



**For Immediate Release  
November 13, 2023**

District Attorney Marc Bennett has completed the review of the use of deadly force that resulted in the death of Michael Trask. The incident occurred on February 20, 2023 near the intersection of 183<sup>rd</sup> Street West and 63<sup>rd</sup> Street South Sedgwick County, Kansas.

**SCOPE OF REPORT**

This report details the findings and conclusions limited specifically to criminal liability of the officer employed by the Goddard Police Department who shot Mr. Trask on February 20, 2023.

The Office of the District Attorney has no administrative or civil authority regarding use of force investigations. Therefore, this report does not address any administrative review that may be conducted by the Goddard Police Department, provide any assessment of policy considerations, or address questions of possible civil actions where a lesser burden of proof would apply.

Questions as to whether the use of force in any particular case could have been avoided or de-escalated if the law enforcement officer(s) or citizen(s) had behaved differently in the moments leading up to the fatal use-of- force may not be properly addressed in a criminal investigation.

The sole question addressed by the District Attorney is whether sufficient evidence exists to establish beyond a reasonable doubt that a violation of the criminal laws of the State of Kansas occurred in this instance.

## SUMMARY

On February 20, 2023, at approximately 9:44 am, a uniformed Goddard Police officer, attempted to effect a traffic stop of a 2005 dark blue Dodge Ram 1500 after it left the parking lot of the Wal Mart on West Kellogg, at 183rd Street West in Goddard, Kansas. The driver of the pickup turned west on the frontage road that runs parallel to Kellogg on the south side of Kellogg then travelled west at a high rate of speed. The truck then turned south on 199th Street West.

The officer pursued the truck west to 199<sup>th</sup> then south. The officer's radar picked up the truck at fifty-eight miles per hour on 199<sup>th</sup> Street West in an area that transitioned from a 30 mph to a 40 mph posted zone.

The entirety of the ensuing chase and ultimate shooting was recorded on the Goddard officer's patrol car's dash camera. At 9:44:10 a.m., the Goddard officer activated his emergency lights and notified dispatch he was initiating a traffic stop on 199<sup>th</sup> St. West at 31<sup>st</sup> Street South. The driver of the pickup did not stop. 23 seconds after the initial traffic stop was attempted, the officer notified dispatch he was in a traffic pursuit with the vehicle south on 199<sup>th</sup> St. West.

The truck proceeded southbound on 199<sup>th</sup> and ran the stop sign at MacArthur. A Sheriff's Deputy notified dispatch that he was near Lake Afton and travelling east to enter the pursuit. The Goddard officer was aware that given the reckless driving of the suspect and the nature of the initial infractions, the policy of his department instructs officers to cease such pursuits. At 9:45:33, the Goddard officer notified dispatch of traffic charges for the pursuit then advised he was shutting down his pursuit.

The officer reduced his speed and continued southbound. The officer could still see the Dodge truck ahead of him, at times more than a half mile ahead. The officer continued to drive from this distance in anticipation of the arrival of the Sheriff's deputy.

At 9:47:55 am, the Goddard officer advised dispatch that the Dodge truck had turned east on 63<sup>rd</sup> St. South. After a short distance, the Dodge truck slowed down significantly. The

Goddard officer re-activated his lights, thinking the driver was preparing to stop.

At 9:48:57 a.m., the Goddard officer relayed to dispatch that the driver had flashed gun at him. The officer later explained to investigators that the driver of the suspect truck “picked up a pistol with his right hand and just starts waving it around--you could see it clear a day through the back windshield.” In reaction to seeing the gun, the officer “slammed” on his brakes to create “distance” between his patrol car and the suspect vehicle.

At 9:49:14, the officer told dispatch that the vehicle has come to a stop on 63<sup>rd</sup> at 183<sup>rd</sup> St. West. The Goddard officer came to a stop approximately one quarter of a mile west of the Dodge. The driver of the Dodge remained in the vehicle for over 30 seconds. During that time, the Goddard Officer gave 6 verbal commands to the suspect to place his hands out of the window.

After approximately 37 seconds, the suspect, later identified as Michael Trask, exited the driver’s door of the truck and began to walk west toward the officer’s marked patrol car. As he continued to walk, the officer recognized that Mr. Trask was carrying a handgun: “I could see his hands and the gun was in his right hand.”

Mr. Trask continued to walk westbound on 63<sup>rd</sup> Street South for 26 seconds. The officer exited his patrol vehicle and retreated west to the rear of the patrol car on the passenger side. From that vantage point, the officer gave at least 9 additional verbal commands to Mr. Trask, including “put your hands up,” “don’t come towards me,” “drop the gun” and “don’t make me shoot you, dude.”

As Mr. Trask neared the front of the officer’s patrol car, the officer fired his duty weapon—a Glock 17 9 mm -- 8 times. Trask was struck 2 times, once in the torso and once in the head. At 9:50:30, the Goddard officer notified dispatch that shots had been fired.

At 9:51:04, dispatch entered a call from Mr. Trask’s wife who had called 911 to advise that her husband was in a chase with what she believed to have been Wichita Police and that Mr. Trask had told her by phone that he was probably going to be dead. The call noted that the

suspect was suicidal and armed with a loaded 40.

Moments after the shooting, a Clearwater Officer arrived at the scene followed by the Sedgwick County Sheriff's Deputy.

At 10:04:08, dispatch was notified that the suspect has been pronounced "code black" (deceased) by responding EMS.

## INVESTIGATION

The Goddard Police Department officer who fired the fatal shot was removed from the area and his firearm was secured.

Crime Scene Investigators from the Sedgwick County Sheriff's Office processed the scene. Evidence was submitted to the Kansas Bureau of Investigation for examination.

## CIVILIAN WITNESS STATEMENTS

**Witness 1:** Witness 1, was married to Mr. Trask. She was interviewed by a detective with the Sedgwick County Sheriff's Office on February 20, 2023. She confirmed that Mr. Trask had moved out of their joint residence and had been living in a camper at Lake Afton south of Goddard for a period of time.

Witness 1 expressed having concerns for Mr. Trask's mental health the day prior to the car chase based on her phone interactions with him. She also explained that she had received a call from Mr. Trask during the chase with law enforcement and that he had texted her a photo of his face during the chase.

## LAW ENFORCEMENT OFFICER STATEMENTS

The Goddard Police Officer provided a voluntary statement to investigators:

**Officer 1:** Officer 1 had been with the Goddard Police Department for seven years at the time of the incident. He had been employed in law enforcement with other law enforcement agencies since 2005.

Officer 1 was in the parking lot of Wal Mart on West Kellogg in Goddard, Kansas when he saw a dark truck with temporary tags leaving the parking lot in a hurry, “squealing” his wheels. The driver of the pickup then turned west on the frontage road north of the Wal Mart and drove west, parallel to Kellogg, at a high rate of speed “squealing” his tires again. The officer left the parking lot to pursue the truck. He could see the suspect truck was “flying” west on the frontage road at that point. At the next intersection, 199<sup>th</sup> Street West, the suspect truck turned south.

The officer’s radar picked up the truck driving 58 miles per hour on 199<sup>th</sup> Street West. The officer was not sure whether the truck had left the 30 mph zone and already entered the 40 mph posted zone but knew the truck was either 28 or 18 miles per hour above the posted speed limit. The Goddard officer activated his emergency lights and siren with the intent to issue traffic infractions.

At 9:44:10 a.m. notified dispatch he was initiating a traffic stop on 199<sup>th</sup> St. West at 31<sup>st</sup> Street South. The driver of the pickup did not stop. The officer clocked the pickup at speeds between roughly 68 and 75 miles per hour. As they approached MacArthur, 23 seconds after the initial traffic stop was attempted, the officer notified dispatch he was in a traffic pursuit.

The Goddard Officer later recalled that as the suspect driver approached MacArthur, the driver hit his brakes and slowed down to “see if anyone was coming, and then he just gunned it and almost ramped over MacArthur.”

The Goddard officer heard a Sedgwick County Sheriff's deputy notify dispatch that he (the deputy) was near Lake Afton and travelling east to enter the pursuit. The Goddard officer was aware that the policy of his department instructs Goddard officers to cease pursuits when the suspect is driving recklessly and the initial basis for the stop was a traffic infraction. At 9:45:33, the Goddard officer notified dispatch of traffic charges for the pursuit then advised he was ceasing his involvement in the pursuit.

The officer reduced his speed, turned off his emergency equipment and continued driving southbound at a reduced speed given that the responding sheriff's deputy had indicated he was responding to the pursuit and would potentially continue the pursuit. He kept his rear light "deck" going only in the event a driver approached from the rear. It appeared to the Goddard officer that the suspect "kind of slowed down a little bit" at this point.

At 9:47:55 am, the officer advised dispatch that the suspect truck had turned east onto 63<sup>rd</sup> St. South. After a short distance, the suspect truck slowed down significantly. The Goddard officer re-activated his lights, thinking the driver was preparing to stop.

At 9:48:57 a.m., the officer relayed to dispatch that the driver had flashed a gun at him. The officer later explained to investigators that the driver of the suspect truck "picked up a pistol with his right hand and just starts waving it around--you could see it clear a day through the back windshield." In reaction to seeing the gun, the officer "slammed" on his brakes to create "distance" between his patrol car and the suspect vehicle. After seeing the gun, the officer wanted to wait on backup officers to arrive to assist with what would now be a felony stop due to the handgun being waived at the officer.

At 9:49:14, the officer told dispatch that the vehicle had come to a stop on 63<sup>rd</sup> at 183<sup>rd</sup> St. West. The driver of the suspect truck remained in the vehicle for 37 seconds. During that time, the Goddard Officer gave at least 6 verbal commands to the suspect to place his hands out of the window.

After 37 seconds, the suspect exited the driver's door of the truck and began to walk west toward the officer's marked patrol car. As he continued to walk, the officer recognized the

suspect, later identified as Mr. Trask, was carrying a handgun: “I could see his hands and the gun was in his right hand.”

The suspect continued to walk westbound on 63<sup>rd</sup> Street South for 26 seconds. The officer exited his patrol vehicle and began giving verbal commands to the driver to “put your hands out the window.” The officer then moved west to the rear of the patrol car and south to the passenger side, “to try to give myself more cover.”

The suspect exited the truck and began walking west holding what appeared to be a black handgun. The officer shouted multiple verbal commands, including “put your hands up now,” “don’t come towards me, dude,” “I don’t ‘wanna shoot you,” “put your hands up,” “drop the gun” and “don’t make me shoot you, dude.”

As Mr. Trask approached the front of the officer’s patrol car, the officer made note of a point in the road and determined that the suspect got that close, he would have to defend himself. When Mr. Trask continued his approach, the officer fired a total of 8 times with his duty weapon. He did not think he struck Mr. Trask initially because Mr. Trask did not slow his approach toward the officer. The officer continued to shoot until Mr. Trask fell.

The Goddard officer told investigators he believed Mr. Trask would kill him: “I thought, holy shit, today is my day. I’m going to be killed today.” The officer said, “[I] kept telling myself, he is still coming, you’ve got to stop the threat.”

When the Clearwater Officer and Sedgwick County Sheriff’s Deputy arrived moments later, the Sheriff’s Deputy remained with Mr. Trask while the Goddard Officer and the Clearwater officer cleared the pickup.

## CRIME SCENE INVESTIGATION

Crime Scene Investigators and deputies with the Sedgwick County Sheriff's office processed the scene of the shooting. Investigators located the following:

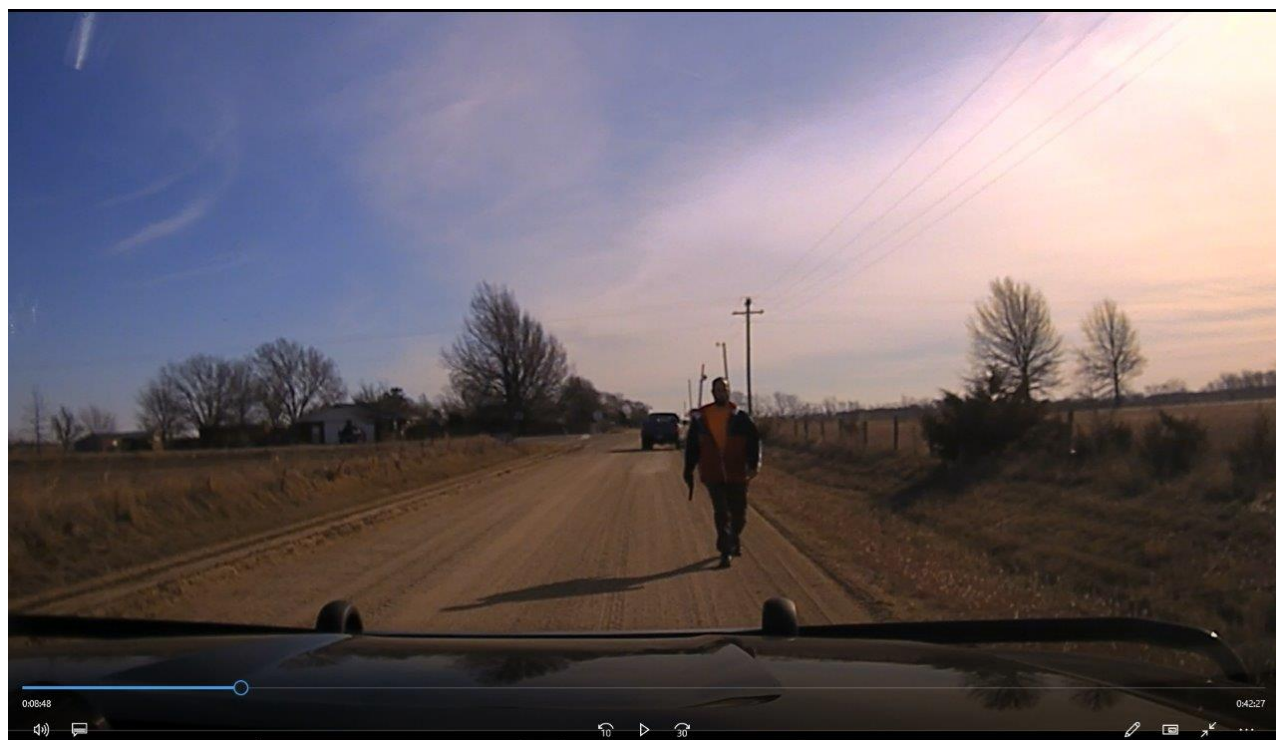
Firearm:

1 - Glock 17 9 mm handgun - fired by the Goddard officer.

Cartridge casings:

8 – fired Hornady 9 mm cartridge casings.

Investigators located Mr. Trask's phone and subsequently searched the phone after obtaining a search warrant. The phone showed that on February 19th, 2023 Mr. Trask had conducted the following "Google" searches: "When I'm dead quotes," "Suicide," and "Most painless way to kill yourself."



Still photo of Mr. Trask approaching the Goddard Officer's vehicle. Mr. Trask's pickup is behind him near 183<sup>rd</sup> Street West.





Still photo from dash camera showing Mr. Trask walking west toward the Goddard Officer's patrol vehicle.



Photo of the air pistol held by Mr. Trask.

## FORENSIC EVIDENCE & AUTOPSY RESULTS

An autopsy was performed on the body of Michael Trask February 23, 2023 at the Sedgwick County Regional Forensic Science Center.

The final autopsy report dated July 18, 2023, determined that Mr. Trask died as a result of two gunshot wounds: the first, a “penetrating gunshot wound of the head, indeterminate range, with injury to the brain,” and the second, a “penetrating gunshot wound of the abdomen, indeterminate range, with injury [to] the small intestine.” The autopsy did not opine as to the order in which the injuries were sustained.

The toxicology report detected no drugs or alcohol in Mr. Trask’s system.

## KANSAS LAW

In Kansas all persons, including law enforcement officers, are entitled to defend themselves and others against the use of unlawful force. K.S.A. 21-5220 states:

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such other's imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.
- (c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.

The term “use of force” includes words or actions directed at or upon another person or thing that reasonably convey the threat of force, the presentation or display of the means of force or the application of physical force, including by a weapon. “Use of deadly force” means the application of any physical force which is likely to cause death or great bodily harm to a person.

The Kansas Supreme Court has made clear that the analysis of a self-defense claim presents a “two prong test”:

“The first is subjective and requires a showing that McCullough sincerely and honestly believed it was necessary to kill to defend herself or others. The second prong is an objective standard and requires a showing that a reasonable person in [the same] circumstances would have perceived the use of deadly force in self-defense as necessary.” *State v. McCullough*, 293 Kan. 970 (2012).

With respect to a law enforcement officer’s use of force, in *Graham v. Connor*, 490 U.S. 386, 396 (1989), the United States Supreme Court clarified that any assessment of objective reasonableness must take into account the contextual realities faced by the officer:

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”

“The calculus of reasonableness must embody allowance for the fact that

police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

#### A. Immunity

In 2010, the Kansas Legislature enacted a series of statutes addressing the use of force, including the use of deadly force, in the defense of a person or property, including a person’s dwelling. See K.S.A. (2018 Supp.) 21-5220 et seq. The new statutes became effective on July 1, 2011, and are commonly known as this state’s “stand your ground law.” *State v. Barlow*, 303 Kan. 804 (2016); *State v. Younger*, unpublished opinion, No. 116, 441 (Feb. 16, 2018).

K.S.A. 21-5231 (2018 Supp.) **Immunity from Prosecution**, reads,

- (a) A person who uses force which is subject to the provisions of K.S.A. 21-5226, and amendments thereto, is justified pursuant to K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer.

K.S.A. (2018 Supp.) 21-5222, **Defense of A Person, . . . no duty to Retreat**, reads,

- (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to defend such person or a third person against such other’s imminent use of unlawful force.
- (b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of force is necessary to prevent imminent death or great bodily harm to such person or a third person.

K.S.A. (2018 Supp.) 21-5224, **Use of Force; presumptions**, reads,

- (a) . . . a person is presumed to have a reasonable belief that deadly force is necessary to prevent imminent death or great bodily harm to such person or another person if:
  - (1) The person against whom the force is used, at the time the force is used:

- (A) Is unlawfully or forcefully entering or has unlawfully entered and is present within, the dwelling, place or work or occupied vehicle of the person using the force; or
  - (B) has removed or is attempting to remove another person against such person's will from the dwelling, place of work or occupied vehicle of the person using the force; and
- (2) The person using the force knows or has reason to believe that any of the conditions set forth in paragraph (1) is occurring or has occurred.

No such presumption of reasonableness exists if the person utilizing force does so against a law enforcement officer per K.S.A. 21-5224(b)(4):

- (b) The presumption set forth in subsection (a) does not apply if, at the time the force is used:

. . . (4) the person against whom the force is used is a law enforcement officer who has entered or is attempting to enter a dwelling, place of work or occupied vehicle in the lawful performance of such officer's lawful duties, and the person using force knows or reasonably should know that the person who has entered or is attempting to enter is a law enforcement officer.

K.S.A. 21-5230, addresses the **duty to retreat**,

“A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has *no duty to retreat* and has the right to stand such person's ground and use any force which such person would be justified in using under article 32 of chapter 21 of the *Kansas Statutes Annotated*, . . . K.S.A. 2018 Supp. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and amendments thereto.”

On March 10, 2017, in *State v. Hardy*, 305 Kan. 1001, 390 P.3d30 (2017), the Kansas Supreme Court recognized that immunity granted by K.S.A. 21-5231 is distinct from self-defense, citing with approval the dissent in *State v. Evans*, 51 Kan.App.2d 1043 (2015):

Self-defense and immunity are clearly distinct concepts. If immunity were the same as self-defense, there would have been no need to adopt a specific immunity statute because K.S.A. 2014 Supp. 21-5222 would have sufficed. Perhaps most importantly, because K.S.A. 2014 Supp. 21-5231 grants immunity from arrest and prosecution rather than a mere defense to liability, it is effectively lost if a case is erroneously permitted to go to trial. [citation omitted] . . . [a] prosecutor must rebut a claim of statutory immunity before the case can go to trial. *Hardy*, 305 Kan. at 1009-1010.

In *State v. Dukes*, 59 Kan.App.3d 367 (2021), the Kansas Court of Appeals ruled that the district court had appropriately found Mr. Dukes was immune from prosecution under K.S.A. 21-5222. Mr. Dukes was approached by a man named Berryman who had sent him verbal threats in the past via Facebook (which Dukes testified he had not taken seriously). When Dukes saw Berryman approach, Dukes pointed a gun at Berryman. Berryman responded, "I got something for you," then ran back toward his car. The evidence was inconclusive as to whether Berryman held a weapon when he initially walked toward Dukes, but Mr. Dukes testified that he believed Berryman was going back to his car to get a gun given the statement, "I've got something for you." That is why Dukes said he shot and killed Berryman as he reached the car. Police later located a handgun on the floorboard of Berryman's car. The district court and the Court of Appeals ruled Dukes was immune from prosecution because the state's evidence could not overcome self-defense immunity:

After a defendant in a criminal case files a motion requesting immunity under K.S.A. 2020 Supp. 21-5231, the State must come forward with evidence establishing probable cause that the defendant's use of force was not statutorily justified. This generally means the State must show probable cause that (1) the defendant did not honestly believe the use of force was necessary or (2) a reasonable person would not believe the use of force was necessary under the circumstances. *Dukes*, 59 Kan.App.3d, at Syl. 2.

The *Dukes* Court also added the following quote from *State v. Phillips*, 312, Kan. 643 (2021):

The State may also overcome a defendant's request for immunity by demonstrating that the defendant was the initial aggressor as defined in K.S.A. 2020 Supp. 21-5226 and thus provoked the use of force. *Dukes*, 59 Kan.App.3d, at 372.

### **B. Use of Force During Arrest**

K.S.A. 21-5227, Use of Force; law enforcement officer making an arrest, States:

“A law enforcement officer, or any person whom such law enforcement officer has summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance

to the arrest. Such officer is justified in the use of any force which such officer reasonably believes to be necessary to effect the arrest and the use of any force which such officer reasonably believes to be necessary to defend the officer's self or another from bodily harm while making the arrest. However, such officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay."

## CONCLUSION

On February 20, 2023, an officer employed by the Goddard Police Department utilized deadly force resulting in the death of Michael Trask.

Under K.S.A. 21-5222(b), a person may employ deadly force when the person reasonably believes that deadly force is necessary to prevent imminent risk of great bodily harm to himself or another.

Since 2011, under the Kansas "stand your ground" law, one who acts in defense of himself or to protect a third party is immune from prosecution. See K.S.A. 21-5231. Meaning, a person may not be charged or prosecuted unless the state can establish that the person who utilized deadly force was *not* acting reasonably under the circumstances. In *Graham v. Connor*, the United States Supreme Court made clear that assessment as to the reasonableness of an officer's decision to utilize deadly force must be made within the context in which the officer found himself – not from the perspective of "20/20 hindsight."

The investigation established that Mr. Trask did not stop when a traffic stop was initiated with lights and sirens by the Goddard Officer. After the Goddard officer turned off his lights and sirens to discontinue his active pursuit, the officer continued to follow the suspect vehicle from a distance at a reduced rate of speed in anticipation of the arrival of the Sedgwick County Sheriff's Deputy who indicated he would pursue the suspect vehicle.

During this time, Mr. Trask waved what appeared to be a handgun in a manner that the officer could see the weapon through Mr. Trask's rear window. Mr. Trask slowed to a stop near 63<sup>rd</sup> Street South and 183<sup>rd</sup> street West. The Goddard officer stopped a significant distance behind Mr. Trask and verbally commanded him to show his hands. Mr. Trask ignored the officer's commands and exited the vehicle holding what appeared to be a black semi-automatic handgun at his side. Mr. Trask walked toward the officer in a deliberate – what the officer described as “aggressive” – manner, ignoring multiple verbal demands from the officer to “stop,” “drop the gun,” and “don't make me shoot you.”

Despite the warnings, Mr. Trask continued toward the officer with the apparent weapon in his hand. Believing he would be shot by Mr. Trask, the Goddard officer fired his weapon 8 times, striking Mr. Trask twice. Mr. Trask died as a result.

Under the totality of the circumstances, the Goddard Officer is immune from prosecution under Kansas law.

Under Kansas law and the facts of the case, I conclude that no criminal charges will be filed against the Goddard Officer.

A handwritten signature in black ink, appearing to read "Marc Bennett". The signature is fluid and cursive, with a long horizontal stroke at the end.

District Attorney Marc Bennett  
*18th Judicial District of  
Kansas*