

## **STATEMENT FROM THE LAVOY FINICUM FAMILY     1-29-2016**

We know that there are always at least two sides to every story. We also know and recognize that the FBI and law enforcement agencies involved will do everything in their power to make it appear as if the needless death of our husband, father, grandfather, brother and son, LaVoy Finicum, was justified.

Like almost everyone else, we were not there, so we don't know exactly what happened. Like most others, we have no choice but to rely on other sources of information. One of those sources of information is the account of Victoria Sharp. Another piece of information is the video recently released by the FBI, along with the FBI's chosen narrative of what happened. In response to this information, we would like to make a few observations.

The first observation is that from what we understand, the occupation was on track toward a peaceful resolution. LaVoy and those he was with were en route to a public meeting in an adjoining county when they were stopped in something far different than a "routine traffic stop," as has been portrayed by the media. Unfortunately, the powers that be were not interested in being patient enough for the occupation to come to a peaceful end. Some had called for LaVoy and those he was with to simply be gunned down, just as he was, with no due process. Oregon Governor, Kate Brown, was putting pressure on the FBI to end it sooner rather than later. The Harney County Sheriff's Department working in conjunction with the FBI tried to do everything they could to emphasize how disruptive the occupation was to the local community, when in reality it appears to have been their own reaction that was causing most of the disruption. And it was the FBI that chose to escalate the situation to force a confrontation, and violent ending.

With respect to the actual facts and circumstances surrounding LaVoy's death, the video really speaks for itself. People will interpret it according to their own views. As the FBI's own narrative stated, LaVoy was not wielding a firearm or any other weapon when he was killed. His hands were obviously in the air. Knowing LaVoy, it is our view that he was moving away from the vehicle in an attempt to draw any hostility or violence away from the others. Unfortunately, we don't know what he was saying, and what was being said to him. He appears to have been gesturing, or trying to keep his balance while moving in the deep snow. Although he may have been animated, he does not appear to have been threatening or posing any real threat or danger to anyone. The FBI claims that LaVoy had a loaded firearm in an inside pocket of his coat. After re-reviewing the extended video, at this point we are not accepting at face value the FBI's statement that LaVoy was actually armed. But even if he was, as far as we can see, that firearm posed no more danger to anyone than it would have if he had stayed in the vehicle, with his hands on the steering wheel. Contrary to what has been stated by

some sources, LaVoy was not “charging” anyone. He appears to have been shot in the back, with his hands in the air.

It is our understanding that according to applicable law, the use of deadly force is justified only if there is a genuine threat of death or serious bodily injury. It is our understanding and position that deadly force should only be used as a last resort. In LaVoy’s case it appears that they were determined to go straight to the last resort. It is our understanding that the U.S. Supreme Court and Ninth Circuit Court of appeals have ruled as follows:

“The reasonableness of [officers’] actions depends both on whether the officers were in danger at the precise moment that they used force *and on whether [the officers’] own reckless or deliberate conduct during the seizure unreasonably created the need to use such force.*”

“[W]here an officer intentionally or recklessly provokes a violent confrontation . . . he may be held liable for his otherwise defensive use of deadly force.” Although officers may claim self-defense, they may still be liable for using excessive force if their reckless and unconstitutional actions create the need to use excessive force.

It is our understanding that in addition to shooting LaVoy multiple times, after he was left lying harmlessly on the ground the officers also fired upon his truck and the passengers in it, putting them all at risk, despite the fact that they were posing no threat to anyone. The video clearly shows one of the windows being blown out. It has been gut-wrenching for our family to view the video of LaVoy being shot, and then left to lie in the snow while a whole army of so-called “public servants” terrorized the others. We can only hope their families never have to watch such a thing. We will be interested to inspect the vehicle. We will also be interested to see the autopsy report.

At this point we will await the outcome of any investigation, but based on the information currently available to us, we do not believe that LaVoy’s shooting death was justified. We likewise can’t see any justification for the force and risk of serious injury or death that was exerted against the others in the truck, who posed no threat.

We know that under such circumstances law enforcement typically makes every attempt to cast such shooting victims in the worst possible light. In that regard, we also want to observe and emphasize that LaVoy had a squeaky clean record, and had never had so much as a speeding ticket. In addition to raising his own eleven children, he had also been entrusted with the care of at least 50 foster children over the course of approximately 10 years.

On January 7, 2016, LaVoy issued an official statement from the Malheur Wildlife Refuge. Among other things, the statement said:

“We want to clarify that we share any and all concerns about safety for everyone involved, including ourselves, our families, the public, and law enforcement officers. **All lives are important to us.** Ultimately, we want everyone involved to be able to return safely to their homes and families.

We are deeply troubled and saddened that our governments do not share the same concern for human life. We are deeply troubled that our governments would view whatever was happening at the Malheur Wildlife Refuge to be worth spilling blood over. We are deeply troubled and saddened that our governments have come to place so little value on life, liberty, property and pursuit of happiness.

We love LaVoy as our husband, father, grandfather, brother and son. He was a hero to us. We believe he died as a patriotic martyr. Regardless of any and all differing opinions, we know that he died standing for a cause HE believed in.

LaVoy's funeral will be held in Kanab, Utah on Friday, February 5, 2016.

We take comfort in our faith and our belief that LaVoy is now in a better place. May our dear Lord bless and receive him into that realm. We sincerely appreciate all the thoughts and prayers that have been sent our way. We pray for those who chose to take LaVoy's life. We desire justice and genuine accountability for what happened, but we pray for them.

And finally, we thank God for this country and what it is supposed to stand for. We pray for this country, and that God will please bless, help and forgive us all.