



# OFFICE OF POLICE ACCOUNTABILITY

DIRECTOR: Jesus Jara

CASE REVIEW

OPO20-0035

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Prepared by:

John Meyer

Jesus Jara

## ***THE SITUATION – Fall of 2020***

During the early morning hours in the Fall of 2020, Boise Police Officers (hereinafter referred to as BPD officers) responded to a campground in a neighboring city to assist their police department. The police had received reports that a male subject was firing his weapon inside his camper indiscriminately.

When BPD officers arrived, they could hear numerous gunshots coming from inside one specific camper that was parked in a space among multiple other campers and trailers. The campers and trailers at this location were parked close to each other and were occupied.

The situation would end when several BPD officers used deadly force on the subject.

## ***REASON FOR THE REVIEW***

Boise City Code defines the authority and duties of the Office of Police Accountability (OPA). It grants the Office the authority to investigate and evaluate the performance of Officers whenever certain criteria are met.

## ***INVESTIGATION OF CRITICAL INCIDENTS***

*If a BPD Officer or employee is involved in a critical incident, defined below, as a principal, victim, witness or custodial Officer, BPD shall immediately notify the Office of Police Accountability. The Director may provide on-scene monitoring of critical incidents and may act as a real-time observer to any criminal, administrative, or civil investigation conducted by or on behalf of BPD (e.g., the Critical Incident Task Force). The Director shall be given full access to observe interviews or any other aspects of the investigation. If the Director believes additional investigation is necessary, the Director may employ an outside investigator who will perform investigatory functions at the discretion of the Director. Critical incidents include:*

- 1. Use of deadly force (excluding animals).*

2. *Use of force or any other police or law enforcement action that results in the death of one or more persons, or serious bodily injury requiring hospital admission.*
3. *Vehicle pursuits, roadblocks, or intercepts resulting in the death or serious bodily injury requiring hospital admission.*
4. *Vehicular collisions resulting in death or serious bodily injury requiring hospital admission that occurred while a police Officer or police employee was operating a city vehicle (either on-duty or off-duty) or a private vehicle while on-duty.*

### ***DIRECTOR'S ANALYSIS & CONCLUSION***

The Office of Police Accountability has reviewed this incident. The following steps were taken during the review.

1. Review of BPD records including reports, statements, audio, video, and photographs.
2. Review of records from the neighboring Police Department
3. Ada County dispatch records and reports.
4. BPD Internal Affairs (herein after referred to as IA) investigative documents including statements, records, audio, reports, photographs, and diagrams.
5. Critical Incident Task Force (herein after referred to as CITF) investigations including reports, statements, medical records, photos, records, and audio.

The subject who was firing a handgun inside a camper in a crowded campground during the overnight hours was endangering the lives of many. He was also clearly risking the lives of the responding officers at the scene with the gunfire. The investigation of this incident revealed that bullets fired by the subject had struck and damaged campers that were parked nearby. The ongoing gunfire and darkness kept the officers from safely evacuating many neighboring campers. The actions of the subject firing the handgun are consistent with that of an active shooter in that he was continuously firing a weapon indiscriminately in an occupied area.

BPD officer #1 advanced to a location where he could observe the subject where the shots were being fired. Officer #1 was armed with a rifle which is more effective and accurate at a more extended range than a regular duty handgun. Officer #1 and other BPD officers could see that gunfire was traveling through the camper's walls and striking other trailers parked nearby, which were occupied. Officer #1 moved to a location where he could see through a window of the camper where the gunfire was occurring. Officer #1 got into a prone position laying on the ground and could see the subject with a handgun through a large camper window. Officer #1 observed the subject fire the weapon inside the camper in the direction of another trailer that was parked directly adjacent to the east. Officer #1 observed the subject raise his gun again, pointing it in the direction of the same camper. Officer #1 fired his rifle at the subject, striking him and causing him to drop to the camper's floor out of sight.



Because the subject could no longer be seen, a small drone was deployed to fly up to the window on the back of the camper to view inside to determine the condition and activity of the subject who had been firing a handgun. The drone revealed that the subject was bleeding from a chest wound but was moving on the floor and was reloading a handgun. Moments later, the subject began shooting again inside the camper as several shots were heard by BPD officers who had advanced to a position of cover closer to the camper.

The BPD officers were instructing individuals who were coming outside their campers due to the gunfire and commotion to stay inside. The subject could still not be seen as he remained on the floor of the camper. BPD officers #2 and #3 as well as other officers at the scene, developed a plan to advance to the rear of the camper just below the large window to observe and make contact with the subject to demonstrate a police presence and get him to surrender. As officers #2 and #3 got up to the window, they used the rear bumper and ladder affixed to the camper to get high enough to see inside. They saw the subject lying on his left side, facing away from them on the floor. His hands were not visible, but they could see that he was moving and breathing. As officers #2 and #3 were at the window, the subject abruptly rolled over toward them with his right arm outstretched with a gun in his right hand. Both officer #2 and officer #3 fired their duty handguns at the subject in self-defense. The subject was struck by gunfire and was incapacitated, dropping the handgun at his side. Additional officers then entered the camper's door, which had been barricaded, clearing the camper of other individuals and rendering medical aid to the subject. Officers carried the subject outside the trailer and performed life-saving efforts; however, the subject succumbed to his injuries.

## COMMUNICATION

This investigation revealed information indicating that communication, coordination, and command organization could have been better between BPD and the neighboring police force at the scene. This situation was complex and extremely dangerous to all involved, especially the bystanders in the area.

This type of incident, which involves resources from more than one agency, demands an incident command structure. Resources can be given specific assignments, including evacuation of bystanders, securing a perimeter, medical response / triage, and a specific team to directly address the threat.

Officers in each assignment should know their primary mission and be communicating their critical actions in accomplishing their mission to the incident commander. These communications are received by all officers on scene and this communication aids in preventing crossfire and friendly fire situations between different groups of officers acting independently. This type of coordination also aids all officers in effectively carrying out each respective assignment given by the incident commander. Although BPD came in to assist the neighboring police force, all involved officers share this responsibility.

BPD officer #1 justifiably fired his service rifle to stop the ongoing threat, did so without any communication, which caused some confusion with other officers at the scene. Officers could hear the distinct difference in the rifle fire as opposed to the subject's continuous handgun fire but were not aware if the rifle fire was from an officer, the subject, or another person altogether. It appears there was sufficient time and distance between Officer #1 and the subject firing a handgun to make some form of communication either immediately before taking such action or immediately after where the element of surprise was not compromised.



As officers were beginning to converge on the subject's location, ongoing communication between the groups would have prevented some of the crossfire situations that developed on the site.

Although this incident was a very dangerous, dynamic, and fluid situation involving an individual firing a weapon, officers were on the scene for a sufficient amount of time to establish an effective incident command where responding resources could have been communicated with and coordinated by giving specific assignments, so all involved officers knew what was expected of them. This would have provided for enhanced overall teamwork, which would have mitigated some of the inherent dangers to the officers and the public in this type of situation.

## CONCLUSION

BPD Policy permits an officer to use deadly force in defense of their life or the life of another when they reasonably believe that imminent danger of death or serious bodily injury exists.

Based on my review, I have come to the following conclusions:

1. The BPD, IA, and the CITF investigations were thorough, objective, and complete.
2. I find no need to conduct any additional investigation of this incident.
3. I concur with the Office of Internal Affairs's (OIA) conclusion that the involved officers acted in a manner consistent with BPD's policy and procedures governing the use of deadly force.

**Jesus Jara**



**Director – Office of Police Accountability**

Email – [jjara@cityofboise.org](mailto:jjara@cityofboise.org)

Office: (208) 972-8380

[www.cityofboise.org/opa](http://www.cityofboise.org/opa)

