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**Dear Chief Simmons,**

This letter addresses the May 15, 2024 death of Adam Scott Phillips. Following Mr. Phillips' death, Logan City Police Department (LCPD) initiated the "Northern Utah Critical Incident Investigative Team (NUCIIT) Protocol," an agreement among participating law enforcement agencies designed to ensure compliance with Utah state law for critical incident investigations under Utah Code §76-2-408. Pursuant to the protocol, an investigative task force was called in to investigate the incident. Under Utah Code 76-2-408, a "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

“When critical incident occurs . . . , the law enforcement agency having jurisdiction where the incident occurred [must] . . . notify the county or district attorney having jurisdiction where the incident occurred.”<sup>1</sup> “[T]he chief executive of the law enforcement agency and the county or district attorney having jurisdiction where the incident occurred [must then] . . . jointly designate an investigating agency for the officer-involved critical incident.”<sup>2</sup> “The investigating agency . . . may not be the law enforcement agency employing the officer who is alleged to have caused or contributed to the officer-involved critical incident.”<sup>3</sup>

Law enforcement agencies are required to adopt policies and procedures for “select[ing] the investigating agency if an officer-involved critical incident occurs in the agency’s jurisdiction and one of the agency’s officers is alleged to have caused or contributed to the officer-involved incident.”<sup>4</sup> They must also adopt “protocols . . . to ensure that any investigation of officer-involved incidents occurring in the agency’s jurisdiction are conducted professionally, thoroughly, and impartially.”<sup>5</sup> To fulfill these statutory obligations and to provide mutual assistance among neighboring agencies, the sheriffs’ offices, police departments, and county attorneys’ offices in Cache, Rich, and Box Elder Counties have, through a memorandum of understanding, created the Northern Utah Critical Incident Investigative Team and adopted a Protocol to be followed in the event of an officer-involved critical incident.

Under the Protocol, the fulltime investigator employed by the Cache County Attorney’s Office becomes the Operations Section Chief for any investigation of an officer-involved critical incident, at which point the Operations Section Chief and County Attorney select a Lead Investigator. The Operations Section Chief and Lead Investigator then provide first-line management of the investigation of the officer-involved critical incident. When the investigation is complete, the Operations Section Chief and Lead Investigator turn the investigation over to the county attorney with jurisdiction.<sup>6</sup> The foregoing procedures were followed in this case.

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<sup>1</sup> Utah Code § 76-2-408(2)(a).

<sup>2</sup> Utah Code § 76-2-408(2)(b)(i).

<sup>3</sup> Utah Code § 76-2-408(3).

<sup>4</sup> Utah Code § 76-2-408(5)(a).

<sup>5</sup> Utah Code § 76-2-408(5)(b).

<sup>6</sup> See Utah code 76-2-408(6).

### **Role of the County Attorney**

Once the Operations Section Chief and Lead Investigator turn the investigation over to the county attorney with jurisdiction, the county attorney then has 180 days to complete and publish his or her findings or analyses into the “officer’s use of force”<sup>7</sup> if any. I am the county attorney with jurisdiction in this case, and this report constitutes my findings and analysis regarding this officer-involved critical incident.

### **Findings of Fact**

Wednesday May 15, 2024 LCPD officers were corresponding with an unknown suspect in an Internet Crimes Against Children (ICAC) case in preparation for apprehending the suspect. Detective Micah Vehrs, posing as an underage female, had been corresponding with the suspect for some time. The unknown suspect coordinated a time to meet with Det. Vehrs, anticipating engaging in sexual contact with the assumed underage female at Denzil Stewart Nature Park located at 698 E 100 S, Logan UT.

The suspect, later found to be 33-year-old Adam Scott Phillips (Phillips) of Ogden, Utah was contacted by LCPD officers in the parking lot of the park. A review of body camera footage shows LCPD officers Ditzel, Crotts, Grange, and Larsen giving commands to Phillips, who at the time was still seated in his vehicle, a white sedan. Officers alternately gave commands for Phillips to identify himself, exit the vehicle, and show his hands. Phillips did not respond or obey commands. When commands were repeated, Phillips commented that the officers would have to shoot him or kill him. The standoff continued for nearly ten minutes as LCPD officers took numerous measures to de-escalate the situation and ensure a peaceful resolution. LCPD officers began to prepare alternative methods to subdue Phillips, including Tasers.

After further commands were issued, Phillips eventually stepped out of the vehicle and faced the officers, by this time extremely agitated and still refusing to follow commands from the officers. At this time Ofc. Larsen came around from the rear of Phillips and attempted to deploy

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<sup>7</sup> Utah Code § 76-2-408(6).

his taser to end the stand-off and force compliance. The taser failed to deploy, as Phillips was not subdued. Phillips at this time realizes Ofc. Larsen is behind him and begins moving his right hand to his waistband reaching for what was later revealed to be a concealed firearm. Phillips began charging forward, away from Ofc. Larsen. Phillips' right hand was knocked away from his waistband by the side view mirror of his vehicle, spinning him around. Det. Vehrs, seeing the taser deployment from Ofc. Larsen, moved forward tackling Phillips to the ground in order to cuff Phillips while subdued by the taser. Simultaneously, Ofc. Ditzel deployed his taser, but it also failed to take effect on Phillips. Officers are heard in the background yelling "he's reaching, he's reaching!" recognizing Phillips' hand movements to his waistband. While Vehrs was on the ground with the suspect, Vehrs attempted to take control of Phillips' hands. Other officers were attempting to assist in restraining Phillips. Phillips continued to desperately grab for the object in his waistband, and managed to free his right hand, at which time Phillips unholstered a handgun from a waist holster and pointed it towards Det. Crotts. Ofc. Ditzel is heard identifying that Phillips has a gun. At this time Det. Vehrs unholsters his service weapon and places the muzzle on the chest of Phillips. Two shots are heard in quick succession, nearly simultaneously.

Ofc. Crotts is then seen rolling away as if hit by a projectile, and Phillips continues to track Ofc. Crotts with his firearm. Crotts removes himself thinking he may have been shot and checks himself and asks another officer to assist him. It was later found that Det. Crotts was injured by bullet fragments of Phillips' fire striking the pavement. Officers continue to place Phillips into custody. Within seconds it becomes apparent that Phillips has been seriously wounded from Det. Vehrs' fire, and officers remove handcuffs and begin lifesaving measures including tourniquet, chest seal and CPR while they awaited EMS. Despite the determined efforts of LCPD officers to save Mr. Phillips, he ultimately succumbed to the injury he sustained during the altercation.

## **CONCLUSION**

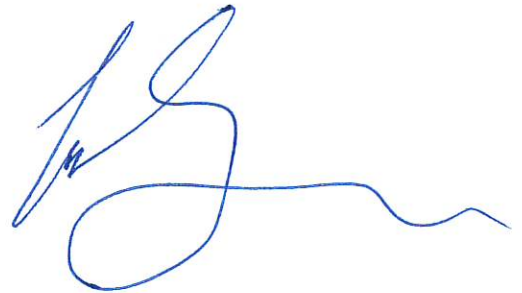
The scope of this review, and the OICI protocol investigation related to it, is narrow in its scope and purpose: to determine whether an officer who used deadly force was legally justified in the use of that force. My findings are as follows:



1. Det. Vehrs' presence at the scene was lawful, was pursuant to an intent to ensure public safety, and was necessitated by a legitimate and lawful investigation into a crime and the associated apprehension of the suspect.

2. The use of deadly force by Det. Vehrs was within the scope and intent of Utah Code Ann. § 76-2-404(1)(c), as well as salient cases from the United States Supreme Court on this issue, specifically *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989).

3. The Cache County Attorney's Office finds that Det. Vehrs' use of deadly force that led to Mr. Phillips' death was reasonable and justified, as the officer "reasonably believe[d] that the use of deadly force [was] necessary to prevent death or serious bodily injury to the officer or another person." The officers acted properly and lawfully. Under Utah's broad affirmative legal defense of justification, particularly as applied to law enforcement officers, Det. Vehrs was amply justified in his use of deadly force.

A handwritten signature in blue ink, consisting of a large, stylized initial 'B' followed by a long, horizontal, wavy line extending to the right.