



# USE OF FORCE INVESTIGATIVE REPORT

**DATE OF INCIDENT:** 02-22-22

**INVOLVED PERSON:** Jonathan Manee

**INVOLVED BPD OFFICER:** Corporal Evans

**OPA:** 022-0114

**OIA:** 022-0043

**DATE OF REPORT:** 01-08-24

## CASE SYNOPSIS

On February 22, 2022, Boise Police Department (BPD) Cpl. Evans was assigned to respond to 911 calls for a stalled vehicle in traffic. Cpl. Evans arrived at the scene and observed a male driver (later identified as Jonathan Manee) out of the vehicle and in the roadway, attempting to talk to passing motorists. Observing Mr. Manee's erratic behavior, Cpl. Evans amended the call to a crisis call. After numerous attempts by Cpl. Evans to verbally persuade Mr. Manee to move out of the lanes of traffic, Cpl. Evans engaged Mr. Manee in a handshake to pull Mr. Manee out of the traffic lane and towards Mr. Manee's vehicle. Mr. Manee became agitated and physically aggressive, striking Cpl. Evans twice. Mr. Manee pulled a handgun from the pocket of his jacket and pointed it directly at Cpl. Evans. Cpl. Evans responded by firing two shots at Mr. Manee. On impact, Mr. Manee dropped his handgun and fell to the ground. Cpl. Evans called for assistance and provided medical aid to Mr. Manee, who survived his injuries.

## DETAILED DESCRIPTION OF INCIDENT

On February 22, 2022, at approximately 9:50 a.m., BPD Officer Cpl. Evans was dispatched in response to 911 calls reporting a man standing in the intersection at Fairview and Liberty near a possible stalled vehicle. A 911 caller reported a man was walking in traffic, stopping vehicles, and saying, "to live is life." One of the callers expressed concern that the man might be struck by a passing vehicle.

Cpl. Evans arrived at the call and activated his body worn video/audio camera. The camera functioned properly and recorded the incident. Cpl. Evans located the man, who was standing in a traffic lane next to his truck, which was parked in the turn lane.

Cpl. Evans asked the man if his vehicle was broken down or out of gas. The man responded in a manner that caused Cpl. Evans to question whether the man was experiencing a mental health crisis. Cpl. Evans used his radio to request dispatch change the classification of the call to a crisis call.

Cpl. Evans tried to persuade the man to move to the curb with him so that he would be out of the flow of traffic. Cpl. Evans offered to assist him with getting gasoline for his vehicle. The man became argumentative and did not comply with Cpl. Evans's request to move out of traffic. Cpl. Evans then asked the man his name, who identified himself as Jonathan. Cpl. Evans introduced himself and shook hands with him, holding on to his hand to slowly pull him out of traffic while engaging him in conversation. Mr. Manee instantly became combative. Cpl. Evans let go of his hand and began moving backwards away from Mr. Manee. Mr. Manee stepped forward towards Cpl. Evans and punched him. As Cpl. Evans backed away, Mr. Manee reached into the pocket of his jacket and produced a handgun. Mr. Manee immediately took a shooting stance and pointed the handgun, later identified as a .22 caliber Ruger SR22 pistol, directly at Cpl. Evans from a distance of a few feet. Cpl. Evans drew his handgun and fired two shots at Mr. Manee.

One of the shots fired by Cpl. Evans struck Mr. Manee in the upper torso/clavicle area. Upon impact by Cpl. Evans's gunfire, Mr. Manee fell to ground, and dropped his handgun, later determined to be fully loaded. The second shot fired by the Officer struck a vehicle that was passing through the intersection at the time of the shooting. No one was injured by that shot.

Cpl. Evans used his radio to report that shots had been fired and requested medical assistance for Mr. Manee. Within seconds BPD Officer Hilton arrived at the scene. Officers handcuffed Mr. Manee and provided medical aid until other officers and medical personnel arrived.

Mr. Manee survived his injuries. He was charged and convicted of assaulting Cpl. Evans with a firearm.

## **SCOPE OF REVIEW**

Boise City Code Title 2 Chapter 10 defines the authority and duties of the Office of Police Accountability (OPA). As the City's police oversight entity, the OPA is authorized to investigate and evaluate the conduct of police officers involved in critical incidents. Critical incidents include the 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. OPA is also authorized to make BPD policy, procedure, practice, and training recommendations to the Mayor, the City Council, and the Chief of Police.



## **BOISE POLICE DEPARTMENT POLICY<sup>1</sup>**

### **A. 1.001 USE OF FORCE/AUTHORIZATION**

The legal standard for use of force generally by officers.

### **B. 1.003 USE OF FIREARMS IN THE LINE OF DUTY**

Firearms may be used by officers to “protect themselves or others from what they reasonably believe to be an imminent danger of death or serious bodily injury.”

## **INVESTIGATIVE FINDINGS**

### **A. CRITICAL INCIDENT TASK FORCE FINDINGS:**

After the shooting incident, the Ada County Critical Incident Task Force (CITF) was activated. The CITF conducted a forensic investigation of the scene, interviewed multiple witnesses, interviewed the involved officer, collected dispatch records and audio/video evidence, and produced numerous reports. The investigation was detailed and thorough. The Gem County Prosecuting Attorney reviewed the investigation and determined the officer's actions were justified under Idaho law.

### **B. BOISE POLICE DEPARTMENT OFFICE OF INTERNAL AFFAIRS FINDINGS:**

BPD Internal Affairs (IA) conducted an administrative review of this critical incident, which included reviewing the CITF investigation in its entirety and an administrative interview with Cpl. Evans. IA concluded Cpl. Evans was faced with an immediate threat to his life as well as the lives and safety of motorists and bystanders and that Cpl. Evans' use of lethal force in response to that immediate threat did not violate applicable law or policy. This investigation was detailed and thorough.

### **C. OFFICE OF POLICE ACCOUNTABILITY FINDINGS:**

Cpl. Evans handled the call in a professional manner. Cpl. Evans was respectful and calm as he offered solutions for Mr. Manee to move out of traffic and address the stalled vehicle. Mr. Manee refused reasonable requests to resolve a threat to his and the public's safety and became agitated. Cpl. Evans continued to attempt to deescalate the situation by engaging Mr. Manee in dialogue. Despite these efforts, Mr. Manee became aggressive and moved forward towards Cpl. Evans as he attempted to back away.

Mr. Manee presented an imminent threat of death or great bodily injury to Cpl. Evans and civilians (who were behind the officer in traffic) when he pulled a fully

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<sup>1</sup> <https://www.cityofboise.org/bpd-policy-and-procedures/>

*This manual has since been updated but no substantive changes have been made to the referenced policies, See BPD Legacy Manual pages 28 and 29 and Updated Manual pages 160 and 161.*

loaded handgun from his pocket and pointed it directly at the Cpl. Evans at close range. Cpl. Evans correctly assessed that it was reasonable and necessary to use lethal force (firearm) against Mr. Manee in self-defense and in defense of others.

Cpl. Evans ceased firing at Mr. Manee as soon as Mr. Manee dropped his gun, fell to the ground, and no longer presented a lethal threat to Cpl. Evans and others.

Given the imminent nature of the threat of being shot, less-than-lethal force options, such as a taser or pepper spray, were not appropriate or reasonable for the officer to use in this situation. One of the shots fired by Cpl. Evans struck Mr. Manee in the upper torso/clavicle area. The second shot fired by Cpl. Evans struck a vehicle that was passing through the intersection at the time of the shooting. No one was injured by that shot.

Immediately after the shooting, medical equipment was retrieved from a police vehicle and the officers took measures to control bleeding from Mr. Manee's gunshot wound.

Overall, Cpl. Evans responded commendably to an event that evolved rapidly from assistance for a stalled vehicle to a critical incident. Based on the OPA review and analysis of the facts and circumstances of this case, OPA concurs with the CITF and IA investigations that Cpl. Evan's actions were reasonable and necessary when faced with an imminent threat of being shot with a firearm. The officer's actions were consistent with BPD policy and complied with the applicable legal standard for use of force by law enforcement officers.

## **POTENTIAL CONTRIBUTING FACTORS AND MITIGATION EFFORTS**

Several factors contributed to this critical incident. First and foremost is Mr. Manee's threatened use of a firearm against a law enforcement officer. Second is Mr. Manee's unwillingness to cooperate to mitigate the public safety hazards created by both Mr. Manee and his vehicle being in traffic. Third is Mr. Manee's apparent altered thinking and observable irrational behavior. It is unknown whether his exhibited behavior was attributable to a mental health crisis, substance abuse, an unidentified factor, or a combination of these factors.

While Mr. Manee had been involved in several incidents since 2018, there is no local record of Mr. Manee having any prior confrontations with law enforcement officers. Mr. Manee has no record of serious criminal offenses and was not on probation or parole.

Mitigation efforts by Cpl. Evans include the employment of community policing best practices. Cpl. Evans approached Mr. Manee in a respectful and calm manner, offered personal and vehicle assistance, recognized Mr. Manee's irrational state of mind, and continually worked to de-escalate the situation. Cpl. Evans also rendered medial aid when safe to do so, while continuing to converse with Mr. Manee.

## **RECOMMENDATIONS**

OPA has no recommendations for training, policy, or procedure for BPD based on this critical incident. However, OPA will continue to track data on potential contributing factors for evaluation of community support and response and aggravating or mitigating efforts by officers to inform best community policing practices.

## **LINK TO DOCUMENTS**

BPD news releases, officer body worn camera video, and Critical Incident Task Force reports may be viewed at: <https://www.cityofboise.org/departments/police/critical-incidents/> under "2022 Critical Incidents" "February 22, 2022 – Fairview Ave. and Liberty St.". When the Critical Incident Task Force Report and reviewing Prosecuting Attorney review reports are posted, links will be provided.

## **REPORT PREPARED BY:**

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