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## Force Investigation Team Report

### Officer-Involved Shooting

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Incident: Officer-Involved Shooting-Fatal

Agency(s) Involved: Ogden Police Department/Pleasant Grove Police

Relevant case numbers: 24G3425, 24N-43, 24RI592, 24CS45,  
23PG08618, ME 202400174

Date of Incident: January 14, 2024

Time of Incident: 15:42 hrs.

Location of Incident: , Riverdale Utah

FIT Lead Investigator: Investigator Steve Zaccardi

Involved Officer(s): Timothy J. Scott (TJ) OPD, Tyler O'Doherty  
OPD, Andrew Daughetee OPD, Christopher Petersen PGPD

Involved subject(s): William Toon,

## **Introduction**

On January 14, 2024, the Ogden Police Department reported that there had been an officer-involved shooting, which involved three of their officers, and one officer from the Pleasant Grove Police Department. The Weber County OIS protocol was initiated.

Officer-involved shooting investigations are the responsibility of the Weber County Attorney Force Investigation Team (FIT). The information contained in this document is a summary of the complete investigation conducted by the WCAO FIT with assistance from investigators with the Weber County Homicide Task Force (HTF). The following investigators worked on the case with a summary of their assignments.

Lead Investigator: Steve Zaccardi, WCAO FIT

Crime Scene: Steve Haney, WCAO FIT

Medical Examiner/Crime Scene: Cameron Hartman, WCAO FIT

Witness Statements: Jeremy Rock, MCSO HTF

## **Summary**

On December 10, 2023, Pleasant Grove Police responded to the American Fork ER on a report of a patient who had been stabbed multiple times. During their investigation, Pleasant Grove Police detectives obtained credible evidence that William Toon, was responsible for the stabbing. The detectives started actively looking for Toon. On January 12, 2024, PGPD located Toon, driving a vehicle in Utah County. They attempted to stop him and take him into custody; Toon fled, however, leading police on a vehicle chase. This pursuit was eventually called off due to public safety concerns.

On January 13, 2024, PGPD contacted Agents from the Weber-Morgan Narcotics Strike Force (WMNSF) and Ogden Metro Gang Unit informing them they believed Toon was at a home in Ogden. Members of those units along with detectives from the PGPD conducted surveillance on the home in an attempt to verify if Toon was there. Ultimately, investigators were unable to get this verification so surveillance was stopped.

On January 14, 2024, in the early morning hours, a South Ogden patrol officer observed an individual believed to be Toon leave the residence and get into a vehicle. The officer attempted a stop but the driver of the vehicle fled. There were snowy conditions on this particular evening, which contributed to Toon being able to avoid capture.

In the afternoon hours of January 14, 2024, detectives from PGPD developed credible information that Toon was traveling from SLC to Weber County. Again, PGPD requested assistance from the WMNSF and Gang Unit in locating Toon.

At around 3 pm that same afternoon detectives from PGPD and WMNSF located Toon who was the passenger in a vehicle that was traveling on Riverdale Road, in Riverdale Utah. Detectives observed the vehicle pulling into the Sinclair gas station located on the corner of 700 W Riverdale Rd. They observed Toon enter the store alone. Detectives followed Toon into the store and attempted to arrest him. Several officers entered the store and confronted Toon. William Toon did not cooperate with the officers, but instead worked his way around the store until he made his way behind the front employee counter where two Sinclair workers had taken shelter. With Toon advancing on the two employees, several officers opened fire, striking Toon who died in this exchange.

## **William Toon**

William Toon was . He was not married and had no children. His home of record was .

Toon was shot several times and was pronounced dead at the scene. The Medical Examiner Investigator Hartman did an initial assessment at the scene. Toon's body was transported to the Office of Medical Examiner for autopsy.

I contacted Pleasant Grove Police Lt. about them notifying Toon's next of kin. Pleasant Grove asked Alpine PD to do the notification. I was contacted the night of this incident and told they were unable to contact anyone in Toon's family. On Monday, January 15, an officer was able to speak with William Sr. and Jennifer Toon, the parents, and advise them of William's death.

I was given the phone number of William Sr. I called and spoke to him. I gave him what information I could at the time. I advised that William was found with a large amount of cash on his person, and that was being taken as evidence at this time. (Information on this is found later in this passage.)



## Criminal history

- In 2019 Toon was arrested for a threat of violence, possession of drug paraphernalia, possession of a controlled substance, obstruction of justice, felony criminal mischief, arson, and assault on a police officer. He eventually pled guilty to the arson, and the remaining charges were dismissed.

## Investigation Overview

On January 14, 2024, I received a call from Lt. Rounkles of the Ogden Police Department notifying me of OIS. I contacted Investigator Haney, and Investigator Hartman both from the Weber County Attorney Officer Force Investigation Team.

When I arrived at the crime scene, Weber's CSI team was already present and in processing the scene. Investigator Hartman who was also acting as the medical examiner investigator was inside the business. I tasked him with processing Toon's body and getting surveillance footage from the business. See his report for details about these two assignments.

Investigator Haney was assigned to coordinate the overall crime scene processing and to procure any additional personnel he needed to make sure any civilian eyewitnesses were interviewed. Investigator Haney interviewed witness officer Agent Jake Wilson. Reference Haney's report for more information.

Investigator Haney requested assistance from Det. Jeremy Rock, and Det. Schofield from the Homicide Task Force to assist in interviewing the two store clerks, Casey Layton and Bryan Adler. They also interviewed the driver of the vehicle Toon was in, Thomas Cianciolo. Those three individuals were taken from the scene and transported to the Riverdale Police Department. Riverdale Sgt. Lynn Wright was asked to write a search warrant for the Sinclair and vehicle that Toon had been riding in, a 2003 Toyota Corolla. Judge Bean approved the warrant on January 14, 2024, at 18:47 hrs.

I, along with CSI Grogan responded to the Ogden Police Station, to photograph and conduct a bullet count of the officer's weapons.

## Sinclair surveillance footage

Investigator Haney was able to contact store manager Stacey Howe who told him she was not familiar with the store surveillance system. The collection of the DVR was included in the search warrant of the crime scene. Investigator Hartman was able to view the surveillance video and copied five digital files from the DVR. He provided those files to me.

Below is a series of screenshot images taken from the surveillance footage.

The camera is directed behind the counter and pointing towards the drive-thru window.

This footage starts with the time counter in the upper left of the screen showing 14:37:22. There is a store employee with long reddish brown hair, tied back into a ponytail and wearing a red and

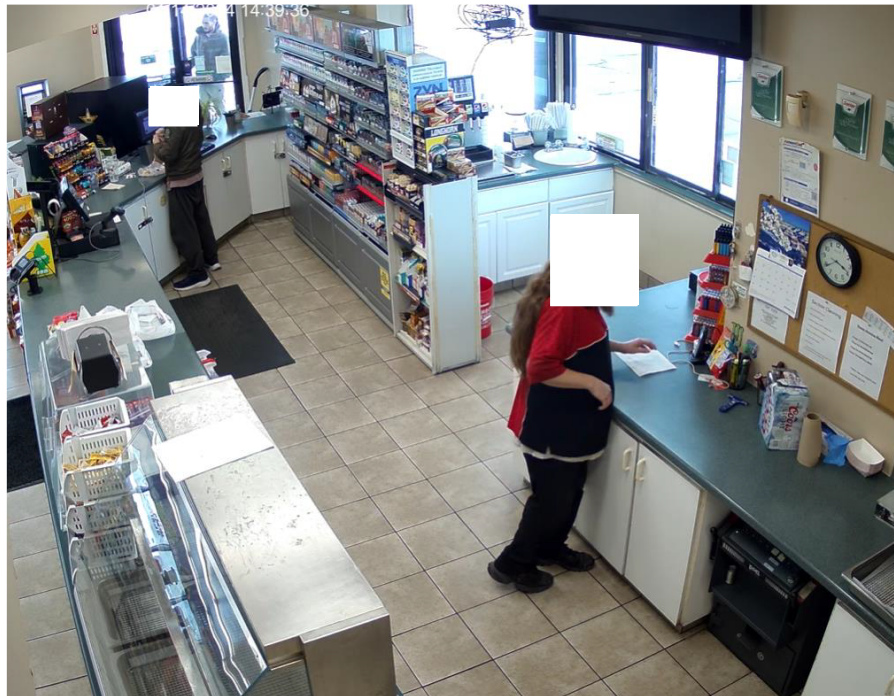


black shirt and a long beard, he is identified as Casey Layton. He is standing to the left of the screen and appears to be eating food out of a container near a cash register that is on top of the main clerk's counter. Another clerk is standing at the drive-through window at the top center of the screen. He is wearing a green coat and has long dark brown hair, tied back into a ponytail and wearing a black hat, he is identified as Bryan Adler.

A customer walks through the main doors at 14:38:08. Both clerks are now standing next to each other behind the counter by the registers. They are both eating some food.

A customer leaves the store through the main door at 14:38:29. The same customer re-enters back into the store at 14:38:55. The two clerks are still standing behind the counter. The clerk in the green coat is still eating while the other clerk in the red shirt is walking around behind the counter.

At 14:39:36, Toon can be seen entering the store through the main doors. See the still framed photograph below.



Toon walks in a leaves the camera view towards the back of the store. Camera from the back of the store.



At 14:40:01, officers can be seen running up to the main door of the store. Alder is seen handing the bathroom key to Toon who is off-screen to the left. See the still frame photo below.



Officers enter the store and can be heard yelling “Hands out of your pocket!” (14:40:04)

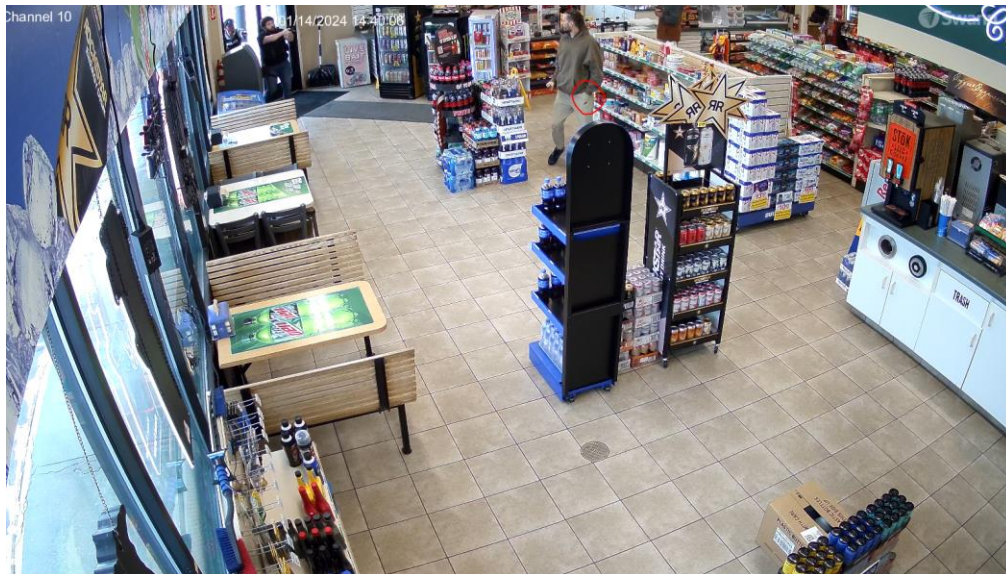
The two clerks look at the entering officers. A customer is standing at the counter holding a four-pack of beer to purchase.

More officers can be seen running into the store and shouts from the officers can be heard telling Toon to, “Get on the ground”.

The two clerks stare moving into the space by the drive-up window. More officers come into the store through the front door. The customer at the counter places the beer down on the counter, moves towards the main door, and exits the store. The two clerks then squat down behind in a

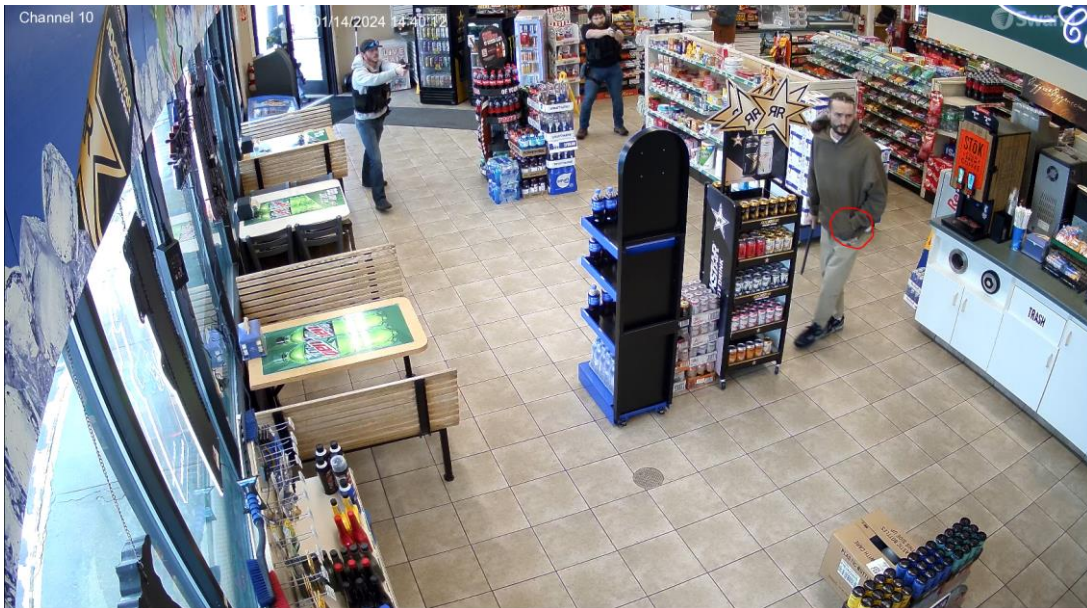


small alcove near the drive-thru window. The officers continue to shout at Toon and order him to get on the ground.

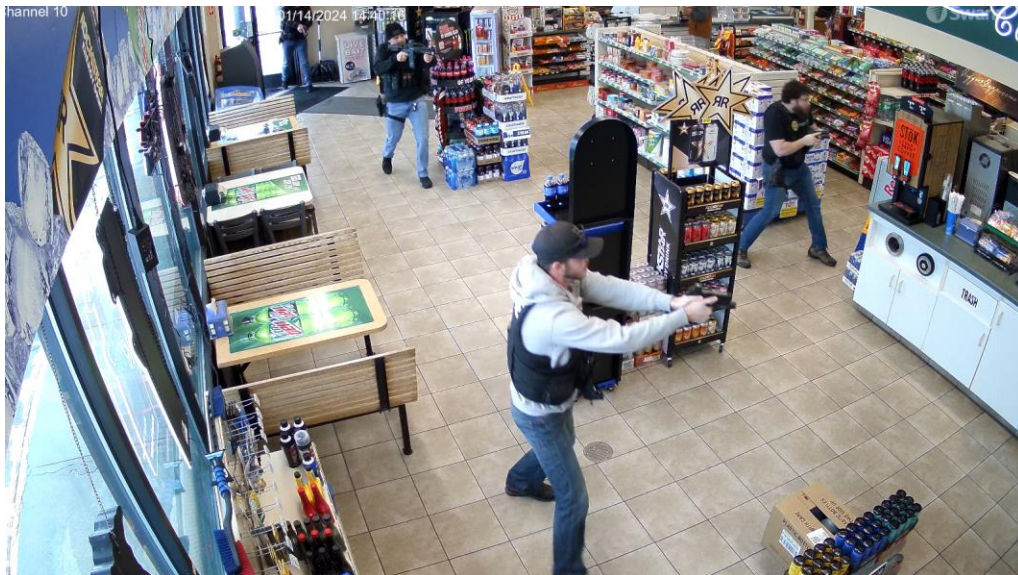


From the other camera angle, Toon is seen with left hand inside his pants pocket. Officer TJ Scott is first through the door, and identifies himself as a police officer. Above photo.





Toon turns away from the officers and puts his left hand into his hoody jacket. Above photo. He leaves it inside this article of clothing for the remainder of the incident. Despite several commands from officers to remove it, and make it visible.



In is photo, Toon has left the screen towards the back of the store. Pictured are Agent TJ Scott (top right), Agent Daughetee (bottom), and Agent O'Doherty (middle left holding rifle)





In this photo above, Pleasant Grove Detective Petersen is confronting Toon who is off-camera to the left. Agent Scott is just above him, moving down the center aisle.

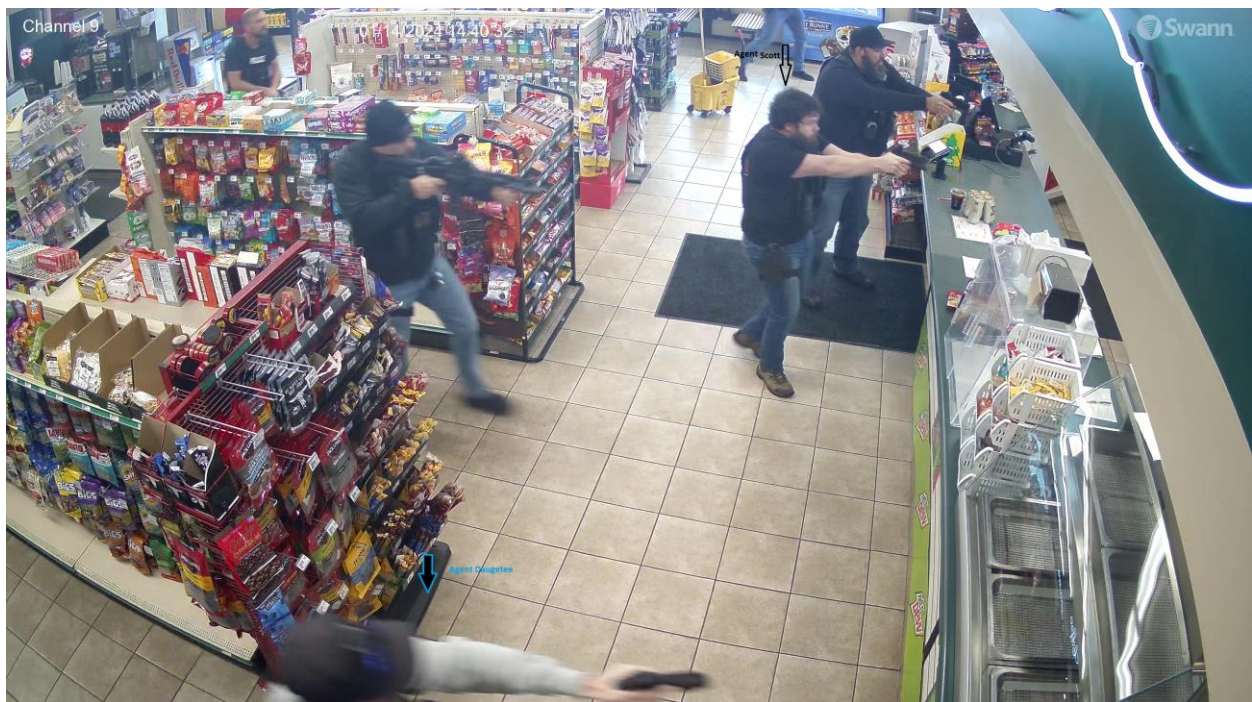
Photo below, Toon enters the bottom of the screen at 14:40:30 as he rounds the counter area and is moving towards the drive-thru window.



As Toon moved, towards where the clerks were squatting down. His left hand is in his hoodie pocket. A voice can be heard yelling, "he's going to take a hostage!" (14:40:31)

Below the officers are moving up to the counter. Officer Petersen is at the top, Agent Scott is next to him. Agent O'Doherty has a rifle, and Agent Daughetee is very bottom of the picture frame.





Below is a photograph of this moment. The clerk in the red shirt is putting his hands in the air. By the look on their faces, they appear frightened.



As Toon approaches the alcove area of the drive-thru window, he is moving towards the clerks. Toon drops the bathroom key on the counter to his right hand, as he is moving. A voice yells, "Shoot him!" (14:40:32)



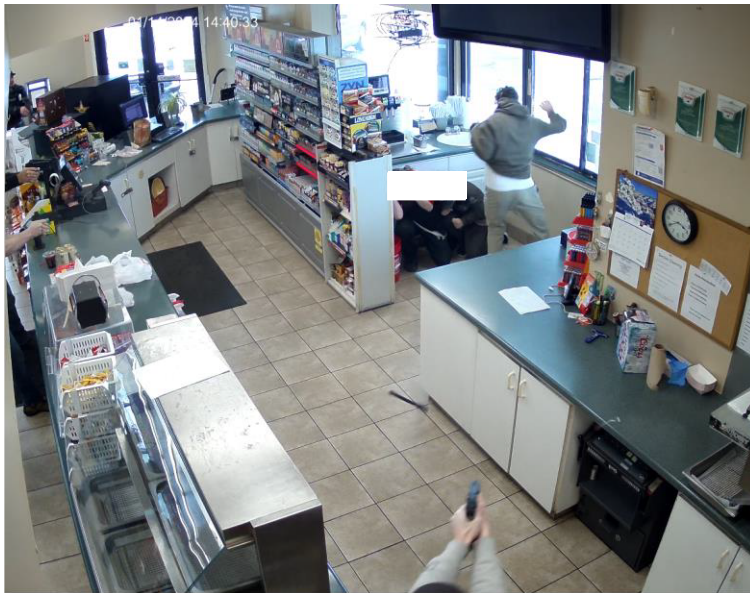
Two firearms are visible on the left-hand side of the footage pointing towards Toon. (Red arrow)  
The photo following this one is the same moment when the officers begin to fire.



A shot is fired followed by more shots as Toon is still moving towards the clerks and the drive-thru window.

At 14:40:33, Toon is reacting to being hit. The officer has moved toward the opening behind the counter. They can be seen firing their firearm from the bottom of the screen. The two clerks are crouched down in the alcove at Toon's feet.

The photograph below shows this moment.



Toon reaches for the handle to the drive-thru window as shots continue to be fired. Toon falls to the ground as debris and glass fly through the air. (14:40:33) Photo below.

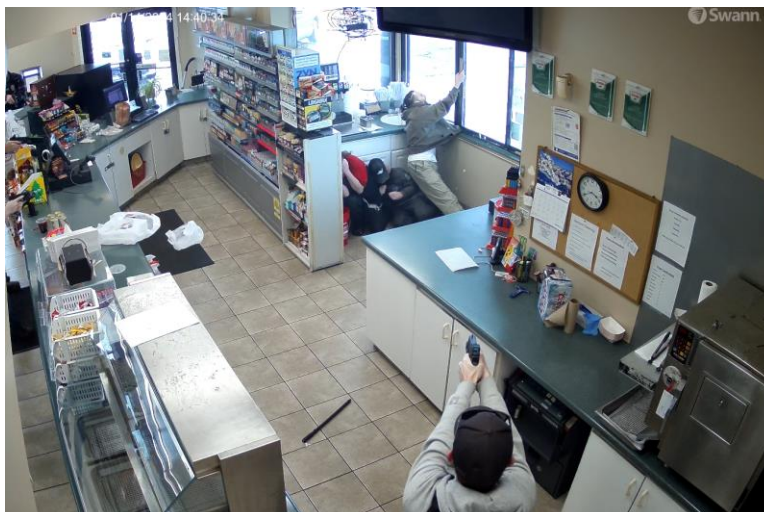


Photo below, Toon falls to the floor and lands on top of the legs of Clerk Alder. Officers stop firing. (14:40:36)





Officers move forward and remove the two clerks from the alcove. (14:40:43) Officers cover Toon as they wait for a ballistic shield to arrive. Toon was slumped against the wall under the drive-thru window. Toon's left hand was still inside the hoodie pocket.

At 14:43:27, officers can be heard saying they had not found a shield yet. Officers were traded out from covering Toon.

At 14:44:43, a ballistic shield arrives through the front door carried by responding patrol officers. The shield is carried around to the officers behind the counter. They speak to each other and formulate a plan to move up and take control of Toon.

At 14:45:31, officers moved forward and used the shield to safely handcuff Toon on the floor. Toon is moved slightly away from the wall and his arms have been pulled back behind him and handcuffed.

Officers are asked to be removed from inside the store except two uniformed Roy City Police officers who stay inside and guard the area behind the counter.

Medical personnel arrive at 14:48:41 and enter the store. Paramedics roll Toon onto his back. The video ends at 14:49:57.

### **Body camera**

Due to the undercover nature of these officers' particular assignments, they did not have any body camera footage. Pleasant Grove Detective Ben Knopf was the only officer who did have a body camera on and activated. Det. Knopf came into the store after other officers confronted Toon. Toon is not seen on Knopf's body camera until the photo below.



## Witness statements

### Thomas Cianciolo

Thomas was the driver of the car that William Toon had been riding in. Thomas had been taken to the Riverdale Police Station where Det. Rock interviewed him. This interview was audio and video recorded. The following is a summary of that conversation. Det. Rock asked Thomas what brought him to Ogden today. Thomas said that he had given a ride to a young man who he knew only knew as “Costco”. Thomas said that “Costco” said he needed a ride to a girl’s house in

Ogden to get some things he left. Thomas gave him a ride from SLC to Ogden. As they arrived at the house, they pulled up in front. Costco ran into the house, then came out a short time later and got into the car. The two left and were headed back to SLC in the car. They stopped at the Sinclair gas station to get a drink, next thing he knew police were surrounding him in the parking lot. The police officers put him into handcuffs and then they took him to the police station to be interviewed.

Thomas said that he did not know “Costco” that well, but a friend asked him to give him a ride. Thomas maintained that he did not know Toon and was just giving him a ride.

Eventually, Thomas was released from custody.

Thomas’ vehicle was still part of the crime scene processing. I told him that when we were done with processing the vehicle I would call him to come pick it up. During the search of the vehicle, a large amount of drugs were located inside the car, believed to be Toon’s. We contacted Thomas to come get the car, however, he said he was sick and to just impound it. Riverdale Police conducted a safekeeping impound for the car.

### **Bryan Adler statement**

Bryan Adler was an employee at the Sinclair gas station and was present at this incident. Adler had been taken to the Riverdale Police Department for a formal interview. This interview was audio and video recorded. The following is a summary of that conversation.

Bryan was behind the counter when a male walked in and asked for the key to the bathroom, and Bryan handed it over. The male took the key and started walking toward the bathroom. He did not make it halfway before several police officers entered the store with their guns already drawn. The officers were yelling at the male to “get on the ground, get on the ground now!” However, the male did not do that and continued to back away from the officers. The male went past the bathrooms, back toward the fountain drinks then across to the cooler area. The male then started to make his way along the cooler wall toward the front counter. As he got closer to the front counter, Bryan and the other employee Casey were “trapped” in the drive-up window alcove. Bryan said that he and Casey were ducking down, and the male started to come toward them. Bryan said that his thought was “Oh god what is he going to do?” Bryan said, “The immediate thought was he was going to grab one of us and cause a whole new situation.” Det. Rock asked him why he felt that way, and what indication he gave the male like was it something he said or because he was coming at them. Bryan said, “He didn’t say anything, but he started looking at the two of us.” Det. Rock said, “Did he motion to you?” Bryan said, “He didn’t motion to us to come to him, but he started coming toward us as he went around the counter. Just as he got almost to us, one of the officers said something to the effect he was going

to take a hostage!” Det. Rock clarified that he heard the officer say that. Bryan said he heard it, and believed it was from one of the officers because he heard it in the distance and it was not from the male who was approaching them. Bryan said he remembers the phrase “He is going to take a hostage, shoot!” Soon after that, the shots were fired. Det. Rock asked, “So he was pretty close to you?” Bryan said, “He was right there (motioning with his hand next to him), bullets going right by our heads, I was like holy shit!” Bryan said out of the corner of his eye he saw the person fall right next to him. Then a police officer came around the corner and asked if they were all right, and then they escorted them out of the store. Det. Rock asked Bryan if saw the man with a weapon of any kind. Bryan said no he did not recall seeing the man with any kind of weapon. Bryan said it was obvious that when the officers walked in they were police. Det. Rock asked Bryan if he did not consider the comment from police about the man taking a hostage, what Bryan thought was going to happen. Bryan said, “My immediate thought was he would probably grab either myself or Casey and get us up against the window, and try to use us as some sort of shield or bargaining chip.” Bryan said it was also the possibility that he just wanted to get to the window and jump out. Bryan assumed this was a dangerous individual and he probably would not want to run away, he would want to do something else.

### **Casey Layton**

Casey Layton was an employee at the Sinclair gas station and was present at this incident. Layton had been taken to the Riverdale Police Department for a formal interview. This interview was audio and video recorded. The following is a summary of that conversation.

Casey said that he was working when a male came in and asked for the key to the locked restroom. As the male started toward the restroom, several officers came into the store and started to yell, telling him to get down, and he was under arrest. Casey became a little concerned for his safety so he and the other employee moved closer to a little area near the drive-up window. Detective Rock asked Casey if he could tell that they were police officers. Casey said yes, they did not have uniforms on, but they had vests on that had “Police” across the front. It was “obvious” they were police.

Casey continued to explain that the male (Toon) had made his way around the store and was now moving in the direction behind the counter where he and the other employee were. Casey said when the male got to the window alcove with them, he heard a bunch of shots so he “hunkered down” shots started going off and store products were falling on him. Det. Rock asked him if the person was saying anything. Casey said he did not remember the male saying anything.

It should be noted that Casey was interviewed first. At the time, Det. Rock was unaware of any of the facts that occurred in the store. Because of this, Det. Rock had limited follow-up questions.

I called Casey on two different occasions attempting to set up a follow-up interview. Mr. Layton did not call me back either time.

### **Pleasant Grove Police Detective Ben Knopf**

On January 14, 2024, I interviewed witness officer Det. Ben Knopf at the Ogden Police Station. This interview was audio recorded. The following is a summary of that conversation. Det. Knopf was the lead detective in the stabbing case involving William Toon. Det. Knopf developed credible information that Toon was responsible for stabbing another individual on December 10, 2023. For the month to follow Det. Knopf and other members of the Pleasant Grove PD were attempting to locate Toon. They eventually were able to get a GPS ping order on his cell phone. They learned that he had left the state for some period. They did get information that he was supposedly driving back to Utah from California during the few days before this incident. On Thursday, January 11, 2024, the GPS pings showed Toon's phone was at a residence in Ogden on Del Mar Street. PGPD with the assistance of the WMNSF conducted surveillance on the house and observed a black Jeep rental car in the driveway, but it had been rented under a woman's name, Crystal Gross. The police did not see any movement at the house and were unable to verify if Toon was present so they eventually called off the surveillance.

The following day Friday, January 14, 2024, the GPS pings came back to his parents' house in Highland Utah. Police conducted surveillance and they saw the same rental car that was in Ogden now was in the driveway at Toon's house. As police were making a plan to arrest him, he came out of the house and drove away in the car. They attempted to "box" him in with their cars but he got away and fled.

The following evening on Saturday, January 13, an officer from South Ogden attempted to stop a vehicle suspected to contain Toon and a female named Crystal Gross. That car fled from the officer and got away on the icy snowy roads. Detectives then applied for and received permission to place a GPS ping order on Crystal Gross' cell phone. When these GPS locations started coming in it showed the cell phone location in Rose Park, Salt Lake City. Det. Knopf and Det. Petersen drove to the Rose Park area and started driving around looking for the vehicle that ran from the police the day before. Around 1:30 pm, they received a GPS ping that showed the phone was traveling on I-15 headed north. The Detectives started following it, and contacting Weber-Morgan Strike Force and Gang Unit. Det. Knopf said they attempted to get a DPS helicopter in the air to help keep track of the car, but the air unit was delayed. The officers were deciding if they should attempt to box the car in at a red light, however before they could do that the car turned into the Sinclair gas station. Therefore, there was a plan to box the car in at the gas pumps, but before that could happen Toon exited the vehicle and went inside. The teams split into two, with half of the team boxing the car in and the other half going into the store. Det. Knopf said he followed Det. Petersen into the store. Toon was in the back portion of the store, so Knopf swung around toward that area. Knopf said that Toon was advancing on Pedersen who was in the front of the store. Knopf saw Toon move behind the counter and moved quickly toward two employees behind the counter. Knopf heard someone yell that Toon was going to

take a hostage. Knopf was behind them so he did not shoot. When I asked him if anything was in Toon's hand, Knopf said he remembered one hand was in his hoody pocket and it could have been both hands he was not sure.

I asked Knopf if he had received any information prior that Toon was carrying a gun. Knopf said that he knew Toon was known to carry guns, someone at the party where the stabbing occurred mentioned it. Knopf said they had a previous incident at the same apartment where a shot was fired through a wall. The detectives had information that it was Toon who was responsible for that, but they did not have enough evidence to charge him. Knopf said that he had a confidential informant who was speaking to Toon, who said that Toon had a gun when he was returning from California.

### **WMNSF/Ogden PD Agent Jordan Winder**

On January 14, 2024, I interviewed witness officer Agent Jordan Winder. This interview was audio recorded. The following is a summary of that conversation. Agent Winder said that the week before this incident, Pleasant Grove PD had requested assistance in locating an Attempted Homicide suspect William Toon. Winder said that he had been informed that Toon was wanted in a stabbing in Utah County, and there was information that he was staying at a house in the Ogden area. The police had conducted surveillance at the house but could not verify that Toon was there.

On this day, PGPD again reached out to the WMNSF for assistance. They had information that Toon was traveling back to Ogden. Winder said that he went to the house in question and set up surveillance. Winder said that Agent O'Doherty observed a vehicle pull up to the location, and the passenger, who fit the description of Toon had gone into the house briefly and had exited with a couple of bags. Agent Winder said he was not sure if it had been announced over the radio or in text communication but someone had said that Toon was known to carry guns or had made a comment to someone about having a gun.

Winder said he was involved in the following of the car Toon was traveling in. He was actually in front of the car when it turned into Sinclair so he had to turn back around to get over to the area. There was an announcement over the radio that Toon and gone into the store and Agents were going in after him. Winder pulled up in front of the store by the doors and entered the store. Several Agents were already in the store ahead of him. They were giving Toon commands but he was not complying. Winder said he saw something in Toon's hand, which he thought, was a baton at the time. Winder said he heard an officer say that he had his hand in his hoody but he could not see very well. Winder did remember seeing one customer at the front, so he told him to get out. Winder said he did not see the other employees. He heard an officer say something about hostages, but Winder did not see the other employees until after it was over.

## **Ogden Metro Gang Detective Jake Wilson**

Detective Wilson was interviewed by Investigator Haney. The following passage was taken from Inv. Haney's report about that conversation.

*Det Wilson said he and other detectives along with Agents from the Strike Force had been asked to assist Pleasant Grove Police in finding Toon who was the suspect in an attempted homicide case. Det Wilson said Pleasant Grove had a "PING" order on Toon's phone and said it was near or inside a known hangout house in Ogden City. Toon had been positively identified as exiting the house with a large black bag and getting into a vehicle. This vehicle was followed by surveillance units. When the vehicle pulled into the Sinclair station, it was decided that they would box in the vehicle and arrest Toon who was entering into the store on foot.*

*Det Wilson said he used his vehicle to pull up in front of the suspect vehicle as in was parked at the gas pumps. Det Wilson said he approached the driver and was taking him into custody when he heard shooting coming from inside the Sinclair. Det Wilson said he then heard more shouting and then shots started being fired coming right towards where he was standing with the driver of the vehicle. Det Wilson said he threw the driver to the ground and covered him to protect him from any of the bullets.*

*Det Wilson then said Detectives from the Gang Unit and Agent Scott of the Strike Force exited the Sinclair and stated they had fired their weapons. Det Wilson started separating the officers who had fired and paired them up with officers who were not directly involved.*

*I asked Det Wilson about the charges that Toon was being sought for. Det Wilson said that Toon was wanted for stabbing a person with a pair of scissors while at a party in Pleasant Grove. A warrant for his arrest had not been obtained but there was probable cause for an arrest.*

*Det Wilson then told me that there was information that had come from Toon's girlfriend that said Toon had told her in a phone call that he had obtained a firearm and was planning on disappearing. Det Wilson said they had been reminded of this information again today when they started attempting to find Toon.*

*I asked Det Wilson if there was anything else that I needed to know. Det Wilson stated that he heard officers talking about Toon had an unusual bulge in his waistband and he had his hands near it and in his pockets. I ended the statement at this time.*

## **Ashley Rupe**

On January 16, 2024, Ashley Rupe came to the Weber County Attorney's Office where she spoke with me about her relationship with William Toon. This conversation was audio recorded. The following is a summary of that conversation. Ashley and Will started dating in 2021. They had been together and she was living with Will in Layton from 2021 to the late fall of 2023.



Within the month prior to this incident, the two had broken off their relationship. Ashley said that Will's brother died of a suicide a year earlier and it had a damaging effect on Will's life. After his brother's death, Will started using drugs heavily. When Will was under the influence, he would become very angry and volatile. He said that he moved out in August but the two continued to communicate. Shortly after he left, Ashley found out she was pregnant with their child. Ashley said that Will did get sober for a short time but started using drugs again.

I asked Ashley if she knew anything about the stabbing that had occurred in Utah County. Ashley said that she had received a message from a woman that she used to work with named Vanessa. William had stabbed Vanessa's boyfriend. She asked Ashley if she knew William, which she said she did. Ashley was called by Pleasant Grove Detective Ben Knopf, who asked her about Will and where he might be. Ashley provided information to Det. Knopf throughout the PGPD investigation. I asked Ashley if Will had a nickname, and she said yes it was "Costco." When asked what that meant she said it was because he was a drug dealer who sold in bulk.

I asked Ashley if she had any communication with Will in the few days leading up to this incident. She said she had. Ashley said that Will called her after the PGPD attempted to arrest him at his parents' house. Will told her that the police tried to arrest him but he took off in a car and was in a high-speed chase. Will went on to tell her that he had a gun and he was not going back to prison. He told her if the police caught up to him "It would be the cops' last day!" She communicated with him by text message. He claimed he wanted to be a part of his baby's life and was just talking to her in general about his future life.

I asked Ashley if Toon mentioned anything to her about the stabbing. She said he had bragged about stabbing the person "like 16 times." In addition, he told her that it was in self-defense.

She said she had seen Toon on social media with a gun. He made several suicidal statements to her saying that he would put the gun into his mouth and shoot himself.

## **Police Officers**

The police officers in this case were all members of a specialized task force. They do not wear traditional uniforms or body cameras. When I arrived at the scene, I was informed that four officers had fired their weapons, three from Ogden Police and one from Pleasant Grove Police. All of the officers involved were at the Ogden Police Station. CSI Grogan and I responded to the station to photograph and conduct a bullet count on the officer's weapons. Only one officer, TJ Scott agreed to meet with investigators and discuss what happened. The other three officers refused a request to provide information to this investigation. While we cannot get into the mind of each officer, we can draw reasonable inferences from the totality of the circumstances. Fortunately, we have Agent Scott's statement in addition to a great deal of physical and circumstantial evidence to assist in our investigation. A thorough review of the evidence



including surveillance footage, witness statements, bullet counts, full Faro 3D scan of the crime scene, etc. leads us to certain conclusions applicable to all involved officers. For instance, it is reasonable to infer that officers were aware of the nature of what William Toon was wanted for, an Attempted Homicide. We know this because Pleasant Grove PD had requested the assistance of WMNSF and Gang Unit several days prior in an attempt to locate and arrest Toon. Several witness officers said that they were aware that Toon was wanted for this crime. In his statement, TJ Scott said he was aware that Toon was wanted for attempted homicide but did not know if it was a stabbing or involved a firearm. Additionally, if Toon had been located in the house, the SWAT team would have been activated to make the arrest. The SWAT team would only be utilized in the most high-risk dangerous situations.

The following are observations made from surveillance camera footage. Because the officers refused to provide any information, investigators were left to make assumptions based on witness interviews, our observations, and our own experience in similar situations.

**Agent Timothy J Scott (TJ)**



Agent Scott was not in uniform however did have a police tactical vest on which was clearly marked with POLICE across the front. Agent Scott was the first officer to enter the store and confront William Toon.

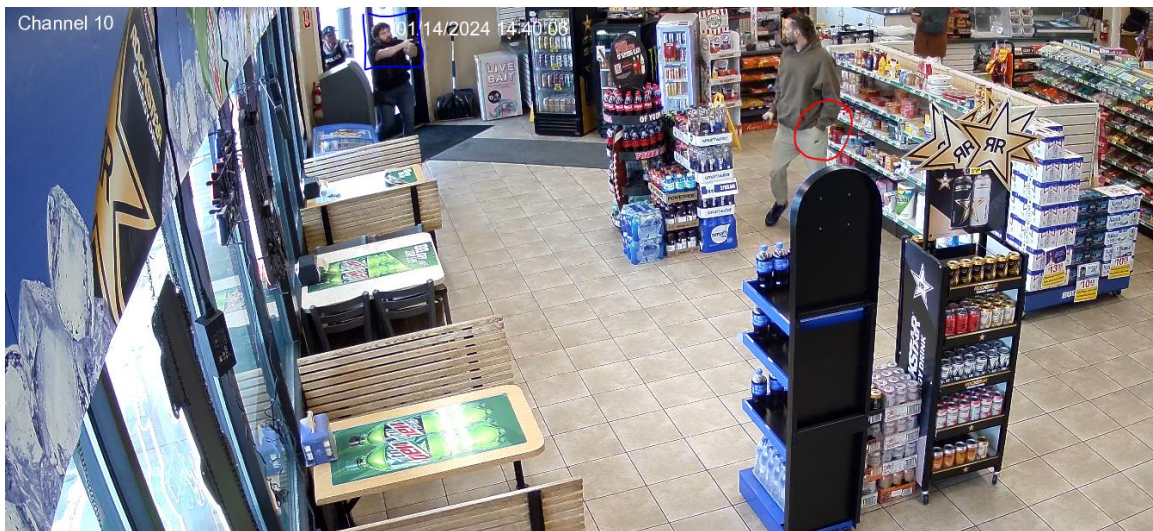
Agent Scott came into the Weber County Attorney's Office and provided a statement to investigators. This FOP attorney accompanied him. His statement covered what he knew before being involved in this incident as it pertained to William Toon, what he observed inside the store when confronting Toon and what was his perception of events were which led to him deciding to use deadly force. This conversation was audio and video recorded. The following is a summary of that interview. It should be noted that Agent Scott told us that he had seen the surveillance footage before the statement.

At the time of this incident, Agent Scott was assigned to the WMNSF. He had a secondary duty of also being a member of the Ogden Metro SWAT Team. Agent Scott said that it was his understanding that Pleasant Grove PD had reached out to Ogden Police Major Crimes requesting they do surveillance on a house in Ogden where PGPD believed William Toon was staying. The Major Crimes division in turn contacted the WMNSF because that unit was better able to conduct covert surveillance. Agent Scott said that it was his understanding, that if Toon were located in the house then the Ogden Metro SWAT team would conduct the search warrant execution. This was due to the violent nature for which Toon was being sought. Toon was not confirmed to be at the house so the surveillance was called off.

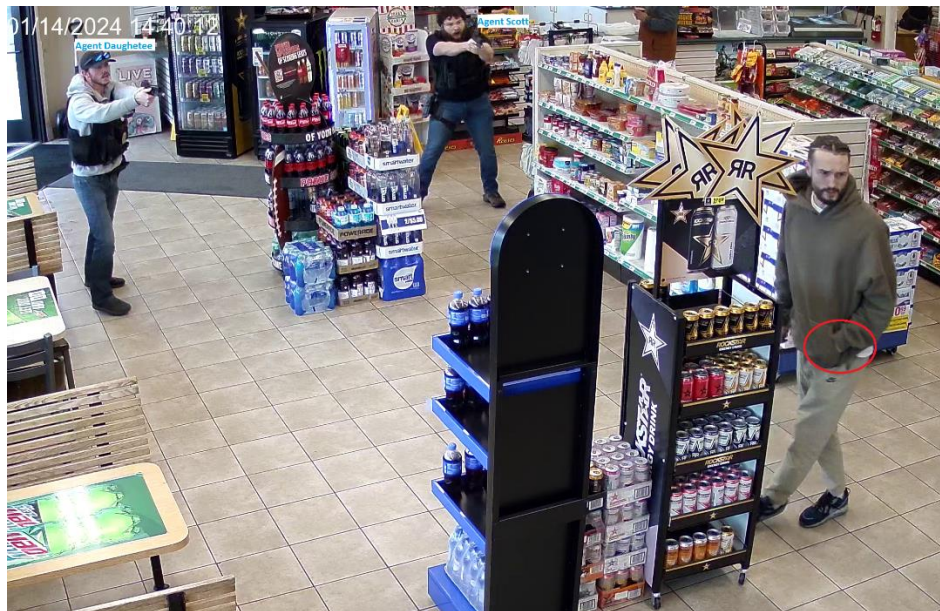
On the day of this incident, Agent Scott was home, where he received a group text asking if anyone could assist in attempting the arrest of Toon. Scott volunteered to help. He said that when he turned his WMNSF radio on, he was instructed to go to the house that detectives had previously surveilled. I asked Scott what he had been told about Toon before this. Scott said that he was told through group text threads and speaking with other officers that Toon was wanted for attempted murder but was not aware if it was a gun or knife. He was also aware that Toon had run from police on two different occasions.

Agent Scott arrived in the area of the house. Another agent was watching the house and radioed the other units that the car had arrived in the driveway. A male fitting Toon's description was the passenger and he got out and went inside the house. The driver remained in the car with it running. The passenger exited the home a short time later and the vehicle left. Scott located the vehicle and was one of several cars following. Scott said that someone from PGPD had commented on the police radio that if the opportunity presented itself, the officers should attempt to block the vehicle at a red stop light. Before that could happen the vehicle turned into the Sinclair gas station and parked at the pumps. They observed Toon go inside the gas station. Scott said that he parked his vehicle closest to the front door. Through the store glass window, he could see two store employees working. Agent Scott said as Toon was entering the store, his hand was in his hoody pocket and there was what he believed to be a significant bulge inside the hoody. Scott said that he went into the store with Agent Daughetee. Scott said that he immediately told Toon to get his hands out of his pockets he was under arrest.

The below photo is a screenshot of Agent Scott first confronting Toon. Agent Scott is heard over the surveillance audio recording saying "Get your hands out of your pocket, you are under arrest." Toon has his left hand inside his pants pocket as shown by the red circle in the photo.



Scott said that Toon did not comply with his command and “bladed his body away from me with his hand in his hoody pocket.”



When police first confront Toon, his hand is in his left pants pocket. Shortly after this initial confrontation, Toon moves his left hand to his hoody pocket and leaves it there was the duration of the incident. See the photo above.

Agent Scott went on to explain that Toon continued not to comply with orders to show his hands or to submit to arrest, but instead tried to get distance from the officers toward the back of the store. Toon went around the edge of the store near the cooler area. Scott decided to go up the middle aisle adjacent to the aisle Toon was in. Scott said it got to a point where the two were going to meet at the end of one of the aisles and he (Scott) had a choice either to stand in front of Toon or to keep his distance. Agent Scott said that he firmly believed that the item in Toon’s hoody was a gun, so he kept his distance and continued to give commands with his gun drawn. Scott said that he was sure that he was going to be in a “gunfight” with Toon, so he backed down

into the aisle he was in to gain some concealment. Toon took this opportunity to walk past him toward the front counter. Scott said that he saw his attention shift from him and the officer next to him to the area at the front of the counter. Agent Scott also looked in that direction and saw the two employees he had seen previously now cowering behind a counter in the drive-up window area. Scott said that Toon started taking quicker strides to get to that area of the store. Agent Scott said the following: "My knowledge of him being a violent felon, him being wanted for attempted homicide, and the great lengths he had already gone prior as far as attempting to flee from officers, being in a high-speed pursuit, and fleeing a second time in a high-speed pursuit, also he rammed a police car. He made it apparent to me that he would go to great lengths to avoid an arrest so at that time I believed that he was going to close that distance to the shopkeepers, essentially take them hostage, and attempt to better his odds against the four officers who were in the gas station with him. I vocalized he is going to take a hostage! And to shoot him! I then fired by service pistol."

After the shooting Agent Scott said, his immediate thought was to get the two clerks out of the building as quickly as possible, so he grabbed one of them pulled him toward the exit, and turned them over to other officers.

I asked Agent Scott to explain in more detail why he believed Toon was about to take hostages. Agent Scott said at the time it appeared to him to be the only other reason why Toon would make his way to that area of the store. There were four to five officers inside the store with him; there were more officers just outside the store. Toon was surrounded; however, he was quickly walking toward the store employees with what Scott believed was a gun in his sweatshirt. Agent Scott said in that split second he never considered Toon would be attempting to exit the building through the drive-up window. His primary concern was that Toon was taking those employees hostage. Scott said that he was fearful for the two store employees that if Toon took them hostage it would put those two employees at immediate risk of death or serious bodily injury.

At the Ogden Police station, CSI Grogan and I took photographs of Agent Scott on how he was dressed at the time of the incident. Then we conducted a bullet count. Agent Scott's Glock 9mm handgun ammo magazine has a 17-round capacity. Agent Scott will typically load a round into the chamber of the weapon and replace the round inside the magazine. Therefore, the weapon in his holster would contain 18 total rounds. After the bullet count, he had 1 round in the chamber and 13 rounds in the magazine for 14 rounds. It appears that Agent Scott fired four times.

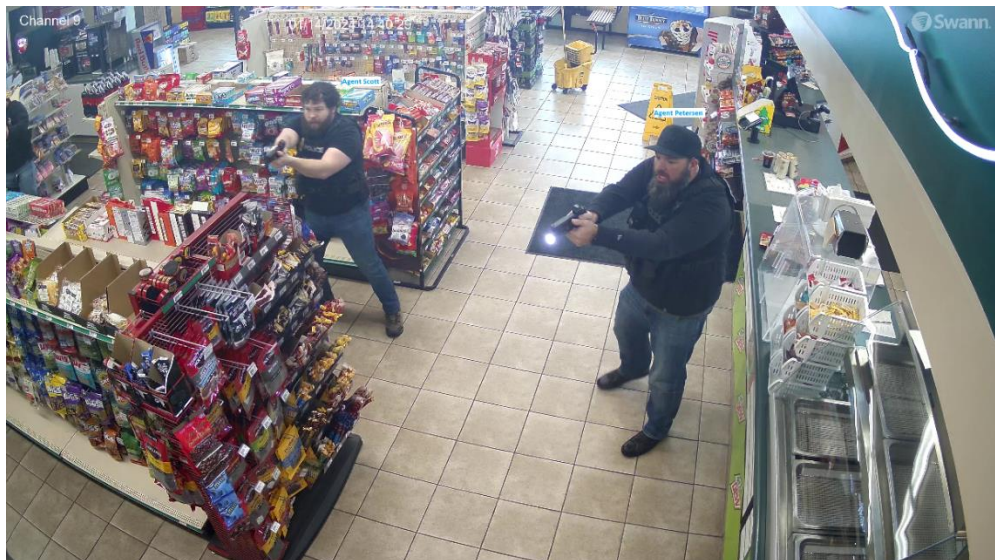


## Agent Christopher Petersen



Agent Petersen was not in uniform however did have a police tactical vest on which was clearly marked with POLICE across the front. Agent Petersen is from the Pleasant Grove Police Department but was assigned to the Utah County Major Crimes Task Force. He was one of two officers from Pleasant Grove PD involved in this incident. Agent Petersen refused to provide information to investigators on what he knew before entering Sinclair, what he observed inside the Sinclair, and why he decided to fire his weapon.

Agent Petersen had been working closely with PGPD Detective Ben Knopf on the stabbing case. It is safe to assume that Agent Petersen knew of William Hood's criminal history and that he was wanted for an Attempted Homicide in this case. It is also safe to assume that Petersen previously knew about Toon's evading police on two different occasions.



In the above photo, Agent Petersen and Agent Scott are standing close to each other. It is also safe to assume that Petersen observed Toon doing similar things that Scott described in his statement; hand in his hoody, making quick steps toward the two employees. Petersen is heard

on the video telling Toon to get on the ground several times. It is a safe assumption that Petersen heard Scott say that Toon was “going to take a hostage shoot him.”



In the above photo taken by Det. Kopf's body camera, is the exact moment Agent Scott announces, “He is going to take a hostage, shoot him!” As you can see, both officers are standing almost side-by-side. Petersen has the blue arrow above him, and Toon has the red arrow.

By the time the shooting starts, Toon has moved past the opening and is standing near the two employees. In the below photo Agent Petersen is shooting through the tobacco display (black arrow) at Toon who is not in the photo frame.







The above photo is an up-close version of the angle and field of view Agent Petersen had.

At the Ogden Police station, CSI Grogan and I took photographs of Agent Petersen on how he was dressed at the time of the incident. Then we conducted a bullet count. Agent Petersen Glock 9mm handgun ammo magazine has a 17-round capacity. Agent Petersen will typically load a round into the chamber of the weapon and replace the round inside the magazine. Therefore, the weapon in his holster would contain 18 total rounds. Agent Petersen told us that after he fired he had conducted a magazine change. His spare magazine had five cartridges remaining. His weapon had a round in the chamber; therefore, he had six rounds remaining from his original full magazine. It appears that Agent Petersen fired twelve (12) times.

## **Officer Tyler O'Doherty**

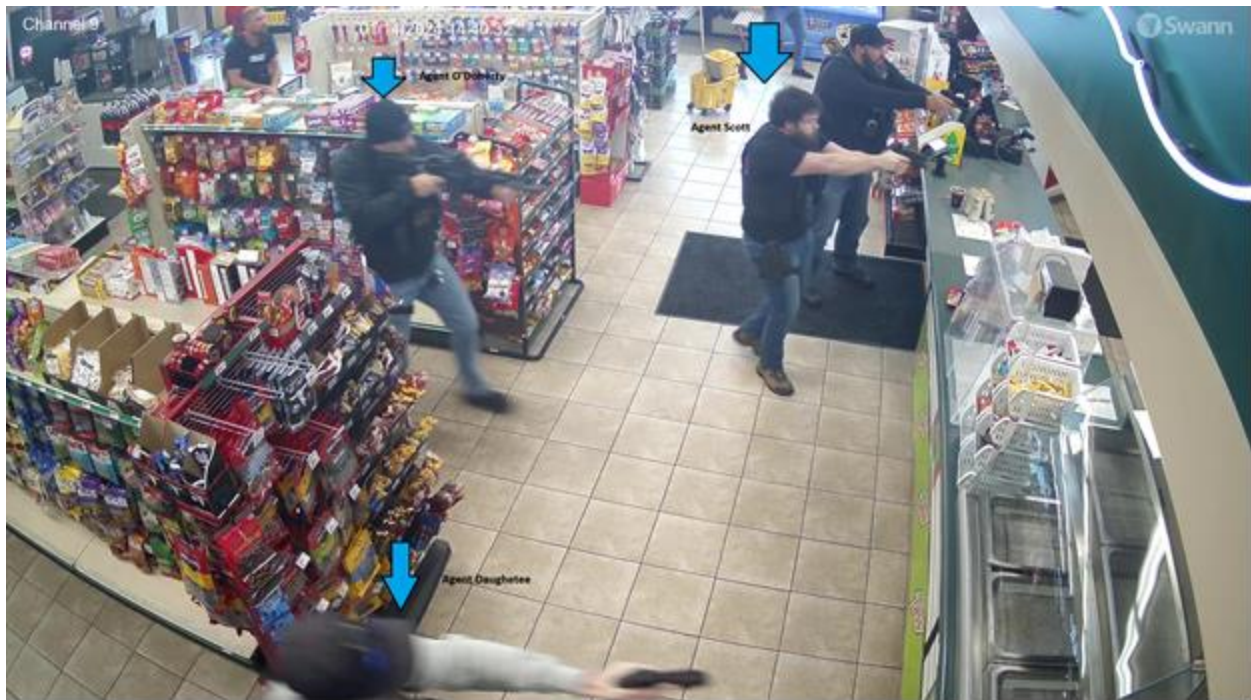


Agent O'Doherty was not in uniform however did have a police tactical vest on which was marked with POLICE across the front. Agent O'Doherty is from the Ogden Police Department but was assigned to the Weber-Morgan Narcotics Task Force. Agent O'Doherty refused to provide information to investigators on what he knew before entering Sinclair, what he observed inside the Sinclair, and why he decided to fire his weapon. Based on where Agent O'Doherty was located in the store, and from the information learned from previous interviews we could make some assumptions about what O'Doherty knew about Toon and what he observed Toon doing while in the Sinclair.

It is clear from interviews with other officers that everyone involved knew that Toon was wanted for an Attempted Homicide. It also appears clear that information was given to the officers that Toon had run from police on two separate occasions and information from Det. Kopf was that Toon might have had a firearm, and did not want to go back to prison.

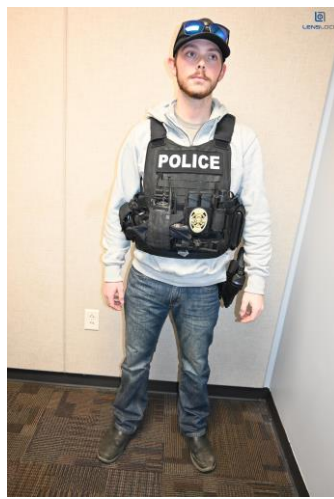
As for what Agent O'Doherty observed while in the store, we can infer some information from the surveillance footage, and Agent Scott's interview. In the below photo, this is the moment that Agent Scott announced that he believed Toon was "going to take hostages." and also made the statement to shoot. Agent O'Doherty was within feet of Scott when he made the statement and would be able to hear that. Additionally, O'Doherty was looking in the direction of Toon and could see him moving toward the two store clerks.





At the Ogden Police station, CSI Grogan and I took photographs of Agent O'Doherty on how he was dressed at the time of the incident. Agent O'Doherty used his duty .223 rifle in this shooting. That rifle was left at the scene for some unknown reason. Investigator Haney and CSI Biggs photographed and conducted a bullet count at the scene. CSI Biggs documented in his report that between the magazine and chambered round, twenty-five rounds were remaining. CSI Grogan and I failed to ask Doherty how many rounds his magazine held. Fortunately, he was the only officer who fired a .223 rifle, so we can obtain the number of rounds fired by counting the spent shell casings at the scene which totaled four.

### **Officer Andrew Daughetee**

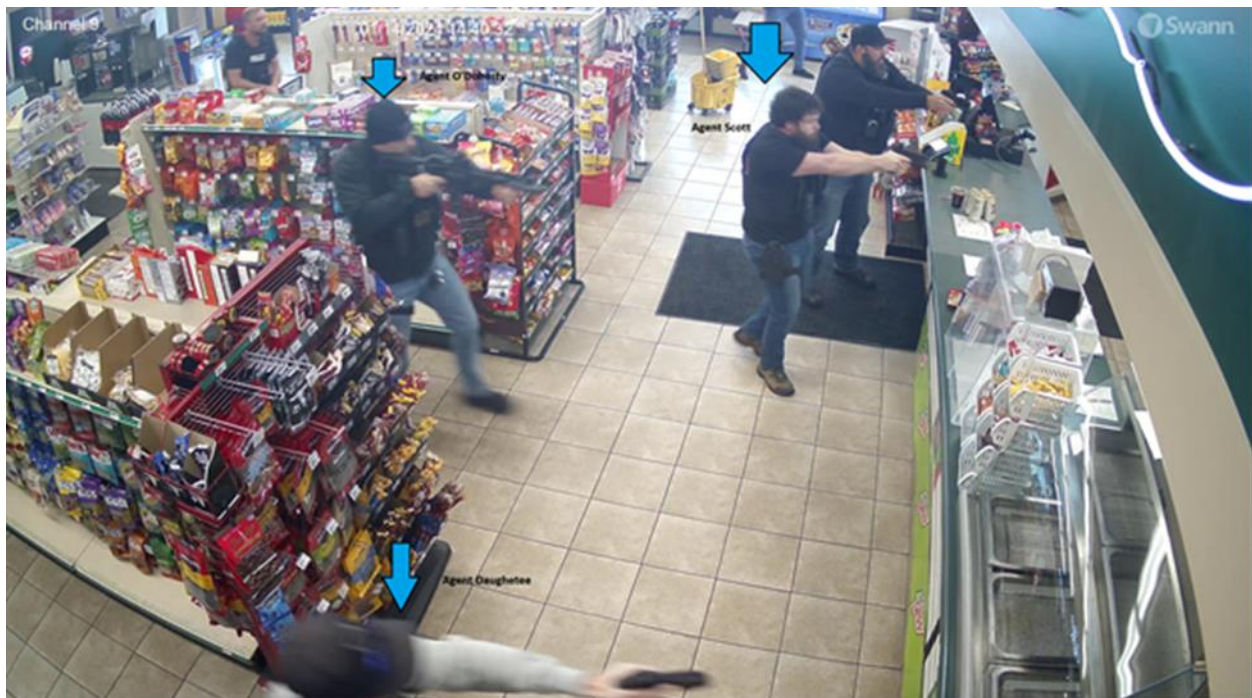


Agent Daughetee was not in uniform however did have a police tactical vest on which was marked with POLICE across the front. Agent Daughetee is from the Ogden Police Department

but was assigned to the Weber-Morgan Narcotics Task Force. Agent Daughetee refused to provide information to investigators on what he knew before entering Sinclair, what he observed inside the Sinclair, and why he decided to fire his weapon. Based on where Agent Daughetee was located in the store, and from the information learned from previous interviews we could make some assumptions about what Daughetee knew about Toon and what he observed Toon doing while in the Sinclair.

It is clear from interviews with other officers that everyone involved knew that Toon was wanted for an Attempted Homicide. It also appears clear that information was given to the officers that Toon had run from police on two separate occasions and information from Det. Kopf was that Toon might have a firearm, and did not want to go back to prison.

As for what Agent Daughetee observed while in the store, we can infer some information from the surveillance footage, and Agent Scott's interview. In the below photo, this is the moment that Agent Scott announced that he believed Toon was "going to take hostages." and also made the statement to shoot. Agent Daughetee was within feet of Scott when he made the statement and would be able to hear that. Additionally, Daughetee was looking in the direction of Toon and could see him moving toward the two store clerks.



At the Ogden Police station, CSI Grogan and I took photographs of Agent Daughetee on how he was dressed at the time of the incident. Then we conducted a bullet count. Agent Daughetee's Glock 9mm handgun ammo magazine has a 19-round capacity. Agent Daughetee will typically load a round into the chamber of the weapon and replace the round inside the magazine. Therefore, the weapon in his holster would contain 20 total rounds. After the bullet count, he had



1 round in the chamber and 15 rounds in the magazine for 16 rounds. It appears that Agent Daughette fired four times.

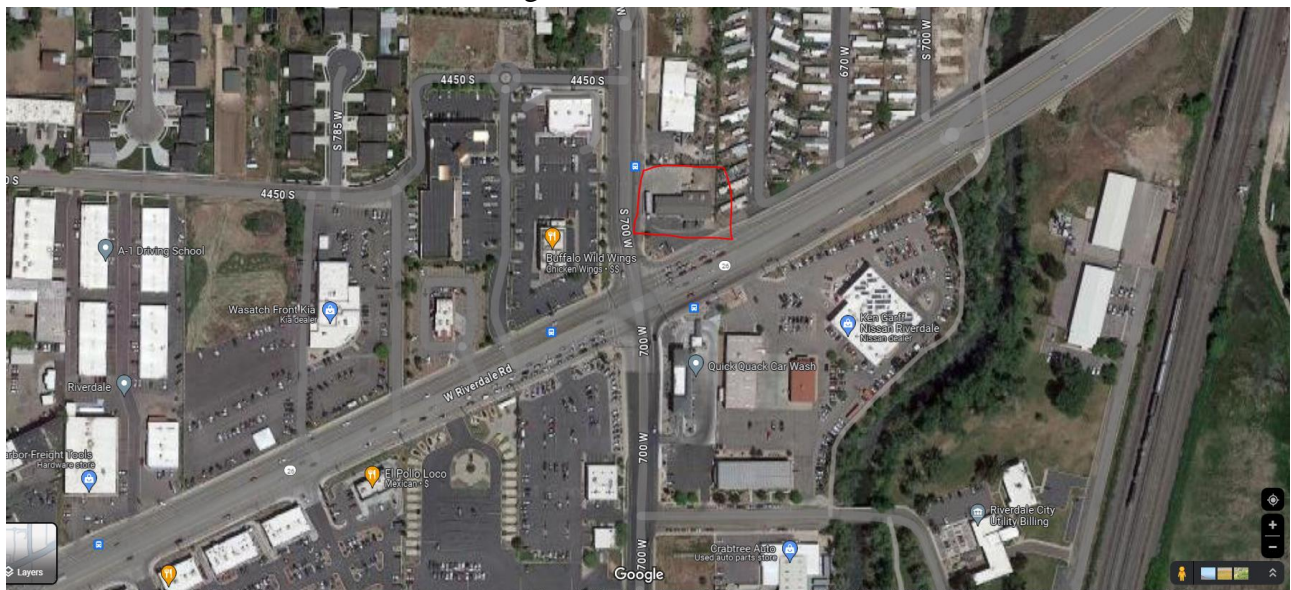
## Firearms

All the firearms in this incident were test-fired by CSI Romney and released back to the agency. The test fires were done to obtain fired shell casings that could be linked back to the particular firearm if that becomes necessary in the future. Investigators saw no evidentiary value of further testing. See CSI Romney's report for further details.

## Crime Scene

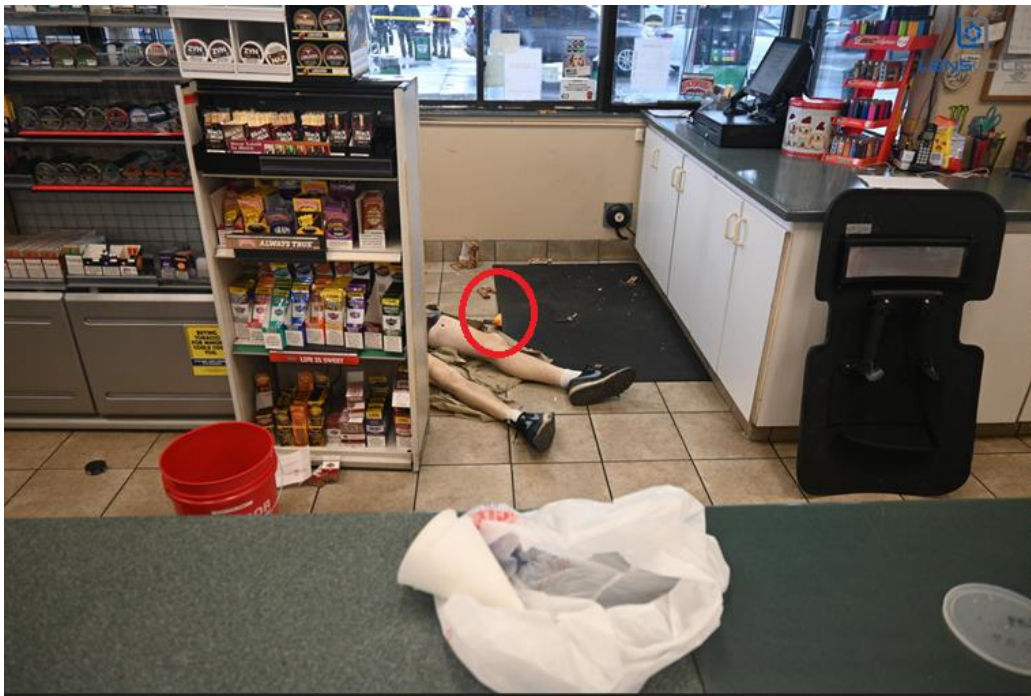
CSI Jon Biggs was the primary crime scene investigator on the case. There were several members of the unit assisting with the case. Reference their reports for details on what was collected. The following is a summary of the crime scene.

The Sinclair gas station is located at . This area is mostly made up of commercial shopping and dining establishments. Buffalo Wild Wings restaurant is located across to the west of the Sinclair gas station.





The photo above is where WMNSF Agents blocked the driver of the car at the gas pumps.



It was reported by officers when they approached the body of Toon, they located a large envelope in his waistband. They removed it and left it on the floor. In the above photo, the red circle indicates where the envelope was left.

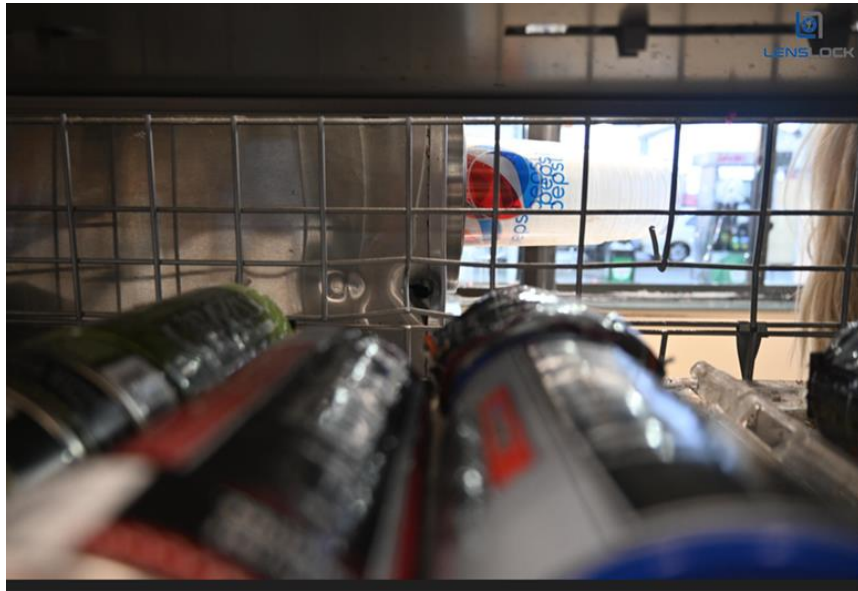






Inside the envelope was a large amount of money. Later investigators counted it out to be \$20,540 along with \$240 in his pants pocket. This money was placed into evidence along with other items from the scene. A large amount of drugs was later found inside the bag that Toon had retrieved from the house. The drugs were seized by the WMNSF at my request, as they did not have any direct ties to this shooting investigation. However, the money, in the way it was packaged and held inside the waistband of Toon's pants, could have been the large object the officers had described and believed to be a weapon. For this reason, I elected to have CSI place the cash and the envelope into evidence as it was documented at the scene, instead of depositing cash in a bank account as per the county policy. After extensive documentation of the money, it was determined that it did not need to remain in evidence in its original state. I was also made aware that the WMNSF believed the money to be drug proceeds and needed to start the forfeiture process. I instructed the evidence custodian to release the money to an agent of the WMNSF following their policy.

Police fired twenty-four rounds. Several rounds went out the window or struck objects inside the building.



In the above photo, one of the rounds struck the fountain drink machine.



Two rounds struck the lower display case as depicted in the below photos.



The below photo shows where this display and fountain drink machine were located.





Several rounds exited the building through the window. Above.  
One round struck the gas pumps; one round impacted the Buffalo Wild Wings restaurant across the street. Below photo.



### Scans

Weber County CSI did a full Faro 3D scan of the crime scene. The Faro scanner documents the scene in a 3D format. It also takes precise measurements of the scene.

## **Examination of the vehicle and Toon's property**

Inside the bag that Toon had when he left, the house investigators located a large amount of drugs. Because this was not the focus of my investigation, I requested an Agent from the Strike Force (not involved in this incident) respond to the scene and take possession of the drugs. Agent K. Burrell found 1,783 grams of methamphetamine, 570 grams of cocaine, 93 grams of fentanyl pills, and 242 grams of marijuana. Several prescription pills and paraphernalia were located.



## **Medical Examiner**

At the time of this report was completed, the medical examiner still had not released the official autopsy report. However, I did get an opportunity to speak with the medical examiner who performed the autopsy, Dr. Lohmann. He informed me that Toon was stuck 17 times by gunfire. He also had cocaine, amphetamine, and marijuana in his toxicology screening.

## **Conclusion**

On January 14, 2024, Detectives from the Pleasant Grove Police Department requested assistance from Agents of the Weber-Morgan Narcotics Strike Force in locating and arresting William Toon. William Toon was wanted out of Utah County for an attempted murder that had occurred in December of 2023. Toon had stabbed an individual after getting into an altercation with the man at a party. Pleasant Grove PD Detectives had tracked Toon to Weber County after obtaining “location pings” on his cell phone.

Toon had evaded capture on two previous occasions, fleeing both times in a vehicle at high speeds. Toon had called his former girlfriend Ashley Rupe, during one of the pursuits, telling her what was happening, that he was in a possession of gun, and implied if he were stopped, he would shoot the officer to avoid going back to prison. Ashley told this information to lead investigator Pleasant Grove Detective Knopf.



Detectives located Toon was a passenger in a car traveling on Riverdale Rd in Riverdale Utah. The car was being driven by Thomas Cianciolo. When Cianciolo and Toon pulled into the Sinclair gas station, at \_\_\_\_\_ and Toon went inside, the officers trailing them decided to arrest Toon while he was contained in the store.

As Toon entered the store, Agent Scott said he noticed Toon's hoodie sweatshirt appeared to have something in it due to a bulge in the front. Toon entered the store and made his way toward the bathroom. There was a sign on the bathroom door instructing customers to obtain the key from the clerks. Toon walked back to the front of the store and got the key, which, was on the end of a large plastic handle of some kind. As Toon made his way back to the bathroom, Agent Scott and Agent Daughetee entered the store. Both Agents already had their handguns drawn and pointed at Toon. Following these two Agents was Agent O'Doherty who was armed with a .223 rifle. They confronted Toon who was facing them but walking backwards away from them. Agent Scott and Agent Daughetee ordered Toon to "get on the ground, he was under arrest" and to "take his hand out of his pocket." As the officers confront Toon, he is observed on video moving his left hand from his pants pocket to his hoody pocket. The movement of Toon's hand from his pants pocket to the hoody pocket might seem incidental to the untrained eye, however, this would be of major concern for a police officer who has just ordered someone at gunpoint that he is under arrest. One must ask why, upon seeing police with weapons drawn would an individual decide to conceal his hand inside his pocket. Agent Scott observed this movement as he described in his interview. He said that Toon was "blading away" from him, and his hand was in the hoodie as if he had a gun. Investigators went back and listened to the surveillance footage and counted seven (7) different times police ordered Toon to remove his hand from his pocket. Toon did not remove his hand, and in fact, died with his hand still in the pocket of his hoodie. In addition, Toon was ordered twelve (12) times to get on the ground, which he refused.

As Toon was making his way around the back of the store, walking down the back aisle, Agent Scott was walking down the center aisle. Agent Scott said there was a moment when he had to decide to either stand in front of Toon or let him by. Scott said he was convinced that Toon had a gun in his hoody and they were about to "get into a gunfight." Scott said he backed off to get distance and a little bit of concealment. PGPD Detective Petersen entered the store followed by Det. Knopf and Agent Winder. Det. Petersen moved to the front of the store and closer to the back aisle where Toon was walking. As Toon got closer, Petersen backed away seemingly concerned about the threat of Toon having a gun as well. Petersen did not give a statement so this of course is speculation based on information articulated by Agent Scott and observations of the video footage. Toon then makes his way past the officers toward the front counter.

**Store employees.** Casey Layton and Bryan Adler were just working their normal shifts at the Sinclair when William Toon walked into the store. After Toon asked for the bathroom key, both employees said police came running in and started ordering Toon to get on the ground, and he was under arrest. Both employees stated it was clear that the individuals coming into the store

were police. Toon did not comply and the altercation between him and the police was escalating. Layton and Adler were so concerned with the dangerous situation that the two made their way into the drive-up alcove and attempted to conceal themselves behind the counter. As Toon made his way around the counter and towards the two, it was clear there was fear on their faces. Layton raised his hands in the air in a sign of surrender and demonstrated to Toon that he was not a threat to him. Later in statements to investigators, Adler said that he was afraid Toon was going to use them as a “human shield” against the police. Before speaking to police, Layton filled out a written statement, in that document he wrote, “He may have been trying to hide or hold us hostage.”

As Toon got close to the employees, he put the bathroom key down on the counter. At the same time, Agent Scott announced, “He is going to take a hostage, shoot him!” As officers started to fire, Toon moved past the two crouching employees and grabbed the window frame to the drive-up window. It appears that Toon was not attempting to take the two employees hostage, but was trying to escape out of the drive-up window. This might have been to no avail because there were several officers outside that window.

Upon examining William Toon’s body, no firearm or other weapon was found. Toon did have a large amount of cash, inside an envelope tucked inside his waistband. This could account for the bulge that officers claimed to have seen as Toon walked into the store.

## **Considerations**

In examining the facts of this case, one should review the opinion in the U.S. Supreme Court case *Graham v. Connor*. The Supreme Court wrote that the Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene. Its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions, in circumstances that are tense, uncertain, and rapidly evolving. The totality of the circumstances must be taken into consideration when considering the "reasonableness" of a particular use of force and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

### **What did the officers know before entering into the Sinclair?**

- Toon was wanted for Attempted Murder.
- Toon had escaped arrest on two prior occasions, in one attempt he hit a police vehicle, in the other it was on wet and dangerous roads. This showed a level of desperation.
- Toon had told his former girlfriend that he had a gun, and that he was not going back to prison and would kill the police.
- The Pleasant Grove Police passed along information about Toon having a gun to the officers.



- Officers noticed a bulge around Toon's person as he walked into the store.

**What did the officers observe regarding Toon's behavior inside the store.**

- Upon being confronted by police, Toon places his hand in his hoody, despite being told at least seven times not to, and to remove it.
- Toon refused officers orders to get on the ground, and to surrender.
- By keeping his hand in his pocket, it appeared that Toon could keep the officers at bay by making them believe he had a weapon.
- Toon refused to surrender even though he was surrounded by police and trapped in the store.
- Toon quickly moved to the only area of the store where civilians were located.
- The two store employees had hidden themselves behind cover sensing the dangerous situation they were in.

**The scenario that Toon was trying to escape out of the window vs actually taking a hostage.**

When Agent Scott announced that he believed Toon was going to take a hostage, Toon was within feet of the employees and still advancing on them. Agent Scott said in his statement that he never perceived the window was there, and it never crossed his mind that Toon might be trying to escape. In Agent Scott's mind, Toon was trapped and only going to that area for one reason, to do potential harm to the two store employees. The idea of going out the window to escape did not even cross the minds of the two store employees either, as they did not attempt to open it, also thinking they were trapped.

The shooting began as Toon was advancing toward the employees, but it continued even after he had grabbed the store window and had his back to Layton and Alder. However in stressful situations, especially in officer-involved shootings, a phenomenon of peripheral vision loss or "tunnel vision" occurs. This condition causes a person to lose their peripheral vision while retaining their central vision. This results in a constricted field of vision that resembles a tunnel. We know this occurred with Agent Scott, and based on science and my expertise, I believe that it occurred in all the officers. There is a high likelihood that none of the officers who fired saw Toon holding onto the window while they were firing.

This was a tense, rapidly evolving, stress-filled situation where officers had to make a split-second decision. With that said, William Toon had plenty of opportunity to comply with the officer's orders but he did not. He kept his hand in his hoodie pocket for the illusion that he had a gun. By doing this, the officers backed away and did not advance on him. He used this ruse to buy time and find an escape route. As he was trying to escape, he advanced toward the only two civilians in the building.

All of the information in this report and supporting documents should be considered when determining if the officers listed in this report were justified in using deadly force against William Toon.

*Steve Zaccardi*  
*Chief Criminal Investigator*  
*Force Investigations/Homicide Task Force*



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Pleasant Grove, Utah 84062

RE: OFFICER-INVOLVED SHOOTING; Officers Timothy J. Scott (TJ) OPD,  
Tyler O'Doherty OPD, Andrew Daughetee OPD, Christopher Petersen PGPD

Dear Chiefs Young/Brown:

Our office has concluded its investigation into an officer-involved shooting in which William Toon was shot by several police officers during an attempt to arrest Toon for attempted murder charges. The following police officers fired their duty weapons during the incident: Ogden City Officers Timothy J. Scott (TJ), Tyler O'Doherty, Andrew Daughetee, and Pleasant Grove Police Officer Christopher Petersen. The incident occurred on January 14, 2024 at approximately [REDACTED] Steve Zaccardi was the lead investigator, and he was assisted by the Weber County Force Investigation Team. Of those who fired their duty weapons, only Officer Scott provided a statement.

I have thoroughly reviewed the investigation and discussed it at length with investigators and senior prosecutors in my office. The circumstances and evidence set forth in this letter are just a summary of the much-more detailed information provided in the full investigation report provided along with this letter. My conclusions are as follows:

**BACKGROUND**

On December 10, 2023, Pleasant Grove Police (PGPD) responded to the American Fork ER on a report of a patient who had been stabbed multiple times. During their

investigation, Pleasant Grove Police detectives obtained credible evidence that William Toon was responsible for the stabbing. The detectives started actively looking for Toon. On January 12, 2024, PGPD located Toon, driving a vehicle in Utah County. They attempted to stop him and take him into custody; Toon fled, however, leading police on a vehicle chase. This pursuit was eventually called off due to public safety concerns.

On January 13, 2024, PGPD contacted agents from the Weber-Morgan Narcotics Strike Force (WMNSF) and Ogden Metro Gang Unit informing them they believed Toon was at a home in Ogden. Members of those units along with detectives from the PGPD conducted surveillance on the home in an attempt to verify if Toon was there. Ultimately, investigators were unable to get this verification so surveillance was stopped.

On January 14, 2024, in the early morning hours, a South Ogden patrol officer observed an individual believed to be Toon leave the residence and get into a vehicle. The officer attempted a stop but the driver of the vehicle fled. There were snowy conditions on this particular evening, which contributed to Toon being able to avoid capture.

In the afternoon hours of January 14, 2024, detectives from PGPD developed credible information that Toon was traveling from SLC to Weber County. Again, PGPD requested assistance from the WMNSF and Gang Unit in locating Toon. At around 3 pm that same afternoon detectives from PGPD and WMNSF located Toon who was the passenger in a vehicle that was traveling on Riverdale Road, in Riverdale Utah. Detectives observed the vehicle pulling into the Sinclair gas station located on the corner of [REDACTED]. They observed Toon enter the store alone. Detectives followed Toon into the store and attempted to arrest him. Several officers entered the store and confronted Toon. Each officer was wearing a tactical vest with "POLICE" clearly marked on the front. Despite officers issuing many lawful commands necessary to take him into custody, Toon refused to comply. Instead, he made his way toward two store employees who were attempting to hide near the drive-up window. Believing Toon had a weapon and was going to place the employees and/or others in danger, several officers opened fire resulting in Toon's death.

Toon, who was also known by the street name "Costco" (due to his reputation for selling drugs in bulk quantities) was observed carrying a bag when he left the house in Ogden. Investigators searched the vehicle that Toon arrived in and located drugs inside the bag that Toon had left in the car. Agent Burrell found 1,783 grams of methamphetamine, 570 grams of cocaine, 93 grams of fentanyl pills, and 242 grams of marijuana. Several prescription pills and paraphernalia were located. Toon was also carrying a large envelope containing over \$20,000 in cash, common in drug dealing transactions. Toxicology results also revealed that Toon had cocaine, amphetamine, and marijuana in his system at the time.

**Officers were aware of Toon's background.** Offices were aware that Toon was wanted for attempted homicide, that he had evaded police officers on multiple occasions, and that he was known to carry guns. OPD Agent Winder, for instance, said that officers had been alerted over text or radio that Toon was known to carry a gun. Pleasant Grove Detective Knopf, who had been involved with the attempted murder investigation from the beginning, explained that Toon was suspected of previously firing a shot through a wall at the same apartment complex where the attempted murder took place. Detective Knopf also stated that a confidential informant had told him Toon was carrying a gun while he was travelling to Utah from California during the time of the investigation. Knopf had been communicating with Toon's girlfriend during the investigation. She reported that she had seen Toon on social media with a gun, and he told her that he had a gun and he was not going back to prison. He told her if the police caught up to him "It would be the cops' last day!" Concerning the underlying stabbing investigation, she also reported that Toon had bragged to her about having stabbed the person "like sixteen times."

It had previously been determined that SWAT would be called in to handle the situation if officers could have positively determined that Toon was inside the home in Ogden. According to Agent Scott (who was a member of both the WMNSF and SWAT), SWAT would have been called in because officers believed Toon presented such a dangerous, high-risk situation. Scott said that he was told through group text threads and speaking with other officers that Toon was wanted for attempted murder but was not aware if it was a gun or knife. He was also aware that Toon had run from police on two different occasions.

**Toon's actions when confronted by officers.** When officers confronted Toon in the store, they were immediately met with resistance. Camera footage shows that Toon had his hand in his front pants pocket when officers entered the store. Agent Scott said that he observed a bulge in Toon's hoody pocket and shouted at Toon to show his hands. Instead of complying, Toon can be seen removing his hand from his pants pocket and quickly reaching into his hoody pocket. Scott said Agent Daughetee went into the store at the same time. Scott said that he immediately told Toon to get his hands out of his pockets, and that he was under arrest. Agent Scott can be heard over the surveillance audio recording saying "Get your hands out of your pocket, you are under arrest." In fact, the evidence shows that officers gave Toon at least seven different commands to show his hands or to remove them from his pockets. Officers also repeatedly ordered Toon (twelve times) to get on the ground, and shouted that he was under arrest. At no point did Toon make any effort to comply.

Scott said that Toon did not comply with his commands and "bladed his body away from me with his hand in his hoody pocket." Agent Scott went on to explain that Toon



continued not to comply with orders to show his hands or to submit to arrest, but instead tried to get distance from the officers toward the back of the store. Toon went around the edge of the store near the cooler area. Scott decided to go up the middle aisle adjacent to the aisle Toon was in. Scott said it got to a point where the two were going to meet at the end of one of the aisles and he (Scott) had a choice either to stand in front of Toon or to keep his distance. Agent Scott said that he firmly believed that the item in Toon's hoody was a gun (although it was later determined to be a large wad of cash), so he kept his distance and continued to give commands with his gun drawn. Scott said that he was sure that he was going to be in a "gunfight" with Toon, so he backed down into the aisle he was in to gain some concealment.

Toon took this opportunity to move past him toward the front counter. Scott said that he saw his attention shift from him and the officer next to him to the area at the front of the counter. Agent Scott also looked in that direction and saw the two employees he had seen previously now cowering behind a counter in the drive-up window area. Scott said that Toon started taking quicker strides to get to that area of the store. Agent Scott said the following: "My knowledge of him being a violent felon, him being wanted for attempted homicide, and the great lengths he had already gone prior as far as attempting to flee from officers, being in a high-speed pursuit, and fleeing a second time in a high-speed pursuit, also he rammed a police car. He made it apparent to me that he would go to great lengths to avoid an arrest so at that time I believed that he was going to close that distance to the shopkeepers, essentially take them hostage, and attempt to better his odds against the four officers who were in the gas station with him. I vocalized he is going to take a hostage! And to shoot him! I then fired my service pistol."

When asked to explain in more detail why he believed Toon was about to take hostages, Agent Scott said at the time it appeared to him to be the only other reason why Toon would make his way to that area of the store. There were four to five officers inside the store with him; there were more officers just outside the store. Toon was surrounded; however, he was quickly walking toward the store employees with what Scott believed was a gun in his sweatshirt. Agent Scott said in that split second he never considered Toon would be attempting to exit the building through the drive-up window. His primary concern was that Toon was taking those employees hostage. Scott said that he was fearful for the two store employees that if Toon took them hostage it would put those two employees at immediate risk of death or serious bodily injury.

The two store employees also provided statements to investigators. Both indicated that it was obvious that those shouting commands to Toon were police, and both were afraid of what Toon might do to them as he approached them near the drive-up window where they were attempting to hide. The employees stated that they felt Toon was going to try to use

them as a human shield against police or otherwise take them hostage. The employees are seen on camera footage crouched down near the drive-through window. They are clearly frightened, literally cowering, one of them raising his arms in a defensive or submissive posture, as Toon comes toward them. This is the moment when all four officers fire on Toon almost simultaneously.

### **LEGAL STANDARDS AND ANALYSIS**

Pursuant to Utah Code 76-2-404(2), an officer is legally justified in using deadly force when:

(b) effecting an arrest . . . if: (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and (ii)(A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or (B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.”

The determination of whether an officer’s use of deadly force was “reasonable” under the particular circumstances is the paramount question. In *Graham v. Conner*, 490 U.S. 386 (1989), the United States Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed objectively, in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* At 396 (internal citations omitted). The *Graham* court also explained that “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Id.* At 397. The Court held that this determination “requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth Amendment interests . . . against the countervailing governmental interests at stake.” *Id.* Finally, the *Graham* court instructed (*id.* (internal citations omitted)):

Because “[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,” . . . its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.

In this case four officers fired their weapons; however, only one of those officers, TJ Scott, provided a statement to investigators. Therefore we are left to draw reasonable inferences concerning what the other three officers knew and believed at the time. Moreover, we must consider the totality of the circumstances to determine what reasonable inferences can be made. Fortunately there is a great deal of physical evidence, video footage, and eyewitness information from Officer Scott and other witnesses who did provide statements. In terms of what officers knew prior to the confrontation at the convenience store, it appears that all officers would have known that Toon was wanted for attempted murder, that he had attempted to evade officers in car chases, that he was known to carry a gun, and possibly that he had made statements suggesting that he would fight to the death before letting officers take him back to prison. It is also evident that the officers were aware of essentially all of the facts and circumstances described by Officer Scott in terms of what transpired inside the store. Camera footage clearly shows that all four officers were in close proximity to one another as events unfolded.

Each of the officers would have seen and heard essentially the same things as events unfolded inside the store. As set forth previously, Officer Scott provided a thorough explanation of his perceptions and reasons for what he believed was occurring. For instance, Scott said that he firmly believed that the item in Toon's hoody was a gun, so he kept his distance and continued to give commands with his gun drawn. Scott said that he was sure that he was going to be in a "gunfight" with Toon, so he backed down into the aisle he was in to gain some concealment. When pressed further on why he decided to shoot, Scott stated, "My knowledge of him being a violent felon, him being wanted for attempted homicide, and the great lengths he had already gone prior as far as attempting to flee from officers, being in a high-speed pursuit, and fleeing a second time in a high-speed pursuit, also he rammed a police car. He made it apparent to me that he would go to great lengths to avoid an arrest so at that time I believed that he was going to close that distance to the shopkeepers, essentially take them hostage, and attempt to better his odds against the four officers who were in the gas station with him."

Because the other officers had the same information as Scott, it is reasonable to believe they understood the situation substantially the same way. It is also possible that some of them interpreted things somewhat differently. For example, one of the store clerks made the observation that Toon might have intended to escape through the drive-through window. The clerk stated that his first impression was that Toon "would probably grab either myself or Casey and get us up against the window, and try to use us as some sort of shield or bargaining chip," but the clerk added that it was also possible that Toon just wanted to get to the window and jump out. While we know what Officer Scott believed and why he believed it, we cannot know for certain whether the other officers made the same judgments or whether they might have believed that Toon was attempting to escape



out the window. Given the totality of the circumstances, it would be reasonable that the officers believed just what Officer Scott described. It would also be reasonable for them to believe that Toon was trying to escape, or some combination of those scenarios.

**Application of law to Officer Scott.** One of the chief questions is whether it was reasonable for Officer Scott to believe that Toon was carrying a gun when in fact he was not. Apparently officers were aware that Toon was known to carry a gun. In addition, Scott stated that he knew Toon was a violent felon wanted for attempted murder, and that he had engaged in desperate escape attempts already. Importantly, Scott observed a bulge in Toon's hoody pocket, and Toon refused to remove his hand from the pocket despite being confronted by armed police officers who were pointing their weapons at him and demanding repeatedly that he remove his hand from his pocket. Officers are trained in the dangers that concealed weapons present, and it is beyond reasonable for officers to demand that a suspect in these circumstances show them his empty hands. One reasonable inference from Toon's refusal to remove his hand from his pocket under these circumstances was that he was concealing a gun (or that he wanted officers to believe he was concealing a weapon). We conclude that Scott's explanation of why he believed that Toon was carrying a gun was reasonable in light of the totality of the circumstances.

The next question is whether it was reasonable for Officer Scott to believe deadly force was necessary to prevent death or serious bodily injury to himself or others. In this case, while Scott believed Toon had a gun and would use it, he exercised restraint and retreated from Toon rather than firing on him initially. However, Toon made the decision to advance toward the two store clerks who were cowering near the drive-through window. At this point Scott stated that he believed that Toon was going to take them hostage (a perception shared by at least one of the store clerks) and put them in danger of serious bodily injury or death. Scott said that in that split second it did not occur to him that Toon might have been considering an escape through the window, only that he was going to take hostages. Because it was reasonable for Scott to believe Toon had a gun and was actively resisting arrest, it would have been reasonable for him to believe that Toon might use it to take and harm a hostage. Particularly where there did not appear any legitimate reason for Toon to be advancing toward the cowering clerks.

**Application of law to other officers.** Because the other three officers refused to provide a statement, we are left to evaluate the reasonableness of their use of force based on the totality of the circumstances. In light of everything we know from the investigation, it is reasonable to assume that all three knew and were aware of the same information as Officer Scott. For instance, all three were in the convenience store with Scott, and video footage shows that they were within close proximity to one another and in a position to see and hear essentially the same things as Scott. Agents O'Doherty and Daughetee were

part of the strike force team that was assisting PGPD. The officers were aware that they were assisting in the arrest of Toon, who was wanted for attempted murder. Agent Winder said that information had been disseminated to the involved officers that Toon was known to carry a gun. Agent Petersen had been working on the Toon case with Detective Knopf. He was obviously aware of the background information, and he was also in close proximity to the other officers inside the store as events unfolded.

Based on all the information gathered throughout the investigation, it is reasonable to conclude that these three officers would have had the same knowledge and made essentially the same observations as Officer Scott. Therefore, as with Officer Scott, it would also have been reasonable for them to believe that Toon was armed and attempting to take hostages, and that deadly force was necessary to prevent death or serious bodily injury to themselves or others as Toon made his way toward the store clerks.

However, it is also possible that the three officers believed Toon made his way toward the drive-through window in order to escape. Therefore we must evaluate whether it would have been reasonable for them to use deadly force if they believed Toon was trying to escape. In fact, the Supreme Court recognized that the determination of reasonableness must take into account the facts and circumstances of each case, including, among other things, the severity of the crime at issue, and whether the suspect was actively resisting arrest or attempting to evade arrest by flight. In this case it is evident that officers knew Toon was wanted in connection with one of the most severe types of crime, he might be armed, he was actively resisting arrest, and he may have been attempting to evade arrest by flight through the window. These considerations support the reasonableness of the use of force by these officers.

In terms of a fleeing felon, we must also consider specifically the application of the Utah statute governing the use of deadly force. Utah law outlines the circumstances under which the use of deadly force is justified at Utah Code 76-2-404(2); an officer is legally justified in using deadly force when:

(b) effecting an arrest . . . if: (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and (ii)(A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or (B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed;

Clearly the officers were attempting to arrest Toon for attempted murder when they entered the store. Toon had successfully avoided arrest at least twice previously when he


fled from officers in his vehicle. Therefore it would also have been reasonable for the officers to believe that Toon was attempting to escape through the window. The officers had already demonstrated that they were hesitant to go “hands on” with Toon in the store, presumably because they, like Officer Scott, believed he had a weapon. Under these circumstances it would have been reasonable for officers to conclude that deadly force was necessary to prevent Toon’s escape. As for Subsection (ii)(A), the officers had probable cause to believe that Toon had committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury. This of course was the reason for them being there to arrest Toon in the first place. Concerning Subsection (ii)(B), it would also be reasonable for the officers to believe that Toon posed a threat of serious bodily injury to others if apprehension was delayed. This is supported by the fact that Toon was already suspected of attempting to stab someone to death. Moreover, while there were a number of police officers outside the building who could have apprehended Toon if he had made it out the window, it would have continued to be reasonable to believe that he would have still presented the same threat of death or serious bodily injury to those officers or others.

### **CONCLUSION**

Based on the totality of all the facts and circumstances, and recognizing that these police officers were forced to make split-second judgments – in circumstances that were tense, uncertain, and rapidly evolving – about the amount of force that was necessary in this particular situation; we conclude that each officer was justified in his use of deadly force.

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

Sincerely,



Christopher F. Alfred  
Weber County Attorney