



## OFFICE OF THE WASHINGTON COUNTY ATTORNEY

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County Attorney Brock R. Belnap

November 19, 2009

Chief Lynn Excell  
Hurricane City Police Department  
90 South 700 West  
Hurricane, UT 84737

Re: June 9, 2009 Death of Brian Cardall

Dear Chief Excell:

Because Brian Cardall died following the deployment of a taser by Hurricane City Police Officer Ken Thompson, it is my duty under Utah law to determine “whether criminal prosecution shall be instituted.” *See* Utah Code Ann. § 26-4-21.

To assist in that determination, this case was investigated by the Washington County Critical Incident Task Force pursuant to a protocol designed to provide an independent collection of the evidence.

Following completion of the Task Force investigation, I have carefully examined the evidence. In addition, the case was screened for prosecution by several career prosecutors in my office and by a panel of senior prosecutors in the Utah Attorney General’s Office.

The screening prosecutors concluded that criminal prosecution is not appropriate in this case.

In the aftermath of a tragic event, it is natural to question what happened and search for alternatives that could have avoided the tragedy. That is how we learn and progress as individuals, organizations, and communities.

However, the law says that an officer’s use of force:

...must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. ... 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.<sup>1</sup>

In my view, Officer Thompson responded to a tense, uncertain and rapidly unfolding situation in a manner consistent with his training and that he did not intend, believe or foresee would seriously injure or cause the death of Brian Cardall.

As a result – and with the unanimous recommendation of the screening prosecutors – no criminal prosecution will be instituted.

Sincerely,

A handwritten signature in black ink, appearing to read "Brock Belnap". The signature is written in a cursive, flowing style.

Brock Belnap

Enclosure: Investigative Summary

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<sup>1</sup> *Graham v. Connor, et al.*, 490 U.S. 386, 396-97 (1989) (citations omitted).