

## **LINCOLN COUNTY DISTRICT ATTORNEY JUSTIFIES USE OF FORCE BY OSP TROOPER DURING JANUARY 3, 2014 INCIDENT NEAR LINCOLN CITY.**

News Release from Oregon State Police  
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The following is being released on behalf of Lincoln County District Attorney Michelle Branman.

The investigation involving, DALE EDWARD WALLACE, age 30, the fugitive wanted out of Montana who was injured January 3, 2014 during an encounter with law enforcement in Lincoln City is complete. WALLACE was released to Montana officials to face pending criminal charges of robbery. The Lincoln County District Attorney's office has received final reports from several agencies regarding the manner in which WALLACE was taken into custody. Newport Police Department took the lead investigator's role when the Lincoln County Major Crime Team was activated following WALLACE'S apprehension.

Prior to the encounter with law enforcement in Lincoln City, it was reported that Wallace was suicidal. He made several suicidal comments on social media sites. Officials had been informed that, in Montana, WALLACE had robbed a coin shop owner at gun point and had stolen several firearms and ammunition during the robbery. WALLACE and his companion were located near the Lincoln City community center during after school hours. Throughout the encounter WALLACE was armed and ordered to stop moving by law enforcement. Instead of laying down his weapon, WALLACE aimed a gun in the direction of Sheriff's Deputy Rene Lopez. Oregon State Trooper Adam Kowing then struck Wallace with his vehicle. WALLACE sustained injuries but was treated and released at Oregon Health & Science University and is expected to make a full recovery.

A separate and mandatory investigation into the use of deadly force by the OSP trooper has been conducted, with the assistance of the Newport Police Department and the members of the Major Crime team. This information has been forwarded to the Lincoln County District Attorney's Office for review. The District Attorney's office has completed its review of Trooper Kowing's use of deadly force. Based on the information known to the Trooper at the time of the "use of deadly force", the District Attorney's office believes Kowing's use of force was justified. Kowing's actions stopped the threat of a suicidal gunman who was taking aim at police officer near a community center. Neither Kowing nor any other officer present discharged their firearm or used other lethal force. Kowing's quick and decisive actions resulted in WALLACE surviving this volatile event, but more importantly prevented Wallace from harming members of the public or law enforcement.

While the District Attorney's Office is still contemplating criminal action against DALE EDWARD WALLACE, at this time the District Attorney's office is closing this use of deadly force investigation. The District Attorney's office finds that Trooper Kowing's use of force was justified.

Trooper Kowing will resume normal patrol duties in the very near future. Questions regarding the Use of Force review and determination should be directed to the Lincoln County District Attorney's office. Questions regarding the robbery investigation that occurred in Montana should be directed to Butte Silver Bow Law Enforcement Department and or Butte Silver Bow County Attorney's Office.

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February 3, 2014

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RE: Use of Deadly Force by Trooper Adam Kowing on January 3, 2014  
Injured Party: Dale Edward Wallace

Dear Lt. Duvall, Chief Miranda, and Mr. Philips

Per Senate Bill 111 and Lincoln County's protocol for Officer Involved Shootings and Major Incidents, the Lincoln County District Attorney's has been tasked with reviewing Trooper Kowing's Use of Force on January 3, 2014. I have reviewed reports from Newport Police Department, (14N00026), Lincoln City (14-000013), Lincoln County Sheriff's Department, (14S00022), Oregon State Police, (SP14002704), the Oregon State Police Crime Lab (14-26) and Medical Reports from Samaritan North Lincoln.

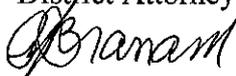
From these reports and my conversations with the investigating officers, I make the following findings: Trooper Adam Kowing was informed prior to any contact with Mr. Dale Wallace that, Wallace had robbed a store at gun point. During the course of the robbery, Wallace had stolen

firearms and ammunition. Wallace was considered a fugitive from Montana. Wallace reported on social media sites that he was suicidal. When Trooper Kowing located Wallace, he was in a very public place with many civilians and law enforcement officers. Wallace was ordered to stop moving and to drop the firearm he was carrying. Radio transmission during this encounter revealed officers saw Wallace with a gun seconds before the encounter. Instead of complying with orders to drop his weapon, Wallace aimed the gun at the Sheriff's Deputy Rene Lopez. Officer Kowing's dash camera revealed that Kowing heard the radio traffic and was able to see Wallace making a gesture towards Deputy Lopez. After Wallace aimed the firearm at Deputy Lopez and starting to run away from officers. Kowing struck Wallace with his vehicle. Wallace sustained serious injuries. He was treated at the hospital and is expected to make a full recovery. When Wallace was debriefed at the hospital he admitted he aimed the firearm at Deputy Lopez during the encounter.

I have determined that Trooper Adam Kowing's "use of force" was justified under Oregon Law. Additionally, given the circumstances of this case it will not be presented to Grand Jury.

Sincerely,

Michelle Rena Branam  
District Attorney



Cc Dustin Kittle, Newport Police Department  
LT. Eric Davenport, OSP  
Cari Boyd, OSP  
Chief Keith Killian, LCPD  
Det. Mitch France  
Trooper Adam Kowing, OSP  
Darrin Phillips, -