

May 19, 2020

News Media – For Immediate Release

Via Email

Re: Response to Tribune Story on Officer Miguel Deras

To Whom It May Concern:

The story recently run by Courtney Tanner of the Salt Lake Tribune does disservice to Laruen McCluskey, her family, Utah law enforcement, and Miguel Deras. Officer Deras did nothing wrong, and he has already been investigated and cleared. A photo was raised in a routine briefing meeting for a law enforcement purpose, specifically, to determine how to properly include the evidence as part of the case. Miguel Deras did not, and would not, brag about a photo like that and the account that has been so irresponsibly reported is inconsistent with the recollections of everyone else involved.

Ms. Tanner's story is, at a minimum, reckless and improperly sourced. At worst, it is unabashed tabloid journalism. Its disregard for the facts revictimizes Lauren and her family by creating a false narrative. That narrative targets and victimizes an officer without basis and has caused the public to become unjustly enraged over something that never happened.

The story references public records to relay the account of an unnamed officer who made troubling claims about Officer Deras. What the story fails to mention is that other public records demonstrate that those claims were investigated and dismissed as unfounded. First, Officer Deras received the photos via his department email and they were accessed on his personal phone because officers did not have department-provided phones at the time. He never shared the photos in question, and certainly not in the manner described. The photos were raised within the context of a routine investigatory briefing. Officer Deras inquired with his chain of command regarding how the photos should be handled and stored. Those directives were followed. After Lauren's awful and untimely death, an independent investigation was performed into not only her murder but how the University of Utah Police Dep't handled the case. That investigation uncovered no wrongdoing on Officer Deras' part, and certainly did not indicate that he shared any photos in the salacious and inappropriate manner described. Further, and perhaps most importantly, a second investigation revealed that nobody else in the room at the time of the alleged incident substantiated the narrative of the unnamed officer. Indeed, the second officer referenced in the article confirmed only that he was aware the photo had been raised in the briefing. No other officer reported that Officer Deras made an inappropriate comment.

The story fails to question why these troubling allegations were not reported at the time they occurred. The story also ignores that when the allegations were first raised, long after the original investigation had been closed, a separate investigation was performed specifically to determine if the claims had merit. They did not. It's also odd that this story would come just before a major mediation between the University and the McCluskey family.

Perhaps unsurprisingly, the story does not relay the fact the July 2019 download of Officer Deras' personal phone occurred because he cooperated with the investigation in order to clear his name. The story faults the University for seeking assistance from West Valley City despite acknowledging that there was a preexisting channel in place and that such cooperation is common among law enforcement agencies. Far from being a flawed search, as characterized in the article, the investigation uncovered no physical evidence that would corroborate the claim that Officer Deras had improperly stored or shared the photos.

The claims regarding Officer Deras' conversation with the officer who drove him to West Valley where the download was performed are similarly misleading. Officer Deras had been without his phone for nearly 12 hours, was on duty, and was concerned about missed calls he was receiving. Much like anyone else, he also wanted to ensure that the personal contents of his phone were not shared. The officer in question did not report anything to the University about this interaction because nothing untoward occurred.

This investigation was also closed with no finding that Officer Deras had shared the photos or stored them inappropriately. There was no finding that he bragged about the photo or made an inappropriate joke. Officer Deras was not disciplined because he had done nothing wrong. The University Police Dep't did not refer Officer Deras to POST because no crime had been committed and there was nothing for POST to investigate. That remains the case today.

The story goes on to recount claims allegedly made by Major Scott Stephenson, who oversees POST. Given the rife inaccuracies elsewhere in the story, and the seemingly selective quotes utilized, it appears that Major Stephenson may have been deliberately misquoted or taken out of context. It seems highly unlikely that Major Stephenson would be willing to opine on a case that his team had not investigated because there would be no basis to form an opinion about the facts. It would also be uncharacteristic for the Major to hypothesize about allegations relating to a specific officer, especially where POST might subsequently perform an investigation. Such statements would call into question POST's independence and undermine its mission of providing impartial oversight of Utah law enforcement. It is possible that Major Stephenson may have spoken generally about training and best practices, but it is dubious, to say the least, that someone in his position would recklessly speculate about a specific officer and whether an unverified account of that officer's conduct indicated that a violation of law had occurred.

Nobody should be prejudged as guilty, much less so by those charged with performing what should be an unbiased investigation into their actions. POST itself recognizes that false or highly exaggerated allegations serve no good purpose for either citizens or peace officers and that they tend to thwart the complaint investigation process. That guidance should speak loudly here. Ms. Tanner's overzealous and reckless reporting directly undermines POST's ability to function in its oversight role.

Greg Skordas is also suspiciously quoted. It is hard to believe that an attorney experienced in POST matters would claim that display of the photos would fall under the "conduct unbecoming rule" and that such is a catchall for lapses by officers. Greg knows that "conduct unbecoming" is reserved for policy violations and has nothing to do with a POST investigation. Greg knows that a lapse in certification is entirely different than a disciplinary suspension or revocation imposed by POST. Greg also knows that a suspension or revocation would only come after a complete POST investigation that afforded the officer their due process rights, including to an impartial adjudication

of the allegations. Given as much, it appears that Greg's words were twisted or offered out of context in order to support Ms. Tanner's preferred narrative.

Ms. Tanner's story recounts a sordid tale where Officer Deras perversely displayed explicit photos of Lauren to a coworker. Such conduct would be shocking and disgusting if it were true, and would rightly raise the ire of right-thinking people. Unfortunately for Lauren's family, Officer Deras, and the public, based on the facts available, that story is patently false. The Tribune should not abide by reporting that legitimately warrants the moniker "fake news." For a paper so quick to claim that the University should be subject to independent investigation over its handling of Lauren's case, it ought to subject itself to the same scrutiny and investigate the validity of Mr. Tanner's story. The Tribune should take a hard look at whether it was ever responsible to report these false allegations about Officer Deras and make the right choice by issuing a retraction.

Sincerely,

NELSON JONES, PLLC



Jeremy Jones

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cc: file
Encl. (0)