

PRESS RELEASE
July 23, 2020

Today Juan and Rosa Mercado filed a lawsuit in federal district court alleging Ogden City police officers wrongfully shot and killed their son, Jovany Mercado. Body camera recordings from the officers, as well as surveillance video from the Mercados' home, show the officers shot Jovany in self-defense, and in defense of others, when Jovany came aggressively at them with a knife. Our firm has been hired to defend the officers and the City against the Mercados' claims.

The Weber County Attorney's Office conducted an independent investigation and determined the officers were justified in shooting Jovany. Recordings leading up to and during the interaction with Jovany show he was a lethal threat to the officers and people nearby, and support the County Attorney's conclusion. Relevant clips of the recordings are being provided to you with this release.

Mr. Mercado's neighbor was having a private outdoor gathering. Someone there called 911 to report a man a man in his driveway holding a six-inch knife. The caller did not know the man. He described the suspect as in his late 20s, of medium build, about 5'10" tall, Hispanic, and wearing a blue tank top and gym shorts. The 911 caller reported that the man seemed "really drunk, or high," and was not responsive when the caller tried talking with him. Instead, the man with the knife left the driveway and went into a neighboring carport, where he was observed behind a car.

Dispatch notified Ogden police officers of the 911 caller's concerns and observations. Four officers responded in marked cars. They were all wearing police uniforms. Three of the officers were wearing body cameras at the time. One officer was not wearing a body camera. The Mercado family home also has a camera that recorded the incident but it does not have any audio.

The recordings show the suspect reported by the 911 caller was behind a car in the carport at the Mercado home. Officers did not know who he was or if he was authorized to be there. It was dark, so the officers had their flashlights on as they approached but did not have their guns out. The man did not respond when addressed by the officers. Instead, he looked at the officers, moved a knife he was holding from his right hand to his left hand, and aggressively flipped open the blade of the knife. The officers all began ordering the man to drop knife and drew their weapons. Their commands were not conflicting or confusing. They simply told him over and over to drop the knife. Instead of dropping the knife, the man began walking toward them. The officers continued to repeatedly order the man to drop the knife. He did not, and continued walking faster toward the officers in what the officers perceived to be an aggressive, challenging manner. As the officers backed away, trying to maintain distance between them and the man approaching them, their voices escalated, ordering the man, faster and more loudly, to drop the knife. Behind them were parked cars and people outside at or near the neighbor's home.

The first recording is from the Mercado home camera. Because it does not have any audio, we have superimposed synchronized audio from one of the body camera recordings for context.

The second recording is from Officer A's body camera. It has been slowed and zoomed to show where Jovany shifts the knife from his right hand to his left and then flips the knife open as he emerges from the carport, walking toward the officers as the officers continually tell him to drop the knife while backing away.

The third recording is from Officer D's body camera. It shows the same actions as the two prior recordings but from a different perspective. It further shows how close Jovany came to the officers before they fired.

The last segment shows all three recordings simultaneously.

Officers are trained to prevent individuals from getting too close to them with a knife because if they do, the armed individual can close the distance and attack the officer with the knife before the officer can react. The officers had backed up as far as they could while Jovany continued to walk toward them. He got close enough to endanger the officers and other people nearby, enabling him to attack the officers, get one of their weapons, slash or stab people, or take someone hostage. Therefore, when Jovany reached the sidewalk and did not stop or drop his knife, the officers had no other choice but to shoot him to protect themselves and others.

Officers are trained to fire until a lethal threat is stopped. Each of the four officers fired their guns until they perceived Jovany was no longer walking toward them. A total of 20 shots were fired, 16 of which struck Jovany.

It is important for people to know that Ogden police officers are extensively trained in de-escalation techniques and their use. Between January 1, 2018 and August 31, 2019, officers from the Ogden Police Department responded to more than 165,000 calls for service. 24,856 of those calls were high risk calls, which included family fights, weapons disturbances, psychiatric problems, shots fired, persons with a gun, prowlers, stabbings, and threatened suicides. Of the 24,856 high risk calls, Ogden police officers only used lethal force six times, and less lethal force 128 times. That means, they successfully de-escalated 24,724 high risk situations, which is 99.5% of the time.

The officers shot Jovany because he posed an immediate threat of death or serious harm to them and others. All he had to do was drop the knife, as the officers ordered him many times to do. Because Jovany advanced toward the officers and did not drop the knife, he left the officers with no other choice but to shoot him.

Ogden City and the officers will file a written response to the complaint within three weeks. We will inform you when that occurs and explain what the next steps in the case will be.