USE OF FORCE INVESTIGATIVE REPORT

DATE OF INCIDENT: 04/20/2024
INVOLVED PERSON: Dennis Vincent Mulqueen
INVOLVED BPD OFFICER: Det. Josh Sontag
WITNESS BPD OFFICER: Sgt. Loren Hilliard
WITNESS BPD OFFICER: Sgt. Joe Andreoli
OPA: OPA24-0084
OIA: OIA24-0023
DATE OF REPORT: 11/22/24

PREFACE

We join the community in expressing our deepest condolences for the tragic loss of Deputy Bolter, who gave his life in service to our community. We share in the sorrow felt by his family, colleagues, and all those who knew and admired Deputy Bolter for his dedication and bravery.

As an oversight agency, we work to ensure transparency, accountability, and trust. Today, we pause to remember the sacrifice made by Deputy Bolter, whose commitment to public safety and community protection serves as a profound reminder of the challenges faced by those who serve.

CASE SYNOPSIS

On the night of April 20, 2024, Ada County Sheriff's Department Deputy Tobin Bolter made a traffic stop within the city of Boise. During the traffic stop, the driver of the vehicle, Dennis V. Mulqueen, shot and fatally injured Deputy Bolter. Mr. Mulqueen used his vehicle to flee the scene.

Shortly after the shooting, a responding BPD officer located Mr. Mulqueen's vehicle parked in a Boise residential neighborhood. Officers located Mr. Mulqueen hiding in a nearby backyard. The BPD Special Operations Unit (SOU) was activated and responded to the scene. Mr. Mulqueen refused to surrender. When he began moving toward a residence that officers believed was possibly occupied, SOU officers attempted to arrest him. Mr. Mulqueen fired one shot from a handgun at the officers. An SOU officer returned fire, striking Mr. Mulqueen two times. He later died because of his injuries.

DETAILED DESCRIPTION OF INCIDENT

On April 20, 2024, at approximately 8:55 pm, Ada County Sheriff Deputy Tobin Bolter conducted a traffic stop on a Chevrolet Suburban. Prior to the stop, he provided the Suburban's license plate number to Ada County Dispatch. As Deputy Bolter was approaching the vehicle, the driver fired a handgun through the driver's window. Deputy Bolter was fatally shot in the neck. Mr. Mulqueen fled the shooting scene in his vehicle. Officers from multiple law enforcement agencies, including BPD, responded to assist at the scene and search for the shooter. Ada County Dispatch determined that the Suburban was registered to Mr. Mulqueen. They provided registration information, the vehicle's description, and license plate number to responding officers.

At approximately 9:28 pm, BPD Ofc. Feldner located the Suburban abandoned near W. Dorian and S. Roosevelt streets in Boise. Officers knew that Mr. Mulqueen's last known address was nearby. BPD began an extensive search of the area. At 9:35 pm, a Meridian Police Department officer launched a drone to aid in the search for Mr. Mulqueen. Other drones operated by BPD were also used in the search. At 9:43 pm, a drone operator located a man they believed was likely Mr. Mulqueen hiding under a tree and against a fence in a backyard on S. Jackson Street.

BPD set up a command post nearby and patrol officers established a perimeter to contain the man. BPD continued drone observation throughout the incident.

The BPD SOU was activated at 9:57 pm. SOU officers responded and began preparations to arrest the suspect. SOU's preparations included establishing an inner perimeter around the suspect's location and extensive planning to address logical tactical and medical contingencies. One concern was that Mr. Mulqueen might try to break into a nearby residence and create a hostage situation. SOU officers made a specific plan to intervene if this occurred.

Once SOU's preparations were in place, a BPD negotiator began giving commands to the suspect over a loudspeaker mounted on SOU's armored "Bearcat" vehicle. The vehicle was located within 50 yards of where Mr. Mulqueen was hiding. Over the next half-hour, the negotiator gave approximately 30 sets of announcements to the suspect over the loudspeaker. The negotiator called Mr. Mulqueen by name, described the specific location where they knew he was hiding, and provided instructions so that he could safely surrender to a nearby SOU arrest team. BPD obtained Mr. Mulqueen's telephone number and made multiple unsuccessful attempts to call him. Mr. Mulqueen never responded to any command or attempt to contact him. BPD confirmed that officers positioned well beyond Mr. Mulqueen's location could clearly hear the negotiator's announcements and commands.

The Ada County 911 dispatch center sent out a "Code Red," emergency notification to telephones in the immediate area. This notification instructed residents to shelter in place because of on an ongoing police emergency. During announcements over the loudspeaker, the negotiator instructed neighbors to stay inside, shelter in place, and lock doors and windows because of an ongoing police operation.

During this time, a low flying drone captured clear footage of Mr. Mulqueen hiding underneath a tree holding a handgun as if he were waiting to ambush officers. This information, along with a screenshot depicting him holding the handgun, was provided to SOU team members.

Shortly afterward, the low flying drone required a battery change and had to be recalled by the operator. At 11:49 pm, officers heard Mr. Mulqueen fire one shot with his handgun.

Then at 11:53 pm, a high elevation drone captured Mr. Mulqueen moving from his place of hiding toward the back door/patio area of four adjacent apartments on S. Jackson Steet. Concerned that Mr. Mulqueen would break into an apartment through the patio glass slider doors and potentially take a hostage, a pre-designated SOU arrest team moved rapidly on foot from their staging area at the Bearcat to locate and arrest him. The high elevation drone momentarily lost sight of Mr. Mulqueen as he moved. The low elevation drone was still having its battery changed temporarily leaving the SOU team without drone coverage of the suspect's exact location.

As the SOU team moved through the dark narrow corridor accessing the back patio area of the four apartments, they noted a section of privacy fence dividing each patio. They slowed down recognizing that Mr. Mulqueen may be waiting to ambush them from behind one of the sections of privacy fence. The SOU team cleared the first three patios without locating Mr. Mulqueen. As they approached the fourth patio, Mr. Mulqueen leaned out slightly from a concealed position behind the final section of privacy fence. He fired one shot at the SOU team. Det. Josh Sontag, who had the best angle to observe the area behind the privacy fence, detected Mr. Mulqueen's movement, saw the muzzle flash, and heard the shot. Nearly simultaneously, Det. Sontag engaged Mr. Mulqueen with 6 rounds from his rifle, striking him twice in the upper chest. Mr. Mulqueen fell to the ground incapacitated. Shortly afterward the low elevation drone returned and reported the location of Mr. Mulqueen's handgun on the ground just out of reach. The team moved forward and took him into custody. Ada County Fire Department tactical medics performed life saving measures at the scene. Mr. Mulqueen was transported to the hospital where he died of his injuries.

Det. Sontag did not have his on-body video (OBV) camera at the time of the shooting. Sgt. Andreoli and Sgt. Hilliard were near Det. Sontag. Their on-body video cameras captured portions of the shooting incident. The high elevation drone footage also captured the shooting incident.

As SOU team members checked themselves for any gunshot injuries, they observed that the gunshot fired by Mr. Mulqueen's gun had struck a ballistic shield carried by Sgt. Andreoli. The shield stopped the bullet, preventing it from striking Sgt. Andreoli in the upper chest area.

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[1]

A. 300 USE OF FORCE

B. 424 PORTABLE AUDIO/VIDEO RECORDERS

C. 500 CRITICAL AND TRAUMATIC INCIDENTS

D. 15.003 TACTICAL CONSULTS

E. SOU TEAM DIRECTIVES

INVESTIGATIVE FINDINGS

A. CRITICAL INCIDENT TASK FORCE FINDINGS:

After the officer involved shooting incident, the Ada County Critical Incident Task Force (CITF) was activated, led by the Garden City Police Department. The CITF conducted a forensic investigation of the scene, interviewed witnesses, interviewed the involved

[1] BPD's Policy Manual is posted online at: https://www.cityofboise.org/departments/police/about/bpd-policy-and-procedures/

officers, collected dispatch records and audio/video evidence, and produced numerous reports. The investigation was detailed and thorough. The Bonner County Prosecuting Attorney reviewed the CITF investigation and determined that Det. Sontag's use of deadly force against Mr. Mulqueen was 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 by pointing and firing a handgun at officers Mr. Mulqueen presented an imminent threat of death or serious injury to the officers. Det. Sontag's use of lethal force in response to that immediate threat was reasonable and did not violate applicable law. BPD found that Det. Sontag's actions were compliant with existing BPD policies. BPD identified no training recommendations specific to the individual officers involved in this incident.

Tactical Decisions: BPD found that the key tactical decisions made by SOU during the incident were sound and appropriate. These included:

- SOU leadership quickly organized the team, identified objectives, made assignments, and coordinated with BPD command staff.
- SOU attempted to de-escalate the situation by attempting to negotiate with the armed suspect for over 30 minutes using announcements and commands over a loudspeaker and by making multiple attempts to contact him by telephone.
- SOU used aerial drones to maintain visual surveillance of the suspect. This provided valuable information to SOU and permitted officers to stage operations a greater distance from Mr. Mulqueen creating a safer operating environment for officers and the suspect.
- SOU used Bearcat armored vehicles and ballistic shields to provide team members with mobility while providing some protection from gunfire.
- SOU made plans to address multiple logical contingencies that could arise during the incident. These included area containment, medical treatment and evacuation, arrest plans, and response to emergencies such as an active threat/shooter and hostage situations.
- SOU used the loudspeaker to warn nearby residents about the situation and to instruct them to shelter in place. BPD arranged for Ada County Dispatch to use the "CodeRed" telephone warning system to inform nearby residents of the threat.
- After taking Mr. Mulqueen into custody, SOU moved him a short distance away so that medical personnel could be brought forward to treat him in a safer location. They ensured that no civilians had been hit by gunfire and no further threats existed. Crime scene investigators then took over the scene.

- There was some confusion in communication within the team immediately after the shooting, but this was quickly resolved.

Department Recommendations: BPD's findings included the following Department recommendations:

- Policy
  - On body video: Amend BPD's policy or SOU Directives to clarify that all SOU team members are to utilize their on-body video cameras during any SOU operation.
  - Designation of roles: Update SOU Directives to identify and clarify the specific supervisory roles held by additional sergeants that have been added to the SOU since the Directives were enacted.
- Equipment
  - Less lethal tools: During the operation, an SOU member was assigned the role of carrying and being prepared to use a certain less lethal weapon. When the team responded to arrest the suspect, the SOU member forgot to bring the less lethal weapon with him. BPD recommended that SOU leadership address this issue directly with the SOU member if it had not already been addressed.
  - Drones: BPD found that aerial drones proved to be a valuable tool in locating and observing the suspect during the incident. BPD recommended that SOU explore expanded drone capabilities to ensure seamless drone coverage and real-time viewing of drone footage by the SOU members.
  - Bearcats: BPD found that SOU's use of the armored Bearcat vehicle was essential in providing protection from gunfire in an environment where little natural cover existed. Bearcats are also typically utilized as a medical evacuation vehicle in high threat environments. During this incident SOU deployed 3 separate teams to different locations within the crisis site. BPD's Bearcat was augmented by a second Bearcat that belongs to the Ada County Sheriff's Office. Thus, there were only two Bearcats available to provide mobility, ballistic protection, and medical evacuation capabilities to three separate SOU elements who each had different assignments. BPD recognized that Ada County's Bearcat may not be available during every SOU deployment. Given this, BPD recommended considering options for acquiring a second BPD Bearcat.

C. OFFICE OF POLICE ACCOUNTABILITY FINDINGS:

OPA finds that BPD's tactical decisions were sound. Officers rapidly located the suspect vehicle, began a search, and utilized drones and other resources to safely locate the suspect. A command post and an outer perimeter were quickly established. Nearby

residents were appropriately warned and instructed concerning the incident. Officers attempted to evacuate the four apartments where the shooting ultimately occurred, but the residents were uncooperative and refused to leave.

Despite numerous team members being off duty at the time of the incident, SOU quickly deployed and organized its operation. They planned for logical contingencies, assigned roles, and pre-positioned medical assets. Once planning was complete and the inner perimeter was in place, officers made multiple attempts to contact the suspect. They used a specialized loudspeaker mounted on the Bearcat designed to project clear, loud voice commands to the suspect's exact location. They also tried to contact him via telephone.

SOU made considerable efforts to de-escalate the situation. They gave over 30 announcements and commands during half an hour. Mr. Mulqueen did not respond to any efforts to communicate with him.

SOU strategically utilized appropriate equipment, including aerial drones and the Bearcat. The drones maintained surveillance on Mr. Mulqueen. While he was hiding, drones were able to clearly confirm that Mr. Mulqueen was sitting upright, alert, and easily within range to hear commands. Drones also confirmed that he was armed with a handgun and pointing it in the direction from which he likely expected officers to approach. This information enhanced SOU's situational awareness and informed their decision not to approach closer while attempting to negotiate and de-escalate the situation. Their use of the Bearcats as ballistic protection, a staging area, and a platform from which to attempt negotiations further enhanced de-escalation efforts.

SOU successfully executed their tactical contingency planning when Mr. Mulqueen deliberately escalated events, initially by firing a shot from his handgun at an unknown target. Then four minutes later the high elevation drone observed him moving toward the back patio area of four nearby apartments. To prevent him from potentially taking a hostage inside an apartment, an SOU arrest team quickly moved to confront and arrest him. OPA finds that BPD's decision to deploy the arrest team was reasonable and necessary given the exigent circumstance and risk of harm to civilians created by Mr. Mulqueen's actions.

Drone footage confirms that Mr. Mulqueen concealed himself behind a section of privacy fence and prepared to ambush SOU officers. The drone video depicts Mr. Mulqueen moving forward to the end of the fence and firing one shot from his handgun at officers. Det. Sontag immediately engaged him with rifle fire causing fatal wounds.

Forensic evidence at the scene, including Mr. Mulqueen's handgun, spent shell casings, and the ballistic shield that was struck by Mr. Mulqueen's gunfire, is consistent with videos and SOU officers' accounts of the incident. OPA finds BPD's reports to be thorough and accurate.

OPA notes that BPD Policy and SOU Directives require officers to be equipped with and record on their OBV when uniformed and taking enforcement action. Neither the policies or directives contain an exemption for officers responding while off duty and without immediate or timely access to their OBV equipment, as occurred here. OPA finds Det. Sontag's failure to capture this incident on his OBV a violation of Policy 424 and recommends BPD's consideration of this finding. Given the equipment challenge for members of the SOU called from off duty, OPA recommends BPD consider providing officers with specialty group assignments duplicate OBV equipment.

Overall, OPA finds that by pointing a handgun and firing at officers, Mr. Mulqueen presented an immediate threat of death or serious injury to Det. Sontag, Sgt. Andreoli, and the other SOU officers on the arrest team. Det. Sontag's use of deadly force against Mr. Mulqueen in response to this threat was reasonable, necessary, and consistent with BPD policy and 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, Mr. Mulqueen engaged in escalating and dangerous criminal behavior, presenting an extreme risk to officer safety. Just prior to this incident, Mr. Mulqueen shot and killed Deputy Bolter during a routine traffic stop. Firing through the driver's side window before Deputy Bolter could detect and assess the threat suggests an intent to ambush him. Mr. Mulqueen then fled the shooting scene in his vehicle, abandoned his vehicle, and hid from officers who were actively searching for him. Mr. Mulqueen waited under a tarp in the backyard of his apartment with a handgun, knowing officers were coming. This, again, suggests an intent to ambush.

Second, Mr. Mulqueen failed to cooperate. After Mr. Mulqueen was located by BPD, he ignored numerous attempts to contact him, negotiate his surrender, and arrest him safely.

Third, Mr. Mulqueen further escalated the situation by firing a handgun during negotiation efforts and later moving towards an occupied dwelling creating a risk of a

hostage situation or other harm to civilians. When officers attempted to intervene, he fired his handgun at them, striking a ballistic shield carried by an officer.

Finally, Mr. Mulqueen's history suggests additional potential contributing factors to this incident. Mr. Mulqueen was reported by individuals known to him to have a history of alcohol abuse, mental health challenges, and was estranged from family members. His Idaho criminal history indicates numerous alcohol related charges since 2007 and when pulled over had a warrant for his arrest for failure to appear on alcohol related charges. Mr. Mulqueen had also shared anti-government sentiments to acquaintances over the years. He had no known history of violent crime.

While we cannot know with certainty the state of Mr. Mulqueen's mind or motives in taking extreme, life-ending action against a law enforcement officer, given the totality of his actions, it is certainly conceivable that his desire to not return to jail was a significant motive.

OPA commends officers for their effective and efficient response to this incident. Officers rapidly located the suspect vehicle and began a search. Activation of the SOU was reasonable and necessary to provide the best possible chance to resolve the incident peacefully. In a short amount of time, the SOU established effective command, control, and communication, utilized appropriate equipment, pre-planned roles, created contingency plans, alerted neighbor residents, and engaged in de-escalation efforts to mitigate risks to the public, officers, and the suspect. Overall, officers acted with restraint and professionalism despite Mr. Mulqueen having killed a fellow officer only hours before.

OPA will continue to track data on potential contributing factors for evaluation of community support and response, as well as aggravating or mitigating factors by officers to inform best policing practices.

RECOMMENDATIONS

OPA concurs with BPD's policy and equipment recommendations. In particular, the drones proved to be essential tools in locating the suspect and provided valuable situational awareness during SOU's operation. Likewise, the Bearcats provided mobility, ballistic protection, and enhanced medical response capabilities in a high threat environment. OPA supports BPDs recommendation to enhance and further integrate drone use into SOU operations. OPA also concurs with BPD's recommendation to explore options for obtaining an additional Bearcat or similar asset. Both tools provide

additional capabilities, de-escalation options, and enhance safety for officers, suspects, and the public.

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 "2024 Critical Incidents" and "April 20, 2024."

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