



THE STATE
of **ALASKA**
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CRIMINAL DIVISION

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September 30, 2024

Chief Sean Case
Anchorage Police Department
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RE: Use of Deadly Force Review—APD Case No. 24-20959

Chief Case:

This letter summarizes the Office of Special Prosecutions'¹ review of the incident involving Anchorage Police Department² Officer Jacob Jones and Officer Brandon Stack's use of deadly force against Damien Dollison on July 8, 2024 in Anchorage. This analysis is based on my review of the investigative reports related to this incident, along with the accompanying interviews, audio and video recordings, photographs, lab reports, and other evidence submitted to date.³ The purpose of the evaluation in this matter is to determine whether the officers should face criminal charges for their use of deadly force during this incident.⁴

After applying the governing law to the facts and circumstances surrounding this incident, OSP will not file criminal charges against Officers Jones or Stack. For the reasons explained below, I have concluded that both officers were legally justified in using deadly force to defend themselves and others and, therefore, criminal charges are not appropriate.

¹ The Office of Special Prosecutions is hereafter referred to as OSP.

² The Anchorage Police Department is hereafter referred to as APD.

³ This review is based on the information provided up to the date this letter was written. Additional information not previously provided to OSP for review could change the analysis in this matter.

⁴ The purpose of OSP's review is solely to determine whether criminal charges against the officers are warranted given their use of deadly force. OSP does not review these cases for policy violations or to determine whether an officer's conduct is appropriate under any applicable use-of-force policies. OSP also expresses no opinion as to the general appropriateness of any APD policies, including use-of-force policies.

Summary of Pertinent Facts⁵

911 Dispatch and Radio Logs

On July 8, 2024, at 3:27 a.m., 911 dispatch received a call from an employee at the Circle K Convenience Store at Bragaw and DeBarr. The employee reported there was a male in the store with a shotgun. The caller told dispatch that the male earlier had pointed the gun and fired it at someone outside of the store. The caller said the male was currently inside the store with a shotgun and was yelling at someone outside. While talking to dispatch, the employee reported the male left the store and was walking around the parking lot with the shotgun.

Multiple officers were dispatched to the call; dispatchers relayed the above information to officers, including that when the gun went off, it was pointed at somebody. At 3:29:30 a.m.⁶, Officer Jones aired “He’s to the South. He’s running behind the church to the South. He just pointed the handgun at me... or the shotgun at me...” At 3:29:43 a.m., Officer Jones aired “He just fired a round off at me. Shots fired.” At 3:29:45 a.m., Officer Jones aired “He’s running to the east, behind the liquor store...” At 3:30:00 a.m., Officer Stack aired “Shots fired.” At 3:30:05 a.m., Officer Jones aired “Shots fired. He’s running to the east. He still has the gun.” At 3:30:36 a.m., officers near the male aired that the male is “down on the ground” and asked for a patrol car to come to their location behind the Brown Jug. Shortly thereafter, officers aired that the male had the shotgun at his feet. Ongoing radio traffic after that discussed the status of the male, medics, detailed the medical treatment officers were providing, to include two tourniquets, and the injuries they observed, to include a gunshot wound to the male’s upper right chest.

Reports from Responding Officers

Multiple officers responded to the call and wrote police reports about what they observed. As these reports provide overlapping information, they are jointly summarized, below. Officers reported that when the initial call was aired over the radio, multiple officers were gathered together nearby to prepare for the service of a search warrant.

⁵ This factual summary is based upon the investigative materials provided to OSP in the above-referenced case, including written reports, audios from the incident, audio and video recorded interviews, and photographs. Because Mr. Dollison is currently facing criminal charges related to this event, and because this letter is likely to be disseminated in a public forum, this summary is limited to information necessary to explain my decision. See Alaska Rules of Professional Conduct 3.6 and 3.8. In other words, the facts contained in this letter are those necessary to inform you of the nature and extent of my review but do not represent the entirety of the investigation or the materials I reviewed.

⁶ The times in this section are based on the timestamp on Officer Jones’ body worn camera video for consistency.

They reported the initial report provided by dispatch indicated a male was threatening people with a firearm at the Circle K, and reportedly shots had been fired. The officers noted dispatch advised the suspect was a black male adult wearing a camouflage jacket. Officers reported that as they were arriving at the scene, they heard radio traffic that the male had pointed a gun at an officer and fired a round. The officers reported they were provided updates of the male's location and direction of travel. Officers also reported hearing radio traffic that an officer had fired shots at the suspect. Several of the responding officers reported they heard gunshots as they arrived at the scene.

Multiple officers reported they arrived to find a male, later identified as Damien Dollison, on the ground near a fence behind the Brown Jug on Bragaw Street. Responding officers observed a shotgun at Mr. Dollison's feet. Officers described that Mr. Dollison was ordered to move away from the shotgun; once he was away from the firearm, officers approached him and detained him and began performing medical treatment. The responding officers observed apparent gunshot wounds to Mr. Dollison's right arm, right pectoral and his right thigh/hamstring; the officers applied tourniquets to his arm and leg, and a chest seal to the injury on his pectoral before medics transported him via ambulance. At the hospital, the attending doctor advised officers that Mr. Dollison had been shot twice: one round grazed his arm from his elbow to his armpit but did not enter his chest cavity; the second bullet entered the back of Mr. Dollison's leg, shattering his femur. Officers reported Mr. Dollison was taken into surgery and an officer collected bullet fragments that were removed from Mr. Dollison during surgery.

Officers Anderson and Voss provided interviews with detectives about what they observed. Officer Voss was the field training officer ("FTO") for Officer Anderson, and the two were traveling in the same patrol car. Officer Voss said that when they were enroute to the call, they heard that a shot had been fired at the Circle K and it was unknown if there were injuries. He said dispatch aired that the suspect had left the store, but he did not hear what direction the suspect was traveling. Officer Voss said that they stopped in the middle turn lane by the gas station and went to the trunk to get their long guns. Officer Voss said he heard Officer Jones air that "he just pointed the handgun, and then he corrected himself, he just pointed the shotgun at me."

Officer Voss said he then heard "the first boom" coming from the south, which he thought was the shotgun going off. He said that as he and Officer Anderson ran south, past the church. Officer Voss said he heard handgun rounds and estimated he heard at least a dozen rounds going off in rapid succession. Officer Voss said he then heard a few more pistol rounds, then heard at least one more "boom" at about the same time. He said the "boom" sounded similar to the first one, and he again thought it came from a shotgun. Officer Voss said he did not remember if he heard one or two more "booms" at that point, but he knew he heard at least two total. He told detectives he then heard a brief pause,

and then about three or four more pistol rounds. Officer Voss said he continued southbound towards the Brown Jug and saw Officer Stack standing partially in his marked patrol vehicle, with his gun drawn. Officer Voss said he then heard someone say the suspect was down. Officer Voss said he saw a man in a camouflage jacket on the ground near the fence with a shotgun near him. Officer Voss described that officers approached the male and detained him and provided medical treatment until medics arrived.

Officer Anderson, who was with Officer Voss, said they responded to the call and stopped behind another patrol vehicle that had just stopped on Bragaw, just past the Circle K. He said that as he was getting out of the vehicle to grab his rifle from the trunk, the other patrol vehicle drove further south on Bragaw. Officer Anderson said after he got out of the vehicle, he heard two gunshots. He described their sound as “loud, like a cannon.” Officer Anderson thought those shots sounded like they were from a shotgun or a rifle, given how loud they were. He said he grabbed his rifle and started running south on the sidewalk, near the church. Officer Anderson said at that point, he heard a number of rapidly fired gunshots, which he estimated to be between five to seven shots. He said he thought these shots were from a handgun, as he could tell a difference between the sound of those shots compared to the louder volume of the first two shots he heard. Officer Anderson said when he caught up to the suspect, he was already down; he described that he and other officers gave commands, approached, and detained the male.

Investigation

APD detectives and the Crime Scene Team were notified and responded to investigate the initial report of the shooting at Circle K and the officer-involved shooting. Patrol officers secured the scene, contacted witnesses, and transported them to APD headquarters to be interviewed by detectives.

Detectives collected and reviewed video surveillance from the Circle K from earlier in the evening. The surveillance video shows a man who appears to be Mr. Dollison⁷ at the Circle K in a Jeep from about 2:39 until 3:20 a.m. He is seen at the gas pumps, in the store, and standing around the parking lot area. A truck, later identified as belonging to W.C., is also in the parking lot at the time, as is W.C. At 3:25 a.m., Mr. Dollison, still wearing the same clothing as before, is seen on the camera returning to the Circle K on foot; there is what appears to be a long gun in his hand. Mr. Dollison walks towards the pickup truck and points the gun barrel directly at W.C. and pulls at the driver’s door

⁷ The images of the male, including the clothing he is wearing, are consistent with officers’ later description of Mr. Dollison and for ease of reference, the male seen in the video will be referred to as Mr. Dollison during this portion of the letter.

handle. W.C. gets out of the pickup truck with his hands raised; he then produces a handgun from his pants and points it at Mr. Dollison. Mr. Dollison is seen fumbling with the shotgun and moves backwards, to the west, and around the corner of the building.

W.C. follows with his gun up, staying several feet away from Mr. Dollison. At 3:26, Mr. Dollison stumbles and falls, then raises his gun and appears to fire a round; smoke can be seen on the camera coming from the barrel of the gun. Mr. Dollison continues to back up and enters the Circle K. Mr. Dollison continues to look out of the doorway of the store for several minutes, still holding the shotgun. At 3:28, Mr. Dollison and W.C. appear to be speaking to one another as Mr. Dollison exits the Circle K store. Mr. Dollison then walks north from the parking lot, away from W.C. W.C. continues to check to make sure Mr. Dollison is gone, and eventually goes back to his truck. APD patrol cars can be seen coming into the area at 3:29; W.C. stays in the area until police arrive.

Detectives also contacted nearby businesses to look for any relevant surveillance video of the incident between officers and Mr. Dollison. While videos captured events leading up to the shooting, none captured footage of the shooting. Detectives collected and inventoried Officer Jones' and Officer Stack's duty firearms. Officer Stack's duty handgun, a 9mm Glock 17, had a 22-round magazine in it that was loaded with 22 Hornady, 9mm bullets, with an additional bullet in the chamber. Officer Stack reported he reloaded a magazine at the scene and dropped the magazine that was originally loaded. Officer Jones' duty handgun, a Smith & Wesson M&P 9mm, was loaded with a magazine that had 13 bullets in it, and another round in the chamber. Officer Jones' spare magazines contained 17 and 18 bullets respectively.

Crime Scene Investigation

Officers with APD's Crime Scene Team also responded to document the scene, from the area around the Circle K to where Mr. Dollison was detained, behind the Brown Jug on Bragaw. The Crime Scene team took photographs, FARO and video images, and collected evidence. At the Circle K, the Crime Scene Team did not discover any shell casings⁸ or visible bullet defects. Along the route Mr. Dollison traveled, in the parking lot by the Sweet Pink Pepper, Crime Scene Team officers observed an expended red shotgun shell with a brass base. In the parking lot area between the Sweet Pink Pepper and the Brown Jug, officers observed Officer Jones' marked patrol vehicle; just outside of the driver's door, they found three silver 9mm shell casings. Toward the front of Officer Jones' patrol vehicle, the Crime Scene Team documented two unexpended shotgun cartridges and a set of keys on a

⁸ Based on video surveillance from the Circle K, it appears that an unidentified civilian may have picked up one or more spent casings/cartridges from the area around the Circle K and pocketed them prior to APD's arrival at the scene.

“Lithia” lanyard; these keys were later found to open the Jeep Mr. Dollison was seen driving at the Circle K.

In the parking lot on the other side of the Brown Jug, between the Brown Jug and Napoli’s Pizza, officers observed Officer Stack’s marked patrol vehicle. The Crime Scene Team saw a Glock 9mm extended magazine on the ground just outside of the driver’s door. The magazine had four 9mm rounds in the magazine. The Crime Scene Team documented numerous perforating defects in Officer Stack’s windshield; based on their review, they determined the defects indicated the bullets were fired from inside the vehicle towards the outside, through the windshield. Officers found 11 shell casings in Officer Stack’s vehicle, along with numerous bullet fragments. On the south, or passenger side, of Officer Stack’s vehicle, the Crime Scene Team observed four 9mm shell casings on the ground. The Crime Scene Team observed an additional expended red shotgun shell to the east of a dumpster behind the Brown Jug, between the dumpster and the fence (near where Mr. Dollison was eventually detained).

Officers observed numerous defects to the wooden fence that was behind Mr. Dollison when the officers fired. Crime Scene Team officers found several bullet projectiles, including one on the west side of the fence in the parking lot in front of the fence, and another on the ground on the east side of the fence, which appeared to have gone through the fence and ended up on the other side of the fence. In front of the fence, where Mr. Dollison was detained, the Crime Scene Team observed and photographed a silver shotgun with a pistol grip and what appeared, according to several officers, to be a sawed-off barrel and a sawed-off buttstock. The officers also documented that the shotgun’s serial number had been scratched off. Officers observed medical items and articles of clothing that appeared to have been cut off by first responders, to include a camouflage jacket. Officers also noticed several blue latex gloves in the jacket pocket or near the jacket.

In total, the Crime Scene Team documented: three 9mm shell casings by Officer Jones’ car; eleven 9mm shell casings from inside Officer Stack’s car, with another four 9mm shell casings found on the south side of Officer Stack’s car; two expended shotgun shells, one by Sweet Pink Pepper and the other by the dumpster behind Brown Jug; and two unexpended shotgun cartridges, both near the front of Officer Stack’s vehicle.

Officer Stack’s Interview

Detectives interviewed Officer Stack; this interview was recorded. Officer Stack said he was working as a K9 Officer and on patrol on July 8. Officer Stack said he was wearing a standard APD uniform and driving a marked SUV patrol vehicle. He said many officers had gathered to prepare to execute a search warrant; he and Officer Jones were both there to serve as K9 Officers during the execution. While the officers were gathered,

dispatch aired that there was a disturbance with a weapon at the Bragaw and DeBarr Circle K. Officer Stack said he heard over the radio there was a male in the store with a shotgun wearing a camouflage jacket and responded to the call.

Officer Stack said as he was getting close to Bragaw and DeBarr, he heard dispatch say that the person with a shotgun had fired a shot. He said that when he turned onto Bragaw from DeBarr, a marked patrol sedan was driving directly in front of him and Officer Jones was driving in front of the sedan. Officer Stack said he drove in front of the sedan and when he got close to Officer Jones, Officer Jones reported over the radio that the male just pointed the shotgun at Officer Jones. Officer Stack said he heard a loud boom that he recognized as being a shotgun. He said he then saw, through a chain link fence surrounding the church, a male running near the church holding a shotgun. Officer Stack said the “boom” came from the area where he saw the male running. Officer Stack said Officer Jones aired that the male had just shot at him. Officer Stack said he did not know if Officer Jones had been shot or if he was injured.

Officer Stack said he pulled up mostly in line with Officer Jones’ vehicle. He said Officer Jones aired that the suspect was running south and had the shotgun. Officer Stack said that as they drove south on Bragaw, he could see Mr. Dollison⁹ through a fence to the south of a church. On a map, he indicated that he first saw Mr. Dollison at the southwest corner of the Iglesia Ni Cristo Church, located at 1441 Bragaw Street. Officer Stack said Mr. Dollison began to round the corner and Officer Stack saw that he had a shotgun in his hands. Officer Stack said Mr. Dollison ran eastbound down the alley on the north side of the Sweet Pink Pepper. Officer Stack said Officer Jones followed Mr. Dollison down the alley in his patrol vehicle. Officer Stack said he thought Mr. Dollison would keep running, so he drove a little further and then turned left in between buildings, in order to position himself to cut Mr. Dollison off. Officer Stack said he had his red and blue emergency lights on and believed Officer Jones did as well.

Officer Stack told detectives that at this point, he was aware Mr. Dollison had fired a shot while at the gas station and had fired another shot at Officer Jones. Officer Stack said he was afraid Mr. Dollison was going to “continue to shoot at us... or he is gonna continue to shoot at somebody else and kill them.”

Officer Stack said Mr. Dollison came from the alleyway towards him; he said he thought Mr. Dollison recognized “pretty... early on after getting within view” of Officer Stack that he was a police officer positioned to try and cut him off. Officer Stack said the male was the same person he had seen earlier and still had the shotgun in his hands. He

⁹ Officer Stack reported he did not know the name of the suspect when he responded to the call and did not believe he had ever met Mr. Dollison before. For purposes of this letter, Mr. Dollison is referred to by name although Officer Stack did not know his name at the time of the incident.

said Mr. Dollison was near the large green dumpster in the parking lot, standing along the fence that separated the Brown Jug parking lot from a nearby trailer park, when he turned his “whole entire body towards me” and raised the shotgun. Officer Stack said Mr. Dollison then pulled the trigger and shot at Officer Stack. Officer Stack said he heard a loud boom, the same as he had heard earlier.

Officer Stack said he thought Mr. Dollison was trying to kill him; he said he was afraid he was going to get shot in his face, which was exposed. Officer Stack noted there was a “low chance” of survival if he was shot in the face with a shotgun. He said he was worried the male was going to continue to move towards him as he sat in his car. Officer Stack said he did not want to be stuck in his car if the male continued to shoot at him and said he planned to “fight [his] way out of [his] car.”

Officer Stack described the man as “bouncing back and forth” and using the dumpster as cover. Officer Stack said he was aware Officer Jones was somewhere to the north, and knew the surrounding area was populated. Officer Stack told detectives he had unholstered his duty pistol earlier, when he first saw Mr. Dollison on Bragaw. Officer Stack said he fired about twelve times through his windshield at Mr. Dollison; he said he stopped shooting when he lost sight of him. Officer Stack said that in his experience and training, he knows it takes a lot of rounds to fire through glass like a windshield, because of the fragmentation of the bullets and the trajectory. He said that he has been trained to shoot a big enough hole to where there is no barrier between the shooter and the target.

Officer Stack said after he got out of his car, he saw Mr. Dollison taking a defensive position behind the dumpster and facing Officer Jones; he said Mr. Dollison was moving his body from side to side and twisting around. Officer Stack said the male looked like he was not giving up and was still trying to shoot. Officer Stack described Mr. Dollison as positioning himself to shoot Officer Jones. He said that based on Mr. Dollison’s prior actions, to include shooting at the Circle K, shooting at Officer Jones, and shooting at him, Officer Stack believed Mr. Dollison was going to shoot and kill Officer Jones and he believed the officers needed to stop him as soon as they could. Officer Stack said the male was a threat to everyone in the vicinity and he made the decision to shoot at the male again.

Officer Stack said he believed he fired two times after he got out of his car; he said after the second round, Mr. Dollison stumbled, fell down, and stopped moving. Officer Stack said he stopped firing when Mr. Dollison fell down and appeared to no longer be an active threat. Officer Stack said he reloaded a new magazine into his gun in case he had to reengage; he said he dropped the other magazine on the ground outside his vehicle. Officer Stack said he and Officer Jones moved up towards Mr. Dollison and saw the shotgun nearby him. He said multiple other officers arrived on scene and they were able

to detain Mr. Dollison and provide medical care. Officer Stack said he only heard the two “booms” and did not know that Officer Jones had also shot until after the incident.

After his interview, Officer Stack was allowed to watch his body-worn and in-car video footage. After doing so, he noted that although he believed he shot around 12 times while in the vehicle, upon watching the video, it sounded like he might have fired 14 or 15 times. He also noted that while he remembered firing two shots outside of his vehicle, in the video he saw that he fired four times. Officer Stack also noted that the video showed that when Officer Stack exited his vehicle, Mr. Dollison was further to the east, towards the fence, than he recalled. Officer Stack explained that based on what he saw, Mr. Dollison still seemed to be an active threat towards the officers, and was facing the direction of Officer Jones when Officer Stack fired his second volley of shots.

Officer Jones' Interview

Detectives interviewed Officer Jones; this interview was recorded. Officer Jones said he was working on July 8 as a K9 Officer. Officer Jones told detectives he and other officers were gathered to prepare to execute a search warrant when he heard a dispatch over the radio that there was a disturbance at the Circle K and there was a male inside with a shotgun. He said that as he was responding to the scene, he heard an update that a round had been fired. Officer Jones said he did not know if it was a robbery in progress or “some type of active shooter inside the Circle K.” Officer Jones said he was driving a fully-marked patrol SUV with his red and blue lights on. As he turned southbound onto Bragaw from DeBarr he got an update that the male, who was wearing a camouflage jacket and holding a shotgun, was outside near the gas pumps on the sidewalk. Officer Jones said as he turned south onto Bragaw, he saw a couple of people on the sidewalk pointing south. Officer Jones said he could not initially see who they were pointing at, but when he got closer, he saw a male in a camouflage jacket walking with a long gun pointed at the ground.

Officer Jones told detectives that when he saw Mr. Dollison,¹⁰ he stopped his vehicle and pointed his headlights at him. Officer Jones said before he could get out of his car or say anything, Mr. Dollison turned his entire body around to face Officer Jones, raised the shotgun “kind of underneath his shoulder pocket” and pointed the barrel directly at him. Officer Jones said he put his car in park and opened the door to his vehicle and ducked down behind the door. Officer Jones said he thought Mr. Dollison was going to shoot at him. Officer Jones said he unholstered his handgun and looked up and saw Mr. Dollison

¹⁰ Officer Jones reported he did not know the name of the suspect when he responded to the call and did not believe he had ever met Mr. Dollison before. For purposes of this letter, Mr. Dollison is referred to by name although Officer Jones did not know his name at the time of the incident.

running south on the sidewalk. He said he aired an update over the radio, including that the man pointed a shotgun at him and was now running south. Officer Jones said he got back into his car after the update and watched the male turn the corner into the parking lot where the Sweet Pink Pepper restaurant is located.

Officer Jones told detectives Mr. Dollison stopped when he got into the parking lot and turned his body around to face Officer Jones. Officer Jones said Mr. Dollison crouched or ducked down, then lifted the shotgun and pointed it at Officer Jones “from the hip” and fired a shot. Officer Jones said he saw the muzzle flash and heard an “extremely loud boom.” Officer Jones said he believed he had been shot at and ducked down to avoid being shot. He said when he got up, he checked his windshield to see if it had been hit; he said he saw it was not splintered. Officer Jones said he did not feel pain, so he thought Mr. Dollison either missed or hit the grill or the front of his car. He described being shot at as “pretty terrifying.”

Officer Jones said once Mr. Dollison fired a shot, he turned and ran between Sweet Pink Pepper and a nearby coffee shop, then turned east towards Brown Jug. Officer Jones said he followed Mr. Dollison and tried to keep a visual of him. He said when he got into the parking lot near the coffee shop, he saw Mr. Dollison running south along the fence line. Officer Jones reported he came to a stop with his vehicle at the northeast corner of the Brown Jug, between the Brown Jug and the Sweet Pink Pepper, with his car facing the fence. Officer Jones said he then saw Officer Stack turning from the south, between the south side of the Brown Jug and Napoli’s Pizza restaurant, to cut Mr. Dollison off. He said Mr. Dollison ran along the fence line, then came to a stop. Officer Jones said as he was exiting his car, he heard a “very rapid succession of multiple shots.” He said he assumed the shots came from Officer Stack or the male, and he was not sure if they were shooting at each other, if Mr. Dollison fired the shotgun at Officer Stack, or if Officer Stack was the only one firing. Officer Jones said he did not know whether Mr. Dollison had another weapon in addition to the shotgun.

Officer Jones said he could see Mr. Dollison’s figure behind the dumpster, and then saw him duck down behind the dumpster as if he was taking cover. Officer Jones said after he was out of his vehicle, with his gun drawn, he saw Mr. Dollison spin toward Officer Jones and said he “kinda crouched, like, holding [the shotgun] down at his hip, uh, with the barrel pointed directly at me.” Officer Jones told detectives he thought he was going to be shot at again. He said he felt more exposed because he was out of his patrol car. Officer Jones said that when Mr. Dollison lifted and pointed the shotgun at him, Officer Jones pointed his handgun at Mr. Dollison and fired three to four rounds. Officer Jones explained he did this to prevent Mr. Dollison from shooting at him.

Officer Jones said Mr. Dollison backed up while still holding the shotgun pointed at

Officer Jones, then rounded the fence. Officer Jones said he knew there was a trailer park on the other side of the fence and that there were holes along the fence; he said he did not know whether the male had crossed the fence and gone into the trailer park. Officer Jones explained that the male was “clearly a danger to the public and all the other officers arriving” based on having shot at someone at the store and then at Officer Jones. Officer Jones said he believed Mr. Dollison needed to be stopped.

Officer Jones said he moved up to try and figure out where Mr. Dollison was. He said Officer Stack told him that he could see Mr. Dollison and he was down. Officer Jones said many other officers then arrived on scene and they moved the male away from the shotgun, detained him, and provided medical treatment before the medics arrived. Officer Jones said his initial intent upon first seeing Mr. Dollison was to make contact with him, “ask him to stop and drop the weapon,” and detain him “as the individual who possibly robbed or assaulted somebody” at the Circle K.”

Body Worn Cameras and In Car Videos

Both Officers Jones and Stack were wearing body worn cameras (“BWC”) and driving patrol vehicles equipped with in-car video (“ICV”) systems.

Officer Jones’ ICV captures him turning southbound onto Bragaw from DeBarr. He then pulls into the center turn lane immediately after the the Circle K, which is on the driver’s side of his vehicle. It is mostly dark outside, with some street and business lights. The blue and red lights of Officer Jones’ vehicle are visible, but his siren is off. As he passes the Circle K and approaches the church next door, Officer Jones briefly turns his siren on and radios “he’s to the south.” A male can be seen walking southbound on Bragaw at the southern end of the Iglesia Ni Cristo church, moving away from Officer Jones. The male, who is not clearly visible on the ICV, can be seen moving his body towards the road; it appears that he positions his body to face Officer Jones. The man then runs away from the road and towards the church.

Officer Jones instantly airs “He’s running behind the church to the south, he just pointed the handgun, or the shotgun, at me.” About four seconds after he aired that update, as Officer Jones begins driving forward again, a loud “boom” can be heard on the audio and Officer Jones radios “He just fired a round off at me, shots fired.” As that area is mostly dark and unlit, Mr. Dollison can barely be seen on the video in the parking lot between Bragaw and the church, but it appears that he pauses at the same time the “boom” is heard. Mr. Dollison is then visible running towards the east, parallel to the south side of the church.

Officer Jones reports on the radio the direction the male is heading. Officer Stack’s patrol SUV can be seen moving ahead of Officer Jones, as Officer Jones makes a left-hand

turn into the parking lot and drives in front of the Sweet Pink Pepper. Officer Jones then turns between the Sweet Pink Pepper and the Brown Jug liquor store, coming to a stop in between the buildings and facing a fence at the back of the parking lot that is lined with several dumpsters.

About 15 seconds after the first “boom” was heard, as Officer Jones pulls to a stop, the sound of multiple gunshots can be heard, and then “shots fired” is aired over the radio. Although it is difficult to make out the exact movements on the video, Mr. Dollison can be seen crouched down and positioned with most of his body behind one of the dumpsters by the fence. He appears to be facing where Officer Stack’s vehicle is located (Officer Stack’s vehicle cannot be seen on the video, as there is a building between Officers Stack and Jones). Officer Jones is seen exiting his vehicle; as he does, Mr. Dollison appears to turn towards Officer Jones and raise what appears to be a gun in his direction. Officer Jones fires three shots at him. Mr. Dollison moves behind a corner of the fence and out of the view of the camera. Officer Jones is then seen moving towards the direction of Mr. Dollison as another four shots are heard coming from the direction of Officer Stack. Officer Jones’ video then shows multiple officers moving towards Mr. Dollison. Officer Jones returns to his vehicle soon after to get his K9 from his vehicle and returns to where Mr. Dollison and others are located.

Officer Jones’ BWC begins with a view of the steering wheel of his vehicle and a limited view of the window above the steering wheel; it does not capture the vantage Officer Jones would have seen due to the positioning of the camera. The video shows that as Officer Jones pulls near the church, he turns his sirens on briefly, then begins to exit his vehicle. Officer Jones is seen standing outside of his vehicle with his driver’s door open while airing over the radio that the man had pointed the gun at him. Officer Jones then returns to his vehicle and is slowly moving forward with his driver’s side door open when a loud “boom” is heard. Officer Jones continues to drive his vehicle with his driver’s door open; again, the BWC view is limited. Officer Jones is seen exiting his vehicle and firing three shots in the direction of a male who can be seen behind a dumpster. The view from this video is similar in quality to the ICV and does not show a great amount of detail. However, it appears that Mr. Dollison is angled towards Officer Jones as he backs away from the dumpster and around the corner of the fence and it appears he may be pointing something at Officer Jones. Officer Jones is then seen running behind the Brown Jug, towards the location of Mr. Dollison, where he and other officers position themselves and approach Mr. Dollison.

Officer Stack’s in-car video shows as he drives down Bragaw behind a patrol sedan¹¹ that is following Officer Jones’ patrol SUV; both vehicles have their overhead lights

¹¹ This is the vehicle Officers Anderson and Voss are in.

activated. As Officer Stack turns onto Bragaw, dispatch is heard airing that the man had pointed a gun at someone in the store. The video shows Officer Jones as he pulls into the center turn lane near the Circle K and the patrol sedan stops behind him. Immediately after, as Officer Stack's vehicle approaches the patrol sedan,¹² Officer Jones airs over the radio, "He just pointed a handgun at me, or a shotgun at me." Officer Stack passes the sedan and pulls up towards the passenger side of Officer Jones' vehicle. About four seconds after Officer Jones' radio update, the sound of a loud "boom" is heard. This is immediately followed by Officer Jones airing "He just fired a round off at me, shots fired" and describing the male's location, including that he is running behind the liquor store. Mr. Dollison is not visible on Officer Stack's ICV. The ICV captures the view as Officer Stack drives past the church, a coffee hut, and the Sweet Pink Pepper, all of which are on the lefthand side of his vehicle. Officer Stack then makes a left turn into a parking lot between the Brown Jug liquor store and Napoli's Pizza.

Due to the dark and the distance, it is hard to see clearly, but as Officer Stack drives eastbound, a person can be seen on the video nearing a fence line behind the businesses. About 15 seconds after the first "boom," as Officer Stack pulls to a stop, a noise that sounds like it could be one or more gunshots is heard. Officer Stack's ICV captures what sounds like multiple gunshots coming from within Officer Stack's vehicle and corresponding damage to his windshield appears. Mr. Dollison is seen moving behind a dumpster as Officer Stack fires. Officer Stack then moves his vehicle slightly forward and exits the vehicle. At least three other shots are heard at the same time; these appear to come from Officer Jones. Mr. Dollison moves southeast, and around the corner of the fence. Officer Stack can then be seen and heard firing four more shots at Mr. Dollison as he stands in front of the fence; Mr. Dollison is seen falling. The ICV is not clear enough to see details of Mr. Dollison's body positioning during this time, but it appears to be consistent with Officers Stack and Jones' statements describing his movements. The video shows multiple additional officers arriving on scene and moving towards Mr. Dollison.

Officer Stack's BWC begins with a limited view, mostly of the steering wheel of his vehicle; the camera but does not capture the full view that Officer Stack would have seen. The video picks up the same audio described above; when Officer Jones airs that the male pointed a gun at him, Officer Stack can be seen drawing his handgun, rolling down his window, and positioning his gun out the window. The video shows Officer Stack making an eastbound turn then coming to a stop¹³ and firing his gun out the front windshield numerous times. Due to the angle of the camera, that it is blocked by the steering wheel

¹² Officer Stack's ICV captures Officers Anderson and Voss exiting the vehicle.

¹³ As he drives towards the fence, but before Officer Stack fires, a sound is heard. It is unclear what this sound is, but it could be a gunshot, which would be consistent with Officer Stack's report that Mr. Dollison fired at him.

when Officer Stack is in his car and then parts of the car when he first exits, the video does not pick up an image of Mr. Dollison until Officer Stack has already stopped shooting and begins to approach Mr. Dollison. At that time, the BWC shows Officer Jones and another officer approaching from Officer Stack's left, then shows the officers approach Mr. Dollison, who is seen lying on the ground in front of the fence.

Other Witnesses

W.C.¹⁴ was interviewed. He told detectives he was parked at the Circle K lot and began to talk to a woman, later identified as C.L. W.C. said he and C.L. were sitting in his parked truck smoking a cigarette when an unknown black male, later identified by the police as Mr. Dollison, approached his vehicle with a shotgun, pointed the shotgun at W.C. through his open driver's side window, and told him to get out of the vehicle. W.C. told officers he thought that Mr. Dollison was going to carjack him, so he grabbed a handgun that was in his vehicle and exited the vehicle. W.C. said that Mr. Dollison said something "really weird" that did not make sense to him; he said Mr. Dollison accused him of having called him a racially-charged term; W.C. said he had never seen or talked to Mr. Dollison before and had not said anything to him. W.C. said he drew his gun and he and Mr. Dollison ended up in a standoff where they were both yelling at the other to drop the gun. W.C. described the shotgun as short, box-fed, and having a pistol grip.

W.C. said Mr. Dollison moved towards the west side of the Circle K building and W.C. followed him. He said after they turned the southwest corner of the building, Mr. Dollison fired one shot at W.C. from a close distance. W.C. said he felt lucky he did not get hit. W.C. reported he attempted to fire back at Mr. Dollison but when he pulled the trigger, the safety was on. W.C. said Mr. Dollison then entered the convenience store; he said when Mr. Dollison was inside the store, Mr. Dollison pointed the shotgun at W.C. again, through the window. W.C. said Mr. Dollison exited the store and the two men spoke again and agreed to put their guns down; W.C. said he unloaded his gun and placed it on the ground and Mr. Dollison left the area on foot. W.C. said he then saw officers coming to the area. Shortly after, he reported he heard one "loud bang" that sounded like a shot from a shotgun; he said he assumed Mr. Dollison had fired. W.C. said he then heard a "bunch of little ones." W.C. said he put his gun back into his car and waited for police officers. He said he never fired his gun and he allowed officers to inspect and photograph the gun and count the rounds; the firearm was fully loaded.

C.L. said she was smoking a cigarette at the Circle K when a male, later identified as W.C., approached her to ask if she could move his truck for him. She told officers she

¹⁴ Initials are used for civilian witnesses throughout this letter as identifying their full names in this publicly available document is unnecessary. *See generally* Alaska Constitution, Article I, sec. 22.

said no, but that she and W.C. then smoked a cigarette together in his truck. C.L. said as they were in the truck, a black male, who she described as being in his 30s and wearing a brown hoodie and bandana-printed pants, came running up to the truck and pointed a shotgun at the driver's door of the truck. C.L. said she saw the barrel of the gun and heard arguing and something to the effect of "get out of the truck." She said W.C. pulled a handgun out and told the man with the shotgun to back up. C.L. said the men left her view and she heard yelling and then heard the shotgun go off. C.L. said she did not believe the men knew each other. C.L. said she hid behind the store because she did not want to get shot. C.L. said she saw police cars, heard yelling, then thought she heard the shotgun go off again and then heard what she described as six "other" shots, which she thought were police shots.

T.T., an employee of the Circle K, said she saw a black male standing outside of the entrance to the Circle K holding a shotgun; she said he was yelling at an unknown person to "put it down or I'll shoot you." T.T. said she heard the male fire one shot while near the building, then came into the store. T.T. said she went to the back of the store and told her coworker to call 911. T.T. said the male was in the store for about ten minutes and was staring out the south windows and yelling. T.T. said she was scared she would be shot and killed. She said the male did not rob the store, and after about ten minutes he walked out. T.T. said as he left the store, she saw him fire the shotgun a second time. She said that she heard a shell casing drop, but later could not find it. T.T. said the male fired another shot into the air as he walked south down Bragaw, towards the Brown Jug; she said this was before the police arrived. T.T. said the male had been in the store earlier, at approximately 2:20 a.m.; she said he was wearing a camouflage jacket but did not have a gun the first time.

J.E., another employee at the Circle K, said that he saw a black male wearing a camouflage jacket, and a white male who had been in the parking lot with a truck, yelling at each other in the parking lot. J.E. said he then saw the black male come around the corner with a shotgun in his hands. J.E. said the men were arguing for about five minutes and the black male pointed the shotgun at the white male. He said he told his coworker to run to the back of the store and then heard a bang, which he believed was the black male firing the gun. J.E. said the black male then came into the store and was looking out the windows and pointing the shotgun; he said the male's attention was towards a truck and a white male. J.E. said the man walked out and towards the Brown Jug. He said he did not see anything else, but heard more gunshots.

Two juveniles, J.C. and L.O., reported they were behind a coffee hut in a parking lot by Sweet Pink Pepper. J.C. said he saw a male wearing a camouflage jacket and pants with a gun in his hand; J.C. said the male stopped and looked at them for a while and J.C. thought he was going to try and take their money. He said the man then walked quickly

northbound, towards the Circle K. J.C. said after a moment, he heard what sounded like a “really loud boom,” that he described sounded like a transformer blowing up; he said he thought it was a shotgun going off, but he was not sure. J.C. said he saw the man shooting at a truck that was parked between the church and Circle K but did not know if he hit anyone. He said he saw him shoot once and heard two or three more shots. J.C. said they walked towards the Circle K and saw the male leaving the Circle K. J.C. said the male initially walked away from them, but then turned and walked towards them. He said he thought again that the male was going to do something to them.

J.C. said officers began to pull up and he and L.O. pointed them towards where the male was. He said when the police arrived, he saw the male “duck” a little bit and get into a “weird” position and began to hold the gun with both hands. J.C. said that the male pointed the gun at the officers’ cars and began to fire at the officers; J.C. thought the male fired once or twice. J.C. said the officers pulled out their guns and the male ran southbound towards the Brown Jug parking lot and the officers followed him. He said he then heard the officers yelling to “drop the gun,” and heard “a lot” of gunshots but did not see the shooting.

L.O. said he and J.C. were near the Sweet Pink Pepper when he saw a black male walk from behind the Brown Jug towards the Circle K; he said the man was holding a shotgun and trying to hide his face. L.O. said that after about five minutes, he heard a “big boom” coming from the Circle K. He said he heard yelling both before and after the “boom.” L.O. said he and J.C. went towards the Circle K and saw the same male they saw earlier going southbound towards the Brown Jug. He said APD officers arrived and the male then “jumped up kind of and started to take off” towards the Brown Jug and the officers chased him. L.O. said it looked like the male pointed the shotgun at the officer and was waving it around when the first officer arrived. L.O. said that two officers then arrived and jumped out of their cars; he said there was then another big boom. L.O. said he believed the male shot at the APD officers; he said he only heard it, but it was “definitely towards the officers.”

Crime Lab Analysis

APD detectives sent firearms to the Crime Lab for testing, including Officer Stack’s 9mm Luger caliber Glock Model 17 semi-automatic pistol, Officer Jones’s 9mm Luger caliber Smith & Wesson Model M&P semi-automatic pistol, and the shortened 12-gauge Brolin Arms Model SAS12 semi-automatic shotgun found by Mr. Dollison. Additionally, fifteen discharged 9mm Luger caliber Hornady head stamped cartridge cases, three discharged

9mm Luger caliber Hornady head stamped cartridge cases,¹⁵ and one discharged 12-gauge Winchester head stamped shotshell were sent to the Crime Lab. A Crime Lab analyst determined that Officer Stack's firearm was operable and that the 15 cartridges were fired from Officer Stack's firearm. The analyst determined that the three cartridges were fired from Officer Jones' firearm. The analyst also found that the shortened shotgun was operable and fired as designed. It was noted that the serial number on the gun had been removed. The analyst found that the discharged 12-gauge shotshell was fired from the shotgun found by Mr. Dollison. The analyst further noted that during the testing, the rounds failed to eject after the test shots were fired.

Legal Analysis

Under Alaska law, a person—whether a law enforcement officer or not—may use deadly force against another person in self-defense when and to the extent the person reasonably believes the use of deadly force is necessary to defend oneself or others against a threat of imminent serious physical injury or death.¹⁶ Alaska law authorizes a police officer to use deadly force against another person to the same extent as any other person; however, an officer, if acting within the scope of authority of his or her employment, is not required to retreat.¹⁷ Alaska statutes define deadly force as “force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury.”¹⁸ “Deadly weapon” is defined by Alaska law as “any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife...”¹⁹

Alaska statutes also create special justifications for peace officers using force while making an arrest or terminating an escape. First, an officer may use deadly force to the extent the officer reasonably believes the use of force is necessary to lawfully stop a person suspected to have committed a felony involving the use of force against a person.²⁰ Second, an officer may use deadly force against a person who may otherwise endanger life or inflict serious physical injury unless arrested without delay.²¹

The potential criminal liability of Officers Jones and Stack is governed by the above-referenced laws. That is, if Officer Jones and/or Officer Stack reasonably believed his use of deadly force was necessary to prevent imminent serious physical injury or death to himself, the other officer, or other nearby individuals, he was legally justified in using

¹⁵ These were submitted under two separate property numbers due to the different locations where they were found.

¹⁶ AS 11.81.335(a); AS 11.81.340.

¹⁷ AS 11.81.335(b)(2).

¹⁸ AS 11.81.900(b)(16). “Force” is further defined (AS 11.81.900(b)(28)) as is “serious physical injury” (AS 11.81.900(b)(59)).

¹⁹ AS 11.81.900(b)(17).

²⁰ AS 11.81.370(a) and (b).

²¹ *Ibid.*

deadly force in self-defense. In other words, in order to overcome a claim of self-defense and secure a conviction against either Officer Jones or Officer Stack, the State would be required to prove, beyond a reasonable doubt, that the officer did not reasonably believe his action in shooting at Mr. Dollison was necessary to defend either himself, the other officer, or other nearby individuals against serious physical injury or death. Alternately, each officer's use of deadly force would be legally justified if he reasonably believed the use of deadly force was necessary to lawfully stop Mr. Dollison after he was suspected of having committed a felony involving the use of force against a person—or if he reasonably believed that Mr. Dollison would otherwise endanger life or inflict serious physical injury unless he was arrested without delay.

When analyzing the officers' conduct, the law requires an analysis based on the totality of the events. In this case, the APD officers were responding to a 911 call reporting there was a male armed with a shotgun at a convenience store. While enroute, the officers were informed the male had fired a shot; this provided a basis to suspect that either a felony assault or a robbery—both felonies involving force against a person—had occurred. When Officer Jones first approached Mr. Dollison, while driving a fully-marked patrol car, he reported Mr. Dollison turned towards him and pointed a shotgun at him, causing Officer Jones to duck down to protect himself. After Mr. Dollison got further away from Officer Jones' vehicle, he turned towards Officer Jones again and raised the shotgun again, but this time fired at him. Both of these actions constituted felony-level assaults involving force against a person. Moreover, when Mr. Dollison pointed the shotgun at, and later fired the shotgun at, Officer Jones, this subjectively and objectively placed Officer Jones in reasonable fear that he would be seriously injured or killed by Mr. Dollison.

When, seconds later, Officer Stack and Officer Jones cornered Mr. Dollison, Officer Stack reported that Mr. Dollison turned to face him and raised the shotgun and pointed it at Officer Stack and fired. Officer Stack ducked in an attempt to guard against his unprotected face being shot. He expressed fear that Mr. Dollison would kill him if he was hit, and said he fired through his windshield repeatedly to protect himself from being shot by Mr. Dollison. This fear of death or serious physical injury was reasonable when viewed under both a subjective and objective lens, particularly given Mr. Dollison's prior actions. Both Officers Stack and Jones reported that Mr. Dollison then turned his attention again to Officer Jones, and raised and pointed the gun at Officer Jones. Officer Stack reported to detectives that based on the way Mr. Dollison was positioned and due to his prior actions in shooting at the Circle K and then shooting at Officers Jones and Stack, he believed that Mr. Dollison intended to shoot and kill Officer Jones. Officer Stack said in response, he fired a second round of shots at Mr. Dollison to prevent Mr. Dollison from shooting Officer Jones. Officer Jones reported he also fired at Mr. Dollison when Mr. Dollison was pointing the shotgun at him, because he was afraid that Mr. Dollison would shoot him.

Both officers' reported fear that Mr. Dollison would shoot Officer Jones if the officers did not shoot him first was subjectively and objectively reasonable under the circumstances.

When looked at under the totality of the circumstances, Officer Jones was reasonable in his use of force to protect himself and Officer Stack from the deadly force exhibited by Mr. Dollison against both officers. Each of the times Officer Stack fired at Mr. Dollison, he was reasonably responding to a threat of death or serious injury to himself (during the first set of shots he fired) or Officer Jones (during the second set of shots he fired). Both officers were therefore legally entitled to use the force they did under Alaska's self-defense laws.

Moreover, both officers were entitled to use deadly force in their capacity as law enforcement officers based on a belief that the use of force was necessary to stop Mr. Dollison after he was suspected of having committed multiple felonies involving the use of force against a person and a concern that he would endanger life or inflict serious physical injury unless he was arrested without delay. Both officers described their belief that Mr. Dollison had reportedly committed a felony against a person, either an assault or a robbery, before the officers arrived. Additional felony assaults were reported by Officer Jones, first when Mr. Dollison pointed the gun at him, and second, when he fired it. Officer Stack described an additional felony assault when Mr. Dollison fired at him, and both officers described another felony assault when Mr. Dollison pointed his gun at Officer Jones while at the dumpster. Both officers described the danger they perceived based on Mr. Dollison's actions at the Circle K, which was compounded by his actions in shooting repeatedly at two clearly-uniformed police officers.

Both officers further described the area where Mr. Dollison was running as being populated, and expressed concern that Mr. Dollison would endanger others if he was able to flee. Officer Jones explained that Mr. Dollison needed to be stopped because he was "clearly a danger to the public and all the other officers arriving" based on having shot at someone near the store and then at Officer Jones immediately upon his arrival at the scene. Officer Stack told detectives that based on the circumstances, he believed they needed to stop Mr. Dollison as soon as they could, and said Mr. Dollison was a threat to everyone in the vicinity. Based on the totality of the circumstances, the officers were reasonable in their belief that Mr. Dollison presented a danger to the public after having committed multiple felonies against a person, and that he would endanger life or inflict serious physical injury unless he was arrested without delay. It was reasonable for both officers to use deadly force under this legal justification as well.

Officer Stack and Officer Jones were therefore legally justified in using deadly force against Mr. Dollison based on their belief that Mr. Dollison posed a threat of imminent serious physical injury and/or death towards each of them, as well as due to the concern that Mr. Dollison needed to be detained immediately to protect the public at large. Criminal charges against either Officers Stack or Jones are not appropriate.

Conclusion

The State will not file criminal charges against APD Officer Brandon Stack or APD Officer Jacob Jones relating to the July 8, 2024 use of deadly force against Damien Dollison in Anchorage, Alaska. Should it be necessary, you may advise the officers of this decision. Please contact me if you have any questions. I can be reached at 907.269.6250 or jenna.gruenstein@alaska.gov.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL



Jenna L. Gruenstein
Chief Assistant Attorney General
Office of Special Prosecutions

CC:

Clinton Campion, Attorney for Officer Jones
Jeremy Conkling, Attorney for Officer Stack