



FORCE INVESTIGATION TEAM

Commander Steve Zaccardi
Weber County Attorney
Email: szaccardi@co.weber.ut.us

Assistant Commander
Steve Haney
Weber County Attorney
Email: shaney@co.weber.ut.us

Investigator Cameron Hartman
Weber County Attorney
chartman@co.weber.ut.us

Detective Rick Childress
Ogden Police Dept.
rickchildress@ogdencity.com

Detective Brian Schultz
South Ogden Police Dept.
bschultz@southogdencity.com

Detective Ty Hebdon
Weber County Sheriff
thebdon@co.weber.ut.us

Detective Rachel Walker
Ogden Police Dept.
Rachel.Walker@ogdencity.com

Detective Dustin Stewart
Weber County Sheriff
dstewart@co.weber.ut.us

Detective Jeremy Rock
Morgan County Sheriff
jrock@morgancountyutah.gov

FIT-IC Jamie Pitt
Court Technical Specialist
jpitt@co.weber.ut.us

Force Investigation Team Report

Officer-Involved Shooting

Incident: Officer Involved Shooting-Fatal

Agency(s) Involved: Roy City Police, Weber County Sheriff's Office, South Ogden Police, Riverdale Police and UHP.

Relevant case numbers: 23RO21899, 23WC46715, 23HP25139, 23SO13540, 23RI18888, 23CS1487

Date of Incident: 12/31/2023

Time of Incident: 21:43:02

Location of Incident: 500 W Riverdale Rd

FIT Lead Investigator: Steve Haney

Involved Officer(s): Todd Fowers

Involved Subject(s): Carter Edelman

Weber County Attorney's Office
Criminal Investigation
Officer Involved/Deadly Force Used
Date 12-31-2023
Investigator Steve Haney
Premise:
City: Riverdale City

Agency Involved: Roy City Police (23RO21899)

Agency Involved: Weber County Sheriff's Office (23WC46715)

Agency Involved: South Ogden City Police (23SO13540)

Agency Involved: Riverdale City Police (23RI18888)

Agency Involved: UHP (23HP25139)

CSI Case: 23CS1487

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 December 31st, Deputies of the Weber County Sheriff's Office initiated a vehicle pursuit and multiple different law enforcement agencies assisted. The basis for the pursuit was from a 911 call reporting a person who was driving under the influence of alcohol. This pursuit started in the Roy City boundaries and ended in Riverdale City. During this pursuit, a Roy City Police Officer reported that there had been the use of deadly force. The OIS protocol for Weber County was initiated at this point.

The information provided in this document is a summary of the investigation performed by the Weber County Attorney's Office Force Investigation Team.

Lead Investigator- Steve Haney (WCAO)

Assisting Investigator- Cameron Hartman (WCAO)

Assisting Investigator- Steve Zaccardi (WCAO)

Overview/Summary

Involved Officer- Todd Fowers (RCPD)

Involved Officer: Dan Johnson (SOPD)

Involved Officer: Ryan Watkins (WCSO)

Involved Officer: Austin Nielsen (WCSO)

Suspect: Carter Edelman (driver)

Victim: JoCee Fairchild (passenger)

911 Caller: Brian Jester

On 12-31-23 a 911 phone call was made to the Weber County Emergency Dispatch Center. The caller later identified as Brian Jester reported that there was a vehicle that would be traveling on I-84 that had an intoxicated driver. Jester said this vehicle had just left his residence and was being driven by a Carter Edelman who had been drinking alcohol and left after being advised not to drive. Jester also told dispatch that he was tracking Edelman by the Life 360 app on his cellular phone which provided the location and speed of Edelman in real time. It was also reported that there were three minors in this vehicle with Edelman and that he would "run" if they tried to stop him.

Dispatch logs and a copy of the radio traffic have recordings of dispatch putting out an "Attempt to Locate" notification of Edelman's vehicle and license plate to all of law enforcement in Weber County and specifically notifying the Weber County Sheriff's Office and the Utah Highway Patrol of the report that this vehicle was being reported as being driven by an intoxicated driver.

Deputy Nielsen of the Weber County Sheriff's Office caught up to the blue BMW, Utah license plate T923KA, at 1900 W Riverdale Rd. The BMW was westbound on Riverdale Rd but had turned southbound on 1900 W. Deputy Nielsen followed the BMW as it started to travel south. Deputy Nielsen activated his emergency overhead lights on his marked Sheriff's vehicle at 5350 S. The BMW and another vehicle that was ahead of the BMW turn west on 5350 S and then both vehicles pull to the right side of the road as if they pulling over. The blue BMW then abruptly moved back into the travel lane and accelerated. Deputy Nielsen followed the BMW and advised dispatch that the suspect vehicle was fleeing.

On the recorded 911 call, Brian Jester is still connected with a dispatcher. Jester started to give a narrative of where Edelman was traveling and what speeds he was traveling at. Jester said that Edelman was eastbound on 5300 S which connected back onto Riverdale Rd. Jester says Edelman was eastbound and reached speeds of 127 mph as he continues eastbound.

Deputy Nielsen is chasing after the BMW and has activated his siren, this can be heard in his radio traffic and body camera. Deputy Nielsen still has a visual on the BMW ahead of him and is giving out his location, speed, and traffic conditions over the radio.

On the recorded 911 call, Jester reported that Edelman turned northbound on 900 W and has reached speeds of 95 mph. Edelman then turned east on 4400 S and traveled to 775 W where he turned north again. Edelman was now eastbound on 4375 S which led to a cul-de-sac.

Deputy Nielsen caught up to this area and was now joined by Officer Dan Johnson of the South Ogden Police. Both Deputy Nielsen and Officer Johnson enter into the cul-de-sac and encounter the blue BMW. Edelman had turned around and was now driving back towards them.

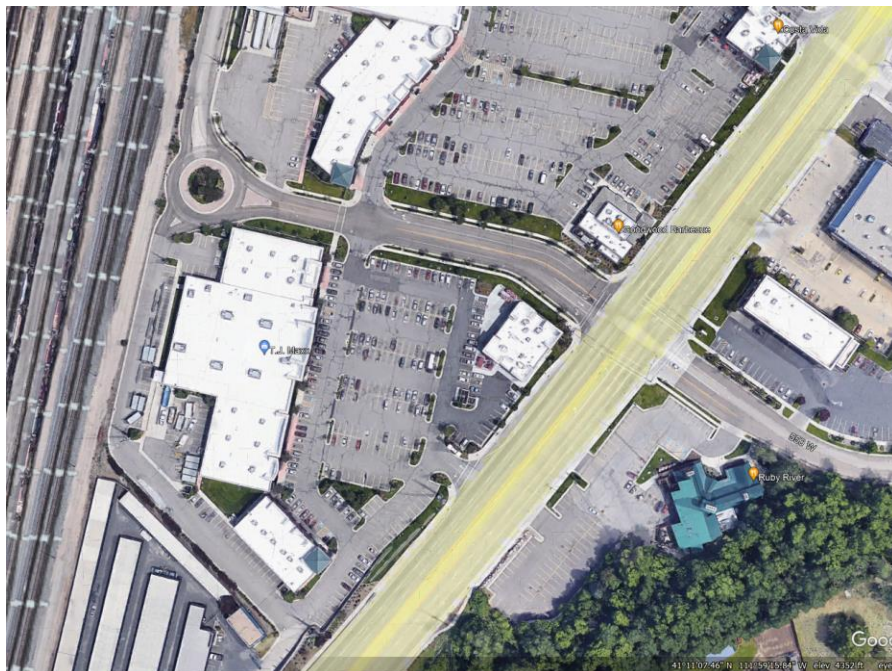
Officer Johnson turned his vehicle to the right and attempted to cut off the BMW as it was left the roadway and was driving on the grass lawn of a residence. Officer Johnson's vehicle struck the BMW in the rear quarter panel. The BMW continued to accelerate and broke free of Officer Johnson's vehicle, tearing the rear bumper off.

Radio traffic from Deputy Nielsen then can be heard telling dispatch that the BMW has struck a South Ogden Police vehicle. Officer Johnson can also be heard telling dispatch that the BMW hit his vehicle.

The pursuit of Edelman and his blue BMW is continued with the aid of the directions that Jester was giving dispatch. Edelman drove the BMW back to 4400 S and then east to 700 S where he turned south. Edelman then turned eastbound on Riverdale Rd and speeds over the railroad viaduct reaching 117 mph.

Jester advised dispatch that Edelman turned north onto 550 W and was currently headed towards the area behind a strip mall that houses numerous different stores. Police units converged to the area.

Below is an overhead photograph of this business/shopping area.



The BMW was spotted behind the T-Mobile store. Officer Todd Fowers of the Roy City Police Department turned into the parking lot of this business area from Riverdale Rd. Officer Fowers drove west through the parking lot and intercepted the BMW as it traveled south in front of the businesses. Officer Fowers exited his vehicle after coming to a stop. Officer Fowers fired his duty weapon as the BMW traveled over a parking curb next to the driver side of Officer Fowers police vehicle. Officer Fowers can be heard calling out that shot had been fired over the police radio.

The BMW continued to flee south and then turned west and ended up behind a business and was blocked in at the loading area of the business. Two police vehicles attempted to block the BMW but Edelman drove around them and attempted to escape by veering around the other responding police vehicles and entering back onto 500 W. Deputy Ryan Watkins of the Weber County Sheriff's Office, struck the side of the BMW in the roadway. It did not disable the BMW which continued to travel east. Deputy Nielsen then used his vehicle to impact the front driver side of the BMW which did disable the vehicle.

Dispatch is told by Jester that Edelman is in possession of a firearm around the same moments that the pursuit is being ended by the collisions.

Responding officers approach the vehicle and take Edelman and the front passenger into custody.

Initial Investigation

I was advised by Weber Dispatch that an officer involved incident had taken place and a request for the Officer Involved Protocol was being issued by Riverdale Police Department. I called Sgt Ty Dalton who briefed me about the situation. I was advised about the possible intoxicated driver and the evading from a Weber County Deputy of the BMW. Sgt Dalton said that the BMW had rammed a South Ogden vehicle during the chase and collided with two other Weber County patrol vehicles before he was taken into custody. Sgt Dalton said a Roy City Police Officer had fired his duty weapon at some point right before the vehicle was stopped in the parking lot near 500 W Riverdale Rd.

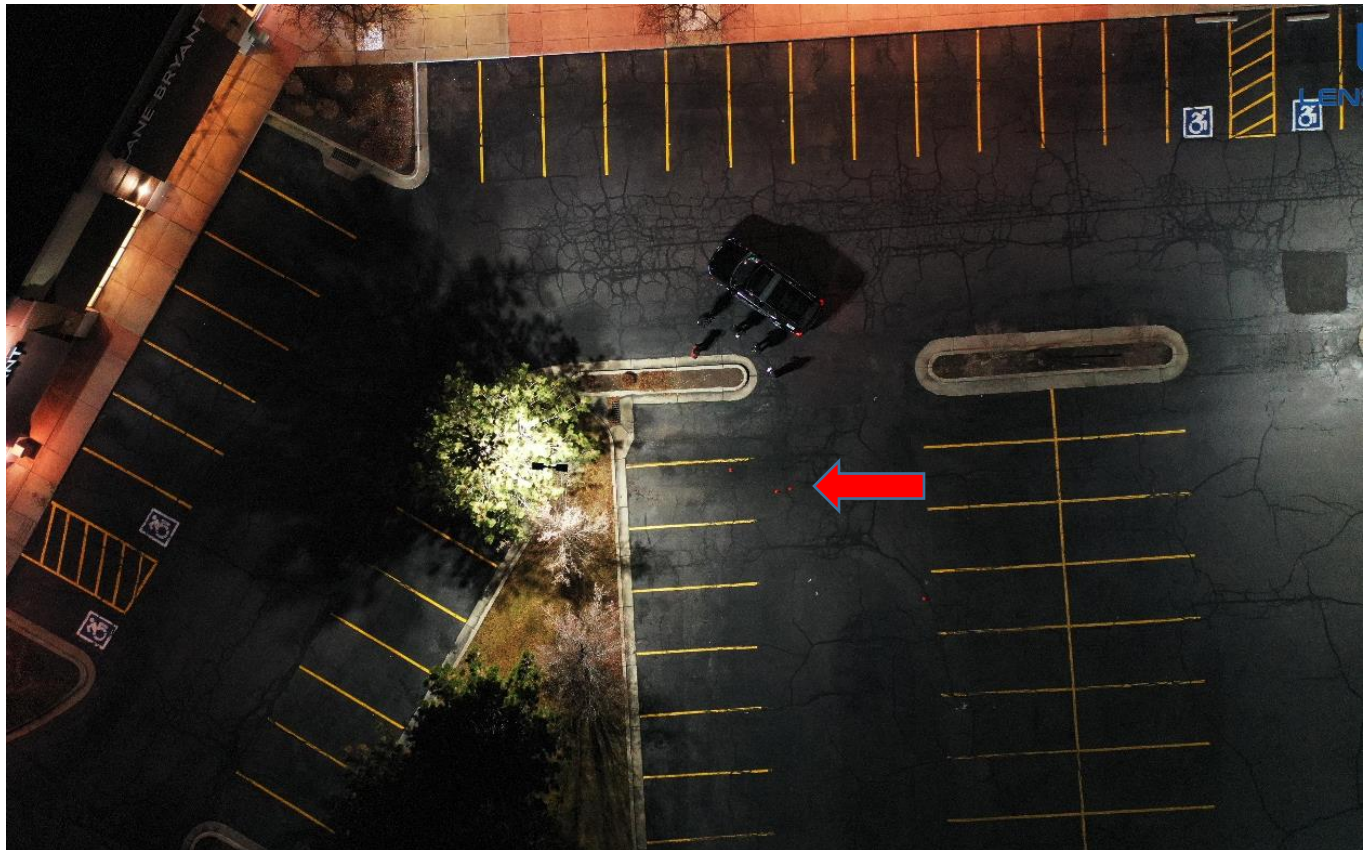
I called Sgt Lavelly of the Weber County Sheriff's Office and coordinated that he and his detectives would handle the evading of the BMW and possible DUI portion of this incident and I would focus of my investigation would be where Officer Fowers fired his weapon.

I arrived in the area and law enforcement had sealed off the entire area with crime scene tape. The damaged BMW was in the roadway surrounded by police and Sheriff's vehicles. The air bags had been deployed on the BMW and I could see what appeared to be holes in the driver side and rear of the vehicle that could have been bullet holes. There was also a damaged Ford F150 Weber County Sheriff's truck parked next to the BMW. There was also a damaged white unmarked SUV Sheriff's vehicle that had extensive damage to the front end. This vehicle was just west of the BMW.

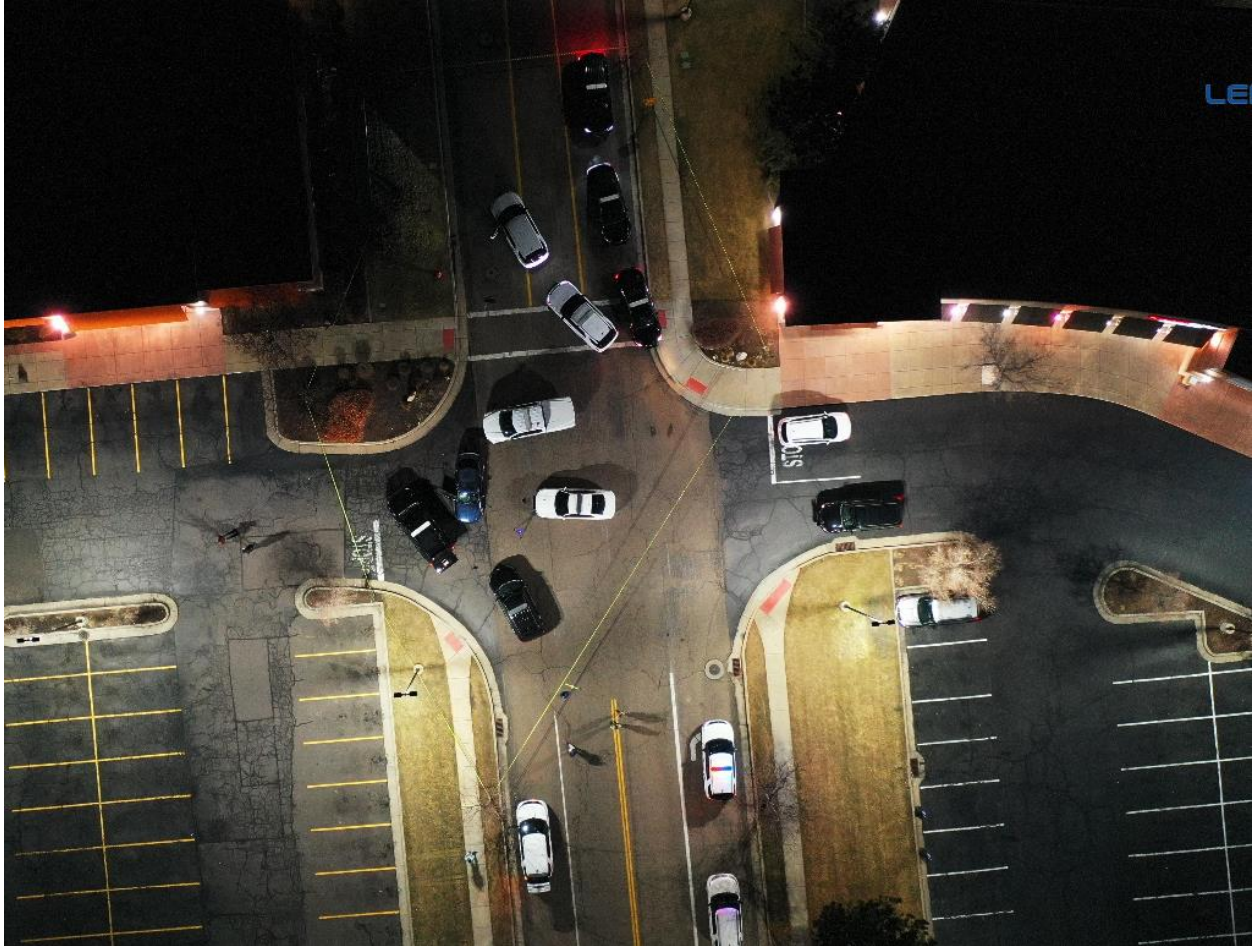
I met with Sgt Dalton who briefed me that officers had been advised by dispatch that Edelman was in possession of a gun but nothing had been located on his person. The BMW had not been searched. I called Sgt Lavelly and requested that the Sheriff's Office obtain a search warrant for the BMW.

Sgt Dalton then showed me where the Roy City Police officer was when shots were fired. It was south from the BMW had been stopped in the parking of numerous store fronts. Sgt Dalton told me that the driver of the BMW, Carter Edelman and the passenger, JoCee Fairchild, had been transported to the Weber County Sheriff's Office.

Below is an overhead photograph of the scene where Officer Fowers fired his weapon. Photo taken by CSI using a drone. Officer Fowers vehicle has not been moved and is still in the same place when the shot were fired. The orange cones in the center of the photograph indicate where 9mm shell casings have been identified and marked. (Red Arrow)



The next photo is an also an overhead picture taken from the drone used by CSI. It shows the area where the blue BMW was stopped.



I walked to the area where the Roy City Police car that Fowers had been driving was still parked. Officer Fowers had been transported to the Roy City Police Department. CSI Biggs showed me where four 9mm bullet casings had been found in the parking lot on the east side from where the Roy Police vehicle was parked. There were also tire tread marks in the dirt inside of the parking island that was next to the driver side of Officer Fowers police vehicle.

Investigator Cameron Hartman was on scene and was interviewing witness officers. I left him in charge of the scene and went to the Roy City Police Station with CSI Biggs.

Officer Todd Fowers



Officer Fowers had been sequestered into a conference room with his FOP attorney. I advised Officer Fowers that we would be doing a bullet count and explained how that would happen. CSI Biggs then photographed Officer Fowers and how he looked at the time of the incident. Above are those photographs and how Officer Fowers was clearly marked as a law enforcement officer.

I had Officer Fowers remove his duty sidearm from his holster and hand it to me. I counted 13 rounds were inside the weapon. CSI Biggs recorded this on video. This 9mm Glock was placed into an evidence box and the bullets were placed in an evidence bag.

I then counted both spare magazines that Officer Fowers carried in pouches on his tactical vest. Both spare magazines had 17 bullets in them. The magazines and bullets were placed in evidence bags. This was also videoed by CSI Biggs.

Carter Edelman



Carter Edelman had been transported to the Weber County Sheriff's Office to be interviewed. I went to the Sheriff's Office and met with Sgt Lavelly and Det Stewart. They advised me that Edelman had requested an attorney after being advised of his Miranda Rights. Edelman was then taken up to McKay Dee Hospital where he was examined. There was a bruise found on his right upper back area that seemed to be consistent with getting hit by a projectile that did not penetrate the skin. Edelman's injuries were photographed by CSI. A search warrant for Edelman's blood was obtained to determine Edelman's blood alcohol level.

Below is a photo showing the bruise found on Edelman's back.



Edelman was booked into the Weber County Jail after he was medically released. The Weber County Sheriff's Office issued the probable cause for the traffic offenses.

The results of Edelman's blood alcohol from the Utah State Crime Lab were forwarded to me by Sgt Lavelly on 01-29-24. Edelman blood level of alcohol was 0.12 grams per 100 milliliters. There were no narcotics detected in his system.

JoCee Fairchild

JoCee Fairchild was the passenger in the vehicle with Edelman and had been transported to the Weber County Sheriff's Office. Sgt Lavelly said that Fairchild was cooperating and had given a statement about what had happened that night. Fairchild said that she was at a party in what she thought was the South Ogden area and had decided to leave with Edelman to go to another party in Roy City. During the attempted traffic stop, Edelman told Fairchild that he was going to run. Fairchild said that she told him not to, but he started to drive away. Fairchild said that Edelman had slowed down and she asked for him to stop and she could get out, but Edelman said no and sped off.

Fairchild explained where they went and how they ended up in a dead end. Fairchild said they tried going around the police car but the police car ran into them and Edelman lost his rear bumper.

Fairchild described how they drove away from the police and thought they had lost them but then were again being chased. Fairchild said they were hit by two other police cars and stopped.

Fairchild did tell Sgt Lavelly that Edelman had a firearm earlier in the night. Someone had told her that at the party she was at.

I arrived at the Sheriff's Office and spoke with Fairchild along with Sgt Lavelly. I asked Fairchild about the gun that Edelman supposedly had. Fairchild explained how her friend had told her that Edelman carried a gun because Fairchild is supposedly afraid of guns. Fairchild never did see the gun, she said she just had heard Edelman had one.

I asked Fairchild about the moment where the pursuit took them into a shopping area in Riverdale. Fairchild said that she recalled at one point shots were being fired but did not know if the police were firing or Edelman was firing. Fairchild said she could only recall hearing the shots and nothing else because her head was down the entire time and she was scared.

I asked Fairchild about seeing an officer standing outside of his vehicle while they were in the parking lot of the shopping area. Fairchild at first said she didn't but then said she recalled at one point there was an officer standing in front of Edelman's vehicle. Fairchild demonstrated that the officer was holding his hand out in front of the vehicle trying to get them to stop. Fairchild described the officer was almost touching the hood and was kind of "jerked around" as they went past him. Fairchild thought that happened while they were in the neighborhood and did not recall it happening in the parking lot of the stores.

I then asked Fairchild about the gun Edelman was supposedly carrying. Fairchild said she didn't know where it would be and suspected it was either in a black bag that was in the car or Edelman had thrown it out the window during the chase.

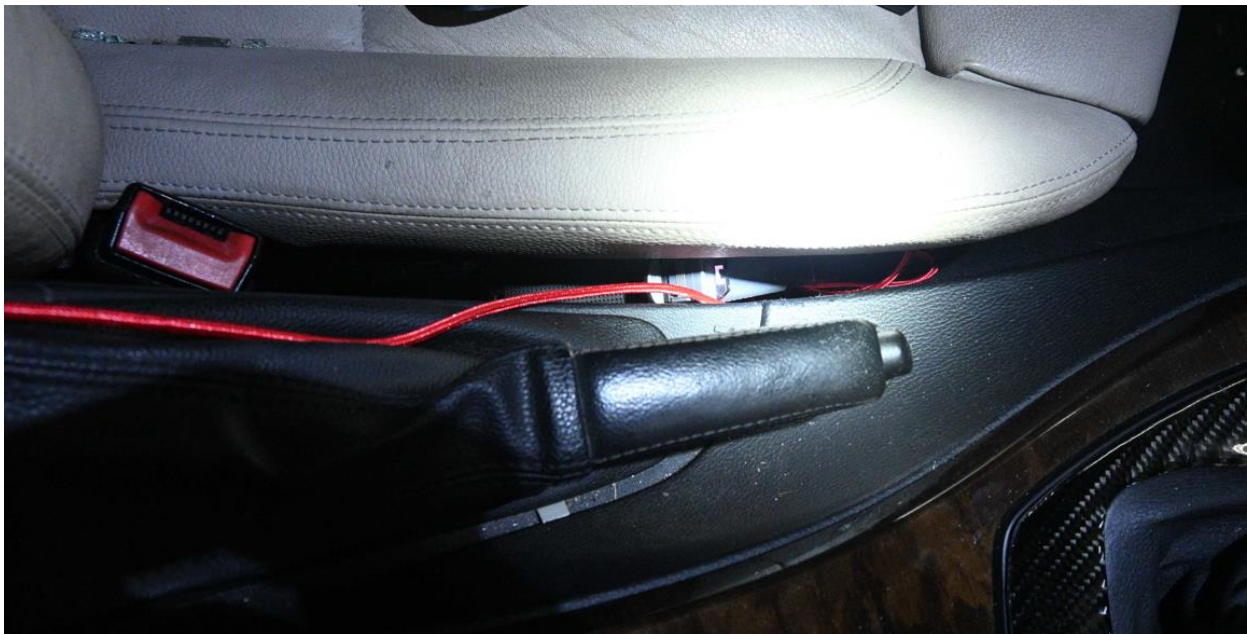
Fairchild was then asked about how she had told Edelman to stop and she wanted to get out of the car. Fairchild said that when they first noticed the law enforcement lights she told him she wanted to get out of the car and Edelman told her that they didn't have enough time and that he was intending to flee.

I finished my questions of Fairchild, Sgt Lavelly obtained a statement from Fairchild about the incident to assist with the charges from the Weber County Sheriff's Office.

Search of the Blue BMW



The warrant had been obtained to search the blue BMW. It had been towed to the secure CSI building. Myself and Investigator Hartman searched this vehicle. There were cans of “Twisted Tea” alcoholic beverage found in the back seat and inside a bag. As I was searching the front driver area I noticed what appeared to be a firearm between the driver seat and the center console. Below is a photograph.



After CSI photographed the area, the firearm was removed and inspected. It had all the marking of a 9mm Glock semi-automatic firearm, but upon further inspection, it was determined to be a BB/pellet gun.



There was also alcohol found in the backseat of the vehicle which matched what Fairchild had said in her statement.

Dash Camera South Ogden Officer Daniel Johnson

It should be noted that there is no sound for the first 30 seconds of the video which is a feature of the AXON camera system where it starts recording back 30 seconds after it is activated.

The dash camera video from Officer Johnson of the South Ogden Police starts at 21:50:52 according to the time counter in the upper right hand of the footage along with the date of 12-31-23.

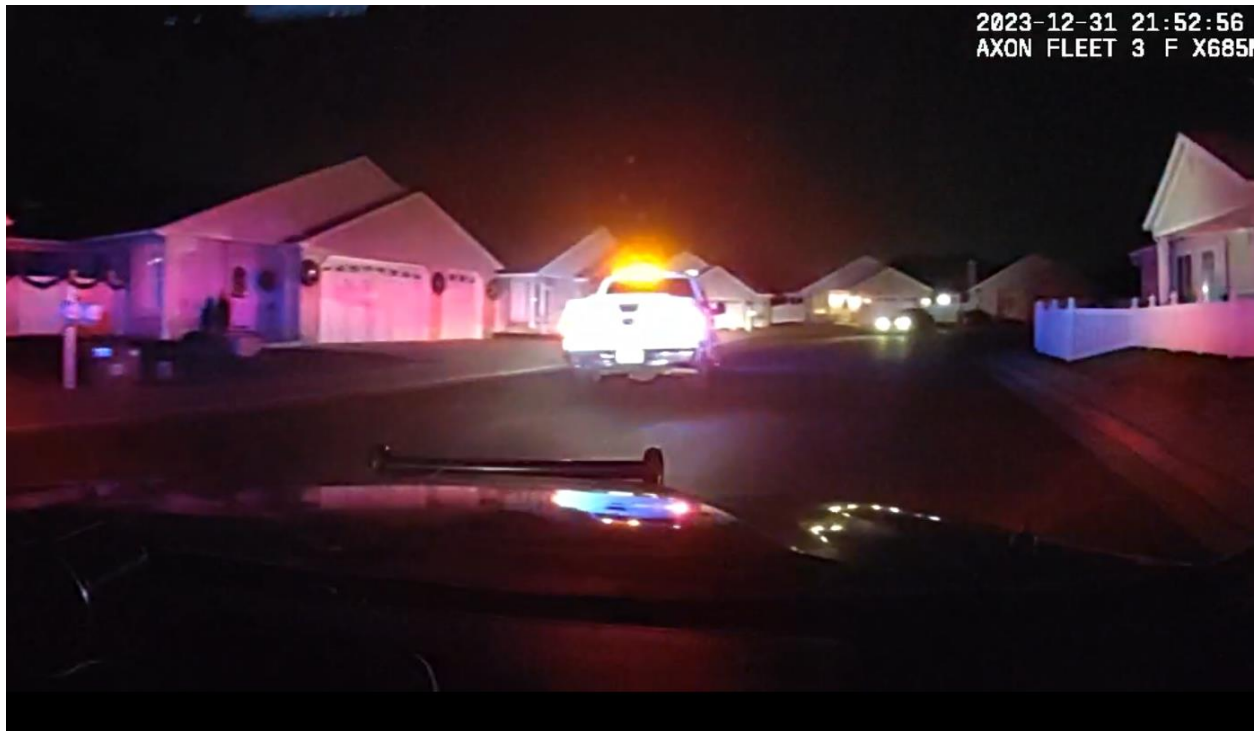
The footage starts as Officer Johnson is driving south on Riverdale Rd and 4050 S. Officer Johnson drives over the viaduct and is now westbound on Riverdale Rd. A siren can be heard activated at 21:51:32.

Officer Johnson can be heard telling dispatch that he can set up spikes at 900 W as he is westbound at 700 W. As Officer Johnson approaches 900 W, the blue BMW can be seen in the footage turning north on 900 W from Riverdale Rd.

As Officer Johnson approaches the intersection of 900 W, there is a marked Weber County Sheriff's Office Ford F150, driven by Deputy Nielsen, with its overhead emergency lights on that turns onto 900 W and is pursuing the BMW. Officer Johnson turns north onto 900 W and is following Deputy Nielsen.

Deputy Nielsen and Officer Johnson travel north on 900 W and then turn east on 4400 S. Officer Johnson follows Deputy Nielsen as they then turn north on 775 W and then east on 4375 S. House line both side of the street and this is clearly a residential area.

The BMW has reached the end of the Cul-de-sac and has turned around and is now pointing back towards Deputy Nielsen and Officer Johnson's vehicles. Below is a still framed photo.



The BMW starts to drive back towards the two police vehicles. Below is a still framed photo.



The BMW continues to move towards Officer Johnson's vehicle and then drives over the curb and onto the lawn of a residence on the right side of the still framed photo below.



Officer Johnson attempts to cut off the BMW as it appears to be trying to drive around him. Officer Johnson's police vehicle strikes the rear portion of the passenger side of the BMW as it moves past him on the grass area.



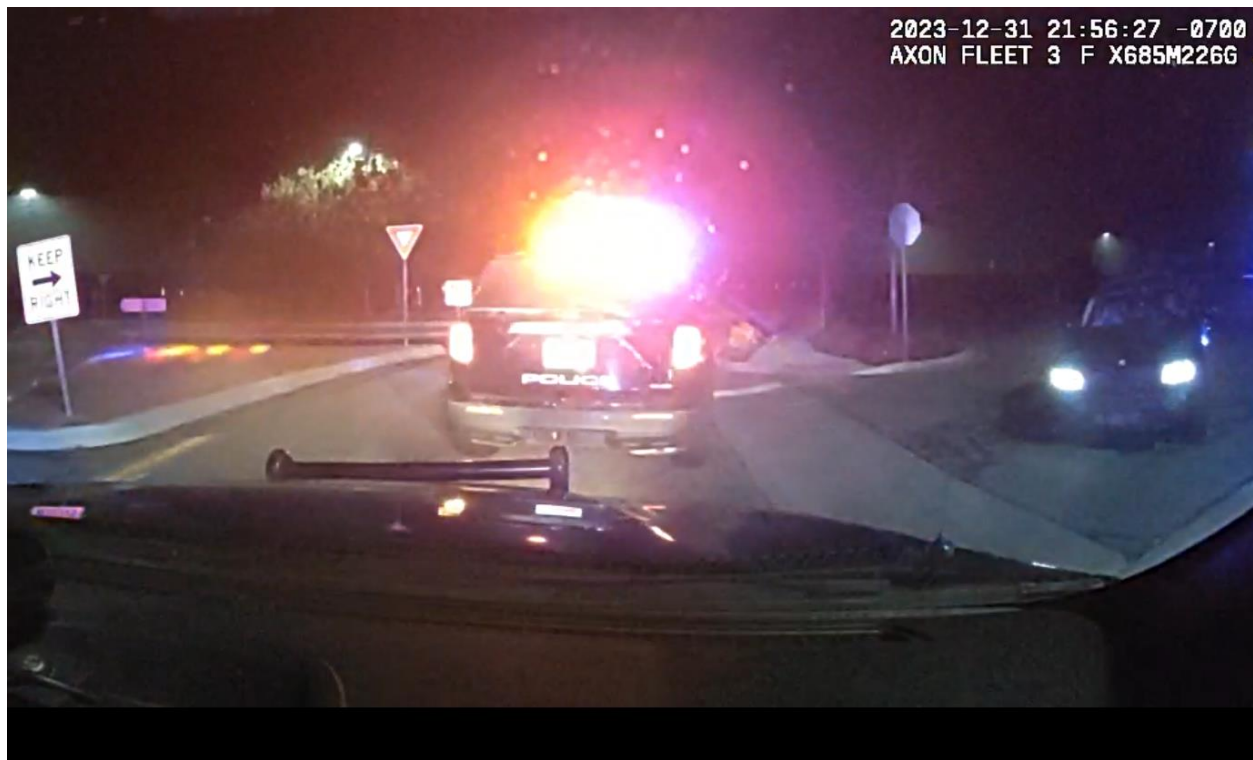
It can then be heard over the radio that Deputy Nielson states that the BMW has "just hit a South Ogden car". Officer Johnson can then be heard saying, "he rammed my vehicle", but he was okay.

Both Officer Johnson and Deputy Nielson turns around and drove back out of the cul-de-sac and attempt to pursue the BMW. Both come back onto 4400 S and are headed westbound when dispatch can be heard advising all units that the BMW is passing Buffalo Wild Wings on 700 W and is headed towards Riverdale Rd. Deputy Nielson and Officer Johnson both make a U-turn and drive eastbound on 4400 S. Officer Johnson makes it to Riverdale Rd and is traveling east over the viaduct at 21:55:23 hrs.

As Officer Johnson makes it across the viaduct and into this shopping area of Riverdale City, Officer Johnson makes an announcement over the radio, telling all other units, "Hey, just 10-14. He intentionally rammed my unit. 4F8, we have an agg assault."

*Note: 10-14 is a police radio code for "information" or "be advised". Also the "agg", is abbreviated for aggravated.

Officer Johnson makes a U-turn on Riverdale Rd and then turns west into the shopping area at 500 W. Officer Johnson and other police vehicles drive west to a roundabout. The BMW can then be seen to the right of the screen driving through a parking lot and coming toward Officer Johnson's passenger side. Still framed photo below.



The BMW turns east and passes by Officer Johnson's vehicle. Officer Johnson uses the round about to turn around. There are many police vehicle now parked in the road as the BMW has been stopped. Officer Johnson exits his vehicle. (21:56:53)

Body Worn Camera

Roy City Police Officer Todd Fowers

It should be noted that there is no sound for the first 30 seconds of the video which is a feature of the Motorola camera system where it starts recording back 30 seconds after it is activated.

Officer Fowers body worn camera is activated at 21:51:29 according to the time counter on the upper right hand of the footage next to the date of 12/31/2023.

The body worn camera is attached to the upper torso of Officer Fowers and therefore the vantage point of the initial stage of this footage is of the steering wheel and dashboard of Officer Fowers' patrol vehicle.

The audio starts at 21:51:59. Radio traffic can be heard along with sirens. Officer Fowers continues to drive and at 21:53:07 the radio traffic of "he just rammed a South Ogden car" can be heard along with the dispatcher confirming a South Ogden vehicle had been "rammed" and also Officer Johnson's response that it was his vehicle that had been struck.

It appears that Officer Fowers stops his vehicle and pulls to the side of the roadway until there is radio traffic giving the location of the BMW as traveling east of Riverdale Rd from 700 W. Officer Fowers starts driving again.

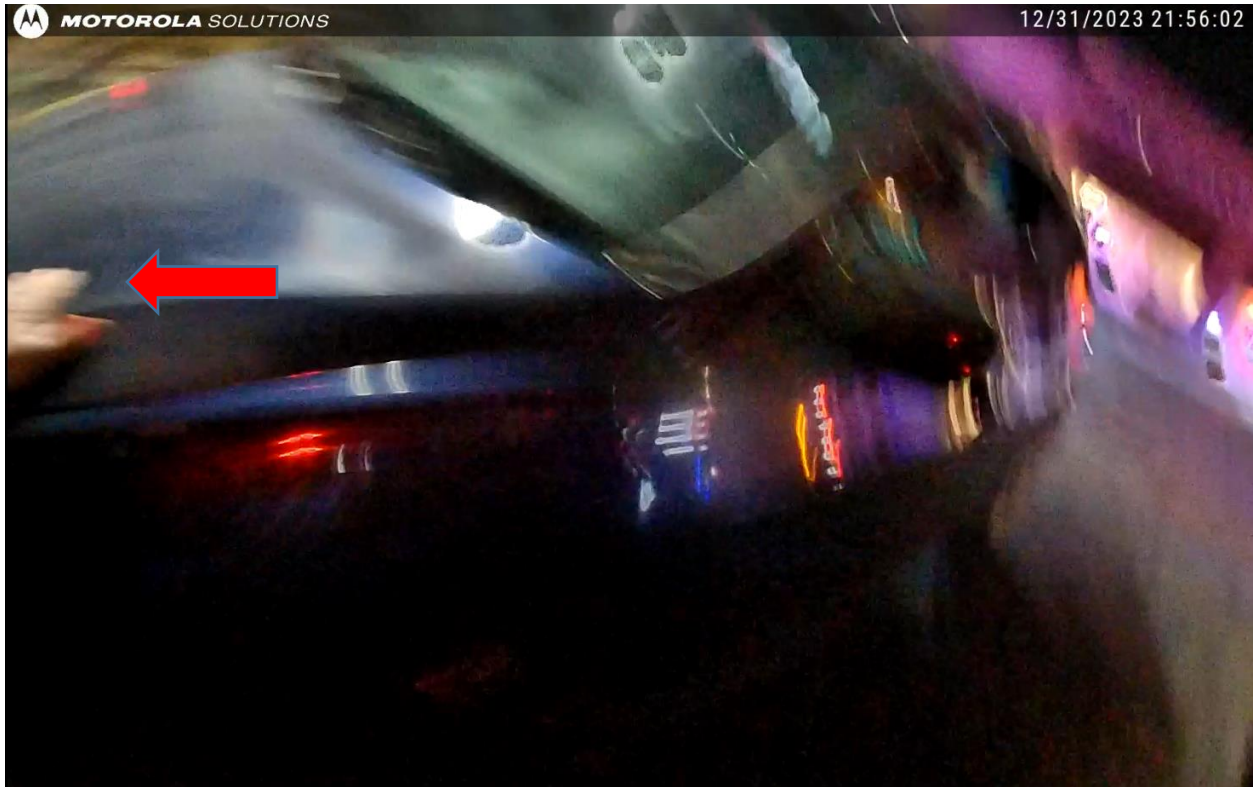
There is numerous amounts of radio traffic asking for "spikes" to be laid out ahead of the pursuit and also current location of the BMW. There is an officer who is asking for radio traffic to be limited to the lead officer and secondary chase vehicle. Which would indicated that the information of Edelman's phone being tracked through the 911 call is not known.

At 21:55:35, the radio traffic by Officer Johnson stating the BMW "intentionally rammed my unit" and that the driver has committed an aggravated assault can be heard.

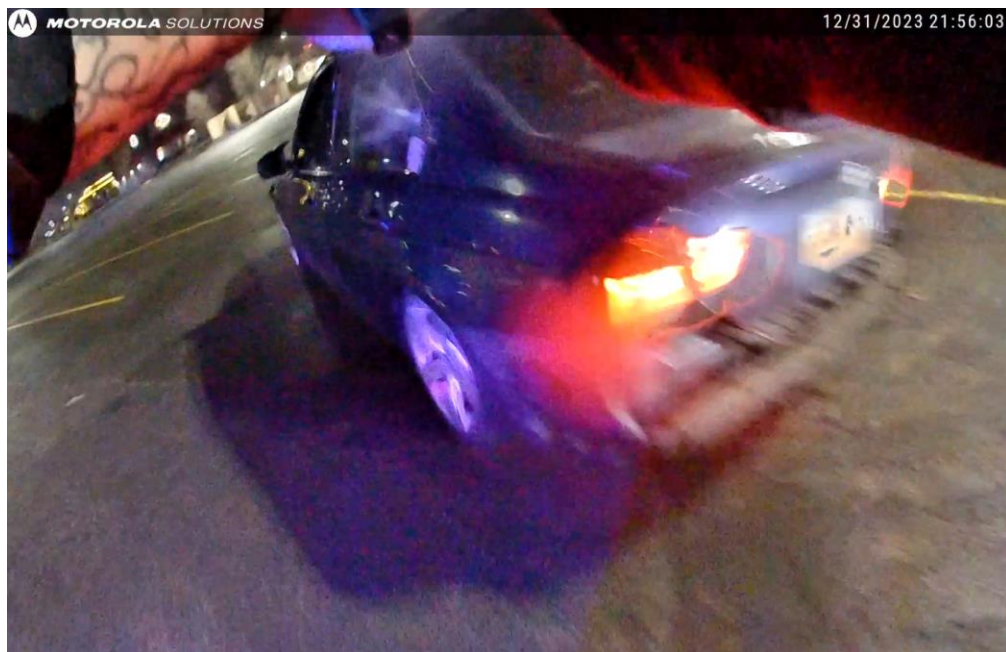
Dispatch gives the location of the BMW being in the "Lane Bryant parking lot". (21:55:45) Officer Fowers then turns the wheel and steers to the left. The large sign of the shopping district can be seen in the windshield. "Lane Bryant" is clearly marked on the billboard right under the "TJ Max" sign at the top.

As Officer Fowers is driving and turning the steering wheel, the buildings of the shopping area can be seen through the windshield. Officer Fowers is driving towards them which would be west from Riverdale Rd. Officer Fowers travels towards the front of the "Famous Footwear" shop and then turns left quickly and stops. (21:56:00)

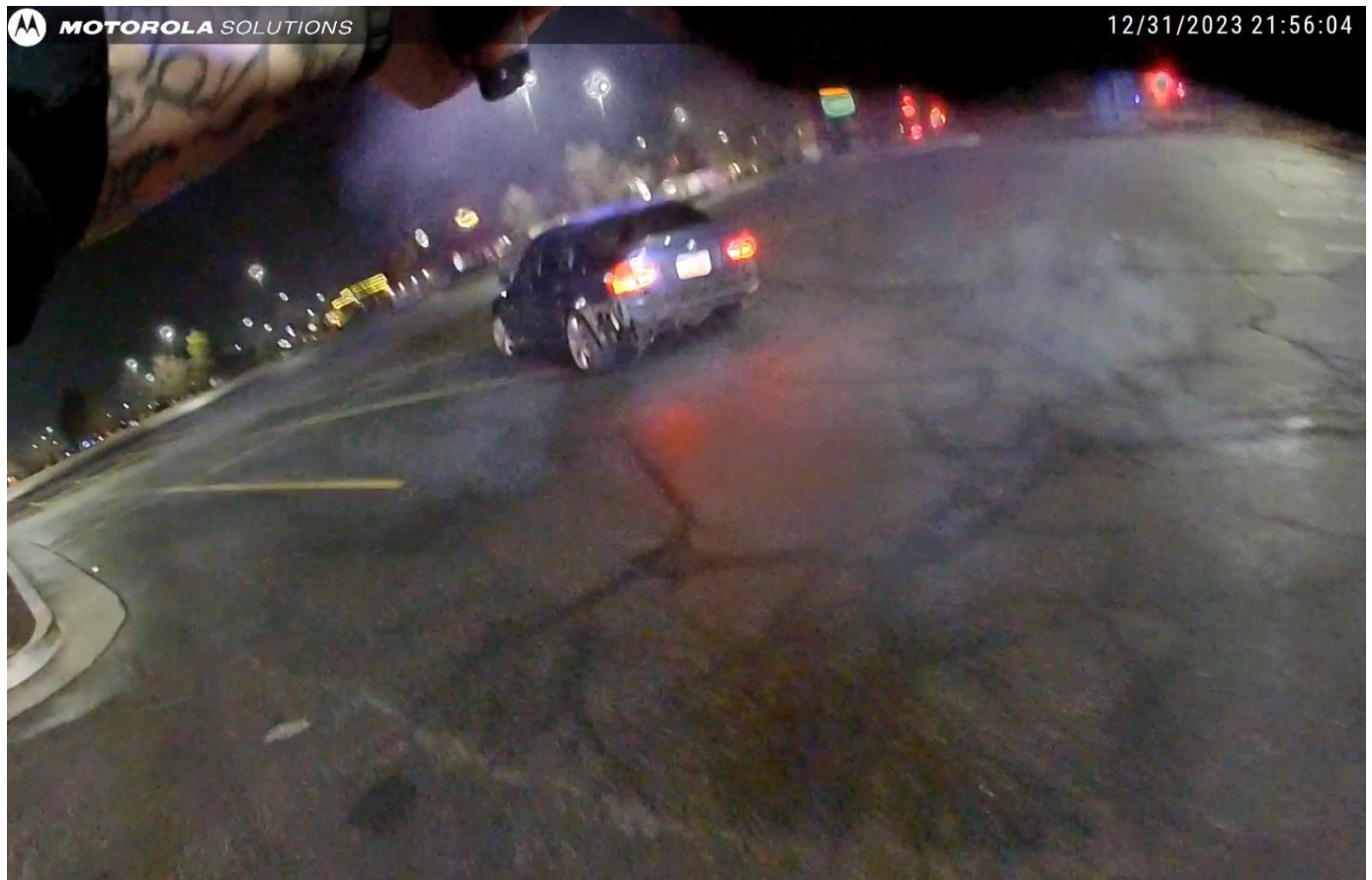
Officer Fowers opens the driver door to his vehicle and starts to exit. As he does, headlights can be seen coming towards the driver side of his vehicle. Officer Fowers is now outside of his vehicle and the BMW is next to his vehicle. Officer Fowers left hand is seen extended out and it appears he touched the hood of the BMW as it quickly goes past him. 21:56:02. (Still framed photo below, red arrow)



Officer Fowers yells “stop” as this is happening. The BMW continues to move to the left of the footage and as the rear of the vehicle can be seen, Officer Fowers hands come up and together with his handgun in his right hand. Officer Fowers fires a shot that strikes the rear wing window. The glass can be seen shattering. 21:56:03. (Still frame photo below)



Officer Fowers quickly fires three more times as the vehicle travels south through the parking lot. 21:56:04. (Below is a still framed photograph of the final shot.)



Two other police vehicles reengage in the pursuit and follow the BMW as it continues through the parking lot. Officer Fowers announces over his handheld radio that shots have been fired and requests a supervisor. Officer Fowers stays by his vehicle until he observes where the BMW has been forced to a stop by Deputy Nielsen's vehicle. Officer Fowers runs south in the parking lot until he reaches the crash scene. Both Edelman and Fairchild are being taken into custody.

Officer Fowers then walks back to where his vehicle is parked and stays there until other officers arrive to his location. Sgt Taylor of the Roy City Police arrives and Officer Fowers points out the bullet casings on the ground. Sgt Taylor asks Officer Fowers if he fired or if the suspect fired, Officer Fowers confirms that it was he who had fired his weapon 2 to 4 times.

With Sgt Taylor's permission, Officer Fowers deactivates his camera at 21:59:46 hrs.

Farro Scans Examination

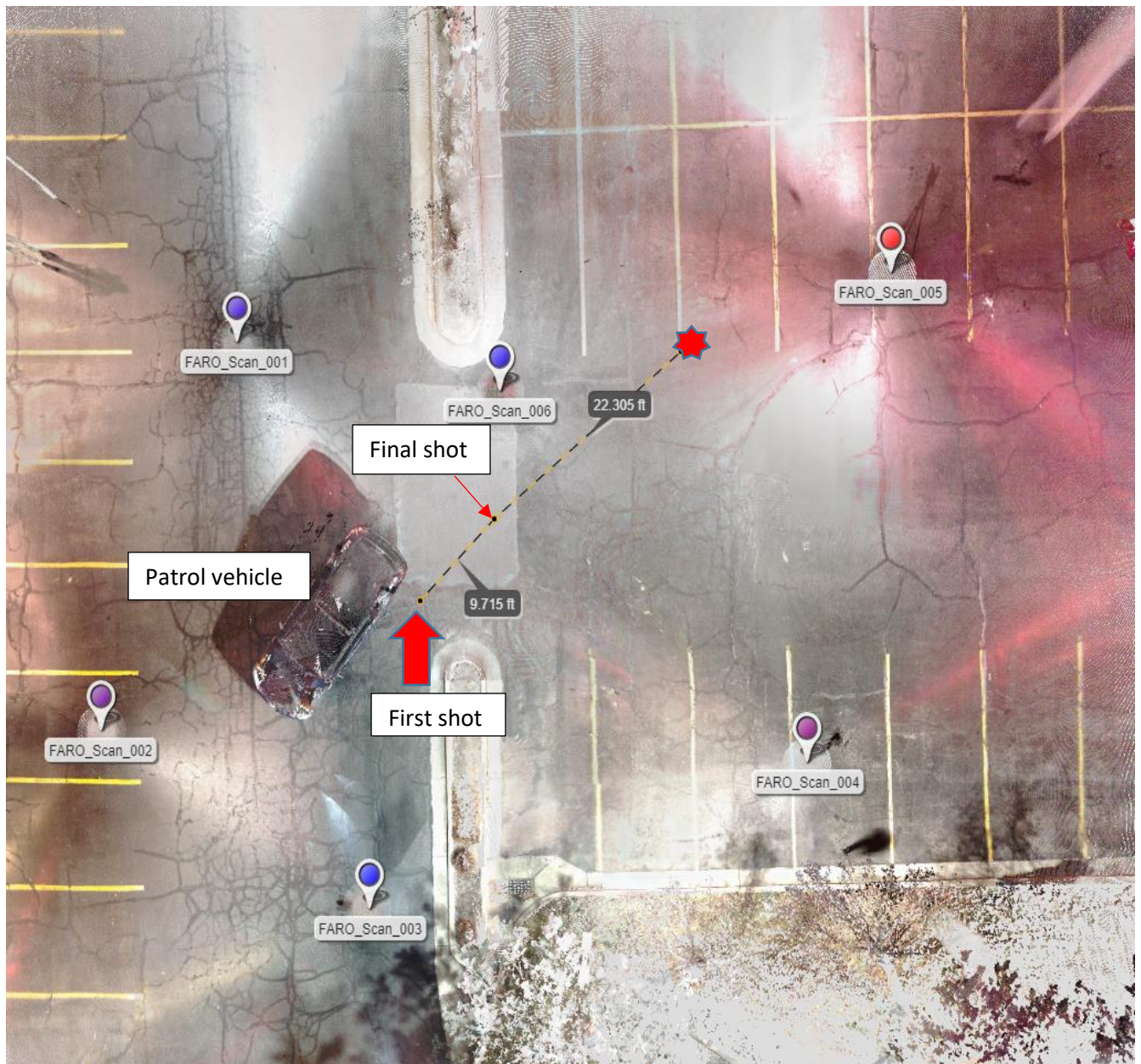
I obtain a copy of the 3D Farro scans of the scene. I examined the area of where Officer Fowers stopped and exited his patrol vehicle to confront Edelman. Using the body camera footage to put placement of Officer Fowers and the BMW, I have been able to determine the distance between Officer Fowers and the BMW driven by Edelman when shots were fired.

Measurement #1- 9.4 ft (First shot)



In the above photograph, Officer Fowers patrol vehicle is parked to the left of the image. Parking lot curbing is the extending up from the bottom of the middle of the picture. Using the still framed photo from the body camera footage and the markings of the blacktop and curbing, Officer Fowers was approximately 9.4 feet from the BMW when he fired the first shot.

**Measurement #2- 22.3 ft
(Last shot)**



In this captured image from the Farro scans, Officer Fowers patrol vehicle can be seen on the left hand side of the photograph and the painted parking lines are visible along with the cement curbing. Using the body camera footage and the markings of the parking lot, it has been determined Officer Fowers was approximately a distance of 22.3 feet away from the fleeing BMW when he fired his fourth and final shot.

Officer Fowers moved forward towards the traveling BMW approximately 9.7 feet while he fired four times total.

Statement of Officer Todd Fowers

On 01-08-24, Officer Todd Fowers came to the Weber County Attorney's Office to give his formal statement. Officer Fowers was with his FOP Attorney JC Jensen. Myself and Investigator Zaccardi took this statement and asked follow up questions. Officer Fowers had previously viewed his body camera footage with his attorney.

I asked Officer Fowers to tell me what happened during the incident on New Year's Eve. Officer Fowers said that he had heard over the radio that there was a suspected DUI driver that was currently on I-84 and exiting onto Riverdale Rd. Officer Fowers said that dispatch had the license plate number to this vehicle and it was registered to a Roy City address. Officer Fowers said he was at the Roy City Police office and started to drive toward Riverdale Rd and 1900 W.

Officer Fowers said the information dispatch was giving out was that the vehicle was a blue BMW with no front bumper and had a loud exhaust. Fowers said that other law enforcement officers had caught up to the vehicle and was attempting to stop the car when it started to flee. Officer Fowers said he saw police vehicles chasing the BMW eastbound on Riverdale Rd from 1900 W.

Officer Fowers described seeing officers turn off Riverdale Rd onto 900 W and followed them into the neighborhoods of 4400 S. Officer Fowers said dispatch updated the location of the BMW and how Fowers was not in the immediate area so he pulled over and shut off his overhead emergency lights. Officer Fowers said he was waiting for an update on the location of the BMW. Officer Fowers said he also heard a South Ogden Police Officer state the blue BMW vehicle intentionally hit his police car.

Officer Fowers was given an update on the location of the BMW and how it was passing the Buffalo Wild Wings restaurant on 700 W. Officer Fowers started driving that way and ended up eastbound on Riverdale Rd and was crossing over the viaduct. When dispatch gave a new location of the BMW as being behind the T-Mobile store. Officer Fowers stated that he was familiar with this location as being just east of the viaduct and is on west side of Riverdale Rd.

Officer Fowers stated he was just turning into the parking lot when "someone" stated on the radio that they had been intentionally hit and there were aggravated assault charges against the driver.

Officer Fowers stated he then saw the blue BMW to his left and a Riverdale Police vehicle was pursuing it as they traveled through the parking lot. Officer Fowers said he drove to the west and tried to cut the BMW off at the end of a parking isle. Officer Fowers said the BMW started to slow and he believed they were going to stop at this point.

Officer Fowers said he started getting out of his vehicle and was going to do a "felony stop" on the suspect vehicle. Officer Fowers described getting out of his vehicle and how he saw that the BMW had not stopped and was now coming right at him. Officer Fowers said he believed at this point that the BMW was going to hit him.

Officer Fowers said he made the decision to fire his duty weapon at this time. Officer Fowers then stated that dispatch had earlier given out the information that there were three minors in this vehicle. Officer Fowers stated that he was fearful to start firing into the windshield of the vehicle

because of that. Officer Fowers said he waited for the BMW to go past him and therefore had a clear shot of the driver and that's when he fired his weapon.

Officer Fowers said after he fired the shots, the BMW continued to flee to the north but was stopped by another police unit which had collided with the BMW. Officer Fowers said there was a struggle ensuing with the occupants of the vehicle and law enforcement so Officer Fowers ran down to the crash scene. Officer Fowers said he saw that everything was under control and then went back by his truck and waited for a supervisor.

I asked Officer Fowers about when he believed the BMW was stopping in the parking lot and if the vehicle had come to a stop when he was getting out. Officer Fowers said he could not remember if it actually had come to a stop. He recalled the BMW slowing down and thought it was stopping.

I then asked Officer Fowers if he believed he had cut any escape route of the BMW when he stopped his vehicle in front of the oncoming vehicle. Officer Fowers said no because he stopped short and left plenty of room for the BMW to pass around the front of his vehicle and go down the passenger side of the vehicle. But Officer Fowers believed the vehicle was stopping so he got out of his patrol vehicle and was surprised when the BMW was still moving.

I asked Officer Fowers to describe the sequence when he got out of his vehicle and realized the BMW was now coming at him. Officer Fowers said he got out quickly and cleared his door to engage in a "felony stop" situation when he saw the BMW coming down the driver side of his vehicle.

I asked Officer Fowers how far away from the vehicle did he end up being because in the body camera video footage it appears Officer Fowers actually touches the hood of the BMW. Officer Fowers stated he could not recall how close he was and did not remember if he touched the vehicle, but said it was close enough that he thought he was going to touch it.

I asked if he recalled being up against his vehicle and could not get any distance as the BMW was coming at him. Officer Fowers said he was unsure and could not recall. I advised him that the witness officer from Riverdale stated he saw Fowers pinned against his patrol vehicle as the BMW was approaching and asked if that refreshed his recollection. Officer Fowers stated he did not recall.

I then asked Officer Fowers why he believed the BMW was coming at him with the intentions of hitting him. Officer Fowers stated it was due to his positioning next to the curbing of the parking rows that he parked next to and was hoping to use to somewhat to stop the BMW. Officer Fowers said the BMW was hitting the curbing as it came at him and thought that if he wasn't intending to hit Fowers and his patrol vehicle, the BMW would have gone around the passenger side of his vehicle.

Officer Fowers believed because he gave the BMW room to pass easily around the passenger side of his vehicle if they wanted to, but now the BMW was running over a curb and coming to the driver side, Officer Fowers felt that the BMW driver was intending to hit him. Officer Fowers also knew that the BMW had intentionally rammed another police vehicle earlier in this pursuit and now believed it was headed towards him.

I asked Officer Fowers if he believed he had to draw and fire at that point. Officer Fowers said yes and said he believed the driver of the BMW was going to seriously injure him and others if this continued.

I asked Officer Fowers about the knowledge of the minors that he had mentioned. Officer Fowers stated he was concerned about the minor passengers and hoped he put good shots into the vehicle.

I asked Investigator Zaccardi if he had any questions for Officer Fowers. Investigator Zaccardi asked about distance from him and the vehicle when he started to fire and attempted to clarify if he could think back in his memories and determine a distance. Officer Fowers stated he recalled that the BMW was close enough that he thought it was going to hit him when he decided to fire. Investigator Zaccardi asked if he recalled why he stopped firing. Officer Fowers stated that he was due to the vehicle turning back to the North West and the angle was no longer good.

I did not have any further questions and the interview was stopped at this point.

Conclusion

On 12-31-2023, Brian Jester called 911 and reported Carter Edelman was driving under the influence and gave his current location as driving southbound (west) on I-84. Jester told the Weber Consolidated Dispatcher that Edelman was driving a blue colored BMW and gave a further detailed description of the BMW and also the Utah license plate number of 7923KA.

Jester stated that he was currently tracking Edelman's movements using an app called Life360 which can track the movements of another person's cellular phone if they have joined the same group in the app. The tracking is live and can give current speeds and immediate location.

Jester advised that Edelman had exited I-84 and was now westbound on Riverdale Rd. Recordings from the Weber Consolidated Dispatch have been examined. An ATL (attempt to locate) was put out on multiple radio frequencies to advised law enforcement of a potential DUI in the Weber County area. Deputy Nielsen told dispatch that he would be en route to try and intercept Edelman.

Deputy Nielsen arrives in the area and finds the blue BMW driven by Edelman at the traffic light of 1900 W and Riverdale Rd. Deputy Nielsen follows the BMW as it turns south on 1900 W. Deputy Nielsen activates his emergency lights and attempts to make a traffic stop on the blue BMW. The BMW turns west on 5400 S and then passes the vehicle ahead of them and starts to flee. The BMW turns north on 1950 W and starts to pick up speed. The BMW then turns east on 5300 S which connects to Riverdale Rd. (See map below)



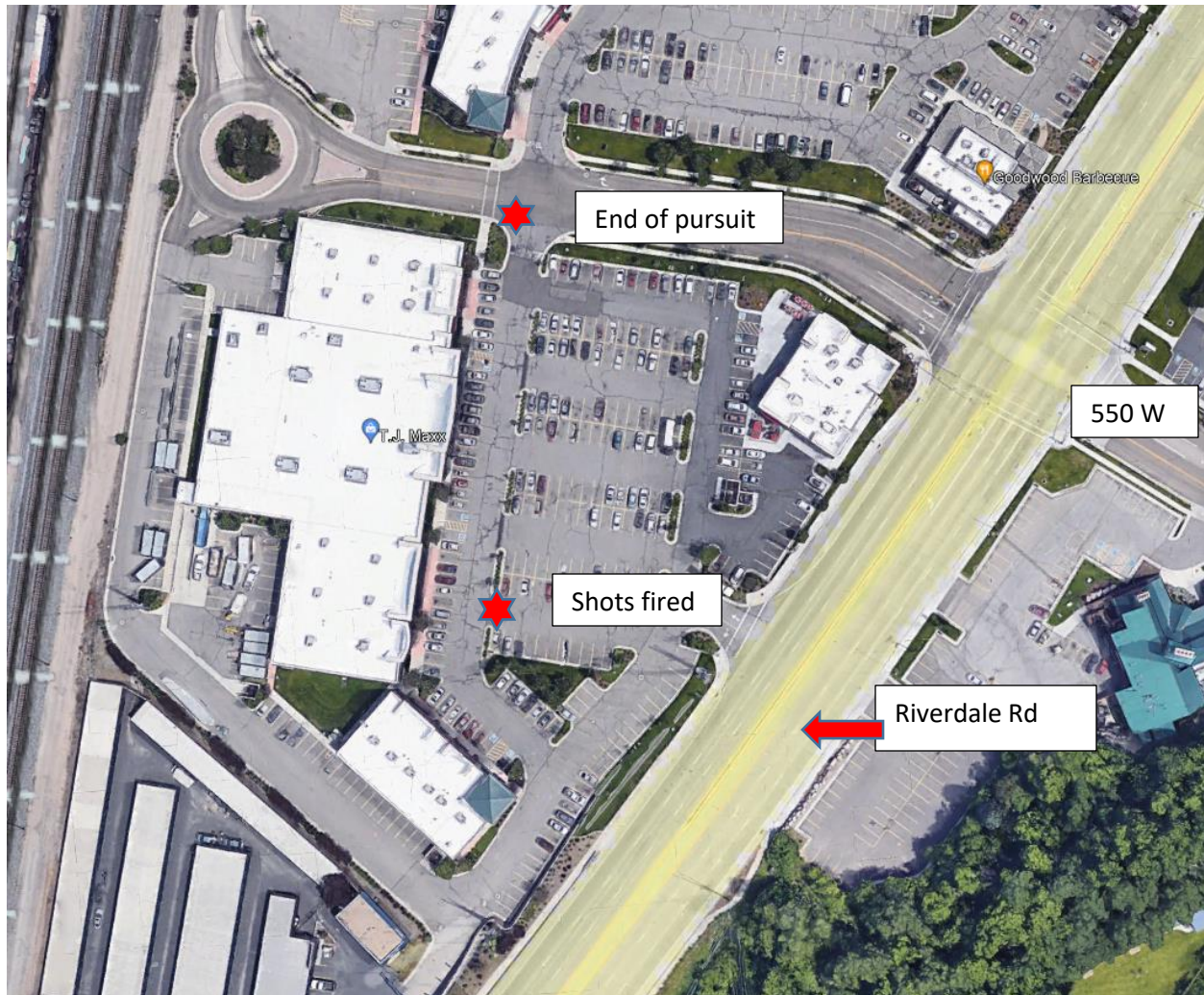
Jester can be heard on the recorded 911 audio, telling the dispatch that Edelman is running from law enforcement and has now made his way back to Riverdale Rd and is headed eastbound. Jester reports Edelman has reached top speeds of 127 mph as he is driving eastbound on Riverdale Rd.

Deputy Nielsen pursues the BMW and is joined by South Ogden Officer Daniel Johnson as they follow the BMW after it turns southbound on 900 W and starts driving into the neighborhoods off of 4400 S.

After the BMW has made a couple of turns, it ends up being cornered in a cul-de-sac at 4375 S and 775 W. Both Deputy Nielsen and Officer Johnson attempted to position their police vehicles to prevent the BMW from being able to escape the cul-de-sac. The BMW then drives over the curbing and onto a grass lawn of the residence of [redacted] and attempts to drive around Officer Johnson's vehicle. Officer Johnson pulls forward to try and circumvent this maneuver and strikes the BMW in the rear end quarter panel and back bumper.

At this moment, Deputy Nielsen states on the radio, "he just rammed a South Ogden car". Dispatch responds by echoing that statement, "just rammed a South Ogden car", and Officer Johnson then reports on the radio, "he rammed my vehicle".

The BMW escapes the cul-de-sac and flees back to the Riverdale Rd. Jester is still connected to the 911 call with dispatch and is giving the location of the BMW. Jester gives the information that the BMW has traveled east on Riverdale Rd and is now pulled behind the shopping area of



As police units converge to this area, Officer Johnson transmits over the radio to all other units, that the BMW has “rammed my unit” and has committed an “agg assault” on a police officer. Officer Fowers in his statement said he heard radio traffic stating the BMW had been intentionally hit by the BMW. In a review of Officer Fowers body camera footage, the radio traffic of Officer Johnson can be heard from the police radio in his vehicle.

Is now traveled south behind the business area buildings. Dispatch advises all units that the BMW is in the “Lane Bryant” parking lot. Officer Fowers turns off of Riverdale Rd and into this parking lot and observes the BMW being pursued through the parking lot. Officer Fowers stopped in front of the oncoming BMW and believed that he had successfully made it come to a stop. Officer Fowers started exiting his vehicle quickly to start executing a “felony stop”. Officer Fowers stated that he had positioned his vehicle in a way that the BMW could have easily gone around his patrol vehicle on his

passenger side so he was surprised when he realized that the BMW had not stopped and was now driving towards him.

In the body camera footage from Officer Fowers, the BMW is coming alongside the driver door of Officer Fowers vehicle. Officer Fowers is close enough that he touches the hood of the BMW with his left hand. This is confirmed through the video footage and with a hand swipe mark found on the hood of the vehicle by CSI. Jocce Fairchild who was the passenger in this vehicle also gave a statement of an officer standing in front of the BMW and mimicked the motion of the left hand and telling Edelman to stop.

In his statement, Officer Fowers said he believed Edelman was going to intentionally hit into his vehicle for the following reasons;

- a. Officer Fowers vehicle was positioned close to the curb and therefore gave room for the BMW to go around the passenger side if he was still trying to evade capture. Officer Fowers stated he was surprised when the BMW was now coming at him and driving over a curb to do so.
- b. Officer Fowers believed Edelman had already intentionally "rammed" a police vehicle during this pursuit.

Officer Fowers stated that at this moment he was outside his vehicle, and would be seriously injured or killed if he was struck by Edelman which he believed was coming at him.

Due to those circumstances, Officer Fowers said made the decision to fire his weapon. Officer Fowers drew his weapon and in his statement said he had decided he was going to fire his weapon but then recalled dispatch had said there were three minors in the vehicle. Officer Fowers stated he waited until he had a better angle to fire his weapon at the driver of the vehicle. Officer Fowers then fired his Glock 9mm at the BMW as it continued to flee through the parking lot.

The results of the bullet trajectory done by CSI show that the first round Officer Fowers fired, entered into the vehicle through the rear wing window and was the bullet that traveled into the back of the driver seat. It did not penetrate the front of the seat but did leave a bruise on Edelman's back. Edelman was treated and released from the hospital.

After examining all the evidence gathered, it appears that Officer Fowers exited his vehicle thinking that Edelman had stopped evading in the parking lot of the Lane Bryant store. Officer Fowers was surprised by the vehicle suddenly being right outside of his driver's door and driving over curbing. It can be understood why Officer Fowers felt his life and safety were in danger due to the knowledge of the "rammed" police vehicle. Once Officer Fowers made the decision to defend himself using deadly force and fired his weapon he also claimed he hesitated due to the potential of hitting minor passengers in the vehicle, which was information that had been given to officers over the radio. When Officer Fowers did fire, the vehicle had now passed him but only a fraction of time had elapsed and it could be that Officer Fowers thought process was not realizing this due to his focus on his aim. This also all took place in a matter of two seconds. On the time counter of Officer Fowers body camera, he is out of his vehicle at 21:56:01 and fires the first shot at 21:56:03. The last shot is fired at 21:56:04.

It has also been determined through the body camera footage and the 3D Farro scanner that Fowers was approximately 9.4 feet way from the BMW when he fired his first shot. The BMW accelerates north through the parking lot. Officer Fowers is approximately 22.3 feet away from the fleeing BMW when he fires his fourth and final round. Officer Fowers also moved forward toward the BMW approximately 9.7 feet while he fired the four rounds.

All of these factors should be considered in making a determination whether the officers were justified in using deadly force.

Steve Haney
Investigator
Weber County Attorney's Office