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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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## Force Investigation Team Report

### Officer-Involved Deadly Force Used

Incident: Officer- Involved Deadly Force Used

Agency(s) Involved: Ogden City Police

Relevant case numbers: 21G75999, 21CS1913

Date of Incident: 11-01-2021

Time of Incident: 1548 hrs

Location of Incident: 26<sup>th</sup> and Grant Ave

FIT Lead Investigator: Steve Haney

Involved Officer(s): Zackary Scott

Involved Subject(s): Casey Pacheco

Weber County Attorney's Office  
Criminal Investigation  
Officer Involved/Deadly Force Used  
Date 11-01-2021  
Investigator Steve Haney  
Premise: 26<sup>th</sup> St and Grant Ave  
City: Ogden City

Agency Involved: Ogden City Police

Ogden City Case # 21G75999

CSI Case #21CS1913

## **Introduction**

On November 1<sup>st</sup> 2021, the Ogden City Police Department reported that there had been an officer involved incident where deadly force had been used. The OIS protocol for Weber County was initiated at this point.

This force investigation was handled by the Weber County Attorney's Office as outlined in the protocol. The information provided in this document is a summary of the complete and thorough investigation conducted by the Weber County Attorney's Office Force Investigation Team. Due to the complex nature of this investigation, members of the Weber Morgan Homicide Task Force assisted in the investigation. The following investigators were utilized;

Investigator Cameron Hartman- HTF Assistant Team Leader (WCAO)

Detective Sean Endsley- HTF Team Leader (WCSO)

## **Overview**

Victim/Officer- Zackary Scott (OPD)

Suspect- Casey Pacheco

Involved- Zelda Burns

Complainant: Robert Wright

Witness: Paysen Heinbach

Witness: Anthony Bolser

Witness: Kohlton Miller

Witness: Kessie Carson

Witness: Shawn Summers

### **Initial 911 call from Witness**

On November 1st 2021, Weber Consolidated Dispatch received a 911 phone call from a Robert Miller at 1548 hrs. Miller was supervising the re-construction of the roadway in the area of 26<sup>th</sup> St and Grant Ave in Ogden Utah. Miller reported that there were two people in this area that were causing a disturbance and one of them had a knife. Miller said they were arguing and one of them “has a knife to his neck”. Miller went on to explain that this was happening west of Grant Ave on 26<sup>th</sup> St and was near Weber Human Services and was on the south side of the road.

Miller described the male with the knife and said they were on foot at this location. Miller said his workers had come to him and told him about this incident going on and told him about seeing the knife. Miller then said the two people were now fighting over the knife. When asked about the victim, Miller said it was a female. Miller then said police had arrived on scene.

The dispatcher then told Miller to make contact with the officer after, Miller then said the male was now arguing with the officer. As the call ended, there is an audible noise in the background that sounds like yelling but it is not clear what is being yelled.

### **Dispatched information**

The recorded audio from the dispatched call starts with the “tone” that is used by dispatch when there is important information that about to be dispatched. This tone is commonly used to get officer’s attention that something life threatening is currently happening.

The information that followed was that there was a weapons disturbance near 26<sup>th</sup> and Grant where a male has a knife to another male’s neck near the Salvation Army building. Dispatch then notified that the two subject were now fighting over the knife.

48 seconds after the call was dispatched, Officer Zackary Scott announces that he has arrived in the area. Seven seconds later, Officer Scott tells dispatch that other officers need to hurry because a male has the knife to his own neck. Dispatch confirms

that the backup officer is aware of this transmission and then clears the air for emergency traffic only.

At one minute and fifteen seconds from when the call was original dispatched and 27 seconds after he arrived, Officer Scott again asks for back up and stresses that they need to hurry. At one minute and 20 seconds, the microphone is keyed and Officer Scott announces that shots have been fired.

Officer Scott then requested that medical be sent to his location and gave patient information while other units are announcing their arrival on scene and CSI is being requested.

## 26<sup>th</sup> St and Grant Ave



I was advised by Lt Vanderwarf of the Ogden City Police that there had been an officer involved critical incident and it was being requested due to protocol that an Investigator from the Weber County Attorney's Office would respond and take over the investigation. Myself and Investigator Cameron Hartman of the WCAO arrived on scene and met with Lt Vanderwarf. CSI Pontius had arrived and the area had been sealed off. I was then briefed by Lt Vanderwarf about the origin of the 911 call and how construction workers in the area of the roadwork were the witnesses and the job foreman, Robert Wright was the caller. Wright was writing a witness statement at that time.

The suspect in this incident had been identified as Casey Pacheco. I was advised that he was a transient and officers had recognized him from prior dealings. Pacheco was wounded and transported to McKay Dee Hospital. I passed this information to Detective Endsley, who is a Team Leader with the Homicide Task Force.

I requested that he respond to the hospital and oversee the processing of Pacheco and any evidence collection.

CSI Pontius started the processing of the scene with photographs and advised me there was a large knife in the interior of the crime scene and four 9mm shell casings.



CSI Grogan arrived on scene and we spoke about what would be needed. CSI Pontius started on the 3D Faro scanning of the interior of the scene and CSI Grogan started to obtain drone footage of the area.

I asked Investigator Hartman to oversee the crime scene and assist CSI in evidence collecting.

## Witnesses

**Zelda Burns-** Investigator Hartman interviewed Zelda at the crime scene. She was the female who was in the original complaint of two people fighting with a knife involved. Zelda told Investigator Hartman that Pacheco and she have been together for a year and a half. Pacheco is a very jealous person and started being abusive towards her any time she was not with him. Zelda said she went with others to use methamphetamine today and Pacheco was upset when she was not with him. Zelda found Pacheco with her grocery cart full of belongings on 26<sup>th</sup> St west of Grant Ave. Zelda said Pacheco was sharpening his large knife and was making suicidal statements. Zelda said they began to fight over the knife as she was trying to get it from him. Pacheco put the knife to his throat and continued to make suicidal statements. Zelda said the officer arrived and it enraged Pacheco.

**Robert Wright-** I spoke with Wright after he had finished his written statement. Wright told me that he had been alerted to the two people fighting by his employees so he called 911. Wright said the officer arrived and the man with the knife walked

down from the alcove that he and the woman were standing in and appeared to confront the officer. Wright told me that the presence of the officer seemed to make the male angry. Wright said the officer yelled at the male "at least four times" to drop the knife and to "back up". When I asked specially if it was four times, Wright said it was probably more but the officer said it was at least four times. I asked Wright if the officer had to retreat, Wright said the officer backed up a few feet initially when the male first started approaching him. Wright estimated the officer was 15 feet away when he fired his weapon.

**Paysen Hienbach-** I spoke with Paysen Heinbach who was also working the street project. Paysen said he saw the male and the female fighting on the south side of 26<sup>th</sup> St. Paysen said he went to Wright and asked him to call 911 after he saw the male had a knife. Paysen said he was standing to the east when the officer arrived. I asked Paysen if he had recorded the incident on his cell phone. Paysen said that he had. I asked to see the recording and Paysen pulled out his phone and pulled up footage of a seven second video that captured the four shots being fired by Officer Scott. As I was watching this video, Paysen mentioned that a co-worker had also recorded the incident.

I advised Paysen that I would need to image this video and would need to take it to the Ogden City Crime Center. Paysen was not happy about his phone being taken and started arguing. I told Paysen that it was lawful to gather this video because it was evidence and that it would just take a few minutes and that I would return the phone as soon as I was done. Paysen said he wanted to come to OPD and wait in the parking lot.

**Anthony Bolser-** I spoke with Anthony Bolser who is also working the street project. Bolser was working in a tractor spreading road base when he saw a male and female fighting. Bolser said he also saw the male had a knife and alerted his boss with Paysen. I asked Bolser if he recorded this incident and Bolser said he had not. Bolser filled out a written statement.

**Rissie Carson-** The Weber County Attorney's Office was contacted by a Rissie Carson who was transferred to my desk phone and left a message. I contacted Rissie back and she informed me that she witnessed the incident between the officer and the homeless man on 26<sup>th</sup> St. Rissie said she works for Parson's Construction and drives a water truck. She was in the truck and parked on Grant Ave at 26<sup>th</sup> St and witnessed the two people fighting and claimed the male was minding his own business when the female walked up and started hitting him and whipping him with something. Rissie said she thought it was funny and was laughing about it when the police officer showed up and shot the male. Rissie said the officer didn't try and use a "stun gun" and complained that he missed twice and could have hit someone else. I asked Rissie why she had not come forward at the scene. Rissie said it was because her company does not want them to get involved. I told her that others from the construction company gave statements at the scene. Rissie said everybody was leaving so she did too.

At first Rissie did not want to use her name but then agreed to give a written statement. I went to her residence in Ogden and obtained the written statement.

**Shawn Summers-** I identified Shawn Summers as a potential witness when I was reviewing the recorded interview of Payson Heinbach and he mentioned Summers' name and said he was a witness who also had recorded the incident. I called Robert

Wright and confirmed he in fact worked for Staker Parsons and was present at the time of the incident. I obtained Summers contact information and called him. Summers was working at 26<sup>th</sup> St and Grant Ave and agreed to meet with me. I went to the area and located Summers. He described to me that he was standing at the corner of 26<sup>th</sup> St and Grant Ave and had seen the officer arrive. Summers said he knew the 911 call had been made about two people fighting over the knife. Summers said the officer arrived and he heard him yell at the suspect to drop the knife. Summers said he thought the officer had his taser out and was surprised when the gunshots rang out. Summers said he recorded a portion of what happened on his cellular phone but told me he deleted it. Summers then checked his phone and found the video in the trash bin of his phone. Summers showed me the video and then was able to save it and send it to my phone.

## **Search Warrants**

I obtained a search warrant signed by Judge Renstrom to image the video from Paysen Heinbach's phone at the Crime Center. The video was imaged using a Celebrite device and placed on a thumb drive. I then returned the cell phone to Paysen and gave him a copy of the warrant.

I reviewed this video and found it was a seven second video that was recording from the east looking towards the west. Pacheco can be seen moving around and shouting at Officer Scott. The recording captures Officer Scott firing four times. There is audio captured as well.

I also obtained a search warrant for the phone of a Kohlton Miller who had posted on Facebook that he had video of this incident. I spoke with Robert Wright who said Miller worked for Parsons. I went to the construction site and learned that Miller does not work for the construction company and it is unknown why he would have been in the area. I did not serve the warrant and closed it out as unserved.

## **Video Collected From Heinbach**

The video that was collected from Paysen Heinbach's phone is seven second long and is recorded from the east looking back towards the west at a southwest angle. It shows Officer Scott's back as he is standing on the sidewalk on the south side of 26<sup>th</sup> St and pointing his duty weapon to the west at Pacheco who is facing east towards Officer Scott. The knife is visible in Pacheco's right hand and is up to his throat. The camera zooms in and Pacheco is taking a couple steps backwards.



Pacheco then stops and rocks back on his heels and starts moving back towards Officer Scott and appears to be yelling out at Officer Scott. Zelda Burns is now visible just over Officer Scott's left shoulder in the frame. (Below)



Pacheco is now moving forward and is yelling out what appears to be "shoot me" and is waving his left arm around as he is walking towards Officer Scott.



Officer Scott Fires the first shot from his duty weapon. This photograph below shows where both Officer Scott and Pacheco were positioned when Officer Scott fired.



Officer Scott fires four times and Pacheco falls to the ground. The video ends at this point.

## **Video Collected from Summers**

The video collected from Shawn Summers phone is 24 seconds long and is also captured from the east looking west. This video was further away that the Heinbach captured video and is lesser in quality of picture. There is also a large construction tractor that is partially blocking the view the south side of 26<sup>th</sup> St.

As the video starts, Officer Scott can be seen standing on the south side of 26<sup>th</sup> St and has his duty weapon pointed west. Pacheco cannot be seen but Zelda Burns is visible standing by her belongings piled in a grocery cart.

At the five second count in the video, Officer Scott can be seen stepping backwards and retreating away and then stops firmly. At eight seconds, the tractor moves back towards the west and Pacheco can be seen at this point moving towards Officer Scott. There is yelling in the background but it is not audible. At ten seconds, Officer Scott fires his duty weapon. Summers can be then heard commenting, "Oh shit". Sirens can also be heard getting closer to the immediate area.

The picture belong is a photo at 9 seconds in the video.



## Officer Zackary Scott



9mm Glock 17 Gen 4, issued by Ogden City Police.

Serial number

2 years Ogden City Police

I met with CSI Finlinson at the OPD Station and was advised that Officer Scott was in the patrol briefing room. Officer Scott was photographed by CSI Finlinson and then I removed his duty weapons and counted the rounds in it. This was video recorded by CSI Finlinson. I removed the magazine and ejected one (1) unfired bullet from the chamber. I then removed one bullet at a time from the magazine and counted fourteen (14) giving me total of fifteen (15) that were in the weapon. The magazine was rated as being able to carry seventeen (17).

I then removed both spare magazines one at a time and counted the unfired bullets in them. The first magazine had seventeen (17) bullets in it. It has the capacity to carry seventeen (17) in it. The third magazine had fifteen (15) in it with the capacity to carry fifteen (15). Officer Scott's duty issued Glock was collected for potential

processing along with the three magazines and bullets. It is believed that Officer Scott fired a total of four times.

- I examined the magazine to Officer Scott's duty issued Glock 9mm at the Weber County Sheriff's Office after it was entered into evidence by CSI. The magazine in the gun at the time of the incident can be loaded with 18 bullets. This is common with the Gen 4 Glocks and accounts for the number of bullets in Officer Scott's weapon and the number of casings at the scene.

## Casey Pacheco



Transient history in the local Ogden area and cited for Trespassing in October.

Convicted of Criminal Mischief in 2007.

Convicted of unlawful possession by a minor in 2007.

Pacheco was struck by two of the four shots fired by Officer Scott. Pacheco was hit in the left side of his abdomen and the bullet exited out of his back. Pacheco was also hit in the right upper back next to the shoulder blade. The bullet traveled up and exited higher above the shoulder blade on the right side.

His injuries were not life threatening but surgery was required. Pacheco told hospital staff that he was taking Suboxone daily. Pacheco also claimed he followed all the commands of the officer and was still shot. Detective Endsley obtained a search warrant to collect Pacheco's blood for toxicology.

On 11-02-21, I went to the McKay Dee Hospital and attempted to interview Pacheco. There was a police officer present for Ogden City that had been watching him inside the room. I recorded this interview with an audio digital recorder. I started by explaining who I was and why I was there and then advised Pacheco of his Miranda Rights. Pacheco said he understood his Rights and wanted to speak with an attorney. I thanked him for his time and left the room.

## Interview of Officer Zackary Scott

On 11-04-21, Officer Scott came to the Weber County Attorney's Office and met with myself and Investigator Hartman. His FOP Attorney, Jeremy Jones, was present for this interview which was recorded by audio and video.

I asked Officer Scott to tell us what had happened on Monday at 26<sup>th</sup> St and Grant Ave. Officer Scott started by telling us that he did not have his body camera during this incident and explained that he usually starts his day off by getting a drink from the vending machine and then would pick up his body camera from the docking station. This day he did not do this and went straight to his shift briefing. While in the briefing, Officer Scott realized he did not have his body camera but then discovered that the training officer was doing checks on the tasers so he waited to go and get it.

Officer Scott and another officer were then dispatched to a suicidal person near Weber Human Services. The area was checked and the subject person was not located. Officer Scott said he then started to drive back toward the police department station. Officer Scott said he saw on the computer system that there was a weapons disturbance at 26<sup>th</sup> St and Grant Ave and he was one block down and one block over so he was fairly close.

Officer Scott said he made a U-turn and started towards the area when he heard dispatch "tone" the call. *(This occurs when dispatch alerts all officers on the radio with a loud tone indicating there is about to be information given out that is usually involving a life threatening situation)*

Officer Scott said the information then was given that there was a man and a woman fighting over a knife and the male had the knife up to her throat. Officer Scott arrived in the area and was directed toward the disturbance by a construction worker who pointed out a male and female who were between two buildings in the 200 block of 26<sup>th</sup> St. Officer Scott explained that there was a small alcove where the two subject were standing. It was where the wheelchair ramp runs down besides the Salvation Army building and the next building that is west of the Salvation Army that extends out further.

Officer Scott said as he pulled up he could see both subjects were standing over a grocery cart and it was obscuring what was in their hands. Officer Scott described that the male was making a motion with his arm toward the female as if they were wrestling over something or it could have been that the male was stabbing the female because it was reported that he had a knife. Officer Scott further said it was a "sawing" motion that he was seeing.

Officer Scott said he got out of his marked police vehicle and announced himself, "Hey man, what's going on?"

Officer Scott said the male immediately turned and either had the knife up to his own throat or quickly put it up to own throat but Officer Scott could clearly see that the male had a large knife up to his own throat. Officer Scott said the male then

came down to the sidewalk and is very agitated. Officer Scott described that the male was “yelling, screaming, he’s babbling.”

Officer Scott said he did not recall everything that the male was yelling but remembered pointedly that the male did yell, “Shoot me, shoot me, you are going to have to kill me.”

Officer Scott said he began to give commands to the male to drop the knife. Officer Scott said he reasoned with him as well saying he could help him if he would drop the knife. Officer Scott said at no time did the male appear like he would comply or was even listening to Officer Scott’s directions. Officer Scott also said that the male at no time stated that his intentions were to harm himself or that he was in crisis and continued to disregard Officer Scott’s commands.

Officer Scott said he then drew his weapon and had it at a low ready position. Officer Scott said he backed up and tried to create some space between him and the male. Officer Scott said he recalled the information that he had from the dispatched call and it was that the male was threatening the female with the knife. Officer Scott stated that he believed a tactical retreat was not an option because the female was still there and he was afraid that the male would turn his attention back towards her and kill her. Officer Scott knew it he did not have a backup officer with him and the officer who was en route to him was coming from across the city.

Officer Scott said he contemplated options and without a backup officer, he could not transition to less-lethal even though he does carry a taser. Officer Scott explained that he had been trained to use lethal force against lethal force unless there are multiple officers present. Officer Scott further explained that the time it takes to holster the duty weapon and deploy the taser, along with using it and if it’s not effective, then having to draw his duty weapon back out and fire it, would not be an option in the distance that he and the male were separated.

Officer Scott said the male was walking back and forth as he was on the side walk. The male would take a couple steps towards Officer Scott and then turn and walk away. The male would then pivot and again start towards Officer Scott, stop and turn a way but each time Officer Scott felt the male was pushing further in towards him.

While the male is doing this, Officer Scott said he yelled at the female to “run, get away!” Officer Scott said she did not and just stood there in that alcove area. Officer Scott then saw a construction worker directly behind the male suspect about 30 to 40 yards back. Officer Scott also called out to him to move out of the area. All this time, the male is still moving back and forth and yelling at Officer Scott that he is “going to have to kill me”. Officer Scott stated that at this point he believed that the male was telling him, “you are going to have to kill me or I am going to kill you.”

Officer Scott recalled his training and how quickly a person can use force and how quickly the knife could go from the suspect’s throat area, to him. Officer Scott said he at this point concluded that he could not back up anymore due to the female being in danger of being stabbed and killed if he left her, he also was in fear of tripping and falling over something if he continued to walk backwards. Officer Scott stated that he drew an imaginary line that he believed would be an unsafe distance if the suspect was inside of it and if he did not take action at that point, the male suspect could stab him.

Officer Scott said the male crossed the line moving towards him, and crossed it by a couple of steps when Officer Scott fired what he recalled as three rounds. Officer Scott said the male doubled over, fell to the ground and dropped the knife. Officer Scott said he approached the male and kicked the knife out into the street and then held a position until other officers arrived and he then assisted in placing the male into custody and searching him for other weapons. Once enough officers had arrived, Officer Scott said he was escorted out of the scene and taken to the police station.

I then went through parts of what Officer Scott had stated about not being able to retreat any further and drawing an imaginary line. I then asked Officer Scott if he believed he would have been stabbed and killed if he did not take immediate action. Officer Scott responded, "Absolutely".

I then asked how far the male suspect was from him. Officer Scott thought it was about 15 feet. Officer Scott said he felt that the male was too close and the male's intentions were to kill him. I then asked Officer Scott if he has had any prior experience with persons who were having mental issues. Officer Scott said he had and explained different times he has faced people who are in crisis and even armed with a weapon. Officer Scott said this male was aggressive and was threatening towards him and Officer Scott believed he was in danger.

I inquired if Officer Scott believed that the female that the male was engaged in was in danger. Officer Scott said yes and explained that the dispatched call information was that the male had the knife to the female's neck. Officer Scott did not know their relationship and if it was a domestic violence situation. Officer Scott said the female was yelling at the male during the confrontation but he could not remember what she was yelling. Officer Scott did however recall that the female yelled, "what did you think was going to happen" and "that's what you get", after Officer Scott had fired and was holding his position waiting for backup officers to arrive. Officer Scott also at this time added that he warned the male multiple times to stay back by saying, "don't come any closer" and "stay back, dude, I don't want to hurt you. Just talk to me".

I asked Officer Scott if he felt that retreating any further back would have put the female at risk, the construction crew members at risk, and him at risk. Officer Scott said yes. Officer Scott also discussed how training has shown when officers have attempted to walk and flee backwards they often trip and fall. This area was under construction and it played into his mind about the potential of that happening which would have put him into a very dangerous position.

I then asked Officer Scott about his back drop and if he was aware of it. Officer Scott said yes and explained that the construction worker was there and he yelled at him to move. Officer Scott also said the female would have been placed into his backdrop the further back he went. Officer Scott remembered thinking if he had to engage this male, this was probably the best place it was going to get considering the area.

I asked Officer Scott if he believed if he didn't take the immediate action that he did and at the time he did, that the male would have stabbed and killed him. Officer Scott said he did. I followed up by asking if he felt that if he did not take the actions that he did that the female in the alcove was going to be harmed or killed. Officer Scott said he did.

Investigator Hartman asked Officer Scott how he knew his backup was so far away. Officer Scott said it was because of the call sign of that officer was area 8 and Officer Scott said that is the southern part of Ogden so he knew he would be longer for him to get there. Officer Scott told us that he notified dispatch that he had arrived on scene and then also told dispatch twice to advise the backup units to hurry because the situation was getting worse.

I asked Officer Scott once more about what the male was saying to him during this encounter. Officer Scott said the male suspect was angry and rambling, but very clearly he yelled out, "shoot me, shoot me. You are going to have to kill me."

I again asked Officer Scott about the distance from the male suspect when he fired. Officer Scott estimated it was about 15 feet and commented it was about the distance of the room we were sitting in currently. (The room is 18 feet long)

I asked Officer Scott if there was any questions that he had and he told me no. His FOP Attorney wanted to add that the male suspect was about 15 yards away initially when he first encountered him and it was the male who closed the distance and continued to close the distance.

The interview was ended at this point.

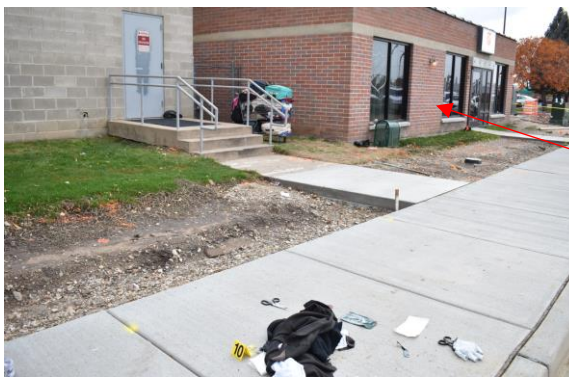
## **Conclusion**

On 11-01-21, the Weber Consolidated Dispatch received a 911 call from Robert Wright who was working as part of a construction crew for Staker-Parsons. The entire roadway has been ripped up and is being replaced by as of that day, road base was being put down and the area was closed off to vehicle traffic. Wright was approached by two employees, Paysen Heinbach and Anthony Bolser. Both had witnessed an altercation between a male and female who were standing on the south side of 26<sup>th</sup> St about mid-block. A knife had been brandished by this male.

On the 911 recording, Wright tells the call taker that one of the persons involved has a knife and he is holding it to "his" neck. The caller taker understands to that mean that the male suspect is holding to another person's neck. Wright gives a description of the person with the knife and then tells the call taker that the other person involved is a female.

This information is put out in an emergency "toned" call to all Ogden City Police Officers. Officer Scott hears this call and also reads the call notes and the information is that a male has a knife to a female's neck and also a description of the male.

Officer Scott arrives in the area in his marked police vehicle which has overhead lights mounted on top and markings on both sides of the vehicle saying "Ogden City Police". Officer Scott speaks with construction workers and is pointed to where the altercation is happening. Officer Scott observes a male and female in what he describes as an "alcove" where the handicapped ramp of the Salvation Army building sticks out and the next building to the west is.



Alcove

Officer Scott described the male and female were next to a grocery cart which can be seen in the above photograph as well. Officer Scott said the male was making a “saw” type movement with his arm towards the female. Officer Scott feared he was stabbing the female.

Officer Scott exited the marked police car, wearing his marked police uniform, and called out to the male. Officer Scott said the male immediately displayed the knife and started walking towards him. Officer Scott said the male started yelling and “babbling” as he walked towards him. The knife was at the male’s own throat. Officer Scott retreated a few steps while drawing his duty issued Glock 9mm. Officer Scott in his statement said he evaluated the situation and the scene. Officer Scott feared a tactical retreat could put the female who was still by the grocery cart in danger if the male’s intent was to continue to harm her. Officer Scott yelled for the female to flee but she did not move.

Below is a measurement taken using an image from the 3D Farro Scanner. This measurement is the distance that Pacheco traveled towards Officer Scott after he arrived on scene. (35.9 feet)



Officer Scott then observed a construction work in the back drop behind the male suspect and yelled for him to move. Officer Scott described how he made two distress calls out on the radio advising the situation and requesting that backup

officers expedite their response time. This was confirmed through the recorded radio traffic.

All during this, the male suspect continued to walk towards Officer Scott and then pivot and turn away a few steps. Officer Scott stated that he continued to give commands to the male to “drop the knife”, “don’t come any closer”, “stay back, dude, and, “I don’t want to hurt you. Just talk to me”. This was confirmed by Wright who told me that Officer Scott told the male at least four times if not more, to “get back” and “drop the knife”. The male is yelling at Officer Scott saying, “Shoot me! You’re going to have to kill me!”

All of this was played out in front of Zelda Burns who was the female who was involved in the altercation. Zelda told Investigator Hartman that she and Casey Pacheco got into a fight when she returned from going to smoke methamphetamine with other men. She and Pacheco are transient but are together domestically. Zelda said Pacheco gets very jealous and has been abusive to Zelda verbally and physically. Zelda said Pacheco had a knife out and was threatening to harm himself. They began to fight over the knife and she was trying to take it from him when the police officer arrived. Zelda said the officer’s presence made Pacheco angry and he put the knife against his own throat and started walking towards the officer screaming, “shoot me!”

Officer Scott is now standing on the side walk on the south side of 26<sup>th</sup> St construction project and Pacheco is directly west of him with the knife to his own throat. Pacheco continues to move towards Officer Scott while still yelling, “You are going to have to kill me.”

Officer Scott said he stopped retreating and made the decision that this was the position he needed to take if he had to engage Pacheco. Officer Scott drew an imaginary line and decided that if Pacheco crossed it, he would have to take action because Pacheco was ignoring any and all commands and even reasoning from Officer Scott.

Officer Scott stated that he believed that Pacheco was attempting to close the distance between them as he continued to walk back and forth towards him. In the short video captured by a cell phone, Pacheco can be seen yelling and gesturing with his left hand as he walks towards Officer Scott.

Officer Scott stated that Pacheco crossed the imaginary line by two steps and estimated him to be within 15 to 18 feet. Below is an image of the scene from the 3D Farro scanner. Using markings on the sidewalk and comparing them to the cell phone video of the moment Officer Scott fired his weapon, it has been determined that Pacheco was approximately 18.4 feet away from Officer Scott.



In his interview, Officer Scott stated that he believed Pacheco intended to harm him due to his erratic behavior while exhibiting the knife. When Pacheco yelled, “you are going to have to kill me”, Officer Scott believed he was meaning, “or I will kill you”.

Officer Scott said fired his duty issued 9mm Glock believing that if he did not use this force, Pacheco would stab and kill him. Officer Scott fired four times striking Pacheco twice.

Pacheco required surgery and has since recovered and medically released from the hospital. Pacheco was then booked into the Weber County Jail for brandishing a weapon during a fight and aggravated assault on a law enforcement officer.

*All of these factors should be considered in making a determination whether the officer was justified in using deadly force.*

**Steve Haney**  
**Investigator**  
**Weber County Attorney’s Office**