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## Officer cleared in Sugar House dog shooting

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By Emilee Eagar, | Posted - Aug 1st, 2014 @ 8:57pm

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### 6PM: Officer cleared in Sugar House dog shooting

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SALT LAKE CITY — A complaint filed by the owner of a dog that was shot and killed by a Salt Lake police officer in June was dismissed Friday following an investigation by a civilian review board.

The Salt Lake City Police Civilian Review Board investigated complaints made by dog owner Sean Kendall, who questioned whether Salt Lake detective Brett Olsen had properly entered Kendall's yard without a search warrant and whether his decision to fire his weapon was within policy and the law.

The panel found that Olsen's actions were reasonable under the circumstances.

Kendall said he was not surprised with the findings or the officer's "get out of (jail) free" card.

"When police are allowed to be judge, jury and executioner, there is little surprise that Brett Olsen had been allowed to get away with trespassing, discharging a firearm in a residential area, endangering the community and destroying private property," he said.

Kendall questioned the integrity of the board, saying members are appointed by Mayor Ralph Becker, "who has openly stated that he supports (Salt Lake City Police Chief Chris) Burbank's decision."

Burbank spoke Friday morning about the internal investigation and the board's findings. He said the civilian review board is independent but has access to the entire internal affairs process.

"This was an unfortunate circumstance in which an officer was doing exactly what we in the public require of them, and an animal who is doing what, by instinct, (the dog) believes appropriate," Burbank said.

"It is never our intent to cause harm or injury to anyone or anything. However, we also have a significant responsibility to the community, to the public and to the taxpayers," he said.

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## –Sean Kendall, Geist's owner

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In its report, the civilian review board expressed sorrow for Kendall's loss, calling the shooting death of Geist, a 110-pound, 2-year-old Weimaraner, "a tragedy."

Kendall said Friday he is planning to take legal action.

"This investigation was to examine the use of lethal force, but it did not include any investigation into (the officer's) decision to illegally trespass on private property," Kendall said.

## Details of the shooting

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On June 18, police were looking for a missing 3-year-old child in the area of 2500 South and 1500 East, when Olsen happened upon Kendall's house while going door to door. When no one answered the front door, Olsen went into the fenced backyard, where the confrontation with Geist took place.

According to the report, the board determined Olsen believed he was responding to a possible life-threatening situation in regards to the missing child.

"He is therefore within the law as defined by the exception referred to as 'exigent circumstances,'" the report states. "Based upon what (Olsen) knew at that time, and based upon his extremely finite level of intrusion, his actions seem well within bounds of 'reasonableness.'"

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Geist, a 110-pound Weinheimer, was shot and killed June 18, 2014, by a Salt Lake police officer. The dog was in its own backyard in Sugar House, where the officer entered to look for a missing 3-year-old boy. (Photo: Sean Kendall)

According to the report, Olsen and other officers were assigned to a neighborhood search for a child who could not communicate verbally or respond to his name. Officers were told to make contact with neighbors in the

area and search the yards of those homes.

"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 3-year-old could possibly have gotten into or could be located within," the report states.

Olsen told investigators he believed he and another officer had searched up to six homes before they came to Kendall's house.

An officer who was with Olsen attempted to make contact with Kendall, who was not home, and Olsen looked over the backyard fence, according to the report.

"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," the documents state.

The other officer continued to knock on the door, while Olsen found a second entrance that could have easily been opened by the missing child.

According to the report, Olsen went through the yard and opened a shed to look for the boy. As he retraced his steps, he noticed the shed door was still open. He closed it and said he believes that awoke or startled Geist.

"Up until this instant, (Olsen) 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," the report states.

Olsen recounted that he heard the dog immediately begin to bark, which he described as an "angry" bark. Olsen first had sight of the dog when Geist was between 20 and 25 feet from him.

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"(Olsen) explained that he began to shuffle backward, away from the dog who was 'charging.' ... (Olsen) 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."

## -SLCPD Internal Affairs investigation

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"(Olsen) explained that he began to shuffle backward, 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. (Olsen) 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," the report states.

"(Olsen) said, 'I have been around a lot of dogs. ... This one was coming with a purpose,'" according to the report.

He fired two rounds from a distance of about 4 feet as he continued to shuffle backward. The dog did not immediately react to being hit, according to the report, and then collapsed near the place Olsen initially opened fire.

Olsen said he had not received any specific training related to adverse encounters with dogs, according to the report, and his deadly force training focused solely on dealing with humans.

The Humane Society of Utah released a statement Friday, calling for mandatory training of law enforcement officers throughout the state.

Gene Baierschmidt, executive director of the Humane Society, said Olsen's admittance to not having specific training for dog encounters is "more than troubling."

"We regard dogs to be family members and believe law enforcement officers should always be equipped with non-lethal tools, and receive proper training on the use of those tools in situations like this," Baierschmidt said. "Every effort should be made to make sure this does not happen again."

**Contributing:** Natalie Crofts and Jed Boal