

## By McKenzie Romero | Posted Oct 19th, 2015 @ 10:20pm

SALT LAKE CITY — The owner of a pet Weimaraner shot by a police officer searching backyards for a missing child last year has now filed a \$2 million civil rights lawsuit in his dog's death.

The lawsuit names Salt Lake City, who Sugar House resident Sean Kendall claims failed in its responsibility to properly train and oversee its police force, and five of the officers involved in the search, including detective Brett Olsen, who pulled the trigger<sup>[1]</sup> when the large dog came bounding up, and his commander that day, Lt. Brian Purvis.

"Kendall loved and cared for Geist as a best friend," the lawsuit states. "Geist was robbed of the vast majority of his life, and Kendall was robbed of Geist's continued life with him, which cannot be replaced any more than a child or other family member can be replaced."

The lawsuit filed Friday in 3rd District Court calls for a jury trial to consider \$1,500,000 in special damages and \$500,000 punitive damages from Olsen and Purvis. Former Salt Lake City Mayor Rocky Anderson is representing Kendall in the case.

The filing equates Kendall's experience raising Geist to being a parent, describing how he carefully chose what breed of dog would be the best match for him before traveling to Colorado to purchase the full-bred puppy and undertaking hours of training as the Weimaraner became "a happy, friendly, well-behaved and beloved dog." Geist was 2 years old and was expected to live up to 10 years more when he was killed.

The lawsuit alleges the officers were negligent in their search on June 18, 2014, failing to thoroughly check the 3-year-old boy's home — where he was later found asleep in the basement — before expanding their efforts to include warrantless searches of neighboring backyards, including Kendall's. They had no reason to believe the boy could have been in Kendall's yard, the lawsuit claims, and apparently didn't pay attention to

the dog toys and dishes that were inches away and indicated a dog lived at the home before opening the gate.

[2]

(Photo: Tom Smart/Deseret News, File photo)

Geist's death was the result of an unconstitutional search that cost Kendall the companionship of the pet he loved as a family member and left him with deep emotional anguish, lost wages, therapy costs and legal expenses, according to the lawsuit.

Additionally, the suit accuses Salt Lake City of providing the police department's civilian review board "an inaccurate and misleading standard" for warrantless searches when considering whether the search was appropriate and Olsen's actions justified. The board ultimately cleared Olsen<sup>[3]</sup> of any wrongdoing in the shooting.

Geist's shooting drew a huge public response and online following<sup>[4]</sup> criticizing and even threatening Olsen, one of the decorated heroes who brought the deadly Trolley Square shooting spree to an end in 2007. In turn, former Salt Lake Police Chief Chris Burbank decried the abuse directed toward his officers in the days after the dog was killed.

Salt Lake police and Kendall reportedly negotiated a \$10,000 settlement last year, which Kendall accepted and then later rejected. He later announced his intent to sue. Earlier this year the police department outlined new training for its officers on dealing with domestic dogs.

A representative from Salt Lake City declined to comment on the lawsuit Monday, saying the city does not comment on ongoing litigation.

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