

Governor Cox,

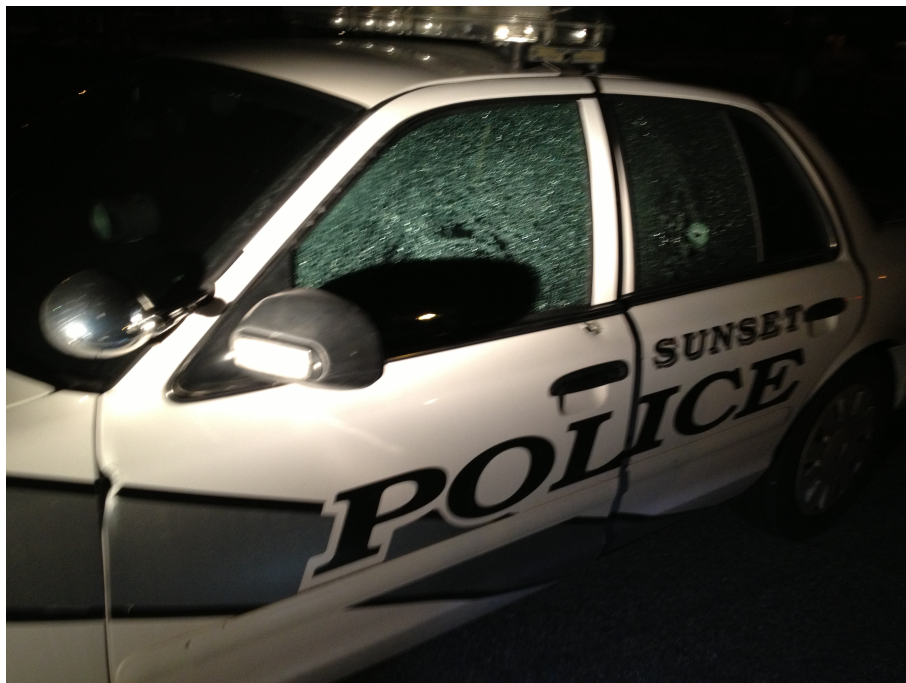
My name is Jared L. Jensen. I am a patrol sergeant with the Kaysville Police Department, but possibly more importantly for the context of this letter, I am the victim of an attempted aggravated homicide. I'm contacting you due to a very visible need within our justice system. As I stand here now, it brings me no joy to express my lack of faith in our justice system. We, the individuals that practice within the justice system, have lost sight of what justice really means and about those that deserve to see its hand. I believe, with some systematic changes, our justice system can become something our state can be proud of again. The justice system should be focused on how to make victims, especially those victim of violent crime, whole again rather than how lenient to be towards the offenders.

In a brief summary, in December of 2012, I was on-duty as a patrol officer with the Sunset Police Department. As I was patrolling the community I was assigned to, I suddenly and without provocation, became the target of 8 very purposeful bullets being fired at me from a convicted felon who was walking on a nearby sidewalk. After his capture, soon after the attempt on my life

occurred, the offender admitted to the investigator his intent was to kill a police officer. I was not responding to any type of incident involving the offender nor had I had any prior dealings with the offender.

Regardless, the offender chose to pull a handgun from his waistband and in a callously wanton act, chose to aim at me

and empty his handgun, firing eight rounds into the driver's side of my patrol vehicle. Several of the bullets came through my driver's window, somehow missing my body by fractions of an inch. One of the bullets came through the driver-side passenger window, striking a piece of plexiglass directly behind my head.



Personal accountability and intent should comprise the foundation of our justice system. Intent, or the mens rea, defined as the intention or knowledge of wrongdoing, is largely what is considered when convicting someone of a crime. The intent of the act rather than the outcome. The offender acted with purpose, and per the Model Penal Code, demonstrated intent, by showing the degree of certainty that his conduct would cause a certain result. The



certain result being my death or sustaining serious bodily injury. On December 13th, 2012, by his own admission, the offender acted with degeneracy and the specific intention to kill.

Furthermore, the clear intention of the offender, in his own words, states he took his loaded handgun to find the first police officer he could, with the premeditated intent, to kill that officer. His plan, as he thought it through, was to gun down and murder the first police officer he saw. The offender then assumed he would be killed by responding officers in his own version of a “suicide by cop.” The offender targeted me based purely on the fact I have chosen to wear a badge as part of my profession. Since this harrowing incident, the State of Utah has added ‘law enforcement officers as a protected class in regards to hate

crimes and have added a targeting penalty enhancement (76-3-203.14(r)). Our legislators have acknowledged the need for increased punishment for those who target our state’s guardians. Now, we need to push this thought one step further as it relates to actual punishment.

I recall being informed, shortly after this horrendous incident occurred, I should expect the offender to serve a shorter sentence based on the fact I was not seriously injured. Again, I do not agree with the use of the outcome rather than the intent, serving as the base for sentencing length or severity of punishment. However, as these last 8 years have passed, I can stand here today and inform you I was injured. This is not a proud moment for me to openly

admit something I have denied for years. Despite the difficulty in talking about something so personal, the decisions the offender made that day, laden with intent, changed me. From the moment I narrowly escaped those 8 bullets fired directly at me, I became a different person. Due to this change in my being, I have nearly lost familial relationships, personal friendships, workplace associates, etc. I have had to take painful and humble steps in seeking out professional treatment. I have been diagnosed with an acute stress disorder with significant Post Traumatic Stress Injuries. Secondary to this event, I have moved towards engaging in mental health therapy to try and learn how to recover from these injuries. Such treatment is both costly and time-consuming. As a victim of this offender's choices, I have forgotten how to be happy and it has affected me in nearly every aspect of my life since that day. I, and those closest to me, attribute these personal struggles, I now deal with, to the moment this offender chose to try and kill me.

Recently, I was informed the Utah Board of Pardons, despite my exhaustive efforts, chose to allow this offender to be released on parole. This decision has raised several concerns for me and where the board has placed its focus within our justice system. Essentially, the Board of Pardons just set a precedent that a police officer's life is worth around 8 years in prison. Again, I know I was not a victim of a homicide but I will continue to argue that was either by luck or the will of God because that was irrefutably the offender's intent. Once a person goes outside basic human programming and chooses to try and kill another human being, what is that person no longer capable of in terms of morality and future victimization?

Earlier this year, a Channel 2 News investigation uncovered the frightening reality when it comes to the number of parolees Utah Adult Probation and Parole has failed to properly supervise — some of whom are now fugitives putting the public in extreme danger. For the past six months, on average, AP&P lost track of and could not account for 328 parolees statewide each month. This statistic was confirmed in documents from the Utah Department of Corrections (Halloran, 2021). A separate article issued a few months ago, gave several examples of Utahns that were seriously victimized, some to the point of being killed, by parolees. The article states lawmakers, Chair Rep. Karianne Lisonbee, Vice Chair Rep. Jon Hawkins, and Rep. Brady Brammer want answers about these instances. What this article failed to mention, is the staggering number of Utah Peace Officers killed by convicted felons and/or individuals out on parole, such as Officer Joseph Shinnars, Officer Doug Barney, and numerous others. How many Utahns, including Utah police officers, is the state going to allow to be killed before the leaders of the state view this trend as a problem and actively seek solutions?

The recent state of Utah U.S. Marshal, Matthew Harris, recently had a similar discussion with the media regarding violent criminals not being penalized by the state. In reference to

probationers and parolees, Marshal Harris stated, “Make no mistake about it, these criminals are revolving door criminals. These are not new criminals. These are people that we have seen in the criminal justice system over, and over, and over again. We all know this, right, I mean law enforcement, a small percentage of criminals commit a large percentage of crimes” (Nguyen, 2021). Marshal Harris found over one-third of Adult Parole and Probation fugitives were arrested more than once, and those are the most violent offenders in our communities (Nguyen, 2021). As a current task force officer with the U.S. Marshal’s Violent Fugitive Apprehension Strike Team, I have seen this problem firsthand, as over half of the people we arrest are parole fugitives (Reavy, 2021). I echo Marshal Harris in his statement about assuring violent career criminals get the maximum penalty. Within the state of Utah, data shows that violent crime increased 21% through 2020, and due to current Justice Reinvestment Initiatives like bail reform, parole fugitives are continuing to commit the bulk of violent crime (Harkins, 2021).

The time to acknowledge this glaring issue in our justice system is long overdue. Solutions to the problem need to be a priority for our state's lawmakers and those invested in the justice system. To my knowledge, the current Board of Pardons, is lacking a crucial perspective. The board needs to have the unique views and voice of law enforcement, more specifically, that of the police. A lawyer, social worker, etc. cannot fathom the idea of being murdered in the course of their job-related responsibilities. Police officers understand, as they hug their children goodbye, walking out the door headed to their assigned city, that could be the last hug they get from their child. This is a reality for our law enforcement officers and has become a very plausible reality with the rise in violent crime. As one such officer that had a very real near-death encounter with a convicted felon, I can say that experience cannot be truly understood by those who have not ever had an attempt made on their life. Such a unique perspective is crucial when making decisions such as releasing violent offenders onto parole. I would like to express my desire for you, as the Governor of the State of Utah, to appoint a police officer to the Board of Pardons. By allowing the voice of a police officer to be a part of the decision-making process, perhaps the state can avoid the potential continued victimization of its residents and its protectors.

In addition, as someone who works under the constant microscope of accountability, I would like to see some form of accountability for the Board of Pardons. A part of increased accountability should be a level of transparency in regards to the factors that led the board to make a decision of release or retention publicly accessible. The decisions made by that board can have severe and lasting consequences. Especially, if the violent offender granted release follows statistical patterns and chooses to re-offend. Not to say the board should be able to tell the future, but there should be an accountability standard set to assure the members of the board make their decisions with an increased amount of concern towards the safety of the

public. A quick internet search would reveal the frequency of police getting into lethal situations with convicted felons on parole. The most recent of these scenarios resulted in two police officers shot in the West Valley area by an offender convicted of multiple felonies but was “spared from having to serve a prison sentence” in exchange for “writing apology letters while on probation” (Harris, 2021). At some point, our state and its leaders, are going to have to realize violent offenders need to be accountable to society and victims, through maximum sentencing, instead of assigning tasks such as writing hollow letters of apology or being placed on probation with the continual opportunity to victimize others. The state could set precedent with its stance towards violent crime being something similar to a zero-tolerance policy. It is obvious, based on the rise in violent crime, offenders are seeing low risk and are less concerned with potential punishment compared to potential reward from committing crime. The state could reverse this thinking by making the known punishment greater than any ‘reward’ an offender could obtain through crime. The Board of Pardons must become less perfunctory and more concerned about the past, current, and future victims of violent crime by placing their safety above the offender's desire for leniency, or jail/prison space.

This is a serious problem that I fully intend to seek informed and lasting solutions to. I want to be a part of a solution and would be grateful for the opportunity to discuss these issues in person with the governor's office and/or the media outlets. I hope the amount of violent victimization, including the murder of police officers, won't continue to increase during the time it takes for the state legislators and lawmakers to see this issue as a true epidemic plaguing our state and its justice system.

With respect and deep concern,

Sergeant Jared L. Jensen

## Citations

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