



Department of Justice

**United States Attorney Duane (DAK) Kees
Western District of Arkansas**

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CONTACT: Charlie Robbins
PHONE: (479) 494-4086

TWITTER: @WDARnews

U.S. ATTORNEYS OFFICE CONCLUDES INVESTIGATION INTO FATAL SHOOTING OF JONATHAN BOLGER

Harrison, Arkansas – Duane (DAK) Kees, United States Attorney for the Western District of Arkansas, announced today that there is insufficient evidence to pursue federal charges against two National Park Service Rangers who were involved in the fatal shooting on August 20, 2017 of Jonathan Bolger, 34, in the Buffalo National River.

The U.S. Attorney's Office and the National Park Service conducted a comprehensive review of the incident. This included interviews of civilian and law enforcement witnesses as well as a review of photographs, diagrams, physical evidence, recorded radio communications, video surveillance footage, the autopsy report, and reports from the National Park Service and the Arkansas State Police. The U.S. Attorney's Office reviewed this case due to the concurrent jurisdiction between the state and federal governments that exists over the property located within the Buffalo National River.

According to the evidence, two rangers were conducting a routine patrol of a campground located in the Buffalo National River. As the rangers were conducting the patrol, at approximately 1:34 am, a man confronted them by shining a flashlight in their direction. The evidence shows that the rangers clearly identified themselves to the man, later determined to be Jonathan Bolger, but also noticed that he was pointing a handgun in their direction. The rangers directed him to put the handgun down multiple times. The evidence then shows that Bolger refused their commands and made a sudden threatening move, at which time one of the rangers shot Bolger with his service handgun. The rangers immediately called Emergency Medical Technicians to the scene and began performing CPR on Bolger, but they were unable to revive him. Emergency Medical Technicians arrived and declared Bolger dead on the scene. The evidence also shows that a Umarex air pistol was recovered from near Bolger's body at the scene of the shooting. A medical examiner from the Arkansas State Crime lab determined that Bolger's cause of death was multiple gunshot wounds.

After a careful, thorough, and independent review of the evidence, federal prosecutors have found insufficient evidence to prove beyond a reasonable doubt that the rangers used excessive force or violated federal laws under the circumstances.

The U.S. Attorney's Office reviewed this case to determine whether sufficient evidence exists to conclude that either of the rangers violated any federal or state laws that may be

prosecuted in federal court due to the concurrent jurisdiction exercised in the Buffalo National River. To prove such violations, prosecutors must typically be able to prove that the involved officers willfully used more force than was reasonably necessary. Proving “willfulness” is a heavy burden. Prosecutors must not only prove that the force used was excessive, but must also prove, beyond a reasonable doubt, that the officer acted with the deliberate and specific intent to do something the law forbids. A conclusion that “there is insufficient evidence” is not meant to suggest anything further about what evidence, if any, exists.

The United States Attorney’s Office remains committed to investigating allegations of violations of federal laws and will continue to devote the resources necessary to ensure that all such allegations are investigated fully and completely.

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Related court documents may be found on the Public Access to Electronic Records website @ www.pacer.gov