

# SUSAN I. BAUR COWLITZ COUNTY PROSECUTING ATTORNEY

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## NEWS RELEASE

FOR IMMEDIATE RELEASE  
July 12, 2007

Contact: Sue Baur or Michelle Shaffer

### **THE FOLLOWING IS A STATEMENT BY PROSECUTING ATTORNEY SUE BAUR:**

I have completed my review of the investigation into the death of William R. Hardies. I have concluded that Officer Darrell Stair of the Kelso Police Department and Officer Chris Trevino of the Longview Police Department, acted lawfully and justifiably in the shooting death of Mr. Hardies on June 5, 2007. Mr. Hardies threatened to shoot officers with a firearm and later came at them with a club. The resulting use of deadly force against Mr. Hardies was justified in this case.

My review has encompassed the following:

- The Clark County Major Crimes Unit's investigation report to include interviews and witness statements, diagrams, description of scene, and collection of physical evidence
- Autopsy report
- Police use of force demonstration and training video
- Photos
- Walk-through of scene
- Applicable law.

Police officers are allowed by law to use deadly force to protect themselves or others in certain situations. Police officers also may justifiably use deadly force when arresting or apprehending a person who is reasonably believed to have committed, has attempted to commit, is committing, or is attempting to commit a felony. The officers must have probable cause to believe that the person, if not apprehended, poses a threat of serious physical harm to the officer or others.

In this case, officers were lawfully attempting to apprehend Mr. Hardies on warrants in two felony cases and in one misdemeanor case. Officers at the scene knew that Mr. Hardies had two prior felony assault convictions, was on escape status from the Department of Corrections, and had been flagged in the National Crime Information data system as being assaultive toward law enforcement. The officers had a duty to apprehend Mr. Hardies on the warrants and to prevent his escape from the area into the surrounding community.

At approximately 11:45 a.m. on June 5, Castle Rock officers approached Mr. Hardies in the driveway of his residence, which was the garage/shed behind 444 Kirby Avenue in Castle Rock. Mr. Hardies ran and barricaded himself in the shed. He refused to come out and threatened to shoot any officer who attempted to come in with his "9 millimeter". He told officers that they would need the SWAT team to get him out. The Lower Columbia SWAT team was called in to assist.

Over the course of several hours, officers attempted to have Mr. Hardies surrender. They told him they were not going away and that if he came out peacefully he would not be harmed. After approximately four hours of unsuccessful negotiations, officers introduced a combination of pepper spray and tear gas into the shed on two different occasions with no result. They then tried the introduction of a stronger chemical munition to no avail. Mr. Hardies' comments during the standoff varied from threats toward the officers and profanity, to refusing to comply, to mumbling, and were at times unresponsive. He would say he was coming out, but then say he would not. The officers heard him banging things, hammering, and moving large objects.

At approximately 4:45 p.m., Officers Darrell Stair and Chris Trevino, both members of the SWAT team, were covering the door to the shed. Officer Trevino was armed with a beanbag shotgun, and Officer Stair was armed with a handgun. They were approximately 12 feet away from door to the shed in a small, confined area when Hardies opened the door.

The officers' view of the doorway was partially blocked by a refrigerator. They saw the left portion of Mr. Hardies' body come through the doorway, and they could see that he had something in his left hand. Officers told him to drop what was in his hand and show them his hands. Mr. Hardies threw what was in his left hand to the ground while still advancing through the doorway. As the officers still could not see his right hand, they continued to order him to show his hands. As Mr. Hardies came around the refrigerator, he raised his right arm into view, and the officers saw that he was coming at them with a large wooden club in his right hand. The club was later measured to be 2 ½ feet long and 1 ½ inch in diameter. They immediately commanded him to drop the club several times. Mr. Hardies continued deliberately advancing on the officers, staring at them and shaking the club with his raised arm. Both officers were convinced that he was going to assault them with the club. Mr. Hardies continued advancing toward officers, while continuing to shake the club and refusing their commands to drop the weapon. At that point, the officers fired their weapons almost simultaneously.

In all, Mr. Hardies was shot with three handgun rounds from Officer Stair's handgun and two beanbag rounds from Officer Trevino's rifle. An autopsy revealed the cause of death was a bullet wound to the chest. Toxicology results later revealed that Mr. Hardies had a blood alcohol level of 0.22 and had methamphetamine in his system.

It is my conclusion that the threat posed by Mr. Hardies as he emerged from the shed justified the officers' use of force. The circumstances that were known to the officers were that:

- (1) The suspect had threatened to shoot officers with a 9 mm firearm,
- (2) The suspect was not communicating rationally,
- (3) The suspect was refusing to comply with police commands,
- (4) CS gas had no effect on the suspect, and
- (5) The suspect advanced deliberately towards officers while armed with and threatening them with a deadly weapon.

Officers Darrell Stair and Chris Trevino acted without malice and with a good faith belief that their acts were necessary. Faced with a split-second decision, the officers had no alternative but to shoot Mr. Hardies. There is no criminal liability in this case as to any of the officers.

