said he believed he heard a police radio. Daniel said his intention was to walk outside with the gun and force an officer to kill him.

Daniel also admitted to being under the influence of alcohol and methamphetamine at the time of the incident.

In the scene examination, it was determined that Deputy Ortgiesen was approximately 10.881 feet away from Daniel Ritchey at the time of the shooting. All four shots went through the sheet rocked wall into the hallway. The bullet hole from the first shot by Deputy Ortgiesen was approximately 4.1 feet in height. Daniel Ritchey is 5'9" in height. This would be consistent to the where Ritchey was struck.

In examination of the BB gun, it appears that a bullet struck the gun just above the trigger guard and damaged the wood and trigger guard. In the body camera footage, Daniel is holding the gun with his right hand near the trigger guard area and his left hand towards the barrel as the supporting hand. Daniel is also right handed as noted during his interview. Due to the height of the bullet holes in the wall, to where the damage was found on the gun, and then to the injury to Daniel's right hand, the physical evidence shows that Daniel was holding the gun in a forward position when it was struck by the bullet fired by Deputy Ortgiesen. This also matches what can be observed in the still frames from the body camera footage.

### **Possible charges against Daniel Ritchey**

**F2 Aggravated assault on a law enforcement officer-** Daniel Ritchey had a facsimile of a weapon which was a BB gun that appeared to be an operable firearm. Daniel brandished this rifle in a threatening manner as he stood behind the corner of the wall as if he was taking a position of cover. Daniel then followed this threat by raising the barrel of the gun towards an individual that he recognized as a law enforcement officer.

**MB Domestic violence assault-** Daniel Ritchey assaulted his mother Christine Jones by striking her in the head. Evidence was found in the initial investigation that Christine Jones had injuries consistent with her statement that Daniel had assaulted her. Daniel and Christine are related by blood being mother and son. Daniel has cohabitated with Christine in this residence in the past. Deputy Ortgiesen's original reports will be submitted for these charges. Weber County case #20WC6435.

**MB Domestic violence criminal mischief-** There was evidence collected at the initial DV assault investigation of a broken cellular phone. Christine stated that Daniel smashed the phone during the assault. The phone was collected and placed into Weber County Evidence. Weber County case #20WC6435.

**MB Leaving the scene of an accident involving damaged property-** Daniel Ritchey was observed operating a vehicle that had damaged property and struck a parked vehicle in Riverdale Police cases 20RI2703 and 20RI2709. These cases will be submitted for those charges.

### **Actions of Deputy Ortgiesen**

On 03-12-20, Deputy Ortgiesen, investigated a domestic violence assault that occurred at There was evidence that Daniel Ritchey had assaulted his mother Christine Jones inside this

residence and had fled the area in a vehicle. This was documented by Deputy Ortgiesen in Weber County Sheriff's Office Case #20WC6465.

At 0019 hrs, Riverdale Police began investigating a reckless driver who had struck a parked vehicle and then fled the scene. The vehicle was last observed turning east on (Riverdale Case #20RI2703)

At 0015 hrs, Michelle Martinez called 911 from her apartment located at Martinez reported that she heard a loud noise outside and looked out her window to see a badly damaged vehicle pulling into the parking lot. Shortly after this happened, Martinez heard a knock on her door but did not answer it. Martinez said she thought she heard voices coming from apartment #304 and thought the person had gone there. (Weber County Sheriff's Office Case #20WC6445)

Deputy Ortgiesen was dispatched to investigate the complaint made by Martinez, he was also advised that Riverdale Police officers were in the area investigating the reckless driver who had hit Joshua Taylor's truck and it was suspected that they were looking for the same person.

The vehicle was located in the parking lot of The investigation at this apartment complex identified Daniel Ritchey as the driver of the damaged vehicle and also the suspicious person complainant. Dep Ortgiesen also recognized the name from the earlier DV assault.

At 0047 hrs, Joshua Taylor again called 911 when he had observed a male "staggering" down the road. Taylor suspected this was the driver to the vehicle that had struck his truck and that law enforcement was searching for.

Deputy Ortgiesen and the Riverdale Police officers went to see if Ritchey had returned to his mother's residence. As Deputy Ortgiesen approached the front door, shouting could be heard coming from inside the residence between Christine Jones and Daniel Ritchey. Deputy Ortgiesen looked through the glass door and could see Christine who was standing in a hallway that led towards the kitchen area of the house. Christine was arguing with someone who was not visible but was just inside the kitchen.

In his statement, Deputy Ortgiesen said he believed he had probable cause to arrest Daniel for the prior assault on Christine and felt that he needed to act immediately to prevent another assault. Deputy Ortgiesen said he had knowledge that Daniel had acted violently towards law enforcement in the past and decided he would attempt to use the element of surprise and not announce his presence.

Deputy Ortgiesen stated in his interview that after he entered the residence, Daniel looked at him around the corner of the hallway. Deputy Ortgiesen observed a rifle in Daniel's hands and it was pointed downward. At the same time that he noticed the rifle, the barrel of the gun was starting to raise up towards him. (This is captured in the body camera footage)

Deputy Ortgiesen then stepped to the right as he drew his duty weapon which was holstered on his right hip. Deputy Ortgiesen attempted to yell out a command or a warning that sounded similar to, "Let me see em!" (This can be heard on the body camera footage)

Deputy Ortgiesen then fired four rounds of 9mm bullets into the wall where Daniel was hiding behind. Deputy Ortgiesen then retreated back out the front door and took a position of cover behind a vehicle in the driveway.

In his recorded interview, Deputy Ortgiesen stated that he saw the rifle in Daniel Ritchey's hands and the barrel was being raised towards him. Deputy Ortgiesen said he fired his duty weapon at Daniel Ritchey believing that if he did not act immediately, he would be killed.

*All of these factors should be considered in making a determination whether Deputy Jared Ortgiesen was justified in using deadly force.*

***Steve Haney***

**Investigator**

**Weber County Attorney's Office**



ATTORNEY'S OFFICE

2380 Washington Blvd  
Suite 230  
Ogden, UT 84401  
Office: 801.399.8377  
24-Hour Fax: 801.399.8304

Weber County Attorney  
Christopher F. Allred

Chief Criminal Deputy  
Branden B. Miles

Chief Civil Deputy  
Christopher K. Crockett

Attorneys

L. Dean Saunders  
Teral L. Tree  
Christopher L. Shaw  
Letitia J. Toombs  
Michelle A. Jeffs  
Bryan R. Baron  
Courtlan P. Erickson  
Rachel M. Snow  
Thomas A. Pedersen  
Mathew M. Wilson  
Dee W. Smith  
Nicholas E. Caine  
Sean D. Brian  
Stephen A. Starr  
Mathew J. Hansen  
Patrick S. Tan

Administration

Kimberley A. Rhodes

Investigations

Shane L. Minor  
Steve Zaccardi

Victim Assistance

Jaimie Pitt  
Diane Oberg-Lowe  
Becky Jones  
Jessica Hancock  
LeeAnn Nielson

June 26, 2020

Sheriff Ryan Arbon  
Weber County Sheriffs Department

RE: OFFICER-INVOLVED SHOOTING; DEPUTY JARED ORTGIESEN

Dear Sheriff Arbon:

Weber County Attorneys Office Investigator Steve Haney, with assistance from other members of the Force Investigation Team, has completed the investigation of the officer-involved shooting involving Deputy Jared Ortgiesen. I have thoroughly reviewed the investigation and discussed it at length with investigators and senior prosecutors in my office. My conclusions are as follows:

**Background.**

On March 13<sup>th</sup> 2020, the Weber County Sheriff's Office reported that there had been an officer involved shooting involving a member of their department. The OIS shooting protocol for Weber County was initiated. This force investigation was handled by the Weber County Attorney's Office as outlined in the protocol.

Deputy Jared Ortgiesen of the Weber County Sheriff's Office responded to the residence of \_\_\_\_\_ on the report of domestic violence at 21:34:46 on 03-12-20. Christine Jones gave a statement saying her son Daniel Ritchey had assaulted her in her residence. Daniel left the residence prior to law enforcement arrival. Deputy Ortgiesen investigated this complaint by documenting injuries on Christine Jones and collecting a broken cellular phone that Daniel allegedly smashed during the assault. Deputies searched the area for Daniel and also were investigating if he had left with a girlfriend.

At approximately 0019, Riverdale Police Department started investigating a series of hit and run accidents. This led the Riverdale Police Department into the Washington Terrace area looking for this vehicle. The vehicle was located abandoned in a parking



lot of an apartment complex at [REDACTED] There had been a call into dispatch where an intoxicated male had knocked on an apartment door by mistake. Daniel then knocked on the door of Joseph Rivera. Rivera is an acquaintance of Daniel and identified him. Daniel asked to come inside the apartment but Rivera refused because Daniel was so intoxicated. According to Rivera, Daniel wandered away from the apartment.

Deputy Ortgiesen and Officer Phillips of the Riverdale Police Department realized the driver of the vehicle in the hit and run accidents was the same person that Deputy Ortgiesen had investigated for the DV assault. They decided to go to [REDACTED] and try and locate Daniel. They arrived at the residence and Deputy Ortgiesen went to the front door to make contact and Officer Phillips went to watch the back door. Deputy Ortgiesen radioed that Daniel was inside the home. Shortly after, Deputy Ortgiesen called out shots had been fired.

### **Interview With Deputy Ortgiesen.**

On 03-16-20, Deputy Ortgiesen came to the Weber County Attorney's Office to make his statement. Ortgiesen said he responded to a dispatched call of a welfare check at the address of [REDACTED]. Christine Jones reported that her son had assaulted her earlier that night. Dep Ortgiesen said he noticed how red Christine's face was, and how she was touching the top of her head gingerly as if there was an injury.

Christine stated that she had gone to buy shoes for her grandson and when she returned, her son, Daniel Ritchey, was at the house and was angry with her about having the cell phone. Daniel took the phone from his mother and began to hit her in the head with his fist. After hearing the story of the assault and also how Daniel had taken Christine's cellular phone and smashed it, Ortgiesen examined Christine's head and felt a bump through her hair which caused Christine to wince in pain. Ortgiesen took photographs of this bump and also of a mark on Christine's arm that she said was also from the assault.

Ortgiesen said that Christine thought that Daniel had left with his girlfriend who had shown up at the house. Ortgiesen explained to Christine how to get a protective order against Daniel. Ortgiesen said he suggested to Christine that she stay with one of her daughters for the night because they did not know where Daniel was currently and if he would return. Christine refused and told everyone that she would be fine.

Ortgiesen said he started writing his report and was looking up the names involved in the incident in the law enforcement records and reporting system. Ortgiesen said there was an alert attached to Daniel's name sheet that had him listed as potential violent against law enforcement. Ortgiesen said as he was reading this, Deputy Jose Leon stopped next to him and advised Ortgiesen that he was familiar with Daniel and that Daniel was known to fight officers. Ortgiesen said he was just finishing the report when he was advised of a suspicious person call at [REDACTED]. An unknown male had pulled into the parking lot in a vehicle that was making loud noises. The unknown male then knocked on the door to [REDACTED] and the complainant did not know

him. Ortgiesen said Riverdale Police were also in the area of this apartment complex looking for a reckless driver involved in a hit and run accident. The vehicle involved had been located in the parking lot of this complex and it was damaged and broken down.

Ortgiesen and two Riverdale Officers went inside the apartment building and made contact with the occupant of :            It was a female who said that she had heard the suspect vehicle pull into the parking lot on the flat tire. Shortly after she heard a knock on her door but she did not answer because she did not know who was knocking. The female called 911 and asked for a deputy to respond. Ortgiesen said she then told him that she believed that this male went to apartment            and knocked on that door.

After speaking with the resident in :            Weber dispatch advised them there was another report of a suspicious male in the area walking in the road. Ortgiesen said they decided to make contact with apartment            before moving on to this new information. Ortgiesen knocked on the door and made contact with the male who lived there. Ortgiesen asked the male about someone knocking on his door a few minutes prior. The male told him that a Daniel Ritchey had just been there but had left. Ortgiesen said this male said he knew Daniel Ritchey through his child's mother and did not allow him inside. He also mentioned that Daniel was very intoxicated and smelled of liquor.

Deputy Ortgiesen then left the apartment building and observed the vehicle that had been parked in the apartment parking lot. It was a Ford Taurus and matched the description of the vehicle that Christine believed Daniel had taken. The vehicle had sustained to the front end and was not drivable. Deputy Ortgiesen said he and the Riverdale officers decided to go to the            residence and attempt to locate Daniel.

Deputy Ortgiesen said he walked up towards the front door and he could hear an argument happening inside the house. Ortgiesen could hear Christine and a male voice yelling at each other. Deputy Ortgiesen said he could see inside the house and observed Christine straight ahead. She was standing in the doorway that led into the hallway to the kitchen and bedrooms. Ortgiesen said Christine was looking at someone who was not visible to him. She was talking toward the kitchen area. Deputy Ortgiesen said he opened the door and stuck his head inside. Ortgiesen said he noticed Christine make a gesture with her hands as if she is motioning to show that Daniel is right there in the house.

Ortgiesen said he wanted to use surprise to get close to Daniel before announcing his presence because he had read the alert on Daniel's name sheet that had Daniel listed as potential dangerous and violent towards police. Ortgiesen said that as he stepped into the living room, Daniel looked around the corner of the hallway wall and looked right at him. Ortgiesen said he saw that Daniel had a rifle in his hands. Ortgiesen then saw Daniel start to raise the barrel of the gun towards him. (Daniel was later determined to be approximately ten feet away from Deputy Ortgiesen at this time.)

Orgtiesen then shouted "let me see em!" as he stepped to his right and fired his duty weapon at Daniel. He recalled that he fired 3 to 4 rounds but was not positive. Deputy Orgtiesen said that when he saw the rifle raise up toward him, he believed that Daniel intended to shoot him, and that his life was in danger.

Orgtiesen said he could not see Daniel anymore and realized he had fired into the wall. Orgtiesen retreated out the front door and took a position of cover and concealment behind a van that was parked in the driveway of the residence. Orgtiesen said that Christine then came out of the house and he yelled at her to come to him. Daniel then also came out and surrendered. Daniel had been struck in the hand by one of Orgtiesen's shots.

#### **Interview with Daniel Ritchey.**

Steve Haney interviewed Daniel Ritchey shortly after he was released from the hospital. After advising Ritchey of his Miranda rights he agreed to speak with Haney. During the interview Ritchey told Haney that he was struggling with drug and alcohol abuse, and that he was using methamphetamine and heroin. Ritchey described being under a great deal of stress due to a variety of personal problems in his life at that time. He further explained that he knew officers were coming to the residence. Ritchey said that he picked up a BB gun, which had a solid wood stock and looked very much like a hunting rifle, and he intended to confront officers with the gun and force them to shoot him. Another Deputy (Deputy Wilson) previously overheard Ritchey making statements to medical staff that this was a suicide attempt and that he was brandishing the BB gun with the intent of forcing officers to shoot and kill him. Ritchey also admitted that he was holding the gun when he was confronted by Deputy Orgtiesen.

#### **Analysis.**

Utah Code Section 76-2-404(1) 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." Subsection (2) states, "If feasible, a verbal warning should be given by the officer prior to any use of deadly force. . ."


In this case Deputy Orgtiesen had been investigating a domestic violence assault committed by Daniel Ritchey against his mother along with a string of other complaints including reckless driving, hit and run, DUI, and trespassing. Further, Deputy Orgtiesen had been made aware that Ritchey had a history of threatening and fighting with police officers. Under these circumstances Deputy Orgtiesen returned to the home of Ritchey's mother and found him engaged in a loud argument with her. Orgtiesen entered the home fearing that Ritchey was going to assault his mother again when Ritchey raised what appeared to be a rifle toward the deputy. Deputy Orgtiesen believed the BB gun was a rifle, and he thought Ritchey was going to shoot him.

Under these circumstances it was reasonable for Deputy Ortgiesen to believe that the use of force was necessary to prevent death or serious bodily injury to himself or others.

Given the totality of the circumstances I find that the use of deadly force by Deputy Ortgiesen was justified under Section 76-2-404.

Please feel free to call me if you would like to discuss this further.

Sincerely,



Christopher F. Allred  
Weber County Attorney