



OFFICE OF POLICE ACCOUNTABILITY

DIRECTOR: Jesus Jara

CASE REVIEW

OPO16-0019

OIA16-0366

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Prepared by:

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THE SITUATION – Spring of 2016

Boise Police Department (BPD) officers were dispatched to a residence for a disturbance call near Emerald St. and N Roosevelt St. Dispatch advised that a female subject was outside and screaming at this location. Officers #1 and #2 arrived on the scene at approximately 2150 hrs.

Both Officer's engaged in a foot pursuit after the subject that ultimately resulted in Officer #2 using deadly force towards the subject. The Critical Incident Task Force was activated to investigate the matter.

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 that took place during the Spring of 2016. The following steps were taken during the review.

1. Review of BPD records including reports, statements, audio, video, and photographs.
2. Ada County dispatch records and reports.
3. BPD Internal Affairs (herein after referred to as IA) investigative documents including statements, records, audio, reports, photographs, and diagrams.
4. Critical Incident Task Force (herein after referred to as CITF) investigations including reports, statements, medical records, photos, records, and audio.
5. BPD Police and Procedures Manual (2015, 2016)

Officer #1 observed that the subject had exited a vehicle and was walking towards the front door of a residence. Officer #1 contacted the subject and asked her to come towards him and not enter the residence. During this time, the subject was standing on the front porch of the residence and facing Officer #1 and he said, "*stop, stop, stop... stop*". Officer #1 asked the subject to come towards him again and she said, "*no*".

At this point, the subject reached behind her back and presented a firearm towards Officer #1 and proceeded to jump off the front porch and ran west in front of the garage and towards the side-yard fence between multiple residences. Officer #1 then conducted a foot pursuit after the subject while giving verbal commands, "*Put that gun down*" and she said, "*no, no*". As he approached the side-yard fence, he observed that the subject was standing up against it, and she had her firearm up and was oriented in the direction of him and Officer #2, who arrived at this location during this time. Officer #2 then discharged one bullet from her duty weapon at the subject; the bullet missed the subject and lodged itself into the lower northeast corner exterior of a neighboring residence.

Officer #2 gave multiple verbal commands to the subject, asking her to put her firearm down. The subject then ran west away from the residence. Officers #1 and #2 then conducted a foot pursuit after the subject.

During this time, Officer #1 advised via radio, "*Shots fired. White female. Running westbound... I need a code-3.*" Officer #1 and Officer #2 approached the subject, who, during this time, had her back up against the exterior wall of the residence located on Archer Street and was seen pointing her firearm towards the Officers. The subject then discharged several rounds from her firearm in the ground towards Officer #1. At this point, Officer #1 could ascertain that the subject firearm was a BB gun.



Officer #1 gave verbal commands to the subject to put her firearm down, but she was non-compliant. Officer #1 then stated, *"I'm gonna to tase you. Put that gun down. Taser. Lay down straight."* During this time, Officer #2 also gave verbal commands to the subject to, *"Lay down"*. Both Officers continued their verbal commands for the subject to become compliant until she was taken into custody. Officer #1 asked the subject if she was injured at least three times, and she said no. Officer #1 asked the subject if she was struck by any bullets, and she said no.

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.

The evidence shows that the female subject failed to obey officer commands and presented a firearm during her exchange with officers. As a result, Officer #2 discharged her department-issued firearm in response.

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 IA conclusion that Officer #2 acted in a manner consistent with BPD policy and procedures governing the use of deadly force.

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