



# USE OF FORCE INVESTIGATIVE REPORT

**DATE OF INCIDENT:** 11-21-22

**INVOLVED PERSON:** Jeremy Brian Waste

**INVOLVED BPD OFFICER:** Cpl. Kip Paporello

**INVOLVED BPD OFFICER/WITNESS:** Cpl. Robert Gibson

**OPA:** 022-0106

**OIA:** 022-0280

**DATE OF REPORT:** 03-14-24

## CASE SYNOPSIS

On November 21, 2022, Boise Police Department (BPD) officers were conducting a surveillance operation to apprehend Jeremy Waste, who had been charged with Aggravated Battery in the stabbing of a family member three days earlier. He was also a suspect in an attempted bank robbery. BPD Cpl. Paporello saw Mr. Waste riding a bicycle through an apartment complex and attempted to arrest him. Mr. Waste fled from Cpl. Paporello on his bicycle. Cpl. Paporello pursued him on foot.

Mr. Waste rode a short distance downhill from the apartment complex to a bike path where he crashed his bicycle in the snow. There he encountered BPD Cpl. Gibson who was assisting in the search. Cpl. Gibson approached Mr. Waste and gave him verbal commands to surrender. Mr. Waste aggressively charged at Cpl. Gibson. Cpl. Gibson ran back to his patrol vehicle and used it as a barrier between himself and Mr. Waste. Mr. Waste drew a knife from his coat pocket as he pursued Cpl. Gibson.

Cpl. Paporello arrived and observed Mr. Waste pursuing Cpl. Gibson. Both officers saw that Mr. Waste was armed with a knife. Mr. Waste then turned towards Cpl. Paporello with the knife. Cpl. Paporello fired two times with his service pistol striking Waste. Mr. Waste fell to the ground and dropped the knife. Officers provided medical aid to Mr. Waste, and he survived his injuries.

## DETAILED DESCRIPTION OF INCIDENT

On November 18, 2022, BPD responded to a 911 call reporting that Jeremy Waste had stabbed a family member at a residence in east Boise. Responding officers found the victim had multiple stab wounds and lacerations to the head and neck. The victim and an eyewitness reported that Mr. Waste had committed the battery. Officers investigated the incident and made unsuccessful efforts to locate and arrest Mr. Waste.

Individuals known to Mr. Waste reported to investigators that Mr. Waste has a history of mental illness and that his mental health had been deteriorating for several weeks prior

to the stabbing. They also reported that he had access to firearms. It was also alleged that in a previous incident Mr. Waste had pointed a rifle from a concealed location at Garden City Police officers when they were on a call near his residence. The Garden City officers were not aware this had happened until BPD learned of it during their investigation into the stabbing incident on November 18.

On November 21, 2022, at 8:59 am, employees at Washington Federal Bank on S. Federal Way in Boise called 911 and reported an apparent robbery attempt. As they were about to open the doors for business, a man wearing a ski mask and carrying a bag ran up and violently pulled on the doors attempting to enter. After noticing employees watching him through the glass doors, the man fled in a van that had distinctive markings. Mr. Waste was quickly identified as a suspect in the robbery attempt when police linked him to the getaway van.

Based on the ongoing investigation, BPD became concerned about Mr. Waste's escalating violent behavior, reported access to firearms, and reported deteriorating mental health.

On November 21, 2022, at approximately 2 pm, BPD began an organized effort involving multiple uniformed and plain clothes officers to locate and arrest Mr. Waste, focusing on the east Boise area where Mr. Waste was known to frequent. He had been charged with Aggravated Battery as a result of the stabbing incident and an arrest warrant had been issued.

At approximately 5:30 pm, Cpl. Paporello, working in plain clothes, saw Mr. Waste riding a bicycle through the parking lot of an apartment complex near the 2500 Block of Red Cedar Lane. Cpl. Paporello notified other officers by radio and then attempted to arrest Mr. Waste. Cpl. Paporello identified himself as a police officer and ordered Mr. Waste to "get on the ground." Mr. Waste immediately fled downhill on his bicycle towards a bike path behind the apartment complex. Cpl. Paporello chased him on foot.

Cpl. Paporello was working in plain clothes as a neighborhood contact officer (NCO) and was not wearing his police equipment carrier vest when he encountered Mr. Waste. Cpl. Paporello's police badge was visible in a case hanging around his neck. Because his on-body video camera was mounted on his equipment carrier, this initial contact with Mr. Waste at the apartment complex was not recorded on police video. When Cpl. Paporello attempted to arrest Mr. Waste, he threw his radio at Mr. Waste to distract him from fleeing.



Cpl. Gibson, working in full police uniform and driving a marked patrol vehicle, was on the bike path below the apartment complex. He saw Mr. Waste fleeing down the hill towards the path and ran towards Mr. Waste. Cpl. Gibson was wearing an on-body video camera that captured this and the remainder of the incident.

Cpl. Gibson saw Mr. Waste cross the path and crash his bicycle in the snow. Cpl. Gibson ran toward Mr. Waste and shouted, "Stop, police!" Mr. Waste then left his bicycle and aggressively ran towards Cpl. Gibson while shouting at him "I want to get shot I want to go to heaven". Cpl. Gibson saw Mr. Waste reach into his coat pocket and remove an object that he could not initially identify. Cpl. Gibson turned and ran back to his patrol vehicle, using it as a barrier between himself and Mr. Waste. Cpl. Gibson ran around his patrol vehicle two times as he was being pursued by Mr. Waste. Cpl. Gibson gave Mr. Waste four separate commands to, "Let me see your hands" as Mr. Waste chased after him. During this time Cpl. Gibson saw that the object in Mr. Waste's right hand was a knife.

Cpl. Paporello ran down the hill to assist Cpl. Gibson. Cpl. Paporello saw Mr. Waste chasing Cpl. Gibson around the patrol car. Cpl. Paporello observed that Mr. Waste appeared to have an object in his hand. He yelled to Cpl. Gibson, "Does he have a knife?" Cpl. Gibson responded, "Yes, get down here." Cpl. Paporello ran closer and stopped on a steep slope that was covered with snow, approximately 21 feet uphill from Mr. Waste. Mr. Waste then changed direction and began to run toward Cpl. Paporello with the knife in his hand. Cpl. Paporello fired two shots from his service pistol, striking Mr. Waste. Mr. Waste fell to ground, still holding the knife. He dropped the knife after the officers gave him additional commands. Other officers arrived within moments and gave medical aid to Mr. Waste. He was later transported to the hospital where he was treated for a gunshot to the upper left shoulder and a grazing wound to the hip. Mr. Waste survived his injuries. Mr. Waste was charged and convicted with Assaulting an Officer with a Deadly Weapon. He was also convicted of Aggravated Battery in the stabbing of his family member.

## **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, led by the Meridian Police Department. The CITF conducted a forensic investigation of the scene, interviewed witnesses, interviewed the involved officers, collected dispatch records and audio/video evidence, and produced numerous reports. The Twin Falls County Prosecuting Attorney reviewed the investigation and determined the officer’s actions were justified under Idaho law.

### **B. BOISE POLICE DEPARTMENT FINDINGS:**

BPD conducted an administrative review of this critical incident, which included reviewing the CITF investigation in its entirety, an administrative interview with both officers, a review of all applicable training, equipment, and tactical standards, and made the following findings and recommendations:

#### **1. Policy Findings:**

Cpl. Paporello was faced with an immediate threat to his life as well as to the life and safety of Cpl. Gibson and that Cp. Paporello’s use of lethal force in response to that immediate threat did not violate applicable law or policy.

#### **2. Tactical Findings:**

- a. Cpl. Paporello was working in a plain clothes assignment when he attempted to stop a wanted, violent suspect by himself. He was at a disadvantage because he did not utilize or was not provided with all necessary equipment, including a car mounted radio, body armor, less lethal use-of-force options, on-body video, and other equipment while in a plain clothes role.
- b. Cpl. Paporello threw his handheld radio at Mr. Waste in an effort to distract him as he was attempting to take him into custody prior to the

---

<sup>1</sup> [https://www.cityofboise.org/media/16346/bpd-policy-manual\\_11152023-version-11-new.pdf](https://www.cityofboise.org/media/16346/bpd-policy-manual_11152023-version-11-new.pdf), 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.



foot chase. BPD recommended that Cpl. Paporello have refresher training regarding strike techniques.

- c. Supervisors should be present during enforcement operations. Supervisors should develop and manage an operational plan, and ensure all officers understand the plan and their role.

### **3. Equipment Findings:**

- a. All NCO and unmarked vehicles used in covert operations should be equipped with car mounted radios. This will allow officers to maintain their handheld mobile radio on their person for hands-free use, including when exiting the vehicle quickly.
- b. All NCOs working in a plain clothes capacity should be provided with and utilize body armor/carriers appropriate for their assignment. They should also be provided with and utilize carriers/pouches to enable them to carry all necessary equipment while in a plain clothes role.
- c. All NCOs and detectives working in a plain clothes capacity should possess and carry standardized minimum equipment on their person when in contact with the public to enable officer safety, communications, and taking suspects into custody.
- d. All NCO officers should wear tactical or raid vests with clear police markings and containing all necessary equipment when there is a possibility of enforcement action.

### **4. Training Findings:**

The NCO Unit should preform team training on a quarterly basis. The training should include supervisor command and control, operational planning and best practices, open air arrests, plain clothes firearm use, vehicle and foot surveillance techniques, less lethal and de-escalation techniques, high risk vehicle stops and apprehension, and other topics deemed necessary by NCO command. Incident management training for supervisors should be implemented. Trainings must be conducted quarterly by POST certified instructors using prepared lesson plans and recorded attendance.

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

Cpl. Paporello and Cpl. Gibson handled the situation in a professional and effective manner.

BPD officers recognized the threat to the public posed by Mr. Waste's escalating violent behavior, possible access to firearms, and deteriorating mental health. BPD initiated a multi-officer organized effort to locate and take Mr. Waste into custody on an outstanding arrest warrant for a violent felony.

Cpl. Paporello saw Mr. Waste and recognized him as the wanted person they were seeking to arrest. Cpl. Paporello attempted to take him into custody. Cpl. Paporello identified himself as a police officer and gave commands for Mr. Waste to get on the ground. When Mr. Waste fled on a bicycle, Cpl. Paporello chased him on foot.

Cpl. Gibson saw Mr. Waste crash his bicycle while fleeing from Cpl. Paporello. Cpl. Gibson identified himself as a police officer and gave clear commands for Mr. Waste to stop and to show his hands. Mr. Waste aggressively ran towards Cpl. Gibson, who attempted to de-escalate the situation by running over 70 feet back to his patrol car. He used the car as a barrier between himself and Mr. Waste to gain time and to assess whether Mr. Waste was armed with a weapon. Mr. Waste continued to pursue Cpl. Gibson and chased him around the car two times. During this time Cpl. Gibson saw that Mr. Waste was armed with a knife. He informed Cpl. Paporello that Mr. Waste was armed with a knife.

While moving to assist Cpl. Gibson, Cpl. Paporello stopped on a steep slope approximately 21 feet from Mr. Waste. Mr. Waste turned towards Cpl. Paporello with the knife. Given the steep slope, wet, icy footing, and his proximity to a lethal threat, it was not reasonable for Cpl. Paporello to move backwards up the slope where he might lose his footing and fall while being pursued. The time elapsed from when Mr. Waste began running toward Cpl. Gibson until the shots were fired by Cpl. Paporello was eighteen seconds.

Mr. Waste presented an imminent threat of death or great bodily injury to Cpl. Gibson when he pulled a knife and aggressively pursued him. Mr. Waste presented an imminent threat of death or great bodily injury to Cpl. Paporello when he turned on him with a knife at a close distance. Cpl. Paporello correctly assessed that it was reasonable and necessary to use lethal force (firearm) against Mr. Waste in self-defense and in defense of Cpl. Gibson.

Cpl. Paporello ceased firing at Mr. Waste as soon as Mr. Waste fell to the ground, dropped his knife, and no longer presented a lethal threat to the officers.

As soon as practicable after the shooting, medical equipment was retrieved from a police vehicle and the officers rendered aid to control bleeding from Mr. Waste's gunshot wound.

Given the imminent nature of the threat of being stabbed, less lethal force options, such as a taser or pepper spray, were not appropriate or reasonable for the officers to use in this situation.

Based on the OPA review and analysis of the facts and circumstances of this case, OPA concurs with the CITF and BPD investigations that Cpl. Paporello's actions in shooting Mr. Waste were reasonable and necessary when officers faced an imminent threat of being stabbed or assaulted with a knife. Cpl. Paporello'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**

Two factors directly contributed to this critical incident: Mr. Waste's aggressive pursuit of an officer, and Mr. Waste's threatened use of a knife against two law enforcement officers. Indirect contributing factors include Mr. Waste's escalating violent behavior towards family members and the public, as well as his stated desire to be shot by the officers. It is unknown whether the escalating aggressive behavior was a result of the reported mental health crisis or other unknown factors. There is no indication in the investigation of substance abuse contributing to this incident.

Cpl. Paporello attempted to mitigate the potential risks associated with the arrest of Mr. Waste. He attempted to take Mr. Waste into custody without using force. He approached Mr. Waste, identified himself, and gave commands to get on the ground. Instead of complying with commands, Mr. Waste fled. Cpl. Gibson also attempted to arrest Mr. Waste without using force. Cpl. Gibson gave Mr. Waste a command to stop and several commands to show his hands. Instead of complying, Mr. Waste responded aggressively by running toward the officer while shouting. Cpl. Gibson attempted to de-escalate the situation by running back to his patrol car and using it as a barrier between himself and Mr. Waste. He continued to move around the vehicle and attempt to mitigate the threat posed by Mr. Waste pursuing him. After the shooting, officers slowed down their actions, calmly talked to Mr. Waste about his injuries, and implemented an effective apprehension plan. BPD officers assessed Mr. Waste's wounds and rendered medical aid at the scene as soon as it was feasible.

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.

## RECOMMENDATIONS

OPA finds the CITF and BPD investigations and findings to be thorough, objective, and fair.

OPA recognizes that officers are often called upon to make split-second decisions, weighing the risks and benefits of either acting immediately or waiting to act until more ideal circumstances are present. Based on the information available to OPA, it appears that Cpl. Paporello assessed that he needed to act immediately to prevent Mr. Waste from escaping. In making this decision, Cpl. Paporello had to consider several factors. He knew that Mr. Waste was wanted for a recent violent felony and that his violent behavior was escalating. Mr. Waste had a bicycle and was readily mobile when Cpl. Paporello spotted him at a close distance from his position. At least two officers were nearby. Those officers were in positions to potentially block Mr. Wastes' escape if he fled from Cpl. Paporello. If Cpl. Paporello called those officers to his location, they might lose the blocking positions that were in place. If he took time to don his tactical vest containing additional equipment, he might lose the element of surprise that he had at that moment. Given these circumstances, Cpl. Paporello decided to attempt to apprehend Mr. Waste alone and without his tactical vest containing additional equipment. While Cpl. Paporello's decisive action was reasonable under the circumstances, it is noted that it created additional risk to officer safety. After-action analysis of such events presents the opportunity to mitigate those risks and identify best practices through additional training, refining unit protocols, and procuring equipment specifically suited for the NCO unit's mission.

OPA concurs with BPD's recommendations for specific additional training and equipment to enhance operations, public, and officer safety. OPA recommends that NCO unit training include scenario-based training incorporating reasonably foreseeable situational contingencies and post-scenario de-briefs to help identify team best practices and protocols.

## LINK TO DOCUMENTS

BPD news releases and the officer body worn camera video may be viewed at: <https://www.cityofboise.org/departments/police/critical-incidents/> under "2022 Critical Incidents," "November 18, 2022 – 2000 block of E. Red Cedar Way". While Critical Incident Task Force reports are now posted for all critical incidents occurring after January 1, 2023, this 2022 critical incident report is not posted but is available upon public records request to BPD.



**REPORT PREPARED BY:**

William R. Long, OPA Investigator  
Nicole McKay, OPA Director

