

POLICE CIVILIAN REVIEW BOARD

Investigation Report

Internal Affairs Case Number S 2014-0003

Complainant: (Race/Gender)	C- Sean Kendall (W/M)
Alleged Policy Violation:	Improper Use of Force: OIS-Dog
Subject Officer: (Race/Gender)	S- Det. Brett Olsen (W/M)
Subject Officer's Years of Service:	S- 13 years
Date of Alleged Incident:	6/18/14
Date Investigation Requested:	6/18/14
Date Filed with Internal Affairs	6/18/14
Date Investigation Completed:	7/15/14
Panel Members:	Dale Evans Cal Noyce Glen Greener Katherine Rubalcava Kim Thronson
Date of Panel Meeting:	7/18/14
Interviews Conducted:	4

It should be noted that the narratives contained in this report are summaries that have been paraphrased from interviews. They should not be interpreted as verbatim transcripts. The narrative is intended to accurately communicate the substance of the major points in each interview.

Synopsis:

On the day in question, S responded roughly 30 minutes after a three year old male, who was non-verbally communicative, was reported missing by his family. S is a detective who was near the location from which the boy was reportedly missing and arrived along with other officers to attempt to locate the missing boy. *(Note: S and other interviewed officers reported that they had also worked on a previous missing child case, Destiny Norton, wherein she went missing and it was later determined she*

had been abducted and murdered.) S was assigned with W1 to conduct a neighborhood search for the boy, as were other two-officer teams. S and the other officers recalled that their instructions were to make contact with neighbors in the immediate area and seek to search the interiors and yards of those homes. If unable to establish contact with the homeowners, they were to conduct searches of the yards in an effort to determine what had occurred to the missing boy. The officers uniformly recalled that their searches were limited to locate a missing person and were for no other reason, and they explained that they looked at any place a three year old could possibly have gotten into or could be located within. Primarily, the officers stated that if they could view a yard from over the fence and the yard was visible and free of obstructions, they would not enter. However, if the yard held sheds, or dense shrubbery that could obstruct their view, they would enter the yard and do a cursory but thorough search for the missing boy. Each officer was aware that the boy would not respond to his name nor could he communicate verbally. Each officer had access to a photograph of the boy including the clothes he was wearing on the day in question, along with some other data including the statement by the family that he would not verbally communicate with them.

At C's home, W1 attempted to make contact with the unknown homeowner, C, who was not present, while S peeked over the backyard fence and noted a densely landscaped yard with two free standing structures, a garage and a smaller shed. S recounted, and photographs confirm, that the yard was irregular in shape with many small areas that were not visible from the exterior of the yard. As has been noted, the yard was heavily landscaped preventing any level of confidence that a simple viewing of the yard from over a fence would give any level of confidence the missing child was not present.

S and the other officers all stated that they believed that "*Exigent Circumstances*" existed and therefore the need for a search warrant was not necessary. *(Note: under the law, officers routinely need a search warrant to conduct searches but there are a number of "exceptions" to this requirement, as established under the 4th Amendment to the U.S. Constitution. Examples of "exceptions" to the requirement for a warrant include the "Plain View Doctrine" as well as "Exigent Circumstances", among other exceptions. Later in this report is a full recitation of the law concerning "Exigent Circumstances". In a nutshell, this exception allows for warrantless searches under extraordinary circumstances, one of which is the immediate need for a search based upon a reasonable belief that a person may be injured or in danger.)*

S admitted to entering the yard and, while checking the yard and the free standing structures, was confronted by C's dog. S stated that the dog was aggressively barking and charged him. S stated that he was in fear of being bitten and so he drew his service weapon and fired twice at the dog from a very close distance, striking and killing the dog.

C, who was not present during the incident, has claimed that S was improperly in his yard and needlessly killed his dog.

Due to the use of deadly force, albeit usage was not on a human, this matter is being examined to determine if S's actions were within, or outside of Department policy.

Sean Kendall, herein referred to as C, is a complainant and stated:

C was not present during the incident and therefore could not provide a firsthand account of what had transpired but has given numerous media accounts about his feelings on the actions of S. C's complaint centers on two central themes, those being that S was improperly in his yard without a search warrant and that S needlessly fired his weapon, killing his dog.

Det. Brett Olsen, herein referred to as S, is a police officer, subject of this matter and stated:

S spoke about his career, experience and the fact that he has owned dogs off and on throughout his life. On the day in question, S monitored and responded to the missing child case, making contact with the Watch Commander at the command post when he arrived on the scene. S stated that he confirmed that the house where the boy was missing from had been thoroughly searched, and was told it had been searched twice.

S recalled that he partnered up with W1 and they along with at least ten other officers began to canvas the neighborhood in an effort to locate the missing boy. S explained that a "search" is a much more detailed action wherein a canvas is an action designed to locate a person. In this case S was equally concerned that the boy was simply missing, had wandered away, as well as the possibility that the boy had been taken by someone. S stated he had worked on other missing children cases, including the Destiny Norton case, and due to the fact that he arrived 45 minutes after the boy was reported missing, he was very concerned because if the missing person is not found within an hour, it likely will not have a "good ending."

S obtained a photograph of the boy, made an email, which he mailed to all involved officers and it contained additional information about the boy. S was aware that the boy was non-communicative and so he never tried to yell for the boy. S and W1 began their search of the homes in the area and he believes he checked up to six homes, prior to the one where the shooting occurred. One of these homes had a dog in the backyard which they did not search due to the dog's presence. When they arrived at the home in question, S recalled that W1 went to the front door to attempt to make contact with the homeowner, who was not at home, as he peered over the backyard fence to see if he could spot the boy. S explained that his procedure was to view any place where the boy could have gone on his own as well as any place where he could have been put by another person. S stated that as he looked over the fence he knew he would need to enter the yard due to structures and shrubbery being present as he had zero confidence he could "clear the yard" by simply looking over the fence. S stated that as W1 continued to knock/ring the bell of the home, he checked a gate which he did not believe the boy could have opened but a nearby second gate had an easily manipulated latch which he felt the boy could have opened.

Upon entry into the yard he noticed that it had a lawn, trees, shrubs and two buildings: a garage and a shed. S recalled his route through the yard which took him to the shed where he opened the door seeking the boy and then he continued on. As he retraced his steps he noticed that the shed door was still open so he then closed it, which is what he believes awoke, or startled, the dog. Up until this instant, S had no knowledge that a dog was in the yard as he did not see any indication of a dog nor did he hear the dog. S explained that he had with him on that day; on his duty belt his gun, Taser, Asp baton, radio, handcuffs, a flashlight and extra magazines.

S explained that he had been in this backyard for roughly a minute when he shut the shed door and alerted the dog to his presence. Almost immediately he heard the dog bark, which he described as an "angry" bark, and then he first gained sight of the dog which was between 20 and 25 feet from him and he believes had been lying behind the shed. S explained that he began to shuffle backwards, away from the dog who was "charging". As the dog approached to within 10 feet of him he drew his weapon and continued to back pedal away. S said he fleetingly considered using his Taser but felt he could not expect success with it due to the distance and speed of the approaching dog and he further felt that even if he did get a hit with the Taser that the prongs would lodge too closely together to be effective in stopping the charging dog. S was trying to retreat out of the yard but knew he would not make it prior to the dog biting him and as he said "...I have been around a lot of dogs...this one was coming with a purpose." Fearing of being bitten and suffering a serious injury, S stated he fired two rounds from a distance of

roughly four or so feet as he continued to shuffle backwards. The dog did not immediately react to having been hit but did so, coming to a rest roughly near the location that he initially opened fire.

S said that he has not received any specific training related to adverse encounters with dogs, expanding that all of his deadly force training focused solely on dealing with humans. S said that he was fearful of receiving a bite and that he considered that “serious bodily injury” and so took the only option he believed was feasible based upon the speed and distances involved.

Det. REDACTED, herein referred to as W, is a police officer, a witness and stated:

W heard the dispatch about the missing child on his police radio so he responded and ended up teaming up with W2 in the ensuing search. *(Note: W never refers to the missing child by his gender or name, so for the ease of accurately recounting his statement and for the ease of integrating his observations with those of other witnesses, the missing child will be referred to as a boy.)* W recalled that more than 10 officers were involved in going door-to-door looking for the boy and stated that he and his partner cleared two backyards prior to the shooting occurring. W explained that it was important to visually check backyards due to swimming pools, sheds, bushes, and window wells, all of which may contain the missing boy. He further added it was especially important to visually inspect areas that may contain the boy as he knew the boy would not verbally communicate with officers and W was also aware it was possible the boy had been abducted. W stated that he had worked on previous missing children cases and this one was conducted similarly to those other experiences he has had. W stated that he believes the boy was missing for 30-45 minutes prior to his arrival. W stated that he had his duty weapon, Taser, handcuffs, ASP baton and radio all on his duty belt.

W recalled clearing the home adjacent to the home of C, where he visually saw the dog in question. W described the dog as being “aggressive” and said when he viewed the dog through a fence that the dog was “barking aggressively” and had lowered its front shoulders in an aggressive manner. W stated he was across the street when he heard the shots being fired.

Det. REDACTED, herein referred to as W1, is a police officer, a witness and stated:

W1 was working with other Detectives in the Sugarhouse area when the call came over the radio about a missing boy so he, along with others, responded to assist. W1 said he arrived at the CP, made contact with the Watch Commander, received a brief update and accompanying email about the missing boy, and then set out with S as his partner to conduct a sweep to locate the boy. W1 stated that he had worked on the Destiny Norton kidnapping/missing person case and his instructions on that case were the same as those on this case: he was to go door-to-door, attempt to search the homes and yards while keeping detailed notes so that they could re-contact anyone that did not answer their door. W1 stated he had on his duty belt his weapon, Taser, ASP baton, radio, cuffs and extra magazines and had in his pocket a canister of OC spray. W1 explained that he has a three year old child and so he was very aware of the mobility of children of that age and felt it very likely that the missing boy could have easily made it to the home where the shooting occurred. He further admitted to being aware that although this case was most likely a simple missing child case, it also could be an abduction. W1 said it was important to search any area that the child could access and be hiding within as he was aware that the child would not verbally respond to his name.

Prior to the house in question, W1 said that he and S had cleared four or five previous homes and had gotten into the backyard in all but one of them. Their method of dealing with each home was for W1 to go to the front door and make contact with the owner while S viewed and then searched the backyards. W1 also was responsible for taking the notes they were required to keep. At the house in question, W1 recounted that he was going to the door as S was peering over the fence into the backyard and up until

immediately prior to hearing shots, W1 had no indication that there was a dog present in the yard. As he recalled, W1 said he was at the door and out of sight of S for less than a minute when he heard the dog “growling and barking” immediately followed by shots. W1 said he then ran to the location and called out to S ensuring his safety prior to entering the yard. Once inside he saw the deceased dog, saw the two shell casing near where S was standing and briefly spoke to S who told him the dog “attacked” him so he had to shoot it. Based upon what he saw and S told him, W1 believed the dog came from behind the shed which was in the backyard.

W1 explained that based upon the facts known to him about the missing boy that an emergency situation existed which constituted “Exigent Circumstances” and therefore they did not need to have a search warrant in order to sweep the yards for the missing child. W1 explained they were only looking for a missing boy, not for other criminal activities and he felt he was well within the law in performing their duties.

Det. REDACTED herein referred to as W2, is a police officer, a witness and stated:

W2 responded to the scene based upon a dispatch call asking for officers to assist in finding a missing child. W2 was dressed in her police uniform and had upon her belt, among other things, her duty weapon, her ASP baton and a Taser, but no OC spray. W2 recalled she teamed up with W and as per instructions she believes W got from the on-scene-commander and began to search homes in the immediate area. W2 stated that she thinks she saw between 10-15 other officers similarly engaged. W2 recalled that she had access to a flyer about the missing boy and was told by another detective that the boy was non-communicative and would not respond to calls to him, as she was calling out his name.

W2 explained that she and W searched a number of homes in an expanding circle from the home the boy went missing from and that they would update a Sergeant on which houses they had cleared. She also recalled that they kept notes on which homes they had gone to. W2 explained that it was important to clear yards due to the fact that the boy would not verbally respond.

W2 recalled that she was in the yard of the home next to where the incident occurred when she noticed the dog in question. Despite being separated by a six foot high chain link fence, she felt uneasy based upon the actions of the dog whom she described as “barking very aggressively” and in a manner she felt was saying “I want to eat you.” She recounted that despite being behind a fence and believing that the dog was in a kennel near a shed, she wanted to move away as “...that was a big dog”. *(Note: no kennel was present in the yard or in the photographs of the yard and this misconception is likely due to her confusing the chain link fence as being part of a kennel.)*

Evidence:

E: The following was received by the SLCPD, via email, and was unsolicited. The name and identifiers of the author of this email have been redacted to ensure this citizen does not get contacted by parties on either side of this issue. Their identity is known and contact can be established if that becomes necessary in the future. Numerous other emails, voicemails and telephonic calls have been received but none of those offered any observations about the actual incident and the actions of either S or the dog on the day in question. The following is that email:

From: Redacted
Sent: Thursday, June 19, 2014 8:52 PM
To: AsktheChief
Subject: Dog incident sugar house 6-18-14

First, and foremost, a heartfelt thank you for the response to yesterday's scare of a missing child. I live near the family of the missing child, and near the home of the deceased dog. I feel fortunate to live in an area where the police can respond with such swiftness and in force to an emergency.

Second, as I walked the neighborhood that day I remember going past the house with the dog and it charged the fence as we walked by. I love animals so I assumed it was anxious because of the unusual neighborhood activity. I didn't think much of it because the fence kept the dog inside its yard.

When I read the account today of the dog being shot I remembered its mannerism yesterday. I don't know why the policeman went into the backyard, but that dog was not inside a kennel, and it was anxious and behaved aggressively. Its up to the police department to decide what the officer should have done at that point.

My heart goes out to the dog owner. My gratitude goes out to the police force. I live in a safe neighborhood and for this incident to be the top issue in our community means we live in an area where we are fortunate to see little crime. I trust the department to do what is best in this situation but I wanted to express my thanks for helping keep our community safe.

Sincerely,
Redacted
Redacted
Sugar House

E1: Numerous photographs exist of the backyard in question and they clearly show the free standing garage area, the shed area, the landscaping of the yard and numerous small areas that would preclude an over the fence inspection of the yard. Additionally, the spent shell casings are shown where they fell, and are supportive of S's perception of where he opened fire upon the dog and where the dog came to rest. Additionally, these photographs demonstrate a very close distance from where the dog appeared and where he came to rest after being shot.

Allegations:

C alleges that S improperly entered his yard and killed his dog.

Definitions

Unfounded: The reported incident did not occur.

Exonerated: The employee's actions were reasonable under the circumstances.

No determination is possible: There is insufficient evidence to support a conclusion as to whether or not the employee violated policy.

Sustained: The employee's action(s) are in violation of the policy or procedure of the Police department.

Analysis and Recommendation:

PCRB reviewed the evidence available in this case. The Board and staff are extremely moved by C and his obvious heartfelt loss over the killing of his dog. Clearly, this is a tragedy. As many members of the PCRB are, or have been, dog owners, this case was very difficult to investigate and review. As in all cases, especially wherein a life is taken, human or animal, PCRB pays particular attention to the evidence

and statements available in an effort to arrive at a decision. Board members ignore their own personal feelings and instead focus exclusively on what is known and can be proven. This is not only the purpose of this Board; it is the pillar that all justice is built upon in this country.

It is important to remember that when reviewing the actions of S, or any officer that uses deadly force, the standard is established in law and policy. The standard states the actions of the officer must be reviewed based upon what that officer knew at that time. Once that has been established, the actions of the officer are reviewed as to “reasonableness”. In other words, were the actions of S, at that instant in time, objectively reasonable?

As stated in the opening portion of this report, the two issues at hand are: 1) was S properly in the yard of C without a search warrant and 2) was S’s decision to fire his weapon within policy and the law?

The following is the law as it relates to S’s citation of “Exigent Circumstances”:

The following summary is from the book **Federal Procedure, Lawyers Edition (2014)**:

§ 22:217. Exigent circumstances

When officers are faced with circumstances amounting to an emergency which make seeking and obtaining warrant unfeasible, a search may be made without a warrant.

Such a situation exists—

- where there is a danger of damage and possible loss or destruction of desired evidence.
- where there is a likelihood of a defendant's escape before a warrant can be obtained.
- where officers have a justifiable belief that a felony is being committed.
- in the case of a vehicle, where there is probable cause to search for contraband goods and it is not practicable to secure a warrant because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought or if the warrant could be obtained only by detaining the vehicle for some period.
- when officers are reacting to an immediate life-threatening emergency.
- where there is danger of physical harm to officers or other persons.
- when a suspect is on the move and police are in hot pursuit.
- when officers stop a person on the street while investigating suspicious circumstances, to "stop and frisk" him with reason to believe he is an armed and dangerous individual and for the protection of the officer and others nearby.
- when a search uncovers a dangerous object such as a quantity of explosives.
- when necessary to avoid some other consequence improperly frustrating legitimate law-enforcement efforts.

The exigencies must be viewed from the totality of circumstances known to the officers at the time of the warrantless intrusion and the standard is an objective one, focusing on what a reasonable, experienced police officer would believe. However, because exigent circumstances necessarily imply insufficient time to obtain a

warrant, the government must also show that a warrant could not have been obtained in time. The availability of a telephonic warrant should be taken into account in assessing whether the exigencies justified a warrantless search.

Regarding the exception for emergency aid, the following is offered:

The U.S. Supreme Court took up this issue in *Brigham City v. Stuart*, 547 U.S. 398 (2005), and the Tenth Circuit (in *United States v. Najar*, 451 F.3d 710 (10th Cir. 2006)) adopted a test to examine whether exigent circumstances were present to allow officers entry into areas that are normally protected by the Fourth Amendment for the purpose of rendering aid to individuals. **That test asks the following: (1) whether the officers have an objectively reasonable basis to believe there is an immediate need to protect the lives or safety of themselves or others, and (2) the manner and scope of the search is reasonable.**

The inquiry is necessarily fact-specific and examines the totality of the circumstances.

The objective reasonable belief is viewed from the perspective of a “prudent, cautious, and trained officer[].” If officers can point to specific facts that, based on their training and experience, would lead them to believe that there was an immediate need to protect life or safety, then courts are likely to find that an officer had a reasonable belief. In *Najar*, officers were confronted with a 911 call where the caller hung up and then would answer and hang up on repeated call backs by dispatch. When officers investigated, they could hear and observe the movements of a person from the residence and were concerned that somebody else might be injured in the residence. When the homeowner answered the door, his responses to questioning were inconsistent with the facts (denied that anybody made a 911 call from the residence). “Therefore, it was eminently reasonable for them to conclude that *Najar* was either lying about making the call or about being the only occupant.”

The next prong examines whether the manner and scope of a search is reasonable. In the *Najar* matter, “the officers confined the search only to those places inside the home where an emergency would reasonably be associated.”

We caution you to consider as many facts as possible when you analyze the Fourth Amendment issue.

S, along with other officers, recounted their prior experience in working on missing children cases, including the Norton case, and as case law indicates, this experience is part of their “training and experience”. S expressed that he was equally concerned the missing boy could simply be missing and/or he could have been abducted. The fact that the boy was recovered roughly 45 minutes after the encounter with the dog is not germane to what S knew at the time of his confrontation with the dog. As cited above, it is apparent that S believed two of the situations described in law as being triggers for “Exigent Circumstances” existed, those being:

- when officers are reacting to an immediate life-threatening emergency.
- where there is danger of physical harm to officers or other persons.

Lastly, the actions of S during the search of this home’s backyard (along with the previous yard searches he had already conducted) clearly show that he limited the scope of his searches. This is a vital indicator of an officer dealing with what he perceived as an emergency versus an officer attempting to gain access to an area for which he would otherwise need to obtain a warrant. There is absolutely no indication that S, or any other searching officer for that matter, were searching for anything, or anyone, other than a missing child. PCRB has not uncovered any spin-off cases from any of these searches. The actions of S, and other officers, were solely focused on returning a missing child to his family. It is important to remember that national data shows, when a possible abduction is a concern, that 90% of all kidnapping victims are dead within 24 hours and 95% are dead within 48 hours. Equally illuminating is the fact that

the majority of non-family kidnappings are committed by someone who lives within a quarter of a mile of the victim child. In the Norton case, cited throughout this investigation, the abductor lived next door and killed her within the first hour.

This investigation finds that S truly believed an emergency existed. He believed the life of a three year old boy was at stake and he was unsure of the nature of the boy's disappearance. Despite the fact that the overwhelming majority of missing kids, especially of this age, are just that - missing children who have wandered off - officers rightfully treat these cases with the upmost importance. They do so because some missing kids have placed themselves in danger or have truly been abducted. The key to both types of cases is speed of response and, in this matter; the SLCPD reacted quickly and effectively. As it relates specifically to S's actions in entering this backyard, as well as other yards, this investigation finds that S believed he was responding to a possible life threatening situation. He is therefore within the law as defined by the exception referred to as "Exigent Circumstances". Ultimately, of course, C has the ability to argue legal points in other venues. However, based upon what S knew at that time, and based upon his extremely finite level of intrusion, his actions seem well within bounds of "reasonableness".

As it relates to the decision to fire his weapon, PCRB acknowledges one of the attributes of having a dog as a pet is the fact that dogs bark at strangers/intruders. In addition to their unqualified love of family members, many people have dogs as an early warning system in an effort to discourage intruders. As evidenced, the dog in question barked at least at one neighbor passing by, at W2 and W when they were in the adjoining yard and then again at S, when he entered the dog's domain. Dogs are protective of their family members, again human and animal, and they are protective of their turf. The accounts of the officers about the aggressive barking are likely accurate and they were corroborated independently. Barking at intruders is generally the nature of dogs, and is something that must be dealt with by mail carriers, meter readers, door-to-door solicitors and scores of other professions, including emergency personnel. This case illuminates the need for additional training and tools for the officers to use if they believe they may encounter a dog. PCRB recommends that the Department seek training and advice from other agencies/entities who have established such programs in an effort to be more prepared in future canvassing types of incidents. There is debate about the effectiveness of OC spray, better known as "pepper spray" but in this case, S did not have any with him. Many people have had great success with the use of pepper spray in similar situations. Many backwoods hikers carry "bear spray" (a derivative of the OC spray) for just this purpose. Still, others have had little or no success with OC being used on dogs. It is clearly something that needs more research and it is highly recommended that the SLCPD address this issue quickly. It is recommended that if an officer is aware that he/she may be engaged in similar activities, i.e. searches of back yards, that those officers be prepared with the training and tools necessary to safely continue their law enforcement duties while minimizing the risk to the dogs they may encounter.

S stated that he momentarily considered using his Taser. However, due to the rapidly closing distance and the likelihood that if he was actually able to shoot his Taser and achieve a strike with both prongs on the dog, the prongs would be too close together and thereby not deliver a debilitating shock. National industry trainings affirm that if the Taser darts/prongs are too close together, the delivered current does not travel a sufficient path to cause a human or dog to be incapacitated. Additionally, officers rarely train on their Tasers, as opposed to other options. In this case, the distances involved and the reported speed of the charging dog would have precluded a switch to another form of personal defense in time to stave off any possible attack. S recounted that from the time he became aware of the aggressive dog to the time he fired his weapon, less than 5 seconds elapsed. If the normal human reaction time,

approximately 1.2 seconds, is subtracted, S had roughly 3 seconds to take action, give or take a tenth or two of a second. His total time from awareness to action was 3 seconds. Although S did have a baton, the baton used by the SLCPD is a collapsible ASP type that is secured on the belt and, once drawn, needs to be violently shaken in a downward motion to get the baton extended to a useable length. This investigation does not believe that option was viable at all, again due to distance and speed issues. Much public speculation about S kicking at, shouting at or running from the dog he perceived as attacking him has occurred and been widely reported. Each of those proposed actions come with additional risks and questionable success, again accepting the officer's perception of being attacked.

The "Deadly Force Policy" of the SLCPD, as well as the same policy as outlined by State law, both speak to an officer's perception that his life, or the life of another, is in jeopardy of death OR serious bodily injury. Although dogs have killed people, that is an extremely rare occurrence with individuals who are as young and fit as a police officer when confronting a single dog. However, there are numerous incidents of individuals being bitten, or mauled and severely injured in one-on-one encounters with a single dog. The police, along with other professions, have had their share of those situations and injuries. In any case, the issue at hand is whether it was reasonable for S to perceive the charging dog as being a threat to inflict a "serious injury." Accounts and photographs of the deceased dog show a larger dog, who was clearly fit, and who had previously and was then exhibiting aggressive behavior towards more than one witness. As noted earlier, the dog was protecting its home from a person he believed was an intruder. To say the dog reacted with malice or in an unheard of manner would not be accurate. Although each of us as individuals may have made a different decision, used a different option, or never been placed in that situation in the first place and instead speculate externally, the issue is simply: were S's actions, based upon what he knew at that time, reasonable and within the law and policy on the use of deadly force?

Panel Findings:

As to the allegation that S used "Improper Force" during his encounter with a dog, and that this confrontation came as a result of an improper entry into the yard of C, the Panel makes a finding of Exonerated on this allegation.

Cal Noyce
Panel Chair

7/18/14