

# BRIAN J. KUESTER

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November 16, 2016

Special Agent Dale Fine  
Oklahoma State Bureau of Investigation  
125 West 15<sup>th</sup> Street #100  
Tulsa, Oklahoma 74119

Reference: OSBI Report 2016-878

Special Agent Fine:

I am in receipt of the above-referenced OSBI report, and I have reviewed it over the last two months. I received the final autopsy report prepared by the Office of the Chief Medical Examiner on November 15, 2016. After reviewing your investigation, I am declining to file charges against Tahlequah Police Officers Brandon Vick, Joshua Girdner, and Chase Reed. It is my opinion, upon reviewing all available evidence, that Officers' Vick, Girdner, and Reed's actions in using deadly force on the evening of August 12, 2016 were justified in accordance with *21 O.S. 733 A.2*. My review of this matter was aided greatly by the body camera footage from Officer Reed.

According to your investigation, Tahlequah Police were dispatched to the residence of Joy Rollice at 417 East Shawnee Terrace, shortly before midnight on August 12, 2016. According to the recorded dispatch, Ms. Rollice appeared to be concerned that her former husband, Dominic Rollice was intoxicated and would not leave her residence, and requested Police assistance. Ms. Rollice also reported that Mr. Rollice could not be at the residence, as he was a sex offender. I have verified independently that Dominic Rollice was convicted of Child Sexual Abuse on March 24, 2016 in case CF-2015-07 and was required to register and follow the Special Sex Offenders Rules and Conditions of probation.

When officers arrived at the residence, they located Dominic Rollice in a closed garage. Officer Girdner attempted to calm Rollice down and followed him into the garage. Upon entering the garage, Mr. Rollice grabbed a claw hammer and brandished it in a menacing manner toward the police. Rollice was ordered multiple times to drop the weapon, and he refused. At one point in this encounter, it appears that Rollice turned the hammer so that the claw part of the hammer would be facing the officers – all the while refusing police commands and acting

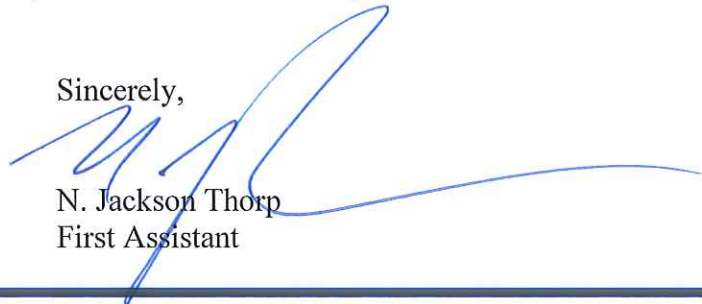
erratically. At this point three police officers were in the closed garage, and had limited access for emergency egress. At one point in the confrontation, the officers state that Rollice told them, “*One of us is going to fucking die tonight.*” Upon the brandishing of the hammer, a dangerous weapon in accordance with 21 O.S. 1272 and OUI CR 4-28, Officers Vick, Girdner, and Reed, retrieved their duty weapons, and ordered Rollice to drop the hammer.

Dominic Rollice refused to drop the hammer and a stalemate between the officers and Rollice began. At this point, Officer Reed notifies Vick and Girdner that he is “going less lethal.” At this point, Reed holsters his duty weapon, retrieves his Taser, and points it at Rollice. The presentation of the Taser seemed to incite Rollice, and it appears that Rollice appears to utilize the hammer as a weapon (Assault), at which point Officers Vick and Girdner discharge their duty weapons at Rollice and simultaneously Reed deploys the Taser. It is apparent from the video that the situation was tense, uncertain, and rapidly evolving. Rollice was wounded four times, and ultimately, following the gunshot wounds agreed to drop his weapon after further commands. It is notable that following Rollice being secured, Officers immediately called for emergency medical providers and performed CPR on Dominic Rollice.

Upon learning of this officer involved shooting, Chief Nate King of the Tahlequah Police Department requested the Oklahoma State Bureau of Identification dispatch agents and conduct an investigation into this shooting. Mr. Rollice was transported to the Tahlequah City Hospital where he passed away. During treatment of Mr. Rollice, hospital staff discovered that Mr. Rollice was in possession of a substance that was later tested and found to be methamphetamine, a schedule II controlled dangerous substance. It is also notable that according to the toxicology report conducted by the Office of Chief Medical Examiner, that Rollice was both legally intoxicated by alcohol, and had a quantity of methamphetamine in his blood stream at the time of his death. The influence and possession of these substances likely lead to the erratic and dangerous behavior Mr. Rollice exhibited that evening.

Based upon my review of the investigation provided by the Oklahoma State Bureau of Investigation, it is my belief that Officers Vick, Girdner, and Reed acted justifiably in the death of Dominic Rollice. I believe the evidence shows that at the time Mr. Rollice turned the claw forward on the hammer, and attempted to throw or swing the hammer that the Officers reasonably believed that they were in danger of death or serious physical injury and were defending themselves from a forcible felony, consistent with their rights under Oklahoma law.

Sincerely,



N. Jackson Thorp  
First Assistant