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October 18, 2021

Chief Ed Varso
Escondido Police Department
1163 Centre City Parkway
Escondido, CA 92026

Re: Fatal shooting of Mr. Steven Olson by Escondido Police Officer Chad Moore on April 21, 2021; Escondido Police Case No. 21004031; DA Special Operations Case No. 21-055PS; Deputy District Attorney assigned: John B. Dunlap

Dear Chief Varso,

We have reviewed the materials compiled by the Escondido Police Department Crimes of Violence Unit concerning the shooting of Steven Olson. A District Attorney Investigator responded to the scene and was briefed by your investigators. This case was submitted to the District Attorney's Office on July 22, 2021. Additional materials were provided through September 27, 2021.

Summary

On April 21, 2021 at approximately 7:02 a.m., the Escondido Police Department received a call reporting a person hitting parked vehicles with a metal pole in the parking lot of a business. An officer contacted Steven Olson, the subject of the call, in the parking lot. The officer recognized Olson from prior police contacts. A witness at the scene explained he saw Olson tampering with a vehicle and was hitting a pole while speaking incoherently. The witness did not see Olson hit any vehicles.

Olson was holding a squeegee and a 25 inch metal crowbar in his hand. The officer told Olson multiple times to put the crowbar down. Olson held the squeegee and crowbar down to his side and did not raise the crowbar in a threatening manner. Olson did not comply with the officer's commands to drop the crowbar and jogged away from the officer. The officer advised over police radio that Olson was running away and the officer was not in pursuit.

Approximately five minutes later, Officer Chad Moore, a police service dog handler, was driving to an unrelated burglary alarm call when he observed Olson standing in the middle of the street at 100 S. Broadway. Moore had been monitoring the radio call regarding Olson potentially vandalizing vehicles. Moore was familiar with Olson from previous contacts. Moore used the public address system in his patrol vehicle to warn Olson to leave the area or Olson may go to jail. Olson did not comply with Moore's commands.

Moore exited his patrol vehicle and Olson walked directly towards Moore. Olson dropped the squeegee, but was still holding the crowbar in his right hand. Moore unholstered his firearm and backed up as Olson walked quickly towards him. Moore pointed his firearm at Olson and gave him multiple commands to drop the crowbar. Olson continued to advance towards Moore with the crowbar

held up to his side with his elbow bent in a 45-degree angle. Moore continued backing up while telling Olson several times to drop the crowbar or he was going to shoot him. Olson continued advancing towards Moore, who had stepped up onto a sidewalk and was backing up against a wall. Olson came within striking distance of Moore. Moore feared Olson would strike him with the crowbar so Moore fired his weapon striking Olson several times. Olson fell back into the roadway, dropping the crowbar onto the sidewalk.

Additional officers arrived within seconds and immediately provided medical aid until paramedics arrived. Olson was transported to Palomar Medical Center where he was pronounced deceased. Toxicology testing detected amphetamine (<0.01 mg/L) and methamphetamine (0.05 mg/L) in Olson's system. The cause of death was determined to be multiple gunshot wounds and the manner of death was determined to be homicide.

Persons Involved

Steven Olson was a 59-year-old resident of Escondido. At the time of the incident, Officer Moore had been employed by the Escondido Police Department for eight years.

Civilian Witness One (CW1)

CW1 was looking through his vehicle for his phone when he heard loud banging. CW1 looked up and saw a white male holding a crowbar in one hand and a squeegee in the other hand. The male was hitting a pole and speaking incoherently.

CW1 walked back towards his building when he saw the man tampering with the windshield wiper of one of his employee's cars. CW1 approached and yelled to the man to leave as it was private property. CW1 warned the man that he would call the police if he did not leave. CW1 did not get close because of the man's behavior and he was armed with the crowbar.

Since the man did not leave, CW1 went inside the building and told an employee what he had witnessed and to call the police. CW1 went back outside and saw that the man had walked towards a dumpster enclosure. Several minutes later, a police officer arrived and CW1 directed the officer towards the man. The officer drove to the male in the dumpster area.

After the officer contacted the man, the man walked away in an eastbound direction, clutching his pants with the crowbar still in hand. Another officer arrived and the first officer stopped briefly to talk with CW1. Suddenly, the officers said they had to leave and quickly drove away. Seconds later, CW1 heard "five pops" which he believed to be gunshots. CW1 walked towards the area where he heard the gunshots. CW1 noticed an officer doing chest compression on a person on the ground.

Civilian Witness Two (CW2)

CW2 was standing on the east side of the street when he saw a man come from an alleyway across the street. The man went to the middle of the street, flailing sticks or squeegees in his hands while speaking incoherently.

A police car arrived and the officer activated a horn warning the man he was going to go to jail if he did not get out of the street. The man threw one of the sticks or squeegees on the ground and walked

towards the police car. The officer got out of the vehicle. The officer walked backwards with his handgun out. The officer told the man to drop the "sticks."

The police officer was "back peddling" as the man continued to follow the officer. The officer almost fell as he backed up. The officer looked behind himself as he backed up against a wall. Once the officer was against the wall he started shooting. CW2 looked away when the officer began to shoot and did not recall how many shots were fired. In an initial statement at the scene, CW2 said that he heard "five" shots, but added "I don't know anything about that."

CW2 believed the officer was going to pepper spray or tase the man but "he had no freaking choice" to shoot. The man got within "two arms lengths" of the officer when shots were fired. CW2 estimated that he was standing approximately 100 feet away but could hear what was said by the officer.

CW2 has seen the man around but does not personally know him. CW2 described the man as always speaking incoherently and that he tried to stay away from the man because of his behavior.

Civilian Witness Three (CW3)

CW3 saw a man come out of the alleyway from the opposite side of the street. The man was holding two objects. One was a squeegee. The second object looked like a gardening tool with a spike on the end. The man waved the objects and mumbled incoherently. The man walked into the middle of the street and a police officer drove up from Second Avenue. The officer called to the man by name over the PA system of the patrol vehicle, telling the man to get out of the street or he would be going to jail. The man ignored the officer.

The officer got out of his car and walked backwards to the rear of his patrol vehicle. The man dropped the squeegee and started walking towards the officer with the second object raised over his head. The officer, who was almost up against the building, kept telling the man to drop what was in his hand. The man kept advancing with the object held up but was not really saying anything. The man was standing with his arm raised over his head and "the cop just shot him." CW3 said there was no warning by the officer. The officer fired five to six shots.

Civilian Witness Four (CW4)

CW4 saw a man in the middle of the street waving two "sticks" around while talking to himself. CW4 believed the man had come from the alleyway on the east side of the street. A police officer arrived, sounded an airhorn, and told the man, "get out of the middle of the street, you're going to go to jail today." The officer turned on his lights and called the man by name. The man did not comply with the officer's commands. The man put his hands up to his ears and said, "I can't hear you, I can't hear you," while still holding the "sticks." The "sticks" looked like a barbecue brush that had been broken in half. The officer got out of his car and walked around the man towards the rear of the patrol vehicle. The man walked up to the police car and "started messing with the dog" by tapping on the window of the car aggravating the dog.

The man started walking towards the officer with a "stick" in each hand. (In the video recording of the interview, CW4 held both arms to his side and with his elbows bent in a 45-degree angle demonstrating how the man was holding the objects.) The officer drew his gun and told the man to stop coming at him or he was going to shoot him. The man kept advancing on the officer with the

“sticks.” The officer kept backing up until he was almost across the street. The male “came at him again, for like the fifth time, and that’s when he shot at him.” The man was about two to three feet away from the officer when the officer shot him. CW4 stated he would have felt threatened if the man was advancing on him in the same way he saw the man approach the officer. CW4 witnessed the incident from across the street. CW4 had seen the male around town before but did not know him.

Law Enforcement Witness One (LE1)

LE1 received a radio call regarding a man potentially vandalizing vehicles. LE1 responded and observed Steven Olson in a dumpster enclosure just north of the location of the radio call. Olson was holding a crowbar. LE1 drove past Olson to contact the reporting party, CW1. CW1 told LE1 that Olson was the person hitting a pole next to an electrical box. There was no damage to the electrical box. CW1 said that he did not observe Olson damaging any vehicles but observed Olson tamper with a black BMW in the parking lot. CW1 told LE1 that Olson had lifted the windshield wipers of the vehicle as if to clean the windshield and then put the wipers down. CW1 said that he had approached Olson and told him that he was on private property and needed to leave.

LE1 drove approximately 30 yards to the dumpster where Olson was located. LE1 announced his presence as “the police department” via the patrol vehicle’s public address system. LE1 recognized Olson from past contacts. LE1 referred to Olson by his first name “Steven” and told Olson to put the crowbar down. Olson did not acknowledge LE1. LE1 activated his BWC and exited his patrol vehicle. LE1 told Olson again to put the crowbar down. Olson turned and began walking towards LE1. Olson got within approximately four feet of LE1. Olson had the crowbar in his right hand and a squeegee in his left hand. Olson kept the crowbar lowered and at his side. LE1 repeatedly told Olson to put the crowbar down. LE1 asked Olson to talk to him. Olson moved the squeegee to his right hand with the crowbar. LE1 said that Olson was yelling incoherently. LE1 was unable to understand what Olson was saying. Olson backed away from LE1 and jogged away east in the alley towards Broadway. LE1 said he mistakenly broadcast over police radio that Olson fled west.

Olson continued east down the alley with the crowbar still in his hand. LE1 lost sight of Olson after Olson reached Broadway. LE1 spoke to the reporting party again to verify what, if any, crimes had occurred. The reporting party told LE1 that he did not observe any vandalism.

Moore broadcast over police radio that he was contacting Olson on Broadway. LE2 arrived at LE1’s location, and as the officers were on their way to locate Olson, Moore broadcast “shots fired.” LE1’s windows were rolled up and he did not hear any gunshots. Upon arrival, LE1 observed Olson and the crowbar on the ground. Olson was bleeding. LE2 and another officer arrived on scene. LE1 directed LE2 to assist Moore while LE1 and the other officer who had arrived rendered first aid and CPR on Olson. Paramedics were immediately called to the scene.

LE1 indicated that has responded to “numerous” radio calls involving Olson. In most of the contacts, LE1 says that Steven Olson “makes random statements” and “does not make any sense.”

Law Enforcement Witness Two (LE2)

LE2 was dispatched to cover LE1 on a radio call regarding a male with a crowbar possibly vandalizing vehicles. While driving to the location, LE2 heard over the radio Olson was running westbound. LE2 went to Escondido Boulevard to look for Olson. He did not locate him so he drove to LE1’s location.

Upon arrival, LE2 discovered Olson had run east from the original call location. LE1 told LE2 that he believed Olson was under the influence. As LE2 was getting back into his patrol vehicle, Moore advised over radio Olson was walking in the middle of the street. While driving to Moore's location, LE2 heard Moore broadcast "shots fired" and "start medics."

LE2 arrived and observed Olson laying on the sidewalk and pavement. LE1 and another officer rendered aid to Olson. Olson appeared to have a neck injury. LE2 checked on Moore. Moore told LE2 that he fired five or six shots. Medics arrived on scene within a minute or two.

Statement of Officer Chad Moore

At approximately 7:00 a.m., Moore left the police station because he heard a priority radio call of a white transient male swinging a large metal object. Moore was not dispatched to the call. Since other officers were responding to that call, Moore decided to respond to a radio call of an audible burglary alarm. While driving to the alarm call, Moore heard LE1 broadcast that the subject of LE1's radio call was "Steven Olson." LE1 broadcast that Olson was under the influence of drugs, had run westbound and officers were not in pursuit.

Moore drove towards the alarm call, travelling eastbound on Second Avenue to northbound Broadway and intended to turn right on Grand Avenue. As Moore turned onto Broadway, he saw Olson in the middle of road on Broadway holding a squeegee and a large crowbar with a pointed edge and rubber grip. There were transients located on the west and east side of Broadway, as well as vehicle traffic at Grand Avenue and Broadway and Second Avenue and Broadway.

Olson was very "animated" while in the middle of the road. The objects were raised above Olson's shoulders as Olson yelled unintelligibly. Moore stopped his vehicle and advised over police radio that he was with Steven Olson on Broadway, south of Grand Avenue. Moore, who had his emergency lights on, used his vehicle public address system to advise Olson that was going to go to jail if he didn't knock it off and leave. Moore also had his police service dog bark into the public address mic as a deterrent. Olson did not comply and remained in the road. Moore has used commands over the public address system and the barking police service dog to get Olson to comply in the past.

Moore exited his vehicle and activated his BWC while Olson was approximately 15 to 20 feet in front of the patrol car. Olson dropped the squeegee but was still holding the crowbar. As Moore got out of his vehicle, Olson had a "dead stare," appeared angry and his eyes were solely focused on Moore. In the past contacts Moore has had with Olson, Moore had never seen him with that intensity. Moore felt there was something different about Olson. Moore unholstered his firearm believing Olson posed a lethal threat as Olson continued to approach.

Olson briefly stopped at the left rear door of Moore's vehicle where the police service dog was barking. Moore called Olson by name and gave him commands to drop the crowbar or he was going to shoot. Olson did not comply with Moore's commands. Moore backed up as Olson continued to walk towards Moore while making unintelligible "growling" noises. Olson briefly stopped but continued walking towards Moore. Olson at times would grip the crowbar differently. He would raise it above his shoulder and bring it back down, before bringing it back up.

Moore considered other force options, but ultimately determined Olson was presenting a lethal threat and other options were not feasible. Moore could not use a baton, as he would have to move towards Olson to be effective and he would place himself within striking distance of the crowbar. Moore had experienced that pepper spray can sometimes be ineffective on persons under the influence and wind could shift towards Moore potentially contaminating himself. Moore said that he could not use a taser, as he would have to re-holster his firearm, and did not have time to transition to his taser before Olson could close the distance and stab or strike Moore with the crowbar. Moore believed it would have taken Olson less than a second to make up the distance and attack. Moore could not use his police service dog, due to the limitations in the animal's decision making capabilities. Moore had backed away from the patrol vehicle where the police service dog was located to give Olson the opportunity to comply. Moore expressed concern with remotely opening the door to the patrol vehicle and releasing the dog who could potentially focus on the nearby transients instead of Olson. Moore estimated he was about 15 feet from the patrol vehicle and would have to divide his attention between gaining control of the police service dog and the threat that Olson presented.

Olson continued towards Moore, who backed up until he hit the curb and had to step onto the sidewalk. Moore realized he only had three to five feet before backing into the wall of the building. Moore estimated that he backed up 70 to 100 feet from his patrol vehicle, giving Olson ample room to flee if that was his intent. Instead, Olson continued to advance on Moore. Olson stepped up onto the curb with the crowbar raised. He was within seven feet of Moore. Moore fired his handgun at Olson. Moore advised over police radio that shots were fired and requested medics. Within seconds, other officers arrived and began providing medical aid to Olson.

Moore believed that Olson was an "imminent threat" and appeared intent on fighting. Moore said if he did not address the threat, he thought Olson would stab him with the sharp end of the crowbar or strike him in the head with the handle of the crowbar, potentially killing him.

Moore has had numerous interactions with Olson including a recent incident where Olson was armed with a broomstick and Olson was swinging an "exacto" knife at a security officer

Investigation

100 S. Broadway is located in a commercial area of Escondido. The crime scene was secured, photographed, and investigated by the Escondido Police Crimes of Violence Unit. All detectives' reports, audio recorded interview of witnesses and officers involved, along with the medical examiner's report, BWC footage and surveillance video was reviewed.

All officers involved were wearing Escondido Police Department uniforms with Escondido police shoulder patches. All officers on scene were equipped with BWC. The digital clock in the upper right corner of the Axon player is displayed in Zulu / UTC (Universal Time Coordinated). A conversion table was used to convert to Pacific Standard Time (local) which is minus eight hours from UTC time.

At 7:01 a.m., a 911 call was received reporting a white male in the parking lot with a "metal pole" at 270 W. Second Avenue in Escondido. At approximately 7:06 a.m., BWC from LE1 showed LE1 drive to Olson, who is bent down near a dumpster enclosure. Olson was wearing a surgical mask. LE1 exited his patrol vehicle and walked towards Olson. LE1 called to Olson by his first name, "Steven," and told Olson to put the crowbar down. Olson walked towards LE1 with the crowbar and a squeegee held down by his side. LE1 again told Olson to put the crowbar down. Olson responded by mumbling and

speaking incoherently. LE1 told Olson 11 times to put the crowbar down. Olson kept the crowbar down to his side and did not raise the crowbar towards LE1, but he did not comply with the commands to put the crowbar down. LE1 advised over police radio that the subject of the call is "Steven Olson" and that Olson is "11-5" (under the influence of a controlled substance). Olson turned to slowly jog away from LE1. LE1 advised over radio that Olson is running "westbound" and that he was not pursuing him. Olson is seen running eastbound through the south alley of 100 W. Grand Avenue.

At approximately 7:08 a.m., surveillance video captured Olson walk through the alley and enter the back patio of "Pounders Sports Pub." Olson walked into the bar through the back door and was escorted out by an employee. Olson left the back patio and continued walking eastbound in the alley.

At approximately 7:12 a.m., Moore's BWC showed Moore stopping his patrol vehicle in the middle of 100 S. Broadway and exit his patrol vehicle. Olson, who is in the middle of the street, immediately walked towards Moore. Olson was still wearing the surgical mask over his mouth and nose. The squeegee was in the middle of the street. Olson held the crowbar in his right hand and down to his side. Olson unholstered his handgun and began backing away from Olson.

Olson approached the rear driver side of Moore's patrol vehicle and mumbled something into the window where Moore's police service dog was located and could be heard barking. Moore took several steps towards Olson and called to him by his first name, "Steven," telling Olson "drop it now." Olson redirected his attention towards Moore and said, "you got some problem?" Olson mumbled a few more unintelligible words. Olson walked towards Moore while holding the crowbar down by his side. Moore backed up and ordered Olson "drop it now." Olson did not comply, instead holding the crowbar by the shaft and raised it chest height while continuing to walk directly towards Moore. Moore continued to back up with his firearm pointed at Olson and said in a loud voice, "Steven, you're going to get shot." Olson continued towards Moore and Olson told Moore, "I know and you're going to get hit." Moore yelled to Olson two more times to "drop it." Olson briefly stopped with the crowbar held chest high and Moore ordered Olson to "drop that now!" Olson said something unintelligible.

As Moore backed onto the sidewalk, Olson took a few more steps towards Moore. Moore, who still had his firearm pointed at Olson, said, "Steven! I am going to shoot you!" Olson took two more steps towards Moore and Moore ordered Olson to "drop that pipe now!" Olson continued to take additional steps towards Moore. Moore told Olson again to "drop it." Olson placed his right foot onto the sidewalk and raised his left arm out in front of him while holding the crowbar out at his side and moving it around. At this time, Moore fired his weapon striking Olson multiple times. Within ten seconds, additional Escondido police officers arrive and begin rendering first aid to Olson.

Scene measurements taken by investigators showed the distance Moore backed away from the driver's door of his vehicle was approximately 65 feet. Scene examination revealed Olson was armed with a 25-inch metal crowbar. Moore was armed with a 9mm Glock 34 with a Surefire X300 mounted light. One round was in the chamber of the firearm and nine rounds were in the seated magazine. A total of seven 9mm cartridge casings with a head stamp marking "WIN 9MM LUGER" were located and recovered from the sidewalk where the shooting took place. Based on the examination of Moore's handgun and magazines and the casings found at the scene where the shooting took place, it was determined Moore fired a maximum of seven rounds.

On April 22, 2021, an autopsy took place. Four penetrating gunshot wounds and three perforating gunshot wounds were seen. Penetrating gunshot wounds were located to the left side of the neck, right chest and right shoulder, right paramidline and to the mid chest. Perforating gunshot wounds were located on the right chest, left chest and left forearm. Two graze wounds to the left hand and left index finger were noted. A blunt force injury to the midoccipital portion of the scalp was also noted. Toxicology testing from Olson detected amphetamine (<0.01 mg/L) and methamphetamine (0.05 mg/L). The cause of death was determined to be multiple gunshot wounds and manner of death was determined to be homicide.

An experienced K9 trainer officer employed by the San Diego Police Department was consulted. The trainer confirmed it would have been unwise to release the K9 from the patrol unit because Moore would have not been able to control the K9 and it could have focused and targeted the transients seated on the nearby sidewalk.

Legal Standards of Criminal Liability

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary:

To defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

"A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not poses an imminent threat of death or serious bodily injury to the peace officer or to another person." Penal Code section 835a(c)(2). The statute provides definitions for "deadly force," "imminent" and the "totality of circumstances" in Penal Code section 835a(e)(1) – (3).

""Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

"A threat of death or serious bodily injury is "imminent" when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person." Penal Code section 835a(e)(2).

"An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2).

""Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force." Penal Code section 835a(e)(3).

“In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2).

“[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

“A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

Penal Code section 196 was also amended. The statute provides that homicide is justified when committed by peace officers and those acting by their command in their aid and assistance when the homicide results from a peace officer’s use of force that is in compliance with Section 835a.

Conclusion

Officers responded to a 911 call reporting a male was hitting cars with a metal pole. When an officer responded to that location, he contacted Olson, who was holding a crowbar. Olson ignored the officer’s commands to put down the crowbar and fled eastbound. The officer who initially contacted Moore confirmed with the reporting party that Olson was seen tampering with cars and hitting a pole but had not hit any cars with the crowbar.

Moore encountered Olson in the middle of the street at 100 S. Broadway holding a 25-inch crowbar. Moore, who had been monitoring the radio call involving Olson and was familiar with Olson, used the patrol car public address system to order Olson to leave the area or go to jail. Olson ignored Moore’s commands.

Moore exited his patrol vehicle as Olson approached. Moore unholstered his firearm and retreated as Olson approached holding the crowbar in his right hand. Moore pointed his firearm at Olson ordering Olson to drop the weapon seven times and warned Olson he would get shot two times. Despite the commands and warnings, Olson continued to approach while raising the crowbar out from his side and at times up to his shoulder in a manner one would hold the crowbar if intending to strike a target. Olson told Moore he was going to get hit when Moore tried to warn Olson he would be shot. Moore backed up onto a sidewalk towards a wall while facing Olson. When Olson raised his right arm while holding the crowbar, Moore fired multiple rounds striking Olson.

In reviewing the totality of the circumstances: the crowbar in Olson’s possession; Olson’s refusal to obey commands and put down the crowbar despite multiple warnings; the position of Moore in relation to Olson; and Olson’s continued approach with an object that could be used as a weapon to inflict great

bodily injury or death, Moore would have reason to believe that he was in imminent threat of serious bodily injury or death, viewing the situation as an objectively reasonable officer would.

While Moore was equipped with less lethal force options, the use of any of these less lethal options was not feasible given the immediacy of the perceived threat. It is not unreasonable, especially after reviewing BWC footage, that Moore would not have time to re-holster his firearm to transition to a less lethal option. Furthermore, the police service dog was in the patrol vehicle and was not a viable option because there were bystanders in the area. Moore would not be able to obtain control of the police service dog while his focus was on the perceived threat from Olson. Out of Moore's control, the police service dog would be a threat to the bystanders.

Under the totality of circumstances, Moore was justified in his actions and bears no state criminal liability. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,



SUMMER STEPHAN
District Attorney

SS:gm

cc: Captain Justin Murphy