



Utah County Attorney

Criminal Division

Jeffrey R. Buhman, County Attorney
Timothy L. Taylor, Chief Deputy

100 East Center Street, Suite 2100
Provo, UT 84606
Telephone (801) 851-8026
Facsimile (801) 851-8051

Sherry Ragan
Mariane O'Bryant
David S. Sturgill
Paul D. Wake
Chris Yannelli
Curtis L. Larson
Randy Kennard
Alexander M. Ludlow

Douglas W. Finch
Chad E. Grunander
Julia Thomas
Craig Johnson
Jared Perkins
Samuel S. Pead
Ryan McBride

Christine Scott
Lance Bastian
Kelsy Young
Lauren Hunt
Adam Pomeroy
Charlotte Howard- Saguibo
Chase T. Hansen
Carl Hollan

January 11, 2018

Chief Steve Adams
Spanish Fork City Police Department
789 W Center Street
Spanish Fork, UT 84660

Chief Scott Finlayson
Springville City Police Department
110 South Main Street
Springville, UT 84663

Re: October 29, 2017 Officer Involved Shooting

Dear Chief Adams and Chief Finlayson:

As you know, pursuant to Utah Code Section 17-18a-401, I am charged and authorized to "conduct, on behalf of the state, all prosecutions for a public offense committed within [the] county." Pursuant to Utah Code Sections 26-4-6, -7 and -21, I investigate Utah County deaths that occur, among other reasons, as a result of violence, gunshot, or accident. I am to "determine if the decedent died by unlawful means" and I am to "determine if criminal prosecution shall be instituted." Additionally, pursuant to Section III(A)(11)(c)(3) of the Utah County Officer Involved Incident Protocol (the "Protocol"), I will, after the completion of a criminal investigation involving an officer's "intentional or accidental use of any other dangerous or deadly weapon against another person," "analyze the facts of the incident as well as the relevant law to determine if criminal laws have been broken." See also Protocol Sections I(A)(1) and (2). If I find the officer has violated criminal laws, I am to "prosecute as appropriate or arrange for a special prosecutor." Protocol Section III(A)(11)(c)(3).

The Utah County Law Enforcement Officer Involved Incident Protocol Task Force has concluded its investigation involving the October 29, 2017 Officer Involved Shootings wherein Mr. Michael Rankin ("Rankin") was arrested and Ms. Cristina Rankin ("Cristina") was wounded. This incident included two separate shootings by officers: The first occurred in Springville City by Springville City Police Department Officer Justin Sodja; the second occurred in Spanish Fork City by Spanish Fork City Police Department Detective Zac Adams. After reviewing the results of that investigation and the pertinent statutes and case law, I find that Officer Sodja and Detective Adams were legally justified in their use of deadly force against

Rankin. Therefore, this office will not institute a criminal prosecution of Officer Sodja or of Detective Adams.

The following is a brief factual summary of what I believe occurred and a short analysis of how I arrived at my decision.

FACTS

On October 29, 2017, at 10:18 a.m. in Mapleton City, Mapleton Officer Fritch attempted to stop the vehicle Rankin was driving for expired plates and no proof of insurance. Rankin fled from Officer Fritch at a high rate of speed. Officer Fritch had dispatch issue an ATL (“attempt to locate”) on Rankin and his vehicle.

At about 11:40 a.m., Officer Sodja and Springville Officer Davis set up to spike (police road spikes used to puncture and disable tires) Rankin’s vehicle at the intersection of 1400 North and 2000 West (an I-15 frontage road) in Springville. Officer Sodja was outside of his marked patrol car preparing to place spikes and Officer Davis was seated in her marked patrol car driver’s seat. Rankin’s car approached Officers Sodja and Davis from the south at a high rate of speed (estimated to be nearly 100 m.p.h. just seconds before) while being pursued by Utah County Sheriff Sergeant J. Gordon. As Rankin approached Sodja’s and Davis’ location, he swerved west onto the shoulder part of the road into the dirt nearly hitting Officer Sodja’s patrol car and nearly hitting Officer Sodja. In fact, Officer Sodja had to throw down the spikes simply in an effort to free his hands and get out of the path of Rankin’s car.

Utah County Sheriff Deputy Hickman observed that Rankin swerved his vehicle off the roadway, coming within inches of striking Officer Sodja. Deputy Hickman believed, based on his observations, that Rankin’s driving appeared to be “extremely dangerous and aggressive” and that Officer Sodja was nearly hit. Utah County Sheriff Deputy C. Gordon believed, based on his observations, that Rankin swerved toward Officer Sodja in a “direct and intentional” attempt to hit or run over Officer Sodja. In fact, Deputy Gordon’s opinion was that if Officer Sodja had not quickly moved from his location, Rankin would have hit Officer Sodja and he would have been seriously hurt or killed.

After passing Officer Sodja the first time, Rankin made a U-turn, turning back toward Officer Sodja. Deputy Hickman and Deputy C. Gordon attempted to use the Precision Immobilization Technique (a “PIT” or “PIT maneuver”) to immobilize Rankin’s car. However, Rankin was able to avoid the deputies’ attempt to PIT his car.

After avoiding the PIT attempt, Rankin again drove toward Officer Sodja (who had run to the northeast corner of the intersection), again nearly hitting him. At this point, Officer Sodja fired three times at Rankin’s car. Two of Officer Sodja’s rounds hit Rankin’s car and one of those two rounds hit Cristina, who was a passenger in Rankin’s car.

Officer Sodja’s shots did not immobilize Rankin or his car. Rankin then drove onto I-15, going north on the southbound off-ramp, causing multiple cars to take evasive action to avoid a head-on collision with Rankin.

Once Rankin got to the I-15 main flow of traffic, he made a U-turn and went south with the flow of traffic. Rankin swerved at a pursuing police vehicle causing the officer to take evasive action. Rankin got off of I-15 at the 400 South Springville exit and police officers again terminated the chase.

At about 11:46 a.m., Spanish Fork City Police Officer Tyler Beddoes made a left turn from SR 51 onto 1600 South in Springville and saw Rankin’s car driving toward him at a high

rate of speed. Rankin crossed the double yellow line into Officer Beddoes' lane of travel heading directly towards Officer Beddoes. Officer Beddoes had to take evasive action to avoid a head-on collision. Officer Beddoes initiated another pursuit of Rankin, but again terminated the pursuit because of the speed Rankin was driving.

Sometime before 1:00 p.m., officers located Rankin in Springville near 900 North and 600 East. As officers prepared to set up a containment perimeter, Rankin took off again. Officers pursued Rankin until a Utah County Sheriff airplane began tracking Rankin. The airplane pilot tracked Rankin to a business area near 900 North and 700 East in Spanish Fork.

At about 1:07 p.m., Spanish Fork City Police Detective Zac Adams located Rankin in an alley behind the businesses at 850 North 700 East, Spanish Fork. Rankin had pulled into the alley and parked next to a building. Detective Adams pulled into the alley and parked his car in an attempt to block Rankin from leaving. As Detective Adams got out of his police vehicle with his service gun drawn, Rankin quickly accelerated and tried to swing his vehicle around in order to get away from Detective Adams. Detective Adams, wearing full police tactical clothing/gear with "SWAT" clearly inscribed across the front of his chest, approached Rankin's car, identified himself as a police officer and began ordering Rankin to "raise your hands, show me your hands" (Cristina immediately put her hands up). Detective Adams indicated that Rankin had a "weird grin on his face, like he is enjoying what he was doing," and observed that Rankin was looking around "as if to be thinking about what to do" (Rankin had an open escape route to his right). Rankin then turned his car's wheels directly toward Detective Adams, indicating an intention to drive toward Detective Adams. In fact, Detective Adams indicated, based on the previous events of the day, Rankin's clear intent to not surrender, and Rankin's then present intention to run him over, that his life was in imminent danger. However, Detective Adams determined to try to do something other than taking Rankin's life. Detective Adams shot one round into Rankin's front driver's side tire. After firing the shot, Detective Adams again issued a verbal command, something to the effect of, "if you continue to drive toward me, I'll shoot you."

At this point Rankin surrendered and was arrested.

Though not pertinent to this analysis of the officers' actions, there are two interesting facts that give context to the events leading to Rankin's arrest. After Mr. Rankin's arrest he consented to testing and tested positive for MDMA and THC. When officers interviewed Cristina and asked her whether she believed Rankin was attempting to run the officer (Sodja) over, she stated that Rankin was in fact, "trying to run the officer over."

LAW

The pertinent sections of law are Utah Code Sections 76-2-402 and -404. Section 76-2-404 states:

(1) A peace officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when: . . . (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

Section 76-2-404(2) also states that, "[i]f feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c)." Similarly, Utah Code Section 76-2-402(1) states:

A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that force is necessary to defend himself or a third

person against such other's imminent use of unlawful force. However, that person is justified in using force intended or likely to cause death or serious bodily injury only if he or she reasonably believes that force is necessary to prevent death or serious bodily injury to himself or a third person as a result of the other's imminent use of unlawful force, or to prevent the commission of a forcible felony.

And 76-2-402(5) states:

In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors: (a) the nature of the danger; (b) the immediacy of the danger; (c) the probability that the unlawful force would result in death or serious bodily injury; (d) the other's prior violent acts or violent propensities; and (e) any patterns of abuse or violence in the parties' relationship.

ANALYSIS

The officers were justified in using deadly force against Rankin if they reasonably believed "that the use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person" or reasonably believed that "force [was] necessary to defend himself or a third person against such other's imminent use of unlawful force."

As noted above, Rankin, driving at a high rate of speed, swerved toward and nearly struck Officer Sodja, and then turned around and drove at Officer Sodja a second time. This conduct reasonably led Officer Sodja to believe that force was necessary to prevent his death or serious bodily injury. Officer Sodja, accordingly, fired rounds toward Rankin in an attempt to prevent Rankin from striking him and from injuring others in his escape attempt. There is no evidence that Office Sodja issued a verbal warning to Rankin, but it is relatively clear that because Rankin was inside of a vehicle, driving at a high rate of speed, such a verbal warning would have been ineffectual.

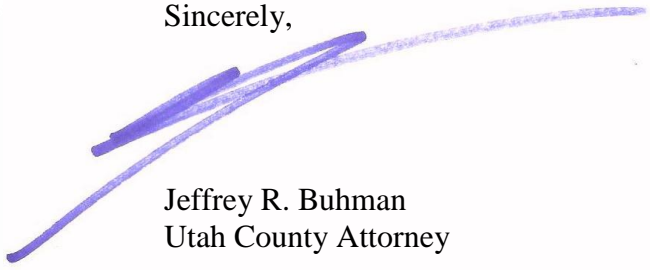
Also, as noted above, when Detective Adams later "cornered" Rankin, he shot at Rankin's tire in order to disable Rankin's vehicle and to prevent Rankin from continuing his extremely dangerous driving patterns (both to police officers and the public). I note that this use of force may not necessarily be deemed deadly force. Nonetheless, because Detective Adams had verbally ordered Rankin to stop and Rankin refused with his car in gear and running, and Rankin then turned his car's wheels directly toward Detective Adams, the Detective reasonably believed that deadly force was necessary to prevent his own death or serious bodily injury and was legally permitted to use such force against Rankin.

CONCLUSION

For reasons stated above, I conclude that Springville Police Officer Justin Sodja and Spanish Fork Police Detective Zac Adams were legally justified under Utah Code Sections 76-2-402 and -404 in their use of deadly force against Mr. Michael Rankin and his vehicle. Pursuant to Utah Code Section 17-18-1 and the Utah County Law Enforcement Officer Involved Incident Protocol, I determine that this office will not institute a criminal prosecution against Officer Sodja or Detective Adams.

Please call me if you have any concerns or questions.

Sincerely,



Jeffrey R. Buhman
Utah County Attorney

cc: Officer Sodja, Detective Adams