

Father of man killed by Salt Lake City police is suing the city and department for alleged failures in how it trains officers

Harkins, Paighthen . The Salt Lake Tribune ; Salt Lake City, Utah [Salt Lake City, Utah]19 Apr 2019.

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FULL TEXT

The father of a man who was killed by Salt Lake City police last April is suing Salt Lake City and its police department, saying the officer who shot the 32-year-old didn't act like a reasonable officer would in that situation. The lawsuit alleges the officer —who has not been identified —was not properly trained to handle individuals in a mental health crisis, as Delorean Pikyavit was that day, and that the city and department haven't done enough to prepare for those situations. That "failure," the lawsuit alleges, has "created an atmosphere and culture within law enforcement in the Salt Lake City area wherein deadly force is improperly used, and later ratified."

Salt Lake City spokesman Matthew Rojas declined to comment on the pending litigation. Salt Lake City's police department has received national attention because of its focus on de-escalation tactics and training after controversial deaths at the hands of police in 2014 and 2015.

For more than an hour on April 17, 2018, a police negotiator tried to get Pikyavit to come outside of his girlfriend's home. The girlfriend had called police earlier because she and Pikyavit had gotten into a fight, and he had held a pair of scissors to his neck.

He finally came outside, holding a half-pair of scissors and a knife, yelling, "Shoot me!" Less than two minutes after he stepped onto a porch outside the home, and after dropping one of the weapons, an officer did.

In body camera footage released after the shooting, an officer can be heard telling another to stop shouting commands at Pikyavit and to let the negotiator talk.

Attorneys for Pikyavit's father point to this in the lawsuit, saying officers were yelling "multiple, inconsistent commands" and that many were "difficult to distinguish from the overall noise and confusion."

It states that an officer telling another to "let the negotiator talk" is proof that that officer acted unreasonably and excessively. The lawsuit also notes that Pikyavit "had shown substantial steps in complying with officers' commands" by leaving the home and discarding one of the weapons he was holding.

The lawsuit accuses the shooting officer of excessive force and battery and Salt Lake City and its police department of failing to train its officers, negligence and other claims, including wrongful death.

The allegations, the lawsuit states, "are more than momentary lapses in judgment, thoughtlessness, or mere accident, and go beyond negligence; they are evidence of a more pervasive, overarching, and systematic deprivation of citizens' civil and constitutional rights that plagues the law enforcement and oversight bodies of Salt Lake City."

Salt Lake County District Attorney Sim Gill has not yet determined if his office will file criminal charges against the police officer who killed Pikyavit. That officer's name hasn't been released.

In a statement, Neil Pikyavit's attorney Travis R. Marker said, "On the day Delorean Pikyavit lost his life, his father and his two young children were left with a number of questions. Those questions have remained unanswered. Delorean's family hopes that by filing this action, it will help them get the answers they deserve, and the answers that any of us would want in the event a loved one's life is taken by police."

Crédito: By Paighthen Harkins

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