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

FORCE INVESTIGATION
TEAM

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Detective Brian Schultz
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Detective Ryan Reid
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FIT-IC Jamie Pitt
Court Technical Specialist

Force Investigation Team Report
Officer-Involved Shooting

Incident: Officer Involved Shooting-Non Fatal

Agency(s) Involved: Ogden Police

Relevant case numbers: OPD 20G27821, OPD 20G27444,
CSI 20CS722, UHP 03200747

Date of Incident: April 23, 2020

Time of Incident: 2220 hrs.

Location of Incident:

FIT Lead Investigator: Investigator Steve Zaccardi

Involved Officer(s): Benjamin Dickman

Involved Subject(s): Jose Mendoza, Dallas Wheeler

Introduction

On April 24, 2020, I was notified of an officer-involved shooting that had occurred in Ogden and had involved one Ogden City Police Officer. The OIS shooting protocol was initiated.

The officer-involved shooting criminal investigation is the responsibility of the Weber County Attorney Force Investigation Team (FIT) as outlined in the protocol. This investigation will examine not only the actions of the officer in regard to the use of deadly force but will also incorporate any criminal behavior by other actors within the investigation.

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 and Weber County CSI. Each member of the investigation team completed their own investigative report outlining their involvement. Additionally, investigators reviewed police reports from the involved agencies which are included in the overall investigation.

The following investigators worked on the case with a summary of their assignments.

Lead Investigator: Steve Zaccardi WCAO FIT
Officer interviews/Jose interview: Steve Haney WCAO FIT
Officer Dickman weapon countdown: Brian Schultz SOPD FIT
Crime Scene Liaison/witness statements: Bryan Hough SOPD HTF

Summary

On 4/23/2020, Layton dispatch notified police units to be on the lookout for a stolen vehicle, a white Toyota 4-runner with California license plate 6VJM871. UHP Trooper Gordon observed the vehicle traveling north on I-15 and he followed the vehicle as it exited Riverdale Rd and traveled east. At

UHP attempted a traffic stop on that vehicle but the driver accelerated through a red light. The UHP trooper continued to follow the vehicle with his emergency lights and siren activated but the driver of the 4-runner failed to stop while increasing speed. Due to public safety concerns the pursuit was terminated.

Shortly after a private citizen reported to police dispatch that a white SUV was driving “crazy” north on Monroe, went east on 29th St. then onto Kershaw and he believed that they drove the car behind a house to “hide it.”

On Kershaw, there are small four-plex apartments that run north and south. There is a small driveway that opens up into a parking lot which has four parking stalls. Officer Dickman approached this area from the north on foot, and Officer Kirshner approached from the south on foot.

Officer Kirshner was in a parking lot of a church located on the south side. The church parking lot is elevated above the small 4-plex parking lot by a retaining wall and chain link fence. Officer Kirshner was on the other side of the fence looking down into the parking lot. He could see the stolen vehicle parked in the lot. The dome light was on inside the vehicle and he could see two male figures sitting inside. At the same time, Officer Dickman was approaching from the north down the long driveway. Both officers were in full uniform. Officer Kirshner reported that both occupants of the vehicle looked up at him, and upon seeing him started to put the vehicle into reverse.

The 4-runner started moving backward from the parking stall. The rear of the 4-runner struck the building, specifically The driver, later identified as Jose Mendoza then put the car into drive and accelerated at a high rate of speed, striking the rear bumper of a parked 2014 Kia Forte, moving the parked vehicle forward and causing damage to the rear bumper. The 4-runner was now facing south, which was also blocked by a 6-foot chain-link fence, which was the north border of residence at

Officer Dickman was standing at the end of the long driveway which led out of the parking lot. He had his flashlight shining on the vehicle. Jose put the vehicle in reverse and accelerated at a high rate of speed back toward the officer. Officer Dickman moved to his left in an attempt to get out of the way of the 4-runner. When Officer Dickman did this he stepped between a 6-foot wooden fence and another parked car, a 2013 Kia Optima.

As the stolen SUV was reversing at a high rate of speed, it veered in Officer Dickman's direction. The rear of the SUV slammed into the parked Kia, which caused the Kia to move from position striking Officer Dickman who subsequently slammed into the wooden fence knocking it over. Officer Dickman, who was now on his back, fired several rounds from his handgun into the back of the 4-runner. This was captured on Dickman's body camera.

Jose put the vehicle back into drive and accelerated forward going through the chain-link fence and into the backyard of eventually hitting a large tree head-on. Jose and passenger Dallas Wheeler ran from the vehicle. Dallas was captured by Officer Kirshner not too far from the SUV. Jose ran out to 29th St. west and then hid in a detached shed, in a backyard of a home, two houses west of where the vehicle crashed. Jose lost both shoes while he was running.

Officer Dickman suffered large contusions to both knees and was transported to McKay Dee Hospital for evaluation. Neither Jose nor Dallas was injured.

Victims and damage

1. Victim: Chelsey Davis & Christopher Davis, 2014 Kia Forte, damage to the rear bumper. Vehicle is driveable
2. Victim: Zuriel Garcia & Jenny Alejandre, 2013 Kia Optima Sx, significant damage to the front of the vehicle, is not drivable possibly totaled.
3. Victim: Nichole Taggart, chain link fence. State Farm insurance sent victim estimated damage of \$1,398.54
4. Victim: Evan Fast, 2014 Toyota 4-runner. The vehicle was completely totaled.

The address of the wooden fence was I attempted to contact the occupants of the home several times but I got no answer. I conducted a property search on the Weber County website and it showed the property is owned by Homeless Veterans Fellowship LLC. I contacted that company and made contact with Jeff Kane the director and the home office is

Jose Mendoza

Investigator Steve Haney conducted the main interview on Jose. Please review his report for details, however below are key points to his interview.

- Jose admitted that he knew the Toyota 4-runner was stolen but denied actually stealing it.
- Jose admitted that the police attempted to pull him over and he evaded them in the vehicle.
- While they were in the back parking area Jose admitted that he knew the person who approached him was an officer.
- Inv. Haney tried to talk to Jose about what occurred in the alley parking lot, but Jose didn't want to talk and kept saying that he doesn't remember what happened, that when the SUV hit the tree he got out and ran.

Dallas Wheeler

When I arrived at the Ogden Police station, Dallas was inside an interview room. We made attempts to locate his legal guardian. We were told that Dallas's grandmother, Tayna Vigil was his legal guardian. We contacted her

and she agreed to come to the station. While talking to her to get her permission to speak to Dallas she informed me that she was not his legal guardian it was actually his mother Tanna Vigil. Tayna said that Tanna lived in Davis County and did not have a ride. We were having difficulty getting Tanna on the phone, so I sent Det. Copier and Det. Lunt to Tanna's home. Det. Copier told me that while he was on his way to the home he received a call from Tanna. After explaining the situation Tanna told Det. Copier that she would not give permission for us to speak to Dallas. Det. Copier was on his way back to the station when he received a call back from Tanna who told Copier that she would reconsider allowing Dallas to speak to the police but she first wanted to speak to him.

I put Dallas, and his grandmother Tayna into the soft interview room. I called Tanna on my cell phone and placed it on speaker and left the interview room. Like all police interview rooms, it was recording both audio and video. The video in the interview room was not operating properly. The video is available but it is hard to see, the audio recorded properly. The following is a summary of what was said in the room between Dallas, Tayna, and Tanna.

Tanna asked Dallas if he wanted to get a lawyer, Dallas said that he wanted to go home. Tanna said that he is underage and he was free to go home. Dallas said, "We crashed three times." Tanna asked, "Why did you leave?" Dallas said, "Because we didn't want to wait there for you." Dallas and Tanna continued to talk, and Dallas said that he did not want to talk. Tanna told Dallas to say that he wanted a lawyer. The grandmother Tayna said that "They tried to hit a cop." Dallas said that "The car hit the tree so hard that my ears started ringing and the car smelled like it was going to start on fire."

Dallas said that "The cops shined their lights at us, then they surrounded the vehicle and said get your hands in the air. Then Jose put the car in reverse and boom he hit the car behind us."

Dallas said that "Jose swerved off and that is when they let off like four shots, like five shots, they shot at us. They shot the back window out."

Dallas and his mother Tanna got into an argument and Dallas hung up the phone. The conversation continued between Dallas and his grandmother.

Dallas said, "That was so crazy, they shot out the windows." Tayna said, "because he hit the cop with the other car he hit." "He was driving all crazy and someone called." Dallas said that a cop pulled behind them and they "zoomed" off and lost the cop, and they parked and he couldn't understand how they found them. Dallas again told his grandma, they shot at us "boom, boom, boom." Tayna said, "That was after he hit a bunch of shit." Dallas said, "I know, he hit a tree, he hit a fence, he crashed into a house." Tayna "He hit a car, and the car hit the officer." Dallas "Yeah, and we went right through the fence, and we were going fast and we hit the tree and my ears started ringing and the car

smelled like it was going to explode. I hopped out and started running and hopped the fence and fell on my back,” “I told him to quit driving like that.” Dallas continued to talk to his grandmother about wanting to go home. Eventually, Dallas stated he did not want to talk to the police.

Blood draw warrant and booking in detention

Both Jose and Dallas smelled of alcoholic beverages. In addition, there were open beer cans in plain sight, inside the stolen SUV. A blood draw warrant was written and approved for both Jose and Dallas. The OFD responded to the station and took the blood sample from both. CSI took photos of both individuals. They were both transported to Weber Valley Detention, I transported Dallas while Officer A. Johnson took Jose. At the detention center Johnson told me that Jose had offered Johnson one hundred dollars to release him from custody, Johnson said that this offer should be captured on his body camera.

While Officer Johnson and I were filling out the booking paperwork, Jose and Dallas were sitting next to each other in the intake area. The two were talking to each other, and at one point I heard one say something about shooting. I did not hear exactly what was said, but it caught my attention so I started listening more closely to their conversation. I overheard Jose say “He is lucky I didn’t run his ass over” and Dallas said “You did!” and then laughed. Dallas said, “We hit that tree so hard.” Dallas and Jose were both laughing during this exchange. Officer A. Johnson had his body camera going the entire time we were at Weber Valley. I have since listened to the video footage and with headphones, the audio was faint but I could hear the above conversation take place.

Officer Benjamin Dickman



When we arrived at the scene we were told that Officer Dickman had been transported to McKay Dee Hospital. I sent FIT Investigator Brian Schultz to McKay Dee Hospital to make contact with Officer Dickman to check on his condition and conduct a bullet count. See Investigators Schultz's report for specific details. The following is the breakdown of the count.

There were 13 rounds in the magazine and 1 round in the chamber. Officer Dickman said it was his custom to carry/load his weapon with a full magazine then chamber around. There were four casings found at the scene which would be consistent with this count. However, there were five bullet holes in the SUV. Most officers will load a weapon with a full magazine and then "top" off the magazine replacing the bullet that went into the chamber. It is also common for officers to not know the number of bullets they have in their weapons while on duty. Investigators were unable to recover all the spent projectiles from the

shooting but based on the evidence present the belief is that Dickman fired five rounds.

On Wednesday, April 29, 2020, Investigator Haney and I met with Officer Benjamin Dickman and his FOP attorney JC Jensen, at my office. This interview was video recorded and is available for review, the following is a summary of that conversation.

I explained to Officer Dickman that I was conducting an investigation into the actions of not only him and his application of potentially deadly force but also the actions of the driver and passenger of the vehicle. Therefore his statement would be considered his report in the matter but was still given free and voluntary. He stated he understood and agreed to provide a statement.

On the night of the incident, Officer Dickman said that he was working his routine patrol assignment when an announcement came over the police radio that Davis Co. UHP had been in a pursuit with a stolen car in the Ogden area, but had since lost the vehicle. Shortly after this announcement, a private citizen reported seeing a vehicle with the same description, a white Toyota 4-runner, driving at an extremely high rate of speed near Monroe and Kershaw Ave's. Officer Dickman and Officer Kirshner responded to the area of Kershaw and Quincy where the citizen had last seen the vehicle. The citizen also reported that he believed the driver had taken the vehicle behind some house on Kershaw.

Officer Dickman, believing that the suspects most likely abandoned the vehicle decided to approach the area on foot. Officer Dickman believed that he and Kirshner were going to walk west on Kershaw with himself taking the south side of the street, and Kirshner taking the north-side. However, there must have been a miscommunication because Kirshner walked south on Quincy instead of west on Kershaw. As Dickman walked he came upon 850 area of the block, there was a long driveway that led to some 4-plex apartments and a small driveway. Dickman said he noticed some brake lights come on in the parking lot, so he walked down the drive to investigate. As he got closer he noticed the brake lights were on a white 4-runner, so he knew at that point he had the vehicle. He announced over the radio that he had spotted the vehicle and his location. Dickman said he yelled at the occupants of the vehicle to "put your hands up." and to get out of the vehicle. Dickman said that it appeared that he caught the driver off guard because all of a sudden the vehicle just started rolling backward slowly until the rear of the 4-runner collided with one of the apartments. Officer Dickman was yelling at the driver who looked at him, then the vehicle accelerated forward away from Dickman and was facing south in front of a chain-link fence. Officer Dickman said he saw the reverse lights come on the SUV. He said at that point he realized that he was standing at the only exit point. Not wanting to get hit he moved to his left farther into the parking lot giving the 4-runner access to the driveway. Dickman said he was

standing between a parked car and a wooden fence. He saw the SUV coming backward quickly, and as it got closer it veered in his direction. He thought he was going to be struck by the vehicle and injured so he fired his weapon several times into the rear of the SUV. He said that he remembers being struck in his right knee, he did not know if it was the parked car that hit him or the SUV. He remembers being thrown back into the wooden fence. The next thing he remembered was being on his back on the other side of the fence and seeing the SUV driving forward away from him. He saw the SUV strike a tree in a backyard of a house away from him. He saw the driver get out of the car and run, so he tried to jump over the parked car but could not get over it because of his knee pain.

Officer Dickman had not seen his body camera prior to this interview. He stated that it was his recollection that he fired at the SUV when it veered toward him and he thought that he was going to be struck. When I asked him why he fired his weapon, Officer Dickman ``I felt like I had to do something to save myself, even if it was to disable the vehicle, but with that vehicle coming back at me I was in danger of being killed. In order to prevent this, I discharge my firearm.”

Other Officer statements and witness statements

Officer William Kirshner

On the night of the incident, I interviewed Officer William Kirshner. I asked Officer Kirshner to start at the beginning and walk me through what happened in chronological order. Kirshner stated he was on routine patrol in Ogden when police dispatch announced that Davis County UHP was looking for a vehicle that they had recently pursued. Shortly thereafter a private citizen had called into police stating that he had seen the vehicle on Kershaw Street. Officer Dickman and Kirshner decided to look around the area on foot, believing that the suspect had abandoned the vehicle. Kirshner went to the south and Dickman was going to the north. Kirshner said that as he walked south toward the church he noticed some brake lights behind a house. Believing that it might be the suspect car he got closer to inspect. When he got close he could tell it was the vehicle they were looking for. Kirshner also said that the interior dome light was on inside the vehicle and he could see two males sitting inside. He described them as “young” looking, the driver had short hair and the passenger had longer hair.

Where Officer Kirshner was located, he was in a parking lot which was elevated higher than the parking lot where the vehicle was located. There was also a 6-foot chain-link fence between the two parking lots. At the same time, Officer Kirshner was approaching the vehicle from the south, Officer Dickman was coming down a narrow driveway from the north. Officer Kirshner said the driver looked at him. Both Kirshner and Dickman were yelling commands for

the two to put their hands up and to get out of the vehicle. Kirshner said the driver of the car put the car in reverse and it went backward striking the house, the driver then moved the car forward striking a parked car in the lot. The stolen vehicle then went backward toward where Kirshner last saw Officer Dickman. Kirshner said he could not see Officer Dickman; he just heard the SUV strike a parked car in the same area. He then heard gunshots, and the driver of the SUV accelerated forward, going through the chain-link fence at the end of the parking lot, and into the backyard of a home before eventually striking a large tree in the yard.

Officer Kirshner jumped the fence and was able to apprehend the passenger in the yard. The driver escaped. Later he heard that the driver had been placed into custody. Kirshner positively identified the male they had in custody as the driver. This person was later identified as Jose Mendoza. Officer Kirshner did not activate his body camera until after the incident was over.

Officer Neilson

Officer Neilson was interviewed by Investigator Steve Haney, reference his report for details.

All the victims gave written statements to the police and were interviewed by Det. Hough. Reference his report for details. I made contact the following day with each again asking them to forward any damage estimates they get from insurance companies.

It should be noted that Chelsey Davis who lives at _____ told me that the area of their apartment that was struck by the SUV, was their bedroom. On this night her husband and 4-month-old child were sleeping in the room and the car hit so hard that she thought it was an earthquake.

Crime Scene

CSI Jessica Brady was the lead crime scene investigator in this case. She was assisted by several other CSI personnel. Reference their individual reports for details, however, the following is a brief summary of what was found at the scene.



Looking down the alley from Kershaw



In the back parking lot area.



Parking lot, the red arrow indicates where the SUV was parked when Officer Dickman was walking down the alley. The blue arrow is where Officer Kirshner was approximately standing in the church parking lot.



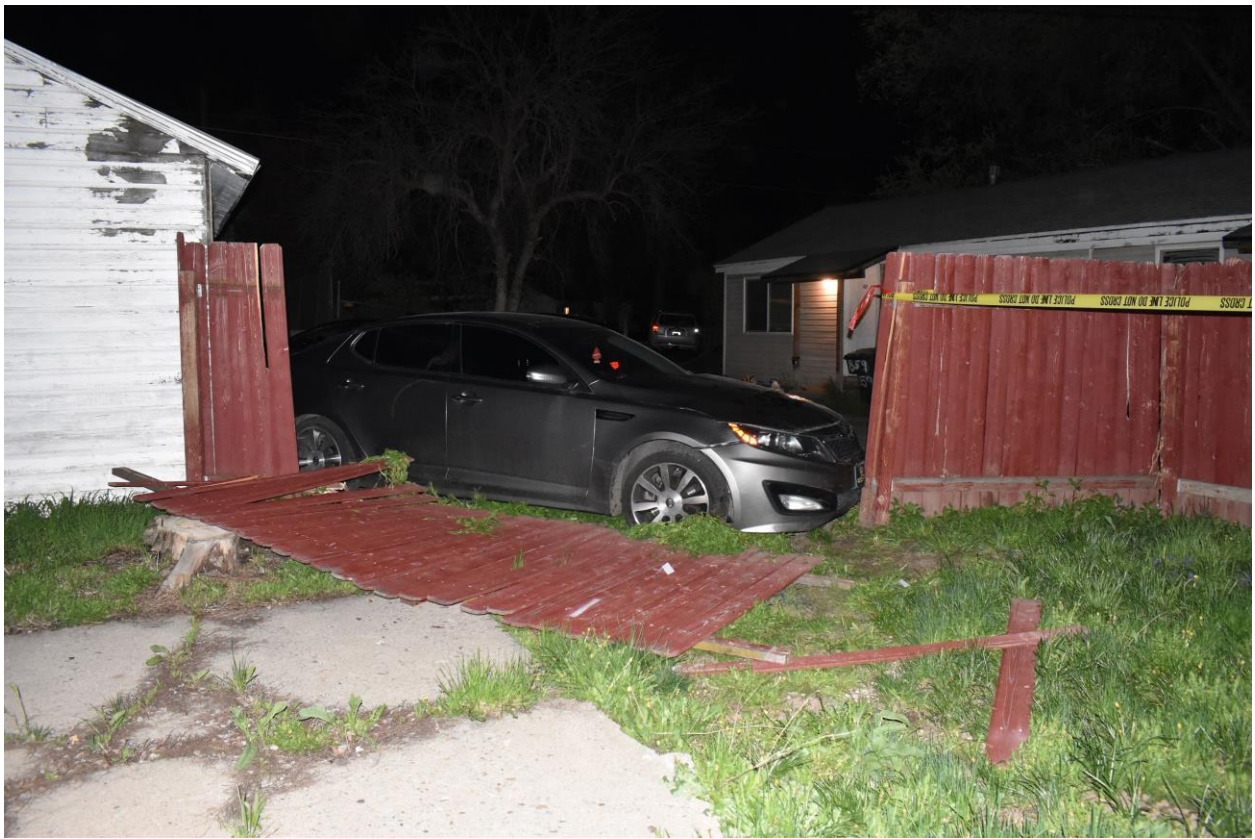
This photo shows the damage to the rear end bumper of the Kia and the fresh marks on the tree.



This is looking back toward the northeast. This vehicle is the one that was struck by the SUV.



This photo shows damage to the front of the vehicle which was caused by the rear of the SUV.



This photo is taken from the north looking back into the parking lot. This fence was between Officer Dickman and the parked car.

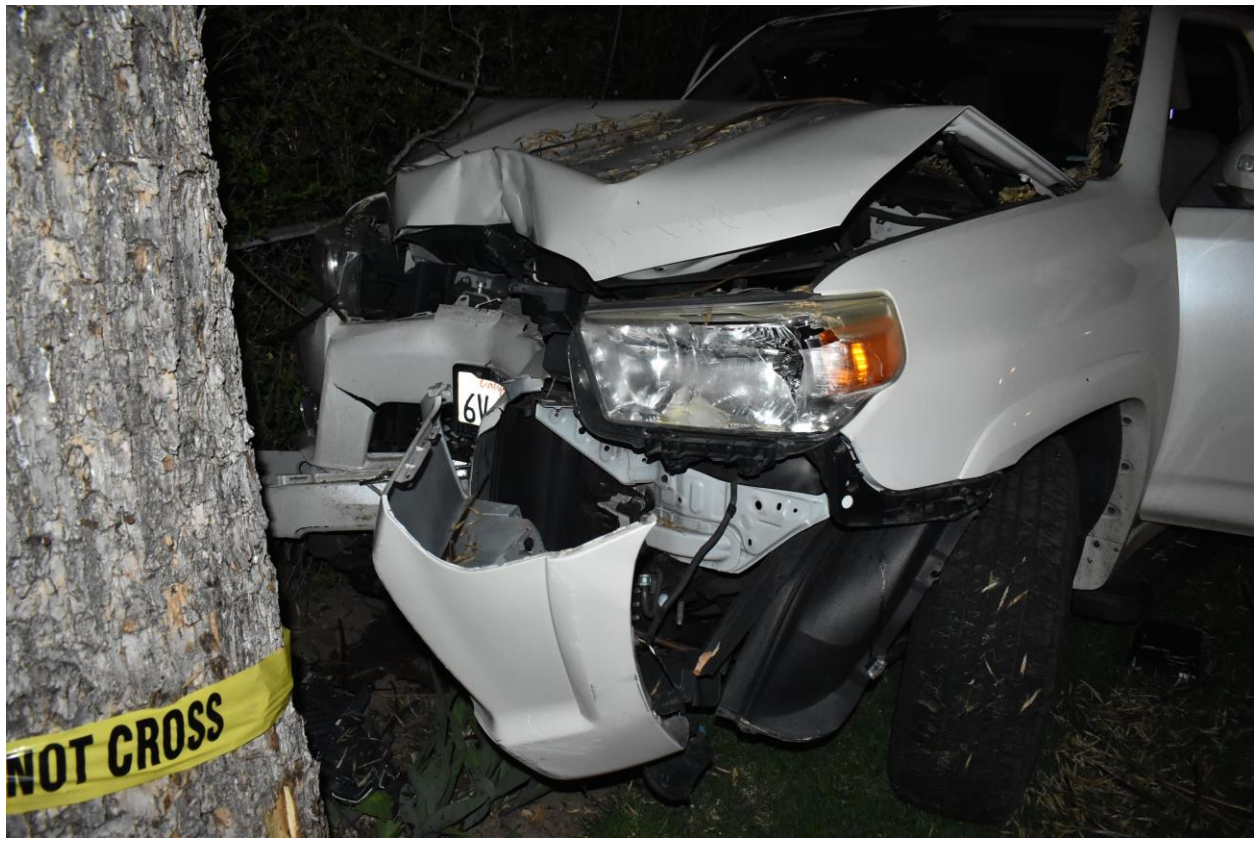


These photos show the markers indicating where the shell casings were located. Four casings were found on the scene.



These photos show the end of the driveway and the fence that was knocked over.







The driver, Jose Mendoza reportedly ran out of his shoes when trying to escape, one of the shoes was found near the SUV the other was located on the sidewalk in front of Jose was eventually located in a shed one house to the west without any shoes on.

B01-Hornady 9mm Luger casing from on top of the downed wood fence panel

JB02- Hornady 9mm Luger casing from the grass
JB03- Hornady 9mm Luger casing from the grass
JB04- Hornady 9mm Luger casing from the grass
JB05-Empty Keystone beer box in the parking stall
JB06-checkbook belonging to Cody and Cami Taylor in a parking stall
JB07-Blue rope and child pink mittens in the parking stall
JB08-roll of tape in the parking stall
JB09-Broken brake light on porch of
JB10-Possible bullet hole in the siding of (not collected, only
photographed)
JB11-Left blue and white Nike shoe in the grass of backyard of house #850
JB12-Right blue and white Nike shoe on the sidewalk in front of house #850
JB13-Possible bullet hole in driver's side tail light (not collected, only
photographed)
JB14- Possible bullet hole in the back hatch of 4-Runner (Not collected, only
photographed)
JB15- Possible bullet hole in the back hatch of 4-Runner (Not collected, only
photographed)
JB16- Possible bullet hole in the back hatch of 4-Runner (Not collected, only
photographed) JB17-Fired bullet on driver's floor of 4-Runner

Examination of the SUV

The Toyota 4-runner was transported to CSI for further examination. A search warrant was written and signed for the examination of the vehicle. Below are the items that were removed from the vehicle. The ignition key was still inside the vehicle and appears to be the actual key to the vehicle.

SL01 front passenger airbag (for potential DNA purposes)
SL02 front driver airbag (for potential DNA purposes)
SL03 blue sweatshirt (#XL) from the back passenger area
SL04 Samsung (t-mobile) cell phone from the back passenger seat
SL05 white tank top (XL) from the back passenger area
SL06 three (3) Keystone beer cans from under driver's seat
SL07 Keystone beer can, from the front passenger seat
SL08 Keystone beer can, from the center console. (This can still had fluid in it
which was drained by Investigator Haney)
SL09 black hoodie (XL) from the back trunk area
SL10 fired a bullet from the back trunk area
SL11 Cigarillos pack from the center console
SL12 butane light from front drivers floor
SL14 chewed gum from the center console



CSI Investigators along with members of the FIT team established the trajectory of the rounds fired by Officer Dickman. There appear to be five shots that struck the SUV, however, only four shell casings were located at the scene. Investigators went back the following day and scanned the area with a metal detector but were unable to locate the missing casings.



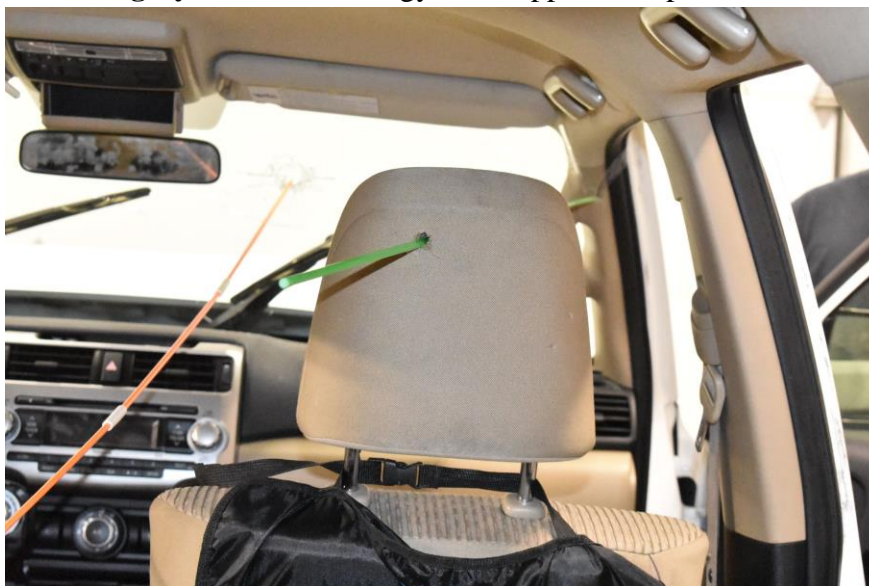
Trajectory rods were placed into the back of the vehicle showing where each round struck. The projectiles represented by the **green, orange, and grey arrows** are on an upward trajectory. For the rounds to have struck as low as they did on the car but still move on an upward trajectory investigators believe that Officer Dickman was on the ground when these three shots were fired. The two projectiles represented by the **brown arrow** and the **blue arrow** had a more level trajectory which would indicate that these two rounds were fired while Officer Dickman was standing. The projectile represented by the **brown arrow** went into the tail light. The projectile represented by the **blue arrow** went through the shattered rear window and into the headrest of the passenger seat.



The above photo shows a bullet represented by the orange rod entering into the vehicle and going through a car seat that was in the back of the car. The round continues into the back of the seat. The bullet represented by the green rod enters into the car and into the rear seat. The rod represented by the grey rod enters into the car, losing energy striking the rear of the seat, not going through. That projectile ended up being recovered in the rear of the vehicle.



The projectile represented by the **green** rod continued on the upper angle striking the roof and deviated off the roof striking the sunglass holder. A projectile was recovered on the floorboard of the vehicle, it is believed it came from this round. The projectile represented by the **orange** rod went through the front windshield and investigators believed it eventually embedded into the upper portion of an apartment building. The projectile shown in the photo by the **blue arrow** came through the rear window (which was shattered) through the headrest and struck the doorpost. As stated before in the document the projectile shown with the **grey arrow** lost energy and stopped on top of the seat.





The above photos are where a projectile struck the home. Investigators believe that this projectile is represented by the orange rod/arrow in the photos on the previous page.

Body Camera

Officer Dickman's camera was the only one active that captured the shooting and is the only one that will be reviewed in this report. Other officers' body cameras were activated after the incident when they captured Jose and Dallas and are available for review.



When the body camera is activated, the SUV has already hit the apartment and is moving forward. The vehicle strikes the vehicle in front of it.



SUV is now facing south blocked by a fence at the end of the driveway. Officer Dickman has illuminated the vehicle with his handheld flashlight. Time:04 sec into the video



SUV has started back toward Dickman. Time 05 sec into the video.



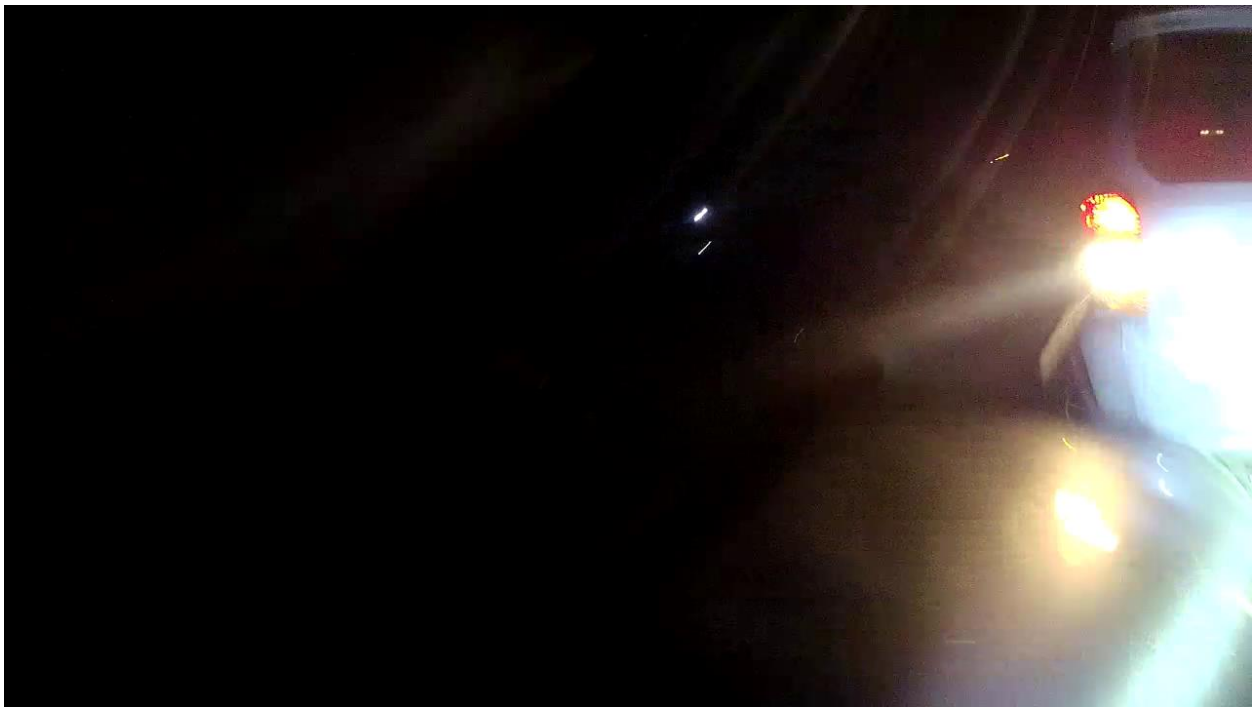
The vehicle has started to veer toward Dickman's position. Note the parked car to the bottom left of the frame. Time 06 sec into the video.



Officer Dickman has moved to his left. The SUV is closer. Time still is 06 sec into the video.



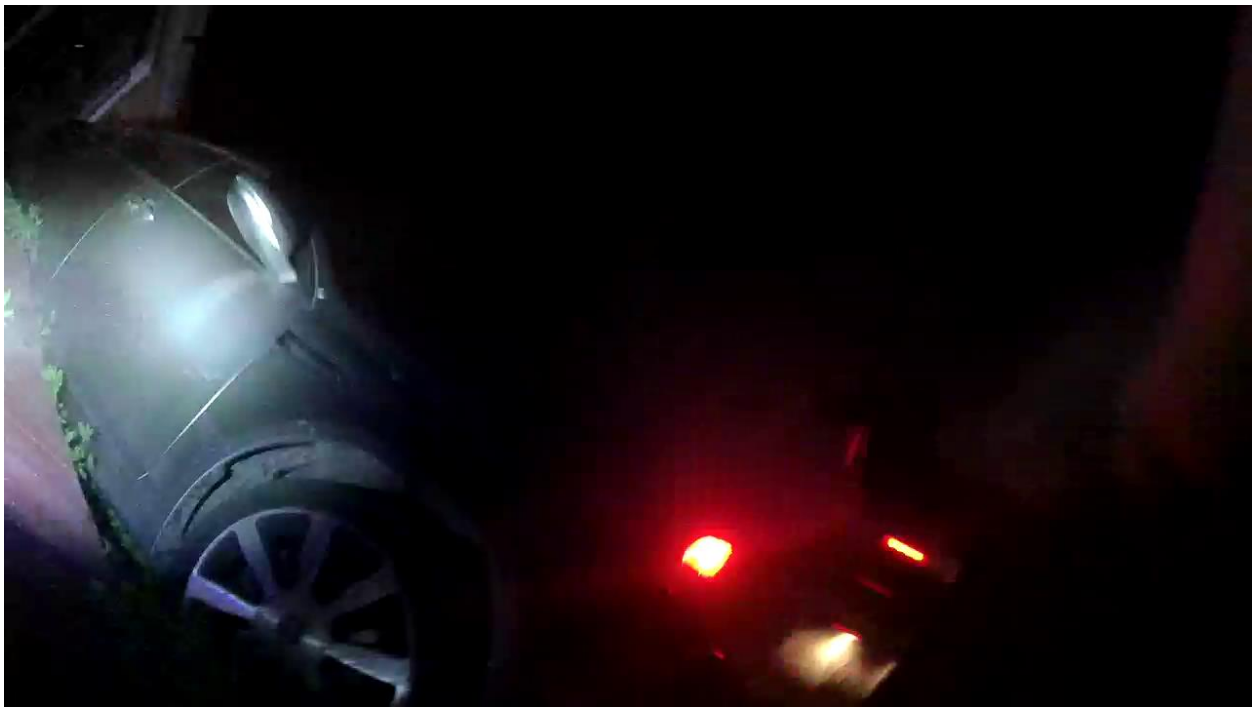
SUV makes contact with the parked vehicle. Time 07 sec into the video.



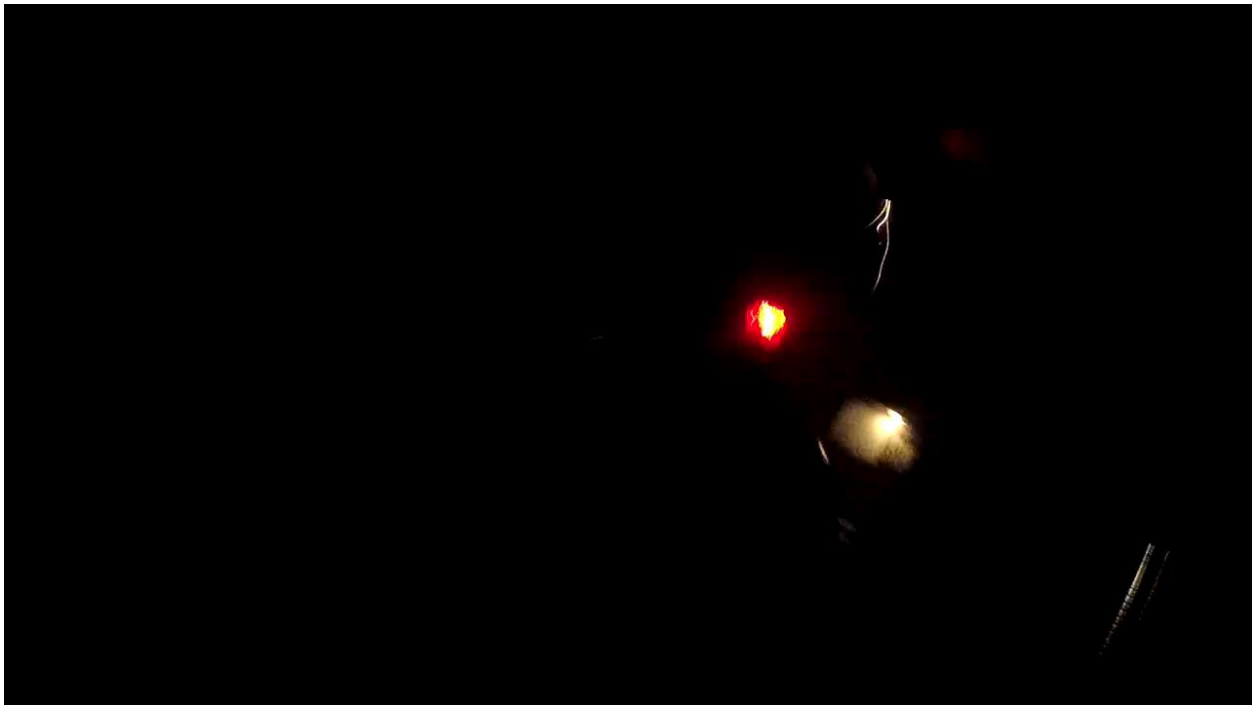
A parked car has struck Officer Dickman in the lower legs. Time still is 07 seconds.



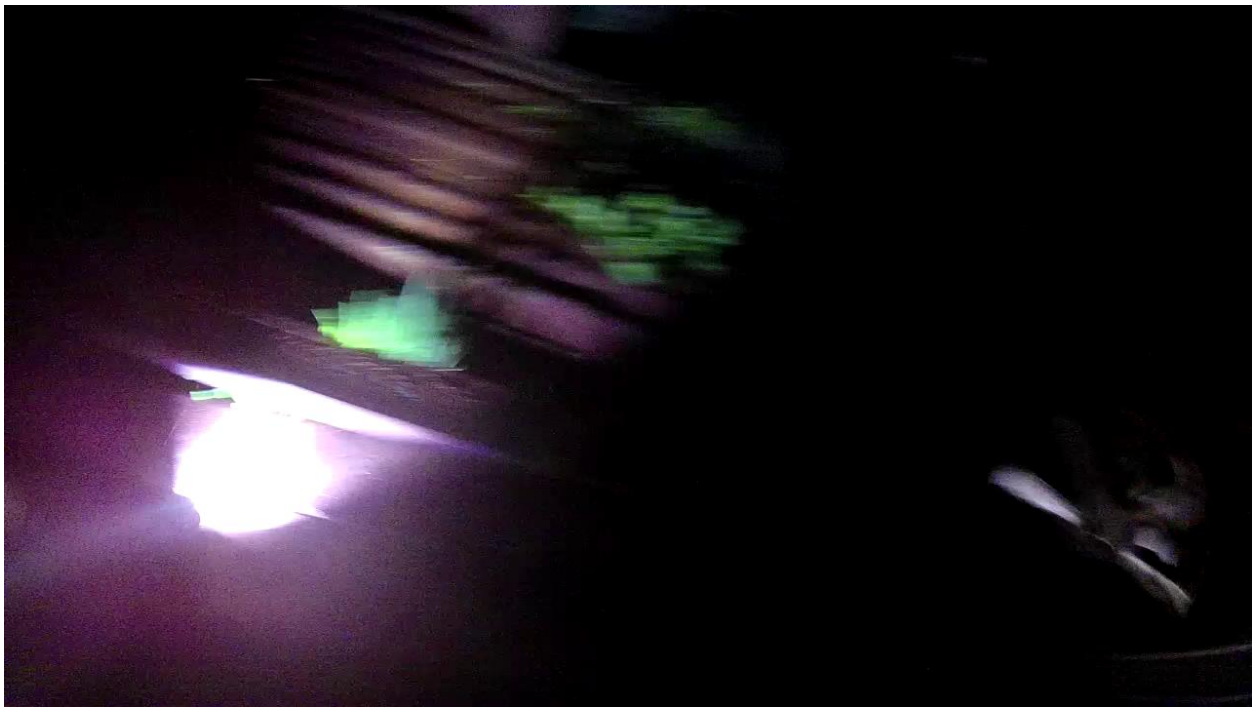
Officer Dickman has struck the fence and is going down. Time still is 07 seconds.



Officer Dickman is on the ground. Note the height of the parked car, also tail lights above. The time is 9 seconds.



Muzzle flash, time 10 seconds into the video. There is no audio so unknown when this shot is fired in sequence.



Appears Officer Dickman is trying to get up from his seated position. The time is 11 seconds.



Officer Dickman is upright and the vehicle is gone. Notice headlights on the chain-link fence. Also, notice the parked vehicle is contacting the fence. Time is 13 seconds.



Officer Neilson was checking on Officer Dickman's condition. Note the vehicle in the background had struck a tree and the occupants ran on foot. Time is 31 seconds



Officer Dickman was in pain and was limping then collapsed to all fours. The time is 1:31 sec. The camera is turned off.

Surveillance Video

During a canvas of the neighborhood, I located a home at 849 Kershaw that had surveillance video which captured a portion of the incident. The camera is located in the backyard of the home and faces east. If someone were viewing the

video the footage associated with this case would be located in the upper portion of the screen. It is far away and is someone grainy because it was shot at night, however, small portions are seen on the footage.

- 10:41:59 pm SUV comes into property.
- 10:51:29 Dickman appears on camera (9 minutes, 30 seconds have elapsed)
- 10:51:38 SUV crashes into car and fence (9 Secs elapsed seen Dickman is seen)
- 10:51:46 SUV crashes into the tree (8 secs elapsed since crashing into car/Dickman)

Scan

Utilizing the FARO 3D scanner CSI took scans of the crime scene. This scanner makes an exact duplication of the crime scene. Everything within the scene can be re-measured utilizing this technology. Below there are two screenshots taken which show the distance the SUV traveled before hitting the parked car, 46.5 feet.





46.5 feet

Stolen Vehicle and Vehicle Burglaries

Detective Hough HTF responded to assist the Weber County FIT in this investigation. I assigned him to assist CSI with the crime scene investigation and to contact the civilian witnesses in the case. During his investigation Det. Hough located three calls for vehicle burglaries in South Ogden on 4/24/2020. Reference Det. Hough's investigative report for details, however, Hough was able to locate video from all three homes. In the video, the white Toyota 4-Runner was seen pulling into the area with the headlights off. A younger male got out of the front passenger seat, which appears to be a young female got out of the rear passenger seat. As the male passenger walked under the light and checked the door on a vehicle in the parking lot it showed clearly that it was Dallas Wheeler. Again refer to Det. Hough's report for further details.



4-Runner in the upper left portion of the screen.



4-Runner in the background, the driver does not get out. Dallas Wheeler is seen in this video at the driver's door of the vehicle. He tries the door handle when locked he walks off to the right of the screen. Another person in the video is the female backseat passenger.

Conclusion

This conclusion will address two things; the criminal actions of Jose Mendoza and Dallas Wheeler and the actions of Officer Dickman.

Jose Mendoza & Dallas Wheeler

Stolen vehicle & Evading

On April 24, 2020, Jose Mendoza and Dallas Wheeler were riding in a stolen vehicle, a white Toyota 4 runner that had been originally stolen out of Ogden on 4/22/20. Jose was driving the vehicle at an extremely high rate of speed which caught the attention of at least one UHP trooper. That UHP Trooper attempted to stop Jose and the vehicle, but Jose refused to comply and evade police in the vehicle. During an interview with investigators, Jose admitted that he knew the car was stolen and was told this by Dallas. Jose's actions of running from the police also suggest that they knew the vehicle was stolen. Additionally, after the police attempted to stop them a second time in the alley Jose attempted to flee in the vehicle again but crashed into a tree. Both Jose and Dallas fled on foot before being captured by the police.

Aggravated Assault on Police Officer

It is clear from the body camera footage that the 4-runner driven by Jose directly veers at Officer Dickman who had moved to his left to get out of the way. The vehicle traveled over 40 feet in reverse at Officer Dickman at a high rate of speed. It is reasonable to believe that if the 4-runner had not struck the parked vehicle, it would have surely impacted Officer Dickman directly and most definitely could have caused serious bodily injury or death to Dickman. In interviews and statements made by Jose and Dallas, they both acknowledged that they knew it was the police. Jose and Dallas were overheard having a conversation in which Jose said "He is lucky I didn't run his ass over." Dallas responded to that statement "You did." and then laughed about the events.

Criminal Mischief/Property damage

Jose Mendoza totaled the 4-runner he was driving by striking the tree, two parked cars, a chain-link fence, a wood fence, and backed into an apartment building. He did this as he attempted to escape from the police, disregarding anyone's safety or personal property.

Other charges

Jose offered Investigator Haney and Officer Johnson money to let him out of custody. Jose pulled out cash and tried to hand it to Investigator Haney in the interview room. When Officer Johnson was transporting him to Weber Valley Detention he offered Officer Johnson one hundred dollars to stop the car and let him out. Inside the vehicle were open containers of beer, and toxicology reports show that Jose had levels of THC and Xanax in his system. Dallas had THC.

Officer Benjamin Dickman

A citizen reported seeing the stolen vehicle drive onto Kershaw street in Ogden and behind some houses. Officer Dickman, believing that the suspects had most likely abandoned the vehicle began to search the area on foot. Officer Dickman located the vehicle in a small parking lot at the end of a four-plex. The suspects were still in the vehicle, and upon seeing Officer Dickman attempted to flee in the vehicle.

Officer Dickman stated in his interview that when he saw the reverse lights activate on the 4-runner and realized that he was blocking the only exit, he moved to his right to get out of the way. The 4-runner reverses and as it does it veers at him. He said that he feared for his life so he fired his weapon at the vehicle. He believed that he fired his weapon standing as the vehicle was approaching him. Investigators reviewed the body camera footage and the bullet impacts into the vehicle. We are confident that three of the five rounds were fired after Dickman was knocked to the ground. As stated previously it is reasonable to believe that if the 4-runner had not struck the parked vehicle that Dickman was standing next to, it would have surely impacted Officer Dickman directly and most definitely could have caused serious bodily injury or death.

All of these facts need to be taken into consideration when determining any charges against Jose Mendoza and Dallas Wheeler and if Officer Dickman was justified in using deadly force.

Steve Zaccardi

Investigator

Force Investigation Team