



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law
Office of Special Prosecutions
CRIMINAL DIVISION

310 K Street, Suite 701
Anchorage, AK 99501
Main: 907.269.6250

July 26, 2024

Chief Sean Case
Anchorage Police Department
716 West Fourth Avenue
Anchorage, AK 99501

Re: Use of Deadly Force Review//Anchorage Police Report #24-14640.

Chief Case:

Introduction

This letter summarizes the Office of Special Prosecutions'¹ review of the use of deadly force by Anchorage Police Sergeant Noel Senoran and Officers Jason Stineman, Jacob Ostolaza, and Jacob Jones on May 13, 2024. The purpose of this evaluation is to determine whether criminal charges are warranted for this use of deadly force against Kristopher Handy.

Given the facts and circumstances surrounding this incident and existing Alaska law, this office will **not** be filing criminal charges against the officers involved in this matter. The officers used deadly force against Kristopher Handy in "self-defense" or "defense of others," as authorized by Alaska law. Individually, and collectively, the officers' conduct was justified in this matter. As such, criminal charges are not appropriate in this case.²

The reasons for this decision and the underlying rationale are set forth below. This reasoning is based on my review of the investigative reports, along with the accompanying audios, videos, diagrams, and photographs, as well as the autopsy report from the State Medical Examiner's Office (SMEO).³

-
1. The Office of Special Prosecutions is hereafter referred to as OSP.
 2. The purpose of OSP's review is solely to determine whether criminal charges against the officer are warranted given his 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 AST policies, including use-of-force policies.
 3. This review is based on my review of the investigation conducted to date. Any additional information not provided to OSP for consideration could result in a change in the State's analysis of this matter.

Factual Summary⁴

In the early morning hours of May 13, 2024, at approximately 0213 hours, Anchorage Police Officers were dispatched to an apartment complex located at 7128 Bearfoot Drive. The complainant reported that her neighbor was engaged in a disturbance. The complainant also reported that she saw her male neighbor walking with a rifle, shotgun, or bat outside. Her belief was that the man had a firearm and that he was waiting for someone. While enroute to the location, police dispatch updated the report and relayed to the officers that the complainant reported she may have heard a gunshot inside the apartment complex.

The suspect was identified as Kristopher Handy. Officers arrived and developed a plan to contact Handy given the information that he was in possession of a firearm. Officers were provided a digital photograph of Handy to ensure that they were familiar with his appearance. The officers were also able to identify that apartment #3 was Handy's residence.

Once additional officers arrived on scene, Sgt. Noel Senoran and Sgt. Christopher Worland formed two (2) teams of officers to contact Handy. As officers announced their presence over a loudspeaker from the apartment complex parking lot, Handy came "charging" out of apartment #3 with a pistol-gripped short-barreled shotgun. Handy raised this shotgun straight in the air above his head and yelled at the officers, "Fuck You!"

Handy proceeded to walk rapidly and purposefully down the walkway towards the police officers' patrol vehicles. When Handy stepped down from the walkway and turned down the stairs, he was facing other officers who were attempting to flank his position. Handy quickly turned towards the officers who were stationed in and nearby the patrol vehicles while holding the shotgun. Handy stepped forward off the sidewalk and into the parking lot, and at that moment, multiple APD officers fired shots. Handy fell to the ground. He died on scene despite receiving first aid from the officers and medics.

Investigation

Homicide Unit detectives from APD were assigned to investigate Handy's death. A crime scene team was sent to the shooting location to conduct a physical investigation. The detectives conducted several interviews which are summarized below:

Heather Reil

Detectives interviewed Heather Reil. She stated that she lived at the 7128 Bearfoot Drive apartment complex for six or seven years. Reil said that Harmony Stitt has lived there the entire time she has been at that address, however, Reil indicated that Handy moved in a couple of years ago. Reil stated

4. The factual summary has been created from a review of all the evidence submitted in this investigation and consists of the relevant facts needed to analyze this matter. It is not meant to be a complete recitation of everything that was done or said by any of the witnesses or investigators in this case, nor does it reflect everything I have reviewed.

she does not have very close relationships with her neighbors, but she got to know Stitt. Reil indicated that her apartment shares a common wall with Stitt and Handy's apartment. Reil told detectives that in the past she had to intervene in Stitt's relationship with Handy because of how Handy was treating Stitt. Reil indicated that she has told Handy and Stitt that she would call APD if needed.

Reil stated that the day's events started about 1800 hours on the evening of May 12, 2024, when she called 911 after Stitt asked her to call APD. Then around 0030 to 0100 on the morning of May 13, 2024, Stitt messaged her and came to her apartment. According to Reil, Stitt had a glass of wine with her. At that time, Reil said that Stitt asked her to call APD if she messaged her. After receiving a message from Handy, Stitt went back to her apartment.

Reil reported to the detectives that she heard things getting heated in Stitt's apartment. Reil heard a huge thud, and the noise level was getting progressively louder. After Reil received the phone message from Stitt, Reil called 911. Reil gave consent for officers to look at and take pictures of her text messages. Officers noted that at approximately 0204 hours Reil received a message from Stitt that said "call."

When Reil called dispatch, she related that Handy had a history of domestic violence. Reil said she also reported that Handy has had a firearm in the past, although this time Reil did not initially see or hear anything about a firearm. Reil called dispatch back and reported that Handy was at the end of the driveway with a rifle or something similar in his hand, waiting for APD to arrive.

Before officers arrived on scene, Reil observed Handy takeoff his shirt and throw it down by the end of the driveway. Reil stated that Handy was yelling and swearing. Reil describe Handy as being agitated. Reil reported that Handy went back into his apartment.

After APD arrived, Reil said she heard APD's announcements, and that she recognized them as coming from the police. Reil said APD gave the announcements multiple times. According to Reil, these announcements were "number 3 please exit your residence and come out." Reil noted that Handy walked out of his house with his firearm, and that he held up his firearm once before getting to the sidewalk. At this point Reil said she did not think the situation would end well.

Reil recounted that Handy walked down the apartment walkway from his apartment while APD was yelling at him. Handy, still holding the shotgun, then stepped from the sidewalk into the parking lot, where APD shot him. After APD shot Handy, Reil said that multiple APD officers were rendering aid to Handy.

Harmony Stitt

Detectives spoke with Stitt on May 18, 2024. She stated that she was Handy's girlfriend and the mother of his daughter. Stitt told detectives that on May 13, 2024, she went over to Reil's apartment. Later she explained that she texted Reil and told her to call APD. Stitt indicated that she was worried about Handy because he was acting very erratic.

Stitt told detectives that Handy retrieved his shotgun from his parents' house and got into an argument with his mother earlier in the day. Subsequently, Handy began drinking R&R whiskey. Stitt said she told Handy that he could not do "this." Stitt believed that Handy may have mixed his depression medication with alcohol. She told detectives that she tried to take the gun from him. Stitt said that she told Handy that he should "just walk it off" and talk to them (meaning the police).

Stitt stated to detectives that Handy told her "I want you to watch this." Stitt reported that she told Handy that the police were coming and that he needed to put the gun down and take a walk. Stitt claimed that Handy would not listen and said, "No, screw it, I want you to watch when they mow me down." Stitt described that Handy had taken off his shirt and was waiting for the police in the middle of the road with his gun screaming and hollering. Stitt said that she asked Handy to come back inside, which he did, and then the police arrived.

Once the police were on scene, per Stitt, Handy told her "Watch this," and then he went outside with the firearm. Stitt stated that Handy was drunk, depressed, and angry. Stitt stated she was scared that "he wanted it to happen," but she was hoping someone would be smart enough to realize Handy was just depressed.

N.B.

Five year old, N.B., was interviewed at Alaska Cares by a forensic child interviewer on May 13, 2024.⁵ N.B. indicated that she did not know why she was at Alaska Cares. N.B. identified her stepfather as Kristopher Handy. N.B. was asked to describe what she did that night and the day before. N.B. said that she watched movies and that she and her brother did not leave the house. N.B. identified her brother as U.K.

N.B. stated when the police came, she was in U.K.'s room watching T.V. at night. When asked what her mom was doing, N.B. said her mom came into U.K.'s room and told them to get on the ground. N.B. said they covered themselves with a blanket. When N.B. was asked what her stepdad was doing when the police came, she indicated that he was outside with the police. The interviewer asked N.B. what her stepdad was doing before the police arrived, N.B. said that he was sitting on the couch in the living room and was "kind of chill."

N.B. was asked how her mom and stepdad were getting along during the day and she responded, "not that great." N.B. indicated that her stepdad and mom were fighting because she heard them yelling and saying bad words. N.B. also knew that her stepdad took medication. N.B. said when he takes his medicine, he goes to his room, and when he doesn't take it, he pukes.

⁵ A supplemental report regarding this interview was provided to OSP on July 22, 2024 after submitting a request to APD.

U.K.

On May 13, 2024, ten year old U.K. was taken to Alaska Cares by his grandmother and interviewed by a forensic child interviewer.⁶ U.K. was asked about why he was there, and he stated that he did not know except that his grandma said that he would be asked questions. U.K. was asked by the child forensic interviewer to tell her everything about his day. U.K. recounted his day from the time he got up to the end of his day. However, when he got to the end of his day, U.K., mentioned he slept and then there was an “argument with my mom and stepdad.” U.K. indicated that he was aware that his stepdad was supposed to take medicine because his mom always asked his stepdad about it. U.K. identified Kristopher Handy as his stepdad.

When asked to explain everything that happened between his mom and stepdad, U.K. stated that there were tons of yelling and then it “got way bad.” U.K. said that he did not know what else happened because he stayed in his room. U.K. told the interviewer that his mom and stepdad were arguing “everywhere” because they were walking around the apartment. U.K. described that his stepdad brought out this “big thing... ..heard, it made bang noises.”

When asked about the “big thing” that made bang noises, U.K. described it as “it was like black and brown...and he used these red and golden things to put in the thing.” U.K. did not know what the “big thing” was called. When asked what his stepdad did with the “big thing” after he put the red and gold things in it, U.K. stated, “he just banged it.” U.K. said it made loud noises. He told the interviewer that it was loud and it “banged like four times.” U.K. was asked if he saw his stepdad when the “big thing” made the four bang noises, but U.K. said he did not because he had to stay in his room. When U.K. was asked where his stepdad was when he heard the four bangs, U.K. said his stepdad was outside.

U.K. was asked what his mom did when the “big thing” made the bang noises, and U.K. said she said “OMG,” and told him and his sister to get down. U.K. stated that he did not see anything that happened outside of the apartment.

Ardell Handy

As the APD Crime Scene Team was analyzing the area, Kristopher Handy’s mother, Ardell Handy arrived at the apartment complex. Ardell Handy reported to Officer Ranger that Kristopher Handy showed up at her house on May 12, 2024 demanding his guns back. Ardell Handy stated that Kristopher Handy’s guns were returned to him to avoid further escalating the argument. Ardell Handy said that Kristopher Handy had been making suicide threats and telling family members goodbye yesterday. Ardell Handy said that her son had recently sustained a head injury at work and has not been the same.

APD Officer Aaron Barker

Officer Aaron Barker was not interviewed by detectives in this matter, but he wrote a report of his observations. According to Officer Barker’s report, he responded to 7128 Bearfoot Drive, at

⁶ Id.

approximately 0220 hours on May 13, 2024. Officer Barker wrote that the neighbors reported hearing a disturbance between Stitt and her boyfriend, Handy. The complainant reported that she believed that she heard gunshots as Handy walked to the end of the apartment driveway with a rifle in his hands. Additionally, the complainant recited that she heard what sounded like a physical altercation inside the apartment where Stitt and Handy lived.

Officer Barker noted in his report that Officer Boynton was giving commands to the occupants of Handy's apartment through his patrol car speaker. Officer Barker recalled that these commands were to come out of the apartment with their hands up.

Officer Barker set forth in his report that Sgt. Senoran designated him and Officer Norman to act as a "rescue team" for any occupants potentially injured inside the apartment. The officers moved to the west side of the parking lot behind numerous unoccupied parked vehicles for cover as Officer Boynton continued giving commands. Officer Barker reported he heard another officer advise on the radio that Handy was exiting the apartment and was armed.

From his position behind an SUV, Officer Barker wrote that he could only see Handy's head. Officer Barker indicated that he saw Handy walk directly toward Officer Boynton's patrol car and yell expletives at officers as they gave him commands. Officer Barker heard about 4-5 gunshots from the other officers on scene, and then Handy fell to the ground. Officer Barker approached Handy from his position and reported that he could see he was bleeding from the upper body and that there was a black shotgun with a wooden forward grip lying on the ground next to him. Handy's body was moving but he appeared incapacitated to Officer Barker. Officer Barker did not fire his patrol rifle or pistol.

APD Officer Duston Boynton

On May 13, 2024, Anchorage Police Officer Duston Boynton was interviewed by investigators. Officer Boynton told detectives that he responded to a "disturbance" call at 7128 Bearfoot Drive. Officer Boynton stated that dispatch advised that a male was waiting outside with a bat or a rifle. Officer Boynton said when he got to the scene, he pulled onto Bearfoot and stopped at the first driveway and waited for other units to show up. Officer Boynton reported that APD Officer Harvey was the second officer on scene.

Officer Boynton stated that once Sgt. Senoran and Sgt. Worland arrived with other officers, Sgt. Senoran divided the responding officers into two "containment and contact teams." Sgt. Senoran and Officers Norman and Barker made up one team, while Officers Stineman, Harvey, and Jones formed the other. Officer Boynton indicated to investigators that it was decided the officers were to use his Tahoe for cover, since it has big wide doors with ballistic panels. The officers were to utilize Officer Boynton's Tahoe as "moving cover" to drive closer to the apartment building. Officer Boynton stated that the officers formed up while he slowly drove into the parking area of the complex.

Officer Boynton indicated to investigators that he turned on his "take down lights" and spotlight after moving into position. Additionally, Officer Boynton stated that he was on his "public address"

loudspeaker system in his patrol vehicle where he was giving verbal commands to the parties in Handy's residence. These commands were "Anchorage Police Department, unit number 3, come out with empty hands," "come out with your hands up, and empty," and "we have canine, less lethal, lethal. We do not want anybody injured" (or words to that effect.) Officer Boynton stated that when he was making the announcements and addressing Handy by name, Handy came out of apartment #3. Officer Boynton stated that he could see that Handy had a weapon.

Officer Boynton told investigators that Handy put the gun up in the air as he was walking towards the officers in what seemed like a very motivated manner. Handy appeared to Officer Boynton to be very agitated and was walking quickly. Although Officer Boynton reported that he could not hear exactly what the male was saying, he thinks Handy said something like "Fuck You." Officer Boynton indicated that he had his patrol rifle pointed at his windshield in the direction of Handy.

Officer Boynton explained that Officer Stineman was to his left at the driver's window. Officer Boynton said that he had his patrol rifle facing front and forward through the windshield in case Handy started firing his weapon. Officer Boynton knew that other officers were to his right although he did not know specifically who they were. Officer Stineman was to Officer Boynton's left, shooting over Officer Boynton's car door. Officer Boynton recognized that the other police officers were in danger of being shot, injured, or killed if Handy fired his weapon. Officer Boynton did not get out of his patrol vehicle before shots were fired and he did not fire his rifle.

APD Officer Brice Harvey

Detectives did not interview Officer Harvey. Instead, Officer Harvey wrote a report. On May 13, 2024, at approximately 0213 hours, Officer Harvey and other officers were dispatched to 7128 Bearfoot Drive, for a report of a physical disturbance between a man and woman. Officer Harvey reported that police dispatch relayed that the woman screamed "please stop" and the complainant, a neighbor in the apartment building, thought it was physical altercation between the neighbors. While enroute, dispatch advised the man walked outside with what appeared to be a rifle, and then he went back inside the residence. Officer Harvey wrote in his police report that the officers were advised the man was Kristopher Handy and Harmony Stitt was the female involved. Officer Harvey was able to find the most recent Department of Corrections (DOC) photo of Handy and sent the photo to the officers on scene. Dispatch was able to find a phone number for Stitt and Officer Harvey wrote that he attempted to call her, but the number went straight to voicemail.

Officer Harvey stated in his report that he and other officers used vehicles as "cover" for their approach towards Handy's apartment building. Officer Harvey indicated that as the officers approached, he observed the door to Handy's apartment was open. Officer Harvey stated that the officers stopped in the parking lot of the apartment building, and that he observed a shirtless man inside the residence. Officer Harvey noted that an officer used the loudspeaker on their patrol vehicle to direct the man to come out of the apartment with "open hands."

Officer Harvey reported that he observed the man with his shoulders bunched up “barrel” out of the apartment. The man looked straight forward with furrowed brows. Officer Harvey wrote that he saw the man holding a firearm and that he heard multiple officers tell him to put it down. Officer Harvey said the man continued to stomp his way towards the officers’ position. Officer Harvey indicated that he was behind a patrol vehicle, so he did not see what occurred to cause officers to fire their weapons. However, Officer Harvey recalled that he heard the gun shots. Officer Harvey did not fire his weapon.

APD Officer Mason Norman

Officer Mason Norman was interviewed by detectives on May 13, 2024. Officer Norman said he was at the Jewel Lake Training Center when he heard that Officer Harvey and Officer Boynton were responding to a domestic violence (DV) call. Since Officer Norman was already in the area where the call was, he reported to investigators that he attached himself to the call. While enroute to the call, he said “dispatch” updated the call, indicating that there could be a “rifle or baseball bat” involved and that the suspect was waiting outside in the driveway. Officer Norman stated that he stopped his patrol vehicle just south of Bearfoot Drive to wait for additional officers to respond to the area.

Eventually other officers responded to the scene and Sgt. Senoran formed a plan of action. Officer Norman reported that he was originally positioned in the driver’s well of Officer Boynton’s vehicle but was replaced by Officer Stineman who was wearing a ballistic plated vest. Officer Norman said that he was standing right behind Officer Stineman until Sgt. Senoran wanted a team to break off to the left side of the parked vehicles. Officer Norman stated that he was selected to be part of Sgt. Senoran’s team and that he took “point” (that is, he was the first man in the team.)

Officer Norman told investigators that he could hear announcements on the police loudspeaker, but then suddenly started hearing other officers yelling. Officer Norman stated that he saw Handy in front of him at ground level. Officer Norman indicated that he did not know where Handy came from. Right before he saw Handy, Officer Norman said that he heard someone say, “fuck you.” Officer Norman clearly remembers officers giving Handy commands to drop the gun.

Officer Norman reported that Handy was wearing jeans and was shirtless. Officer Norman stated that he could “distinctively see like a sawed-off shotgun, and he was walking with it.” In that moment, Officer Norman told investigators that he was scared that he was going to get shot by Handy, and that he was looking for cover because he was in a gap in “the open.” Officer Norman noted that Handy was “walking forward and then that’s when I hear all the, the shots get fired” and “immediately after the shots get fired, I step out behind this car and I ... I see him lying there. Um, I, when the shots fired, I seen [sic] all the, um, kind of stuff kick up and, and him, I just barely caught a glimpse of him at all.” Officer Norman stated that Handy was walking aggressively with a shotgun, and with a sense of purpose, towards the officers while ignoring police commands. Officer Norman said he was worried that he or the other officers were going to get shot, injured, or killed.

Officer Norman was armed with a rifle and pistol, but he did not fire either weapon. Officer Norman’s body camera shows that when Handy came into his sight, Officer Norman began to back up

while keeping his rifle pointed at Handy. It was not until he reached the back of vehicle that he lost sight of Handy. When Officer Norman heard Sgt. Senoran call out “Cease fire!” he indicated that he and other officers provided first aid to Handy until Anchorage Fire Department medics arrived.

APD Sgt. Christopher Worland

Sgt. Worland was interviewed on May 13, 2024. Sgt. Worland explained that a couple of minutes after 2 a.m., the Anchorage Police Department South Dispatch aired a locate for a physical disturbance at 7128 Bearfoot Drive. Sgt. Worland stated he was riding with Sgt. Senoran and that they were at the Abbott and Seward Highway area about to review paperwork when the dispatch came out. Initially, Sgt. Worland stated that when he heard the dispatch, he thought it was a disturbance between neighbors. However, as dispatch aired more information, Sgt. Worland told investigators that he “heard something that changed my perspective” – that was the mention of a gun or stick being involved in the situation. After pulling up the call on his computer and listening to dispatch, Sgt. Worland attached himself to the call. Both he and Sgt. Senoran responded to the scene.

Sgt. Worland explained that the information he heard relayed to officers was that the complainant said that there was a disturbance with the neighbor that had been physical. A female was asking the guy to stop, and that the complainant said that the male had walked outside while the Anchorage Police Department was enroute, fired a couple of rounds, and was waiting “at the edge [of the road] for the police to arrive.” Sgt. Worland also understood from the radio traffic that officers on scene were beginning to set up a “contact team.”

Sgt. Worland told investigators that when he and Sgt. Senoran arrived on scene, Sgt. Worland and Sgt. Senoran developed a plan of action. Sgt. Worland stated that he sent two officers to secure the back of the building. Sgt. Worland told investigators that the officers on scene were divided into two groups. Sgt. Senoran had one group and Sgt. Worland commanded the other.

Sgt. Worland said that officers identified the subject’s apartment as being apartment #3 and that it was on the bottom floor of the apartment building. Sgt. Worland also noted that the door was open, and that two people could be seen walking back and forth in front of the door inside the apartment. Sgt. Worland said that he announced that Handy was coming out of the apartment and that he yelled for the canine officer to get ready. Sgt. Worland stated it was clear that the Handy was armed with a shotgun that had a pistol grip and that he raised the shotgun up initially and brought it down. Sgt. Worland stated that Handy was acting “erratic.” Sgt. Worland reported that Handy brought the gun up a second time. He said as Handy was bringing the gun up again, Sgt. Worland heard gunfire. Sgt. Worland indicated that he saw Handy go down, and after he quit moving, officers advanced forward to administer first aid.

Sgt. Worland reported that he thought that Handy was going to shoot at them due to the way he was acting when he came out of the residence. When Handy came out of the apartment, Sgt. Worland stated Handy was “flailing his arms, like no care in the world” and that he felt that Handy was going to instantly start shooting. Sgt. Worland was armed with a service pistol, but he did not fire his weapon because he did not believe he had a clear shot.

When asked why the other officers fired their weapons, Sgt. Worland stated “because they saw the same thing I saw.” Sgt. Worland went on to describe that he saw Handy start to bring up the shotgun a second time although not up to his shoulder. At this point, Sgt. Worland thought to himself that Handy was going to shoot at the officers.

Officers who Fired Their Weapons

Later the investigators interviewed the officers that were identified as shooters in this matter. They were Sgt Noel Senoran, Officer Jacob Jones, Officer James Stineman, and Officer Jacob Ostolaza. A summary of the officers’ statements is set out below.

APD Officer Jacob Jones

Officer Jacob Jones was interviewed by investigators on May 15, 2024. He stated that he was in midtown patrolling when he heard the call at the 7128 Bearfoot address dispatched over the radio. When Officer Jones heard that there was a male who was involved in a disturbance with the neighbor and that the man was carrying a baseball bat or rifle outside at the end of the driveway, Officer Jones attached himself to the call. When Officer Jones arrived in the area, he stated that he and other officers staged at Northwood Street, a short distance from Bearfoot Drive. Shortly thereafter sergeants Senoran and Worland arrived on scene.

Officer Jones said Sgt. Senoran stated that he was going to establish a “rescue team,” and that Sgt. Worland was going to establish a “contact team.” Officer Jones reported that the officers decided to use Officer Dustin Boynton’s Tahoe as cover. From his vantage point at the end and behind Officer Boynton’s Tahoe, Officer Jones could see into the first floor, right lower side apartment, which was identified as Kristopher Handy’s apartment. Officer Jones told investigators that several months before this call out, he had been dispatched to investigate a man brandishing a pistol at a local school and that he and Officer Stack responded to the Bearfoot address and to the same apartment. Officer Jones stated to investigators that when he saw people moving inside the apartment, he yelled very loudly “Anchorage police!” and said he believed the people inside heard him. Almost immediately thereafter, Officer Boynton began giving commands over the police loudspeaker. Officer Jones indicated that it was obvious that they were police officers.

Officer Jones told detectives that he observed a male with no shirt on moving very fast down the long “porch” towards the officers’ location. Officer Jones reported that he saw the male raise his arm up and yell “Fuck You.” Officer Jones stated that he heard Sgt. Worland call out that “he’s armed.” At this point, Officer Jones said that he and his canine moved from the rear of Officer Boynton’s Patrol car to the front driver’s side of his vehicle. When he reached this point, Officer Jones observed Handy at the foot of the walkway stairs. He said Handy was turned towards Officer Jones and the rest of the contact team. Officer Jones, who was holding his K-9, drew his pistol, pointed it at Handy, and fired two shots.

When asked what he was thinking when he made the decision to fire his pistol, Officer Jones told investigators that he was afraid that Handy was going to shoot him because he was caught out in the open and that Handy was walking right towards him. Officer Jones also indicated that he believed that Handy may shoot one of the other officers as well.

After Handy fell to the ground, Officer Jones reported that he put his dog, Kevin, back into his patrol car, and assisted other officers with giving first aid to Handy. According to Officer Jones, he assisted in putting four or five “chest seals” on Handy.

APD Officer Jacob Ostolaza

On May 16, 2024, Officer Jacob Ostolaza was interviewed by investigators at the Anchorage Police Department. Officer Ostolaza told investigating detectives that he was working mid-shift patrol. Officer Ostolaza stated that he recalled a dispatch come out about a “male-female disturbance,” and that there was a weapon involved. Officer Ostolaza said that dispatch reported that the complainant said she was not sure if the subject had a baseball bat or a gun. Officer Ostolaza said that he attached himself to the call and began to drive to the area mentioned in the dispatch. On the way to the area, Officer Ostolaza said that dispatch had verified that the caller had a long gun and that he was outside in the parking lot with no shirt on. He appeared to the caller to be waiting for the police to show up.

Upon hearing the information related to the subject having a long gun, Officer Ostolaza told investigators that he parked down the road from the Bearfoot address because the subject could be waiting for the officers to ambush them upon their arrival. Ostolaza said that he aired on the radio that the officers needed to stage on Northwood and Bearfoot to develop a contact team. Shortly thereafter, Officer Ostolaza said that officers started to show up in the area and they parked nearby his position.

Officer Ostolaza reported that the officers were in communication with Sgt. Senoran, informing him that there were a number of officers on scene. Officer Ostolaza observed that Officer Boynton’s Tahoe was pulled up near the parking lot of the residence; believing that another SUV was needed to provide cover for the two teams of officers, Officer Ostolaza moved his Ford Explorer behind Officer Boynton’s Tahoe.

Officer Ostolaza stated that dispatch updated the call and provided information to the effect that there was a “victim” in distress inside the apartment and that the complainant was calling on behalf of the victim. Additionally, officers were informed that the male subject was still armed and went back inside the apartment. Officer Ostolaza said that he heard someone say the that the apartment door was open, and then he noted that he apartment door was open, and he could see two silhouettes going back in forth inside the apartment through the open doorway.

Officer Ostolaza indicated that Sgt. Worland called him up to the passenger door of Officer Boynton’s Tahoe because he had his patrol rifle. While in that position, Officer Ostolaza reported that the male, Handy, came out of the apartment quickly and raised a long gun above his head. Handy was

yelling something that Officer Ostolaza could not remember at the time of the interview, but he recalled that commands were given to Handy to put the weapon down as Handy walked down the walkway. Handy did not drop the long gun.

When Handy came down the stairs from the walkway, Officer Ostolaza thought that Handy was holding a shotgun versus a rifle. Officer Ostolaza also noted that Handy was not stopping and not dropping the weapon. It was at this point that Officer Ostolaza stated he believed that Handy was going to hurt the “team” or hurt him. Specifically, Officer Ostolaza told investigators that he believed that Handy was going to shoot at the officers. Officer Ostolaza indicated that he recalled firing two rounds from his rifle at Handy.

After the shooting, Officer Ostolaza said that he made entry into the apartment to check on the status of the female who was inside the apartment. Officer Ostolaza stated that he remained inside the apartment until Sgt. Worland came and contacted him.

Sgt. Noel Senoran

On May 13, 2024, while being photographed, Sgt. Senoran stated that he had blood on one of his shoes. Beyond this comment, Sgt. Senoran declined to provide any comments to investigating detectives.

APD Officer James Stineman

Anchorage police Officer James Stineman was interviewed on May 15th, 2024, at the Anchorage Police Department headquarters. Officer Stineman indicated that he was on mid-shift patrol and responding to another call when he heard the dispatch come out relating to the 7128 Bearfoot Drive address. When Officer Stineman heard that there was a rifle involved, he attached himself to the call and broke off from his original call. When Officer Stineman arrived in the area, he parked next to Officer Ostolaza’s car, got out of his vehicle, put on his plate carrier, and took out his patrol rifle.

Shortly thereafter, Officer Boynton arrived, followed by Sgt. Senoran and Sgt. Worland. According to Officer Stineman, a plan was formed to contact the target residence. This plan entailed using Officer Boynton’s patrol vehicle for cover (because it had plated doors) and moving up towards the apartment with two teams of officers following Boynton’s vehicle.

Officer Stineman reported that he was positioned in the open driver’s door of Officer Boynton’s patrol vehicle, and that Officer Boynton was in the driver’s seat operating the SUV. Officer Ostolaza was on the other side of the Tahoe. Officer Stineman told investigators that he was aware that there were other officers in the area but that he did not know what they were doing at that point. Officer Stineman said that Officer Boynton placed his spotlight on the target residence and used his “take down” lights to wash the area in white light.

After several announcements to Handy, Handy came out of the apartment. Per Officer Stineman, Handy came out of the apartment with a sawed off shotgun in his right hand, which he raised over his

head. Officer Stineman indicated that Handy was walking in a very aggressive manner, with a “skip in his step,” ignoring police commands. Although Officer Stineman recognized that a shotgun had a less lethal range than that of a rifle, Officer Stineman reported that if Handy had turned towards the officers and stepped forward his shotgun would become more effective. Officer Stineman relayed to detectives that as Handy stepped down the stairs, he turned towards officers who were on the west side of the building moving along the carport.

When Handy moved towards the contact team positioned to the west, Officer Stineman was about to shoot Handy when he heard two to three shots go off before he fired. Officer Stineman fired his rifle at Handy and believes he stopped firing when Handy’s gun fell out of his hand.

Officer Stineman reported to the investigators that when Handy turned and stepped towards the contact team, he believed that Handy was going to shoot his shotgun at the contact team, either killing the officers or seriously injuring them. As a result of this belief, Officer Stineman indicated that he fired his rifle at Handy.

Video Footage

Video footage was obtained from vehicles and individual body worn cameras (BWC). For the vast majority of BWC’s, the video footage does not show Kristopher Handy. This video footage shows officers arriving on scene in their patrol vehicles. It also shows officers staging to form “contact teams,” and shows the officers’ forearms and hands as they begin to deploy with their weapons.

Additionally, officers also gathered video footage from Handy’s neighbors’ security cameras.⁷ This footage was stamped “WYZE” with a date and time counter.⁸ OSP became aware after speaking with Monte Handy, Kristopher Handy’s father, that there may be additional home security video footage that was not turned over to OSP. OSP made a request on July 22, 2024 to APD to ensure that it had provided all of the home security video for this event to OSP. On July 23, 2024, APD provided 12 additional videos from home security surveillance cameras in the neighborhood.

The security video shows Handy walking down the walkway and then stepping off the walkway on at least two occasions. The upstairs neighbor’s camera captures Handy from above Handy, looking down at an angle. The video does not show Handy coming out of his apartment, however, the video shows a shirtless Handy at time stamp 02:22:42, walking from the parking lot to the walkway stairs. Handy is cursing and yelling at someone off camera and is clearly in an agitated state. At 02:24:29 of the security footage, Handy walks back towards his apartment and off camera.

⁷ In addition to the above, the undersigned downloaded off the internet and reviewed the video footage distributed to the news media. The news video appeared to be similar to, if not the same, as the WYZE security footage.

⁸ The WYZE Security Footage time stamps may not correspond with APD fleet camera footage or Body Worn Camera video footage due to different hardware settings.

At 02:36:32, the Anchorage Police arrive and can be seen on the security camera driving into the apartment complex parking lot and can be heard on the camera audio giving commands over a loudspeaker. At 02:38:17, Handy is seen walking out of his apartment, and he is heard on the video audio yelling “Fuck You” at the officers. Handy then walked down the stairs holding the shotgun in his right hand. More police commands can be heard on the video as Handy walked down the walkway stairs. Handy ignored the commands and turned towards the officers and was shot at 02:38:26.

Officer Boynton’s dash camera from his patrol vehicle shows Handy coming out of apartment #3’s doorway at approximately 02:38:12 (or 16 seconds into the video). At 02:38:14, Handy is seen on the dash camera footage raising a gun over his head as he continues to walk down the walkway. At roughly 02:38:19, (approximately 23 seconds into the video) Handy is seen coming down the walkway stairs, facing westward, and briefly flipping the shotgun up with one hand as he goes down the stairs. Officer Boynton’s video shows Handy walking briefly on the sidewalk at 02:38:23 and then turning to face Boynton’s vehicle while looking westward. At 02:38:24, Handy steps into the parking lot carrying the shotgun in his right hand while looking westward. This occurred at approximately 28 seconds into the video. Handy grabs his right arm at 02:38:25. This is 28 seconds into Officer Boynton’s video and appears to be when the first shot was fired. Handy falls to the ground, dropping the shotgun, and lies motionless on the parking lot pavement at 02:28:27, or approximately 30 seconds in the video.

Prior to the above occurring, Handy can be heard on the audio yelling “Fuck You!” and is not listening to the police. Officer Boynton and Officer Jones gave Handy commands that they were Anchorage Police and to drop the gun. Handy did not comply with any of the officers’ commands and continued to walk towards them holding the shotgun.

Other home security video footage corroborates the complaint’s call to 911, and the information relayed to officers, that Handy was waiting out in the street with a long gun. Handy can be seen on a neighbor’s camera in the street at 02:16:08 hours. In other security footage, captured from Reil’s video camera, at 02:15:56 hours, Handy can be seen walking to the street with a long gun which Reil described as a rifle or a shotgun. He can also be seen taking off his sweatshirt and tossing it on the ground. Reil’s camera footage also shows Handy walking back into the apartment complex with his rifle or shotgun at 02:22:50 hours, shortly before officers arrive at 02:36:49.

Weapons Examination

Officer Jones’ handgun was placed into evidence and photographed. Officer Jones had 16 rounds in the magazine closest to his centerline and 17 rounds in his spare magazine. Investigators noted 15 rounds were in Officer Jones’ handgun magazine and 1 round was in the chamber. Officer Jones’ pistol fired 9 mm ammunition.

Sgt. Senoran’s handgun was examined by investigators and in his handgun, detectives counted 19 rounds of 9 mm ammunition in the magazine closest to the center line of his body, 19 rounds in his second

spare magazine, 19 rounds in the magazine in his pistol, and 1 round in the gun's chamber. Sgt. Senoran's pistol had a magazine extension which allowed for additional rounds to be carried.

Officer Stineman's rifle was seized. His three patrol rifle magazines had 30 rounds of ammunition apiece. The patrol rifle had 1 round in the chamber and 20 rounds in the magazine. The rifle was loaded with .223 caliber ammunition.

Officer Ostolaza's rifle was taken as evidence. When examined, the rifle was loaded with a 30-round magazine. The magazine had 27 rounds in it and the weapon had 1 round in the chamber. The patrol rifle was loaded with Remington, .223 caliber ammunition.

Medical Examiner's Report

The State Medical Examiner's Office performed an autopsy on Kristopher Handy's body. Dr. Gary Zientek issued a report on July 15, 2024 setting forth his findings. Dr. Zientek identified 10 gunshot wounds and approximately 3 other wounds that were consistent with "grazing" injuries on Handy's body. Dr. Zientek found that the cause of Handy's death was from multiple gunshot wounds to the torso and extremities.

Additionally, the toxicology analysis provided with Handy's autopsy report showed that Handy was highly intoxicated. Handy had a blood alcohol content or concentration of .282 g/100 mL (which is over three times the legal limit to drive an automobile). Handy's toxicology report also showed that he had 90 ng/mL of the antidepressant Citalopram in his system.⁹

Analysis

Alaska's law of self-defense is contained in a pair of interlocking statutes. Alaska Statute 11.81.330 sets out the general principles authorizing the use of nondeadly force. "A person is justified in using nondeadly force upon another when and to the extent the person reasonably believes it is necessary for self-defense against what the person reasonably believes to be the use of unlawful force by the other person," unless a specified exception applies.¹⁰ Alaska Statute 11.81.335(a) provides for the use of deadly force in self-defense: "[A] person who is justified in using nondeadly force in self-defense under AS 11.81.330 may use deadly force in self-defense ... when and to the extent the person reasonably believes the use of deadly force is necessary for self-defense against (1) death; [or] (2) serious physical injury"¹¹ Both statutes require that the person using force in self-defense reasonably believe that the force is necessary and that the person reasonably believe that the other person is using unlawful force. The plain

⁹ Citalopram is often used to treat low mood (depression) and sometimes for panic attacks. <https://www.nhs.uk/medicines/citalopram/about-citalopram/>. Mixing alcohol with antidepressants may impair thinking and alertness. The combination of antidepressants and alcohol will affect judgment, coordination, motor skills and reaction time more than alcohol alone. <https://www.mayoclinic.org/diseases-conditions/depression/expert-answers/antidepressants-and-alcohol/faq-20058231#:~:text=The%20combination%20of%20antidepressants%20and,become%20sedated%20or%20feel%20drowsy.>

¹⁰ *Jones-Nelson v. State*, 512 P.3d 665, 673 (Alaska 2022); AS 11.81.330.

¹¹ *Id.*, See Also AS 11.81.335(a).

language of both statutes makes clear that if either of these beliefs is unreasonable at the time the person uses force in self-defense, then the use of force in self-defense is not permitted.”¹²

The reasonableness of the person’s belief must be evaluated based on the circumstances facing the person using deadly force or who is claiming self-defense.¹³ Reasonable belief means that a reasonable person would have held such a belief under the same circumstances.¹⁴

Deadly force means 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.”¹⁵ Pointing a firearm at someone is considered deadly force in Alaska.¹⁶ Importantly, a person’s right to use force in self-defense does not hinge on whether the person actually faced an imminent attack; it is sufficient that, given the circumstances, the person reasonably believed that they were about to be assaulted, even though this belief ultimately turned out to be mistaken.¹⁷

Because four (4) officers used deadly force against Handy, each officer’s actions must be analyzed separately under the law above.

APD Officer Jacob Jones

Officer Jacob Jones was one of the first responding officers to 7128 Bearfoot after the call was dispatched to officers in the field. At that time, he was working as a K-9 handler and was standing by to deploy his K-9 if needed. As Officer Jones was waiting to assist the contact team, Handy came out of his apartment walking quickly, carrying a firearm, and refusing to obey the police officers’ commands, and yelling “Fuck you!” When Officer Jones saw Handy moving towards the officers’ position in the parking lot, he and his K-9 moved to the driver’s side of Officer Boynton’s patrol SUV so that his dog would have better angle for going up the stairs to apprehend Handy. It was in this location, close to the front of the vehicle, that Officer Jones saw Handy. Handy, who had a shotgun, had made it down the stairs before Officer Jones could give K-9 warnings to release his K-9. Instead of deploying his K-9, Officer Jones pulled his service pistol and fired approximately two rounds at Handy.

Officer Jones told investigators that he lost sight of Handy as he moved around the back of the Tahoe with his K-9. Officer Jones next saw Handy from his position near the front of the patrol vehicle. At that time, Officer Jones thought Handy was not going to stop and that with the gun in his hand, Handy was going to shoot at him. Officer Jones said at this point he was in between the two teams of officers in an exposed position.

12. *Jones-Nelson* at 673.

13. *Ha v. State*, 892 P.2d 184, 194-95 (Alaska App. 1995).

14. *Weston v. State*, 682 P.2d 119, 1121 (Alaska 1984).

15. AS 11.81.900(b)(16).

16. *Id.*

17. *McCracken v. State*, 914 P.2d 893, 898 (Alaska App. 1996).

Officer Jones relayed to investigators that the event happened extremely quickly. Officer Jones estimated that the encounter took less than 10 seconds from when Handy came out of his residence.

Officer Jones subjectively expressed his belief that he needed to fire his firearm at Handy to stop Handy from firing the shotgun at him. Given the facts known to Officer Jones, and the circumstances that he faced in that moment, Officer Jones' decision to fire his weapon was subjectively reasonable. Similarly, Officer Jones' decision to use deadly force was also objectively reasonable. Officer Jones was faced with a split second decision to protect himself from a man who was aggressively approaching on-scene officers with a deadly weapon and refusing to disarm. In that situation, it was not unreasonable to believe that the individual would fire his shotgun at Officer Jones or one of the other police officers nearby. Overall, Officer Jones' conduct was justified under Alaska law.

APD Officer Jacob Ostolaza

Officer Ostolaza indicated that when he saw Handy, Officer Ostolaza was positioned near the passenger side of Officer Boynton's patrol vehicle. Officer Ostolaza said that he remembered someone giving announcements to Handy via the public announcement system in the vehicle. Officer Ostolaza described these statements as announcing that the police were present and to come out of the apartment with his hands up. Ostolaza said that during these announcements, Handy came out the apartment. Officer Ostolaza described Handy's pace as walking quickly.

Officer Ostolaza saw that Handy was armed with a gun that he determined was a shotgun. He observed that Handy was not listening to the officers and kept advancing towards their position with the gun in hand. When Handy came down the stairs of the apartment walkway and turned towards the officers, Officer Ostolaza stated that in that moment he believed that Handy was going to shoot him or one of the other officers.

Based on this belief, Officer Ostolaza said that he fired multiple rounds from his rifle. Given Handy's refusal to comply with the officers' lawful commands to raise his hands and/or drop the weapon it was subjectively reasonable for Officer Ostolaza to believe that Handy could fire the shotgun at him or the other officers. It is also objectively reasonable to believe that Handy would fire the firearm at the police given that it was reported that he was acting erratic, was yelling and screaming in the street with the firearm prior to the officers' arrival, that he may have fired a round off inside the apartment, and that he purposefully ignored the officers' commands to drop the weapon.

Sgt. Noel Senoran

Since investigators were not provided a statement from Sgt. Senoran, the analysis of whether he was justified or not justified in using deadly force against Handy may be incomplete. The most difficult part of the analysis will be inferring Sgt. Senoran's subjective belief as to the necessity of firing his service weapon at Handy. However, a person's mental state may be shown by circumstantial evidence, as what a person does or does not do may indicate that person's mental state.

The circumstantial evidence relevant to the above examination is discussed below. Sgt. Senoran's body worn camera does not clearly show what he personally observed or did not observe. His footage shows the vehicle that he was using for cover and the bottom of his hands as he holds his pistol. Handy can be seen through the car windows of the vehicle that Sgt. Senoran was behind, but Sgt. Senoran appears to be actually looking over the top of the car. Handy's image is captured by Sgt. Senoran's BWC which was positioned on his vest lower than his line of sight. Sgt. Senoran identified himself as having fired his weapon, but he is not directly seen firing his handgun on his video footage.

Sgt. Senoran was closer to Handy than Officer Harvey, and it was clear from Officer Harvey's body camera footage that Handy was moving quickly. Sgt. Senoran was positioned nearby the silver SUV shown on the left side of Figure 1 while Officer Harvey was stationed near Officer Boynton's patrol vehicle in the parking lot.

Based on other officers' statements, Handy made it off the apartment walkway faster than many of the officers expected. Handy was still carrying the shotgun that he had displayed to the police when he initially came out of his apartment. Handy's yelling "fuck you" at the officers and his continued advancements towards their location all while ignoring commands to drop his weapon and to raise his hands is reasonably viewed both subjectively and objectively as aggressive conduct.

Sgt. Senoran was in a position with two other officers to the left side of Officer Boynton's vehicle, attempting to flank Handy. Sgt. Senoran clearly was in a position to hear Handy yell "fuck you" and he most certainly heard the commands given over Officer Boynton's P.A. system. Likewise, Sgt. Senoran would have been able to see Handy when he came down the stairs with the shotgun. Although it appears that Sgt. Senoran was behind sufficient cover that Handy could not or did not see him, other officers were present in uncovered positions or unprotected positions, such as Officer Harvey and Officer Jones. When Handy came down the stairs holding the shotgun he is looking to his right (or westward) to Sgt. Senoran's position. (See Figure 1.)

Figure 1



Prior to this point, the officers had information that Handy had been involved in a disturbance and may have fired a shot from a firearm inside his residence. Handy was clearly agitated at the officers being present. When Handy began to step off the sidewalk holding the shotgun in his right hand and moving toward the officers in the parking lot, it was reasonable for Sgt. Senoran (and others) to subjectively believe that Handy was about to fire his weapon at the officers near the police Tahoe.

Likewise, it was objectively reasonable to use deadly force upon Handy because he refused to drop the shotgun, refused to raise his hands, shouted words of defiance at the officers, and refused to stop his advancement towards their position. Based on the dispatched information and Handy's conduct, Sgt. Senoran's belief that Handy was about to immediately cause harm to him, or other officers, was objectively reasonable.

The speed at which Handy advanced or closed the distance on the officers, and the availability of "cover" from vehicles to Handy's left, negated sufficient time or opportunity to use less lethal options against him. In that moment, it was reasonable for Sgt. Senoran to use deadly force to prevent Handy from using deadly force against Sgt. Senoran or the other officers. As such, Sgt. Senoran's act of using deadly force against Handy to protect himself or other officers from death or serious physical injury is justified under the law.

APD Officer James Stineman

When Handy moved towards the contact team to the west, Officer Stineman believed that Handy was about to shoot the officers. Officer Stineman fired his rifle at Handy when he stepped from the

sidewalk into the apartment complex parking lot with the shotgun. (See Figure 2.) Officer Stineman believed he stopped firing when Handy's gun fell out of his hand.

Figure 2



Officer Stineman's use of deadly force in this instance was a result of Handy's refusal to drop the shotgun and raise hands while he continued to advance towards the officers. It was subjectively reasonable for Officer Stineman to believe Handy posed a threat to him and others based on Handy's conduct and the information relayed to officers by police dispatch about Handy's prior conduct that night. Similarly, it was objectively reasonable for an officer in Officer Stineman's position to use deadly force to stop Handy from engaging in potentially life-threatening conduct against Officer Stineman or other officers.

Because Handy possessed a firearm, and continued to walk towards the officers, the use of deadly force to meet such a threat was not unreasonable. In this situation, Officer Stineman's actions were justified under the law.

Discrepancies

The Anchorage Police Department provided a briefing about the incident shortly after it occurred, to provide information to the public about the unfolding situation. At the time, it was believed that Kristopher Handy pointed his shotgun at the officers on scene, and that information was relayed to the public. The source of this information is unknown, however, this information is not borne out by a review of the available video footage. One of the witness officers did report that he believed Handy started to raise his shotgun at the officers shortly before the officers fired their weapons.

It is not uncommon for people who experience a traumatic event to describe and remember things differently. As depicted on camera, Handy is seen by the police with the shotgun in his hand and is seen on camera raising it above his head, and "flipping" the barrel up towards the parking lot as he walked along the walkway. It is possible that some officers saw this conduct and perceived it as "pointing," which

was then communicated to the APD Chief. However, from the video footage accessible to OSP, Handy is not seen directly pointing the shotgun at the officers.

Conclusion

The investigation generally corroborated officers' accounts of the events. The evidence uncovered by the crime scene investigators and detectives supports the officers' version of events. Based on my review, the officers who fired their weapons were justified in using deadly force to prevent Handy from shooting at law enforcement.

Considering the totality of the circumstances in this case, the State will not file criminal charges against any of the officers related to the death of Kristopher Handy. Please advise the officers of this decision. If you, or other members of your department have any questions, please give me a call or email me. I can be reached at john.darnall@alaska.gov or (907) 269-6250.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

A handwritten signature in blue ink that reads "John Darnall". The signature is fluid and cursive.

John Darnall
Sr. Assistant Attorney General
Office of Special Prosecutions

CC:

Clinton Campion
Attorney for Sgt. Noel Senoran
Attorney for Officer Jacob Ostolaza

Mera Matthews
Attorney for Officer James Stineman
Attorney for Officer Jacob Jones