



August 2, 2024

Colonel Maurice Hughes  
Director, Alaska State Troopers  
5700 East Tudor Road  
Anchorage, Alaska 99507

Chief Jeffrey Brown  
North Slope Borough Police Department  
P.O. Box 69  
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**RE:** Use of Deadly Force Review—AST Case No. AK23115307

Colonel Hughes:

This letter summarizes the Office of Special Prosecutions<sup>1</sup> review of the incident involving Alaska State Troopers<sup>2</sup> Sgt. Aaron Mobley, Trooper Scott McAfee, Trooper Trevor Norris, and North Slope Borough Police Department<sup>3</sup> Detective John-Ashton Swope's use of deadly force against Michael Grimes on November 1, 2023 at approximately Mile Post 255 of the Parks Highway, near Healy. 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, autopsy and lab reports, and other evidence submitted to date.<sup>4</sup> The purpose of the evaluation in this matter is to determine whether the law enforcement officers should face criminal charges for their use of deadly force during this incident.<sup>5</sup>

<sup>1</sup> The Office of Special Prosecutions is hereafter referred to as OSP.

<sup>2</sup> The Alaska State Troopers is hereafter referred to as AST.

<sup>3</sup> The North Slope Borough Police Department is hereafter referred to as NSBPD.

<sup>4</sup> 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.

<sup>5</sup> 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 AST or NSBPD policies, including use-of-force policies.

After applying the governing law to the facts and circumstances surrounding this incident, OSP will not file criminal charges against Sgt. Mobley, Troopers McAfee and Norris or NSBPD Detective Swope. For the reasons explained below, I have concluded that each of the officers was legally justified in using deadly force to defend himself and others. Therefore, criminal charges are not appropriate.

### *Summary of Pertinent Facts*<sup>6</sup>

On November 1, 2023, law enforcement officers planned a traffic stop on a vehicle being driven by Michael Grimes as he traveled north on the Parks Highway. The stop was linked to an ongoing investigation of Mr. Grimes and others regarding suspected illicit narcotics possession and sales. During the course of the investigation, officers from the Fairbanks Areawide Narcotics Team<sup>7</sup> and other law enforcement officers had conducted surveillance of Mr. Grimes and believed Mr. Grimes and M.P. were traveling from Anchorage to Fairbanks with narcotics. Officers learned that Mr. Grimes, who was a convicted felon and therefore barred from possessing firearms, was openly carrying a firearm and had recently purchased firearm accessories and ammunition. The officers were also aware Mr. Grimes had a prior violent history, including a recent assault in which he was alleged to poured acid on his wife's face.

The officers had a court-ordered search warrant that authorized them to search the vehicle Mr. Grimes was driving, a black 2022 Dodge Ram truck.<sup>8</sup> The officers believed Mr. Grimes and M.P. would both be armed during the stop and in light of the circumstances, FANT believed the traffic stop would be high risk and requested assistance from AST's Fairbanks Crime Suppression Unit<sup>9</sup> and other Troopers. These additional officers were all advised of the situation and circumstances of the stop, including Mr. Grimes' criminal history.

The law enforcement officers strategically picked a location near Mile Post 251 of the Parks Highway, outside of Healy, to conduct the stop in order to reduce the risk to the officers and civilians. Additional Troopers were staged in the area to provide support, including tire deflation devices, in case Mr. Grimes did not stop, and a K9, in case Mr. Grimes tried to flee on foot. When Mr. Grimes drove past the Troopers'

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<sup>6</sup> This factual summary is based upon the investigative materials provided to OSP in the above-referenced case, including written reports, audios and videos from the incident, including radio traffic, recorded interviews, autopsy reports, Lab reports, and photographs. 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.

<sup>7</sup> The Fairbanks Areawide Narcotics Team is hereafter referred to as FANT.

<sup>8</sup> This vehicle was not registered to Mr. Grimes, but for ease of reference, it will be referred to as "Mr. Grimes' vehicle" or "the truck" throughout this letter.

<sup>9</sup> The Crime Suppression Unit is hereafter referred to as CSU.

location, Trooper Hollenbeck initiated the lights and sirens on his fully marked patrol car to signal to him to pull over. According to a review of in-car video recordings taken from Troopers' vehicles during the incident, Mr. Grimes initially pulled over to the side of the highway. Trooper Hollenbeck pulled behind Mr. Grimes and Sgt. Mobley, also in a fully marked patrol car, moved past Trooper Hollenbeck to the front of the truck, to pin Mr. Grimes' vehicle. Before Sgt. Mobley could fully block the truck, Mr. Grimes accelerated forward, hitting Sgt. Mobley's vehicle and speeding away headed northbound. According to a review of radio traffic, an officer advised over the radio that Mr. Grimes hit a Trooper vehicle and failed to yield. Multiple Troopers later estimated Mr. Grimes was traveling at a speed in excess of 100 mph as they followed him northbound on the highway.

Troopers who were staged further north on the highway deployed spike strips along the highway to stop Mr. Grimes; the spike strips deflated the tires of the truck, causing it to eventually lose speed near Mile Post 255. When Mr. Grimes' speed dropped, the officers again attempted to stop him. The in-car video shows Trooper Hollenbeck using his vehicle to make contact with Mr. Grimes' vehicle two times in an effort to stop it. As seen on the in-car videos, Trooper Hollenbeck moved to a position behind Mr. Grimes' truck after making contact. Sgt. Mobley drove to the front driver's side of Mr. Grimes' vehicle to pin it, with Trooper Norris positioned next to Sgt. Mobley. As Sgt. Mobley pulled up to the driver's side door of the truck, video captures the driver, later confirmed to be Mr. Grimes, produce a pistol, point it out the driver's window, and fire several shots in Sgt. Mobley's direction. Sgt. Mobley aired over the radio that shots had been fired and that "he hit my vehicle." Mr. Grimes then continued to drive north, passing what appears to be a civilian vehicle on the southbound side of the road. Several additional shots, apparently coming from Mr. Grimes' vehicle, can be heard as the video shows Mr. Grimes driving away from the Troopers.

After Mr. Grimes fired at Sgt. Mobley, the officers continued to follow Mr. Grimes. Trooper Norris can be seen on video positioning his vehicle directly behind Mr. Grimes' vehicle. The video picks up the sound of multiple gunshots. At first, the gunshots appear to be coming from the truck. Later, bullet strikes are seen hitting Mr. Grimes' vehicle; these appear to be coming from Trooper Norris' vehicle, which was still positioned immediately behind Grimes' vehicle. Trooper Norris later reported that he fired one time through the front window of his patrol vehicle with his patrol handgun and then fired multiple times through the window with his duty-issued shotgun. Holes consistent with bullet strikes begin to appear in Mr. Grimes' back window, and the truck is seen slowing down to a stop. As Mr. Grimes comes to a stop, numerous officers are seen exiting their vehicles and taking cover behind

Trooper Norris' vehicle. Mr. Grimes' vehicle is then observed moving forward. According to the video, and corroborated by later interviews, when the truck begins to move again, Sgt. Mobley, Troopers McAfee and Norris, and Detective Swope all fire multiple shots at the driver's side of the truck. The truck is then seen on the video coming to a stop.

Officers provided commands to the occupants of the truck to exit; M.P. exited the front passenger seat and was detained. Officers approached the driver's side and were able to contact and remove Mr. Grimes, who was bleeding from a visible injury to his head and was unresponsive. They saw and removed two magazines and a baton from his body. Medics arrived on scene and pronounced Mr. Grimes dead. In addition to the magazines that were removed from his person, investigators observed Mr. Grimes had three empty pistol magazine pouches on his left side, an empty firearm holster on his right side, and two loaded pistol magazines in the right breast pocket of his jacket.

Investigators from AST's Alaska Bureau of Investigations<sup>10</sup> responded to document the scene, to include taking photographs and FARO images, and collected evidence. When ABI arrived, they observed a black Dodge Ram truck in the northbound lane with multiple marked AST patrol cars behind it. Investigators observed Mr. Grimes' body, covered by a sheet, near the driver's side door of the truck. They also saw and documented two 9mm magazines on the ground under the truck's tailgate, each loaded with fifteen live 9mm rounds. Investigators were later told these magazines were the ones taken off Mr. Grimes after he was removed from the truck. Investigators also saw a baton near the driver door of the truck, a black ball cap near the left rear tire, one 9mm spent shell casing under Mr. Grimes' body, and two 9mm Luger Blazer spent shell casings on the ground below the driver's door. The ball cap had a defect at the top of the hat that appeared to be in line with the location of the injury to Mr. Grimes' head. The defect's placement at the top of the hat appeared consistent with a bullet that was later recovered from the ceiling of Mr. Grimes' vehicle above the driver's seat, and is consistent with a self-inflicted gunshot wound, as reported by the Medical Examiner.

Inside the truck, investigators observed two 9mm pistols on the driver's side floorboard, blood spatter on the side of the driver's seat and on the middle armrest/console, and three spent shell casings on the floor between the driver's seat and the driver's door. One gun was a white SCCY CPX-2 9 mm pistol, and the other was a Glock-19 9mm pistol. Each of the 9mm guns recovered from the driver's side floorboard had seven live rounds in the magazine and one live round in the chamber.

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<sup>10</sup> The Alaska Bureau of Investigations is hereafter referred to as ABI.

Investigators found a third 9mm pistol, also a SCCY CPX-2, in the rear passenger floor, behind the driver's seat; this gun was also loaded and had a live round in the chamber. A .44 caliber revolver was also found on the rear passenger floor of the truck. The two guns found near the driver's side were sent to the Alaska State Crime Detection Laboratory for DNA testing. In a report dated April 15, 2024, the Lab determined that the major component of the DNA found on the white SCCY CPX-2 handgun and magazine matched Mr. Grimes' DNA. No other DNA analysis was able to be done given the complexity and/or quantities of DNA found on other items that were analyzed.

Investigators observed multiple defects in the front windshield and the back panel and tailgate of Mr. Grimes' vehicle, consistent with gunshots being fired from behind the truck. A later search of the truck found a projectile fragment in the tailgate. The rear window on the driver's side of the truck was shattered, and some of the projectiles appeared to have traveled through the cab of the truck and exited the front windshield. A 9mm Luger Blazer spent shell casing and bullet fragments were found in the bed of the truck. Investigators recovered a projectile and a projectile fragment located in the ceiling of the truck directly above the driver's seat headrest, which is consistent with the bullet trajectory of a self-inflicted injury later described by the Medical Examiner in the autopsy report. They also found bullet fragments on the rear passenger floor behind the front passenger seat, on the back of the driver's side headrest, inside the rear passenger headrest, behind the driver's seat, on the front passenger floor, front passenger seat, driver's seat cushion, and the front dashboard. A large quantity of drugs was also found during the search of the truck.

Investigators inspected each of the involved law enforcement vehicles. Trooper Norris' marked patrol car was behind Mr. Grimes' truck; they observed a defect in the vehicle's windshield that was consistent with shotgun rounds being fired from inside of the vehicle, as reported by Trooper Norris. Sgt. Mobley's marked patrol vehicle was parked directly behind Trooper Norris' vehicle. Investigators saw a defect consistent with a bullet strike on the passenger's side front bumper area of Sgt. Mobley's vehicle; a later search found the defect continued through the bumper and stopped at the grill of the engine and investigators observed possible projectile fragments. Investigators also observed damage on the front passenger's side of the pit bumper. A projectile was later found between the rubber tire and the wheel of the right front tire that had pierced the tire. Next to Sgt. Mobley's vehicle was another marked vehicle driven by Trooper Hollenbeck; investigators observed damage to the vehicle's left front push bumper consistent with Trooper Hollenbeck's attempts to stop Mr. Grimes' vehicle with the patrol vehicle. An additional marked AST vehicle

belonging to Trooper McAfee was observed behind Sgt. Mobley's patrol vehicle.

Investigators found four 12 gauge spent shotgun shells and one 9mm Luger Winchester spent casing in Trooper Norris' vehicle. They also found 21 9mm Luger Winchester spent casings, 16 .223 caliber Remington spent shell casings, and an empty 9mm magazine, later identified as belonging to Trooper McAfee, near the patrol vehicles. They found an additional two shotgun wads about 50 to 80 feet from Mr. Grimes' vehicle, as well as two spent 9mm shell casings and a spent .45 caliber shell casing further from the patrol vehicles. Additionally, three more bullet casings, several shotgun wads and pieces of debris from cars and tires consistent with the attempted pit stops and deployment of spike strips were found in the area.

Investigators examined, documented, and collected the involved officer's firearms and magazines and counted the remaining rounds. Investigators from ABI also interviewed each of the officers who fired their weapons. The officers' reports of the events during these interviews were consistent with what was captured by the in-car cameras. Reports from other Troopers on scene, including a Trooper who witnessed the incident from an AST helicopter flying above the incident, also corroborated the events as seen on the in-car videos and as described by the involved Troopers.

Sgt. Mobley told investigators that after the spike strips began to deflate Mr. Grimes' tires, Trooper Hollenbeck tried to use his vehicle to stop the truck. Sgt. Mobley said he was attempting to help stop the truck when he saw Mr. Grimes raise a gun; he said he could see the muzzle aimed at him. Sgt. Mobley said he ducked behind his computer for cover. Sgt. Mobley told investigators he could hear rounds hitting his vehicle and reported he thought he was going to die. He said he knew there were other Troopers behind him and did not know if they were getting shot at as well. Sgt. Mobley reported he announced "shots fired" over the radio and continued to hear and see shots being fired at the officers from the truck. He said he saw casings coming out of the truck, as well as muzzle flashes. Sgt. Mobley reported seeing civilians on the side of the road. He told investigators his main concern was to stop Mr. Grimes to prevent him from shooting someone. Sgt. Mobley said that when the truck came to a stop, he exited his vehicle, took cover behind Trooper Norris' vehicle, and began firing at the driver's side of the truck with his rifle. He estimated he fired six to ten rounds. Sgt. Mobley said that he did not fire at Mr. Grimes until after Mr. Grimes fired at the officers. He said he stopped firing when he did not see movement from within the truck.

Trooper Norris said that after Trooper Hollenbeck tried to stop Mr. Grimes with his vehicle, Trooper Norris drove towards Mr. Grimes' vehicle to make a second

attempt; he said Sgt. Mobley was on his left. Trooper Norris told investigators he did not remember if he heard a shot or saw the gun first, but he remembered seeing an arm coming out of the driver's side window pointed backwards at a 45-degree angle and then realized multiple shots were being fired. Trooper Norris reported that as the truck continued to drive away from the officers, he drew his pistol and aimed it at Mr. Grimes; he said he fired one round through his front windshield, but the back window of the truck did not shatter. Trooper Norris said he then used his patrol shotgun to fire additional shots through his front windshield in the direction of the driver of the truck as they continued to drive. During this time, he said he heard more shots coming from the truck and saw the driver firing rounds with his arm out of the window, shooting backwards towards Sgt. Mobley. Trooper Norris said that the last two rounds he fired shattered the back glass and the truck began to slow down.

Trooper Norris said he was concerned that Mr. Grimes was going to exit the truck and start shooting at them, so Trooper Norris exited his vehicle and went to the back of his vehicle for cover. Trooper Norris said Mr. Grimes began driving away again, so he fired three to four times with his pistol at the driver's side of the truck. Trooper Norris said he made the decision to use deadly force when Mr. Grimes began to shoot at Sgt. Mobley and that he continued to shoot because Mr. Grimes was continuing to shoot and attempting to flee. Trooper Norris said he thought that Mr. Grimes could hit any of the officers or passing motorists as he shot backwards while driving. He said he believed firing at Mr. Grimes was the only option to protect himself, his fellow officers, other motorists, and the only way to stop Mr. Grimes from continuing to shoot. He said he was in fear of his and other officers' safety, particularly because Mr. Grimes appeared to be directing shots at Sgt. Mobley and he thought that the rounds Mr. Grimes was firing could hit him. Trooper Norris said that he believed he was the first officer to fire. He said if the pursuit continued, he believed Mr. Grimes would have continued to put officers and others at risk of death or injury.

Trooper McAfee described the pursuit after Mr. Grimes failed to stop as getting up to speeds of around 110 mph. He said that during the pursuit, Sgt. Mobley said "shots fired" on the radio, and Trooper McAfee saw puffs of smoke coming out of the window of Mr. Grimes' truck and heard shots. Trooper McAfee said that he would catch up to Mr. Grimes' truck, then would see more puffs of smoke coming from Mr. Grimes' window and would back off. He said he remembered Mr. Grimes firing off a volley of shots two to three times. Trooper McAfee reported seeing glass puffing on Trooper Norris' window by the driver's side and said he believed that Trooper Norris was being fired on. Based on the location of the shots, he was concerned that Trooper

Norris was being hit by the bullets. Trooper McAfee said he was worried that he would be struck by a bullet through his windshield. He said he was trying to anticipate when the gun would come out of the window of the truck, to avoid being shot. He said he was afraid of being shot and killed and was also afraid for the lives of the other officers and the public. Trooper McAfee reported seeing the back window of the truck blow out, and then saw the truck come to a stop. Trooper McAfee thought Mr. Grimes stopped the truck not to surrender, but to “have it out” with the officers. He reported that he stopped and exited his vehicle and got behind Trooper Norris and Sgt. Mobley. Trooper McAfee said he heard a volley of shots coming from the truck again and he began to fire at the truck, aiming for the driver side headrest. He said he stopped shooting when he no longer saw movement in the truck.

Detective Swope was also involved in the pursuit; he told investigators that as they were pursuing Mr. Grimes as he drove away from them at a high rate of speed, Det. Swope saw Mr. Grimes lean out the window. He said he heard Sgt. Mobley say “shots fired” over the radio. Det. Swope said he did not see the pistol but heard popping and knew Mr. Grimes was shooting at them. He said he thought a Trooper vehicle made contact with Mr. Grimes’ vehicle, then heard more shots coming from Mr. Grimes’ vehicle. Det. Swope said he believed Mr. Grimes was trying to kill him and the other officers. He said he saw Mr. Grimes’ vehicle and the Trooper vehicles in front of him come to a stop. Det. Swope said as he stopped and exited his vehicle, he heard multiple shots coming to and from Mr. Grimes’ vehicle. Det. Swope told investigators he saw Mr. Grimes in the space between the driver’s headrest and the chair of the seat. He described seeing a “coming backwards” motion and heard Mr. Grimes shoot. Det. Swope described raising his rifle and firing one or two times at the crack between the headrest and the driver’s seat. He said that the shooting from both sides then stopped. Det. Swope said that at the time he shot at Mr. Grimes, he believed Mr. Grimes would continue to shoot at officers until they shot him.

Trooper Hollenbeck wrote a report detailing what he observed. He reported that after the truck drove over the spike strips, he caught up to it and, in an effort to stop the truck, bumped into the truck using his marked patrol vehicle. He said that after the second contact he made with the truck, he heard gunshots coming from the direction of the truck; he reported the truck then accelerated away. Trooper Hollenbeck reported he saw a pistol held out of the driver’s side window of the truck, pointed backwards, and then heard additional gunshots coming from the direction of the truck. Trooper Hollenbeck reported that the truck accelerated again and drove about a quarter-of-a-mile before coming to a stop in the road. As he pulled up behind Mr. Grimes’ truck, Trooper Hollenbeck said he saw multiple Troopers and heard multiple gunshots coming from in front of him. He said he was armed with his patrol



rifle but did not shoot.

Investigators also interviewed the passenger of the truck, M.P., who told them that Mr. Grimes “just pulled out his gun and started shooting.” She said Mr. Grimes told her to get on the ground, which she did. The passenger, who was crying violently, repeatedly said “why would he do that.” She also said something that sounded like “he shot his face,” although from the audio, it is hard to hear exactly what she said given how hard she was crying.

An autopsy was conducted by Dr. Rolf at the State Medical Examiner’s Office on November 6, 2023, and an autopsy report was issued. Dr. Rolf identified the cause of death as a brain injury based on an “intraoral gunshot wound” that entered inside Mr. Grimes’ mouth near the midline of the mouth. Dr. Rolf described the bullet’s trajectory as passing upward and towards the back, through Mr. Grimes’ head, before exiting the scalp at the top of his skull. Dr. Rolf classified the manner of death as a suicide. She also noted and documented other “small” ballistic injuries, including abrasions, to Mr. Grimes’ head and body. However, Dr. Rolf found that these other minor injuries were not significant enough to have caused Mr. Grimes’ death.

The firearms recovered from Mr. Grimes’ vehicle, as well as the firearms used by officers involved in this incident were sent to the Alaska Crime Detection Laboratory for analysis, along with the magazines, cartridges, and discharged shell casings from the scene. The fired bullets found in the truck and a bullet fragment recovered during the autopsy of Mr. Grimes were also submitted for testing. In a report dated July 31, 2024, the Lab found all of the firearms tested were operable, including the two firearms found in the driver’s area of Mr. Grimes’ vehicle: a 9mm Luger caliber Glock Model 19 and a 9mm Luger caliber SCCY Model CPX-2 semiautomatic pistol. The bullet found in Sgt. Mobley’s tire was compared to bullets fired from the guns involved in the incident. The Lab analyst determined the bullet in Sgt. Mobley’s tire had been fired from the 9mm SCCY CPX-2 found in the driver’s side of Mr. Grimes’ vehicle.

The bullet found between the roof and ceiling liner of Mr. Grimes’ vehicle was also compared. The analyst was unable to make a definitive determination as to which gun fired the bullet, however the analyst concluded the bullet could not have been fired from Trooper McAfee’s Glock 17 9mm pistol, Trooper Norris’ Glock 17 9mm pistol, or either of the SCCY CPX-2 9mm pistols found in Mr. Grimes’ truck. The analyst concluded the bullet could have been fired from the Glock 19 9mm pistol found on the driver’s side floorboard of Mr. Grimes’ vehicle, which is consistent with the autopsy findings of a self-inflicted wound. The bullet fragment collected at the autopsy was examined but was not suitable for any comparisons.

Mr. Grimes' daughter was contacted by ABI investigators after the incident. She told them that her father had repeatedly said he would never go back to prison and that the family had worried that "suicide by cop" would be a very possible course of action if he was ever caught by law enforcement.

### ***Legal Analysis***

From the outset, it is important to note that while Sgt. Mobley, Troopers McAfee and Norris and Det. Swope each used deadly force against Mr. Grimes as it is defined by statute, none of their use of force appears to be a contributing factor to Mr. Grimes' death. Based on the available evidence, it appears that Mr. Grimes' death was due to a self-inflicted gunshot wound to his head, and the Medical Examiner determined that the other injuries Mr. Grimes sustained were not a contributing factor to his death. However, because each of the officers did use deadly force, the following legal analysis is relevant to determine whether charges are appropriate in this matter even if the officers' use of force did not result in the death of Mr. Grimes.

Under Alaska law, a person may use deadly force against another person 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.<sup>11</sup> 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.<sup>12</sup> 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."<sup>13</sup> 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.<sup>14</sup> Second, an officer may use deadly force against a person who may otherwise endanger life or inflict serious physical injury unless arrested without delay.<sup>15</sup>

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<sup>11</sup> AS 11.81.335(a); AS 11.81.340.

<sup>12</sup> AS 11.81.335(b)(2).

<sup>13</sup> 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)).

<sup>14</sup> AS 11.81.370(a) and (b).

<sup>15</sup> *Ibid.*

The potential criminal liability of AST Sgt. Mobley, Trooper McAfee, Trooper Norris, and NSBPD Detective Swope is governed by the above-referenced laws. That is, if the officers each reasonably believed their use of deadly force was necessary to prevent serious physical injury or death to themselves or others, each was legally justified in using deadly force. In other words, in order to overcome a claim of self-defense and secure a conviction against any of the officers, the State would be required to prove beyond a reasonable doubt that the officer did not reasonably believe his action in shooting at Mr. Grimes was necessary to defend either himself, other officers, or nearby civilians 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 force was necessary to lawfully stop Mr. Grimes after Mr. Grimes was suspected of having committed a felony involving the use of force against a person—or if the officer reasonably believed that Mr. Grimes 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, officers were attempting to stop a truck to serve a court-issued search warrant in connection with an ongoing narcotics investigation. The officers knew that Mr. Grimes was a felon with a history of violence and had information that he was likely to be armed. When the officers attempted to stop him while driving clearly marked police vehicles, Mr. Grimes at first appeared as if he was going to stop, but then drove off, hitting a marked patrol vehicle before speeding away at high rates of speed. Based on the videos and other evidence, there can be no doubt that Mr. Grimes was aware law enforcement officers were attempting to stop him when he fled. According to officer interviews, and corroborated by the videos and audios, when officers attempted to stop Mr. Grimes again, he pointed a gun out of the driver's side window of his truck and began to fire multiple times towards the officers. Mr. Grimes' shots appeared targeted at the officers, and indeed, the police car closest to Mr. Grimes was struck by two bullets, indicating how close the shots were to hitting an officer.

It was only after Mr. Grimes fired at a clearly-marked law enforcement officer that the officers returned fire. Each of the officers who fired at Mr. Grimes reported that they did so because they were in fear of their own life as well as those of the other officers at the scene and civilian bystanders. Several of the officers reported they were additionally concerned for the general public's safety if Mr. Grimes were allowed to get away. These fears were reasonable under the circumstances, particularly given Mr. Grimes' utter lack of regard for the safety of the officers and other civilians as he repeatedly fired from a truck that was traveling at high rates of

speed on a public highway. Moreover, the officers were further entitled to use deadly force in an effort to lawfully stop Mr. Grimes based on their belief that he had committed several felonies involving the use of force against a person by shooting at the officers.

Applying the relevant law to the circumstances that confronted the officers—most notably, that Mr. Grimes was actively shooting at them as they attempted to lawfully stop him—the officers’ belief that their actions were necessary to defend themselves, other officers, or civilians against an imminent risk of serious physical harm and/or death was reasonable. Further, based on the totality of the circumstances, their belief that Mr. Grimes would endanger life or inflict serious physical injury unless arrested without delay was also reasonable. Criminal charges against any of the officers involved are therefore not appropriate.

### ***Conclusion***

The State will not file criminal charges against Sgt. Mobley, Trooper McAfee, Trooper Norris, or NSBPD Detective Swope relating to the November 1, 2023 use of deadly force against Michael Grimes. 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](mailto:jenna.gruenstein@alaska.gov).

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL



Jenna L. Gruenstein  
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