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Introduction

On January 22, 2024, shortly before 4:20 AM, North Park Police Dept. Officer AJ Nelson observed a vehicle operated by Braxton Banta, traveling at a high rate of speed southbound on US 91 through Hyde Park. Officer Nelson attempted a traffic stop, which turned into a vehicle pursuit, upon Banta's failure to stop at Officer Nelson's signal. The pursuit continued southbound, turning west on Airport Road (2500 N) for some seconds, when officer Nelson terminated the pursuit, when he judged conditions had become too dangerous due to the high speed, weather, and other factors. Some minutes later Law enforcement was notified of a vehicle crash at the intersection of 3400 N and 2400 W. The crash was a solo vehicle accident, involving Banta's vehicle. At least one occupant of the vehicle was seriously injured.

Officer Use of Force

Under Utah Code 76-2-408, "Officer-involved critical incident" means any of the following:

- i. an officer's use of deadly force;
- ii. an officer's use of a dangerous weapon against an individual who causes injury to any individual;
- iii. death or serious bodily injury to any individual, other than the officer, resulting from an officer's:
 - a. use of a motor vehicle while the officer is on duty; or

- b. use of a government vehicle while the officer is off duty;
- iv. the death of an individual who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual's death; or
- v. **the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer's attempt to prevent an individual's escape from custody, to make an arrest, or otherwise to gain physical control of an individual.**

In this case section (v) applies because an occupant of Banta's vehicle was seriously injured resulting from Banta's failure to stop at Officer Nelson's signal and his attempt to flee.

Findings of Fact

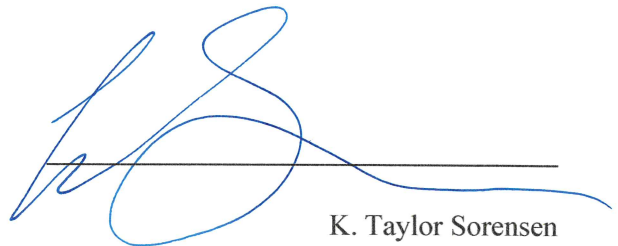
Officer AJ Nelson observed a vehicle traveling at a high rate of speed southbound through Hyde Park on US 91. Officer Nelson attempted a traffic stop which turned into a vehicle pursuit when the vehicle would not respond to his signal to stop. This pursuit continued west on 2500 N/Airport Road before Officer Nelson terminated the pursuit. A short time later an automated 911 call was received from an Apple iPhone alerting dispatchers to a vehicle crash at the intersection of 3400 N and 2400 W in Cache County. Law enforcement from the Cache County Sheriff's Office, Logan City Police Department and the North Park Police Department responded, along with medical response from Smithfield Fire and EMS. The vehicle was located in a field northwest of the intersection occupied by four individuals (J.B., E.M., K.M. and K.B) who were injured. It soon became clear that the fifth occupant, the driver Braxton Banta, had fled the scene. Law enforcement spent the next several hours seeking the driver until he was located hiding in the tack room of a stable at a nearby farm. All involved were transported to local hospitals, however K.M. was transported to a more advanced medical facility with serious injuries.

It is apparent from the facts of the case that Officer Nelson did not use any force that contributed to the serious injuries K.M. sustained in the vehicle crash. The reason this case was flagged as an officer use of force is due to a conservative reading of section (v) of Utah Code 76-2-408 which states that a critical incident includes "the death of or *serious bodily injury* to an individual not in custody, other than an officer, resulting from an officer's attempt to prevent an individual's escape

from custody, *to make an arrest*, or otherwise to gain physical control of an individual.” Officer Nelson’s initiation of pursuit is an attempt to make an arrest, and the high rate of speed of the suspect vehicle was at least in part due to the suspect’s desire to evade Officer Nelson’s attempt to make a traffic stop.

Due to the high speed of the suspect, Officer Nelson however, never caught up to the suspect in the fleeing vehicle and prudently terminated the pursuit due to worsening conditions. Officer Nelson did not impact the suspect’s car in any way, and only marginally contributed to the suspect’s behavior, as the suspect was already traveling at a high rate of speed, prior to initiation of the pursuit. The vehicle crash that occurred was due to the suspect’s inebriated state, his excessive speed, unfamiliarity with the road he was traveling on, nighttime driving, and less than ideal weather and road conditions.

My findings and the facts gathered in the investigation indicate that there was no use of force. Officer Nelson’s actions were justified, and that the injuries sustained by K.M. were not due to Officer Nelson’s attempt to make a traffic stop, but overwhelmingly by the suspect driver, Braxton Banta, who was driving with excessive speed, at night, on an unfamiliar road, inebriated.



K. Taylor Sorensen

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