



# USE OF FORCE INVESTIGATIVE REPORT

**DATE OF INCIDENT:** 08/03/2023

**INVOLVED PERSON:** Christian P. Johnson

**INVOLVED BPD OFFICER:** Cpl. Andrew Johnson

**INVOLVED BPD OFFICER:** Ofc. Garrett Miller

**OIA:** 23-0150

**DATE OF REPORT:** 05/21/2024

## CASE SYNOPSIS

On August 3, 2023, Christian Johnson made a 911 hang-up call to Ada County Dispatch. He called 911 again and reported that someone was trying to kill him with a "social media event." He made a statement about a gun that the 911 operator could not fully understand. The call was dispatched and BPD officers Cpl. Johnson and Ofc. Miller responded for a welfare check at Mr. Johnson's apartment.

When BPD officers arrived, Mr. Johnson came down the exterior stairs of his apartment building armed with a large knife in his right hand and a hammer and a pry bar in his left hand. Officers gave Mr. Johnson numerous commands to drop the weapons. Mr. Johnson refused to comply with the officers' commands. Mr. Johnson then ran towards the officers with the weapons in his hands. He held the knife with the blade pointing towards the officers, and advanced to within 20 feet of them. Both officers then fired their duty handguns at Mr. Johnson, striking him several times. Mr. Johnson died at the scene as a result of his wounds.

## DETAILED DESCRIPTION OF INCIDENT

On August 3, 2023, at approximately 10:52 a.m., Mr. Johnson made a 911 hang-up call. Mr. Johnson called back and told the 911 operator that he was in trouble. He stated that someone was trying to kill him with a "social media event." He stopped talking directly to the operator, but the call remained connected. In the background, the operator heard Mr. Johnson say something about a gun. Mr. Johnson later re-engaged with the operator and asked when the officers would arrive.

At 10:59 a.m., BPD Ofc. Miller and Cpl. Johnson responded to the dispatched welfare check on Mr. Johnson. Cpl. Johnson made a telephone call to Mr. Johnson while en route. This telephone call was not recorded as BPD policy at that time did not require recording interactions with the public that were considered "service oriented" in

nature. During this call, Cpl. Johnson asked Mr. Johnson how he could help. Mr. Johnson stated that he wanted a ride to Aladdin Bail Bonds. Cpl. Johnson asked why he needed a bondsman, but Mr. Johnson did not answer. Mr. Johnson's speech was muffled and difficult to understand. Cpl. Johnson offered to help Mr. Johnson get counseling, go to the hospital, or access other community resources such as Pathways of Idaho. Mr. Johnson stopped talking to Cpl. Johnson and Cpl. Johnson ended the call.

While driving to Mr. Johnson's location, Ofc. Miller advised Cpl. Johnson about a prior contact that Ofc. Miller had with Mr. Johnson approximately two days earlier. Ofc. Miller shared that he had contacted Mr. Johnson at his apartment in response to a similar welfare check call. During that incident, Mr. Johnson told Ofc. Miller that he had been using methamphetamine and that he had not slept for several days. Mr. Johnson seemed paranoid and told Ofc. Miller that he believed a nearby neighbor was trying to get him. Mr. Johnson denied that he was in possession of methamphetamine at that time. Mr. Johnson said that he intended to check himself into a drug rehabilitation facility. After a brief discussion and determination that there was no evidence of criminal activity and that Mr. Johnson did not need the assistance of law enforcement, Ofc. Miller closed the call.

Ofc. Miller also advised Cpl. Johnson that he had checked BPD records and noted that Mr. Johnson had been charged with resisting and obstructing officers during several prior interactions with police. Ofc. Miller warned Cpl. Johnson that they should use caution in dealing with Mr. Johnson.

When Ofc. Miller and Cpl. Johnson arrived, they parked within line of sight of Mr. Johnson's apartment. Both officers were driving marked BPD patrol vehicles, wearing full police uniforms, and were equipped with on-body video cameras. The cameras were activated and captured the incident.

Upon arrival the officers heard yelling coming from the direction of Mr. Johnson's apartment. Cpl. Johnson heard Mr. Johnson say something about a gun but could not discern exactly what he said. Both officers moved behind a parked car as Mr. Johnson appeared on the landing of the exterior stairwell of the apartment building. The officers observed that Mr. Johnson had a large knife in his right hand and both a hammer and a sharp metal object in his left hand. The knife was later determined to have a 12-inch blade.

Mr. Johnson walked to the bottom of the stairs, into the parking lot and said, "Sir, you want to just take me out, or I mean, I'll come at you". Both officers gave Mr. Johnson numerous commands to "drop the knife," "put everything on the ground," and "drop



the weapons.” They also called him by his first name when giving commands. Mr. Johnson responded by saying “no” and “come and get it,” or “come and get me.”

When Mr. Johnson was approximately 75-80 feet from the officers, he placed the point of the knife at his own stomach as if he intended to stab himself. By radio, the officers called for two additional police units to assist, and to expedite their response. Officers had been giving commands to Mr. Johnson for approximately one minute at this point. Rather than obeying the commands, Mr. Johnson then began moving towards the officers and raised the knife above shoulder height. He then ran towards the officers with the knife in an ice pick style grip. The blade was oriented towards the officers enabling him to stab downwards.

Mr. Johnson covered approximately 60 feet in 4-5 seconds as he charged the officers with the knife raised, yelling, “I’m going to kill you mother f\*\*\*er.” When Mr. Johnson was approximately 18-20 feet from them, both officers fired their duty handguns at him. They collectively fired a total of 9 rounds striking him each time. Mr. Johnson continued forward and fell to the ground approximately 6-8 feet from the officers. No on-scene medical treatment was provided to Mr. Johnson as officers quickly determined he was deceased due to the nature and extent of his wounds.

## **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 Boise City 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.”

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<sup>1</sup> This policy manual has been updated effective April 1, 2024, See <https://www.cityofboise.org/media/16346/bpd-policy-manual-4124.pdf>. The referenced policies in effect at the time of this incident are attached to this report.



## **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 CITF investigation determined that Mr. Johnson was on parole for felony DUI at the time of the incident. CITF investigators learned that Mr. Johnson had a history of alcohol and other substance abuse, and a criminal history that included convictions for aggravated assault, resisting and obstructing officers, and attempted robbery. Investigators were told by individuals known to Mr. Johnson that he may have been struggling with recent mental health issues. He also had an ongoing dispute with a neighbor. Mr. Johnson had recently been charged with malicious damage to property for breaking the neighbor's window.

The CITF investigation was detailed and thorough. The Blaine County Prosecuting Attorney reviewed the CITF investigation and determined that both officers' 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 and administrative interviews with each involved officer. BPD's administrative review concluded that Cpl. Johnson and Ofc. Miller were each faced with an immediate threat to their lives and that their use of lethal force in response to that immediate threat was reasonable and did not violate applicable law. BPD found that each officer's actions were compliant with BPD policies in place at the time of the incident. BPD did not assign any additional training to the individual officers involved based upon this incident.

BPD's findings noted that after this incident, BPD's Audio/Video Recording policy changed. Had the new policy been in place at the time of this incident, it would have required Cpl. Johnson to record the telephone conversation he had with Mr. Johnson while responding to the call.

BPD found that when the officers initially contacted Mr. Johnson in person, they gave him commands to drop to his weapons, but did not attempt to engage him in conversation to de-escalate his behavior.

BPD found that department wide in-service training should emphasize using de-escalation tactics when feasible including:

- If circumstances do not require an immediate response, officers should first meet away from the scene to:
  - Gather background information.
  - Call for additional resources (such as the Behavioral Health Response Team, a supervisor, and additional officers) if necessary.
  - Pre-plan and designate officer's roles.
  - Pre-plan less-lethal force options.
  - Approach the scene and engage with the subject only when planning and preparation are complete.

BPD found that the BPD Training Division should identify best practices and a uniform procedure for determining whether a person is deceased after a shooting incident.

BPD found that the incident supervisor should ensure that definite points of ingress and egress from a crime scene are established, and appropriate scene logs are kept.

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

OPA recognizes that using or attempting de-escalation tactics are appropriate in some situations and not feasible in others. Officers are guided by training, experience, department policy and best practices in making such decisions. Likewise, some calls are of an exigent nature and require an immediate response. Others do not require an immediate response and give officers an opportunity to plan and prepare before deploying, as noted in BPD's findings.

In this case, the call was dispatched as a welfare check. The officers saw dispatch call notes indicating that there was a 911 hang-up call, that Mr. Johnson was not communicating clearly with the 911 operator, that he said something about a gun, and that he asked the operator when the officers would be arriving.

Days earlier, Ofc. Miller had interacted with Mr. Johnson on a similar call where he contacted Mr. Johnson in person. During that incident, Ofc. Miller learned that Mr. Johnson likely had a methamphetamine addiction, had not been sleeping, and exhibited paranoid behavior concerning his neighbors. Ofc. Miller also checked BPD records and learned that Mr. Johnson had a history of resisting and obstructing officers. Ofc. Miller shared this information with Cpl. Johnson.

Cpl. Johnson spoke to Mr. Johnson by telephone while responding to the call. Cpl. Johnson recognized that Mr. Johnson was likely having an emotional, mental health,

or other type of crisis, could be under the influence of illegal substances, and offered to help him obtain counseling, medical treatment, or other community resources. Mr. Johnson did not respond to this offer of assistance.

The post-incident investigation showed that the officers recognized these factors as indicators that this call had an elevated level of risk.

As there were no exigent circumstances, there was no necessity to go to the scene and contact Mr. Johnson immediately. Officers had the opportunity to meet off-site, plan, and prepare a response. With further inquiry into BPD's records, they could have learned that Mr. Johnson was on parole. Mr. Johnson's parole officer could likely have been a valuable source of intelligence information about Mr. Johnson, his current circumstances and mindset. Officers could have asked for assistance from BPD's Behavioral Health Response Team, pre-planned a de-escalation strategy, less-lethal force options, and utilized other resources as appropriate.

Because the officers recognized the elevated risk factors, OPA concludes that they could have slowed down, made plans, prepared for predictable contingencies, and possibly influenced the sequence of events or the necessity for use of force. OPA recognizes there is no guarantee that any amount of preplanning or de-escalation tactics will influence an outcome, but we are certain that employment of such tactics increase the likelihood of a peaceful resolution.

When officers arrived at the call, Mr. Johnson appeared on the steps of his apartment building. The officers observed that he was armed with a large knife, hammer, and another sharp object. They immediately commanded Mr. Johnson to drop the weapons. He was not compliant. He paced back and forth 80-90 feet from the officers for approximately one minute. This time and distance permitted officers an opportunity to attempt verbal de-escalation techniques, such as engaging in conversation with gathered intelligence, without increasing officer safety risks. Instead, the officers continued only to give commands to drop the weapons. This strategy ultimately proved to be unsuccessful, as Mr. Johnson continued to ignore commands. Thus, officers missed a second opportunity to possibly de-escalate the situation and avoid the necessity to use deadly force. However, once Mr. Johnson raised the weapons and ran directly toward the officers, he created an imminent risk of death or serious injury to the officers and to others. Mr. Johnson ran approximately 60 feet in 4-5 seconds. He was armed with a large knife and other weapons. Officers were aware that several civilian witnesses were standing near them, and that the witnesses would be at risk of being attacked if Mr. Johnson were able to move past the officers. The officers waited until Mr.

Johnson was 18-20 feet from them before they fired. He fell approximately 6-8 feet from the officers after he was shot.

Given these circumstances and proximity, OPA concurs with the CITF and BPD investigations that the use of deadly force against Mr. Johnson was objectively reasonable and necessary when faced with an imminent and lethal threat to themselves and others. The officer's actions were consistent with BPD policy in place at the time and complied with the applicable legal standard for use of force by law enforcement officers.

While the BPD Use of Force policy in place at the time required use of de-escalation techniques to prevent or reduce the need for force when safe and feasible to do so in the totality of the circumstances, OPA does not find that these missed opportunities constitute a violation of policy given the de-escalation techniques that were employed and the totality of the circumstances. More specifically, Cpl. Johnson engaged in de-escalation when placing the call to Mr. Johnson to better understand what he needed and how to best help him. He listened to Mr. Johnson and offered available services before Mr. Johnson quit communicating. Officers also employed de-escalation tactics calling for two additional police units to assist with an expedited response. Those efforts, coupled with the rapid escalation of threat from arrival to the use of deadly force, satisfy the use of force policy in place at the time.

It should be noted that since this incident, BPD has updated its Policy Manual, effective April 1, 2024<sup>2</sup>. Policy 300 "Use of Force" and its subparts prescribe a detailed and robust set of standards for safeguarding the sanctity of life, use of force, duty to intervene, and employment of de-escalation tactics. An analysis of this critical incident under these updated policies would have required a demonstration of tactics to prepare offsite, gather intelligence, call for appropriate resources, preplan, and designate roles to allow time, distance, and flexibility for the situation to resolve, and if unfeasible, documentation of the justification.

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

Several factors contributed to this critical incident.

Mr. Johnson aggressively ran towards officers armed with a large knife, hammer, and a pry bar with an expressed intent to be "taken out." He failed to obey 13 commands in total to drop his weapons and continued to move aggressively towards officers while

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<sup>2</sup> <https://www.cityofboise.org/media/16346/bpd-policy-manual-4124.pdf>



holding the weapons in a threatening manner. He refused numerous opportunities to comply with the officers before deadly force was used against him.

Mr. Johnson had a lengthy history of criminal behavior, including convictions for aggravated assault, obstructing, and resisting officers, multiple DUI's, and an attempted robbery.

The CITF investigation revealed that Mr. Johnson had a history of alcohol abuse and substance abuse. It is unknown whether Mr. Johnson was experiencing an emotional or mental health crisis at the time of this incident. Toxicology results contained in the autopsy report revealed the presence of methamphetamine, amphetamines, and THC in Mr. Johnson's blood.

Although there is no certainty that the missed opportunities for de-escalation stated above could have mitigated the incident, they had the potential to influence the sequence of events or the need for use of force. Specifically, the utilization of Mr. Johnson's request to go to the bail bond business could have been used to engage Mr. Johnson in dialogue. In addition, officers could have reoffered the services communicated by phone while en route in an attempt to calm the subject and look towards a peaceful resolution. OPA recognizes that there was less than one minute to engage Mr. Johnson in conversation before he aggressed the officers and thus without backup officers on scene, this may not have been feasible. Additionally, OPA notes that even if these additional steps towards de-escalation had been taken, Mr. Johnson may have remained uncompliant and aggressive towards the officers consistent with his statement to officers that "Sir, you want to take me out, or I mean, I'll come at you."

OPA recognizes the mitigation efforts used by Cpl. Johnson prior to arriving at the scene of this incident. Cpl. Johnson contacted Mr. Johnson by telephone and asked how he could help him. Cpl. Johnson recognized that Mr. Johnson was potentially having an emotional or mental health crisis. He offered to help Mr. Johnson obtain counseling, medical aid, or assistance with other resources such as Pathways of Idaho, a community-based mental and behavioral health provider.

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 policing practices.

## **RECOMMENDATIONS**

OPA recognizes the proactive policy development and training by BPD since this incident. BPD is training all sworn officers on the new policies, which emphasizes pre-planning, gathering appropriate resources, controlling the pace, constant



communication between officers, supervisors and involved individuals, de-escalation, and report documentation. This training is conducted through classroom instruction and participation in live action scenarios with role players.

With policy updates and subsequent training aligned, OPA has no additional recommendations. OPA will review future use of force incidents occurring after the effective date of these policies accordingly and specifically looking to this training's impact in the field.

## **LINK TO DOCUMENTS**

The Critical Incident Task Force report, the officer body worn camera video, and BPD news releases of this critical incident may be viewed at <https://www.cityofboise.org/departments/police/critical-incidents/> under "2023 Critical Incidents" and "August 3, 2023."

## **REPORT PREPARED BY:**

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## **BOISE POLICE DEPARTMENT REFERENCED POLICIES**

### **1.000 Use of Force**

#### **1.001 Use of Force/Authorization**

Force is a deliberate and intentional application of effort by a police officer on another person.

A police officer shall never employ unnecessary force or violence and shall use only such force in the discharge of duty as is objectively reasonable in all circumstances. The decision to use force should be based on the facts and circumstances of each particular case, including the severity of the crime, whether the suspect poses an immediate threat to the safety of the officer or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. While the use of force is occasionally unavoidable, every police officer shall refrain from unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhumane treatment of any person.

Under *Graham v. Connor*, 490 U.S. 386 (1989), Officers will only apply force reasonably believed to be necessary under the circumstances. When determining when to apply force, consider the totality of the circumstances including the following.

- Immediate threat of the suspect to the officer/(s) or public
- Level of resistance offered
- The severity of the crime.

Force intentionally applied in excess of what is reasonably necessary, or in circumstances where there is no justification for its use, is an excessive application of force.

Officers will use de-escalation techniques to prevent or reduce the need for force when safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change, consistent with officer safety.

Examples of de-escalation techniques include but are not limited to:

- Utilizing verbal skills and providing a warning prior to the use of force.
- Determining whether the officer may be able to stabilize the situation through the:
  - o use of time, distance, or positioning to isolate and contain a subject,
  - o request of additional personnel to respond or make use of specialized units or equipment and alternate resources including crisis-intervention team trained officers.

In the discharge of their duties an officer may encounter a dynamic situation requiring immediate action where time does not allow for the de-escalation techniques listed above.

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### **1.003 Use of Firearms in the Line of Duty**

An officer shall be authorized to discharge firearms in the line of duty under the following conditions:

- To use their firearm to protect themselves or others from what they reasonably believes to be an imminent danger of death or serious bodily injury.
- To use their firearm to affect the capture or prevent the escape of a felony suspect whose freedom is reasonably believed to represent a significant threat of serious bodily injury or death to the officer or other persons.
- During firearms training sessions as directed by the firearms instructors.
- To shoot an animal as outlined in Treatment of Animals.

An officer shall not discharge firearms:

- As a warning
- When the discharge of the weapon may unreasonably endanger the lives of persons not involved in the commission of the crime in progress.