



Chambrey Necaise talks on Jan. 10 about a police pursuit that ended with a crash and shootout on the front lawn of her parents' house at 12509 South and Redwood Road on Jan. 3. PHOTOS BY FRANCISCO KJOLSETH | The Salt Lake Tribune



A truck and camper belonging to the property owners were totaled.

After a police chase and shootout, a Riverton family wonders who is liable for the damage?

A man died on their lawn after a police pursuit that ended in a crash on their property.

By BROCK MARCHANT The Salt Lake Tribune

Shortly after midnight on Jan. 3, a Riverton couple awoke to chaos unravelling in their front yard — a crash, shouting and gunshots.

Their daughter, Chambrey Necaise, wasn't there at the time, but relayed what her parents, Susette and Justin Wagaman, described.

"The cops were knocking on the door telling them they need to either go outside or get in a basement," she said. "Halfway down, they heard they announced that the shooter was down."

Salt Lake City police said that “shooter” was Tanner Cottrell, a 27-year-old arson suspect who they say led law enforcement officers from six different agencies on a pursuit that passed through North Salt Lake and Salt Lake City before crashing a stolen Ford F-350 into the couple’s front yard.

Police body camera video from the chaos shows their lawn filled with patrol vehicles and officers who shot toward the truck, which came to a stop on its back. Cottrell, who also opened fire on authorities during the pursuit, died at the scene, police said.

The surprising mayhem shocked the Wagamans, who say they were left to pick up much of the aftermath. Cottrell had crashed into the family’s two trucks, one of which was a work truck that Necaïse’s father had recently bought and put thousands of dollars into.

He also slammed into the family’s camp trailer, which they had just fixed up, and took out most of a fence, a rosebush and a tree.

They initially got some help: A towing company her dad was familiar with from work came and pulled the debris that littered a neighbor’s yard back onto the Wagamans’ property, Necaïse said.

They got \$6,000 for both trucks after filing under their own auto insurance policy, because the crash was caused by an apparent uninsured vehicle. But that doesn’t cover the amount Necaïse said her dad spent on his work truck alone.

They also received no payment from their home owners’ insurance policy and nothing for their camp trailer, because it wasn’t attached to their vehicle during the crash, according to Necaïse.

Officials towed away the stolen F-350 that caused most of the damage, but as for who would remain responsible for removing the rest, Necaïse said police told her parents the couple was – and they’re reeling.

COULD POLICE HAVE TO PAY?

Ryan Carter, Riverton’s city attorney, said the city’s police department wasn’t involved in the pursuit, and “[u]nder these circumstances, Riverton City cannot compensate the victims for the injuries caused by the suspect.”

Angus Edwards, an attorney familiar with insurance coverage, said the family’s best bet was the auto claim they already received payment through, since the stolen truck Cottrell was driving was considered uninsured.

That doesn’t necessarily mean the owner of the truck didn’t have auto insurance. If someone makes a claim against another person’s policy, and that policy doesn’t cover stolen vehicles, for instance, then it’s considered an uninsured situation. The same happens if a stolen vehicle wasn’t insured at all, leaving those affected to move on to their own insurance policy.

If the family needs to file against law enforcement agencies' insurance, Edwards warned, "that is a much more difficult claim."

"It's not obvious negligence," he said. "It's the police's job to chase suspects, and the primary cause of this damage was the suspect's carelessness."

In this case, the officers' use of deadly force also triggered an "officer involved critical incident" investigation, which Brent Weisberg, the communications director for the Salt Lake City Police Department, said can take longer to conclude.

Necaise said her family was under the impression that they have to wait for it to end before potentially filing any claims against the agencies involved. But personal injury claim attorney Brady Rasmussen advised against that. He said if they don't file within a year of the debacle, they won't be able to get anything, and there's no requirement for them to wait.

That doesn't mean the process will be quick, he said, and it certainly won't be simple.

"If they acted in a negligent, unreasonable manner in that pursuit, then they may have some responsibility liability here," Rasmussen said. "It's a very complicated law when you're dealing with governmental agencies."

There are several factors that could determine potential liability. The Utah Governmental Immunity Act also comes into play, as does another state law about high-speed chases.

Given the complexity of the situation, if the Wagamans hope to seek compensation from agencies, Rasmussen said it would be a good idea to do so with an attorney, as it requires "strict compliance with all of these requirements to sort of maintain your rights to a claim."

"The advice would be that they need to have some professional help," he said.

Even if someone can't yet get public records about the investigation's findings, Rasmussen said they could look at publicly available facts, as well as policies that agencies instruct their employees to follow to see if they meet standards set by the Utah Department of Public Safety.

"There is no immunity for what would be deemed sort of unreasonable actions taken that could harm people or property," he said.

He added that attorneys who look into these situations professionally could also better determine if there are possible areas of negligence. But without that evaluation, he said, there's not a way to know how likely the family is to receive any payments.

“The devil is always in the details,” he said. “Once you kind of look at everything that kind of happened, and you’ve been in this space, you kind of start to notice certain things.”

Meanwhile, Necaïse has set up a GoFundMe campaign meant to help her parents. She said they were planning to send the two trucks and the trailer to the scrap yard.

“Just sucks cause they have to pay for them to be towed,” she said in a text.