

Judge rules against man whose dog was shot and killed by police

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SALT LAKE CITY — A federal judge has ruled against a man who claimed his constitutional rights were violated when his dog was shot and killed by police during a search for a missing toddler.

U.S. District Court Judge Robert Shelby said in the ruling issued Friday that Sean Kendall failed to establish either an unconstitutional search or seizure in the shooting death of his dog, Geist, in 2014.

"This case is tragic on several levels. Parents feared their child missing, officers urgently responded, and Kendall lost his beloved companion animal," Shelby said in his ruling.

He wrote the "court is mindful of the strong reactions this case has aroused among animal owners, parents, law enforcement and community members" and that it has "exposed tensions that can arise between important competing interests."

The court awarded summary judgement to Salt Lake City and the Salt Lake City Police Department officers named in the lawsuit, and remanded the case back to state court.

Kendall's attorney, Rocky Anderson, said the ruling will be appealed to the 10th Circuit Court of Appeals. Anderson said it "poses an enormous danger to everyone's Fourth Amendment rights" against police coming into their homes and yards.

In December, the city asked the federal court to make Kendall accept a \$10,000 settlement the city claimed he originally agreed to but later rejected. Shelby ruled earlier this month Kendall was not bound to the verbal agreement the city claimed he made.

The shooting of Geist by officer Brett Olsen, who said he was confronted by the 90-pound dog in Kendall's backyard while conducting a search for a missing 3-year-old boy, sparked outrage locally as well as from animal advocates around the country.

Olsen was cleared of any wrongdoing by a civilian review board. Kendall filed a civil rights lawsuit claiming negligence by police in the search because they failed to thoroughly check the boy's home, where he was later found asleep in the basement.