

## Geist Follow-up

---

[utahstories.com/2015/12/geist-follow-up](http://utahstories.com/2015/12/geist-follow-up)

December 18, 2015 by Aimee L. Cook [Leave a Comment](#)

December 17, 2015



Sean Kendall on the water with Geist

The recent court action brought against Brett Olsen, the Salt Lake City Corporation, et al., by Sean Kendall and attorney, former Mayor Ross (Rocky) Anderson, has many thinking the action is just a money grab. According to the duo, that could not be farther from the truth. Demanding a jury trial and changes to existing police policies, Anderson and Kendall are hoping that this action will protect other pets and pet owners from having their pets harmed or killed in the way that happened to Geist.

On June 28, 2014, Geist was shot by Salt Lake City police officer Brett Olsen. Olsen had entered Kendall's enclosed backyard while looking for a missing child. Olsen entered without a warrant, and upon doing so, entered unlawfully, thereby violating Kendall's constitutional rights. In addition, according to information provided to the Police Civilian Review Board by Olsen, Olsen was able to enter through a closed gate, walk around the yard to a closed shed, search the shed and close the shed before being approached by Geist, Kendall's Weimaraner dog.

Kendall says, "What I have learned through this process is that as a policy, if

there is a missing child or a missing or endangered person, the police search people's backyards, as a policy. The policy itself is unconstitutional."

Kendall is seeking \$2 million from the City. "People will say that \$2 million is a lot of money, but they don't realize what I have gone through to try and create change and get this prevented," Kendall said. "At the end of the day, I hope that [officer] training and policy change are what come out of this action."

Kendall believes that if Brett Olson had been trained to look over the fence for signs of a dog, he would have noticed dog toys, a bowl, and other indications that an animal may be present.

"This whole thing has been extremely tragic and has caused Sean Kendall unbelievable heartache and depression," said Kendall's attorney Ross (Rocky) Anderson. "Also, the anger he has felt when people say, 'Just take a couple hundred dollars and get a new dog' is as hurtful to him as someone saying that about a child."

Anderson discovered that, in 2009, under Utah statute, the Utah Legislature passed a bill stating that before anyone can bring a lawsuit against a law enforcement officer, the person claiming injury by that officer must first file a bond with the court in an amount set by the judge to be estimated attorneys' fees for the officer.

"We filed the declaratory judgment action attacking the constitutionality of that horrendously discriminatory legislation that basically attaches a huge price tag to obtain any justice to those injured at the hands of law enforcement officers, said Anderson, "It took nine months before the judge found that Sean is impecunious under the terms of another Utah statute and he did not have to file the bond, but did have to pay a \$300 fee under another statute that attached a price to pursue one's claims."

Anderson is currently appealing the ruling because he believes the statute bond for estimated cost for officers' defense is unconstitutional and he would like it removed from the books altogether.



Geist

Early on, Kendall was offered a \$10,000 settlement from the city, which he declined. "For Sean, he is not going to allow the city to pay a \$10,000 license to violate the constitution and kill his dog," Anderson said. "The most vital importance to Sean and to me as his counsel, is that there be major changes in the policies and practices as well as accountability in the Salt Lake City Police Department."

