



USE OF FORCE INVESTIGATIVE REPORT

DATE OF INCIDENT: 01/24/2024
INVOLVED PERSON: Jeremiah Gaver
INVOLVED BPD OFFICER: Ofc. Cameron Johnson
WITNESS BPD OFFICER: Ofc. Connor Rush
WITNESS BPD OFFICER: Ofc. Kody Carter
WITNESS BPD OFFICER: Ofc. Tyler Gould
WITNESS BPD OFFICER: Sgt. Larry Miles
WITNESS BPD OFFICER: Sgt. Ted Snyder
WITNESS BPD OFFICER: Lt. Steve Butler
OPA: 24-0135
OIA: 24-0004
DATE OF REPORT: 04/02/25

CASE SYNOPSIS

On January 24, 2024, at approximately 12:30 am, Ada County Sheriff's Office (ACSO) deputies stopped 32-year-old Jeremiah Gaver, who they believed was acting suspiciously while walking in the county jurisdiction just outside the Boise city limits. Gaver was uncooperative with deputies. They requested additional officers and canine support. Two Boise Police Department (BPD) canine units and other BPD personnel responded to assist¹. An ACSO canine unit arrived shortly afterwards.

Mr. Gaver's hands were concealed under a tarp he was wearing. He refused to show that he had no weapons. Deputies detained him and later told him he was under arrest for resisting and obstructing officers. After he refused to surrender, deputies deployed their canine and fired two less-lethal shotgun "bean bag" munitions at Mr. Gaver. He fought with the canine then fled across a field as deputies and officers pursued him. Officers observed that he was armed with a large knife. Officers attempted to tase him several times and fired two additional less-lethal bean bag munitions at him. These efforts were unsuccessful in stopping him. Mr. Gaver entered a parking lot where additional attempts to tase him failed. He crossed a street and stepped onto a sidewalk where he was tased and the effects of the Taser caused him to fall. Believing he had dropped the knife, a BPD officer deployed his canine, which bit Mr. Gaver's arm. Mr. Gaver stabbed the BPD canine several times. He then attempted to stab the canine officer, who moved in to stop Mr. Gaver from stabbing the dog. When the canine released Mr. Gaver, he began standing up brandishing the knife towards several deputies and officers, who were approximately 5-8 feet away. Four deputies and

¹ References to "deputies" are Ada County Sheriff's Office deputies; references to "officers" are Boise Police Department officers.

Officer Johnson fired their handguns at Mr. Gaver, striking him several times. Mr. Gaver died because of the gunshot wounds.

DETAILED DESCRIPTION OF INCIDENT

In the early morning hours of January 24, 2024, Deputy McKone observed an individual, later in the incident identified as Jeremiah Gaver, walk up to a window and look inside a closed business. Visibility was poor due to fog. Deputy McKone attempted to talk to Mr. Gaver. He asked if Mr. Gaver was ok and if he needed any help. Mr. Gaver said nothing and walked away. Deputy McKone observed Mr. Gaver walk down a sidewalk and look through missing slats of a fence into a residential backyard for 30-45 seconds. A second deputy arrived and attempted to talk to Mr. Gaver. The deputies noted that Mr. Gaver was wearing a tarp draped over him like a poncho. His hands were concealed underneath the tarp. He had what they initially thought was a crowbar in his hand. Later they determined it was a walking cane, although he did not use it to walk and did not appear to be disabled. He also had a sheath or sleeve on his back which contained what appeared to be an axe handle.

Mr. Gaver refused commands to show his hands and would not identify himself. Deputy McKone detained Mr. Gaver for investigation, citing reasonable suspicion that Mr. Gaver had committed or was about to commit a burglary.

Deputies requested additional officers including canine support. The on-duty Ada County canine officer was assigned to another call at that time. Two BPD canine officers, Johnson and Rush, were nearby. They requested and received permission from the BPD watch commander to respond to the county jurisdiction to assist.

Deputies who detained Mr. Gaver continued to talk to him and tried to convince him to cooperate and show his hands. Deputies observed Mr. Gaver's hands moving under the tarp as if he was accessing something. Mr. Gaver remained on a sidewalk as deputies talked to him from behind a patrol car a few paces away.

At 45 minutes into the incident, at least 15 officers were on scene. The BPD personnel present were two canine officers, two sergeants, one lieutenant, and two other officers.

BPD officers learned from deputies that Mr. Gaver was stopped and detained because he was peering into a closed business and looking over fences into residential backyards. Deputies told officers that Mr. Gaver was uncooperative and would not remove his hands from inside the tarp.

Approximately 52 minutes into the incident, the deputies conferred and determined that they had probable cause to arrest Mr. Gaver for resisting and obstructing. Deputy McKone advised Mr. Gaver that he was under arrest. Several times during their interaction with Mr. Gaver he said he believed the deputies were going to kill him. Deputies repeatedly told him that would not happen and that he should cooperate and follow commands.

Shortly afterwards, Deputy McGee arrived with his canine partner Astrid. Deputies formed a plan to arrest Mr. Gaver: if Mr. Gaver did not comply with commands to surrender, they would shoot him with less-lethal shotgun munitions (bean bag rounds) and deploy canine Astrid to assist them in taking Mr. Gaver into custody. Mr. Gaver saw the shotgun used to deploy bean bag rounds and stated again that they wanted to kill him.

Approximately 56 minutes into the incident, deputies gave the first of four separate sets of commands. They advised Mr. Gaver that he was under arrest and that if he did not surrender, force would be used against him. They advised him they would deploy the canine, and that the canine would bite him. They stated that if he surrendered, they would not use force and would not send the dog.

After Mr. Gaver did not comply with the fourth set of commands, a deputy fired two bean bag rounds from a shotgun at Mr. Gaver. Deputy McGee deployed Astrid. The bean bag rounds had no effect. Due to low light and foggy conditions, they could not clearly see Astrid's engagement with Mr. Gaver. They saw Mr. Gaver appear to briefly fight the dog and the dog disengage.

Mr. Gaver dropped the tarp, ran around a parked vehicle, and crossed the street into an open field. At least 11 deputies and officers pursued Mr. Gaver on foot. As he entered the field, Mr. Gaver displayed a large knife. Officers in pursuit ordered him to drop the knife but he ignored their commands and continued to run through the field. Two additional less-lethal bean bag rounds were fired at him but were ineffective. Officers heard Mr. Gaver state that he was going to die tonight.

As Mr. Gaver ran through the field, Officer Rush hurried to his car where his canine Meko was located. Officer Rush drove around the field to an intersection at a convenience store towards which Mr. Gaver was running.

As Mr. Gaver ran across the field and into the convenience store parking lot, officers and deputies deployed at least six Tasers, all of which were ineffective. Mr. Gaver exited the parking lot and crossed a street onto the sidewalk. As he did, a deputy

deployed an additional Taser, which caused Mr. Gaver to fall to the ground. Officer Rush had exited his car and removed canine Meko. Officer Rush heard something hit the pavement when Mr. Gaver fell. Believing Mr. Gaver had dropped the knife, Officer Rush released Meko. Meko engaged Mr. Gaver and bit him on the arm. Mr. Gaver immediately began stabbing Meko. As Officer Rush stepped in attempting to stop Meko from being stabbed, Mr. Gaver slashed at Officer Rush with the knife. Officer Rush jumped back, avoiding being stabbed. At that moment, Meko released his bite on Mr. Gaver's arm. Several officers had moved to within 5-8 feet of Mr. Gaver, anticipating taking him into custody. Mr. Gaver then began standing up and brandished the knife towards officers. Four deputies and Officer Johnson fired their handguns nearly simultaneously at Mr. Gaver. A total of 14 rounds were fired within about 2 seconds. Mr. Gaver was struck 9 times. Immediately following the shots fired, Mr. Gaver shouted, "Thank you Jesus" three times.

After Mr. Gaver was shot, he was on the ground still grasping the knife in his hand. Officer Johnson deployed his canine Rico to bite Mr. Gaver and pull him away from the knife so that officers could safely take him into custody. When Rico bit Mr. Gaver on the leg and pulled him a few feet, he did not react to the bite but continued to grasp the knife. Officers and deputies determined he was likely not conscious, took him into custody, and attempted lifesaving measures at the scene. Mr. Gaver died because of his gunshot wounds.

Officer Rush immediately transported Meko to emergency veterinary care. Deputy McGee discovered that Astrid had been stabbed during her initial encounter with Mr. Gaver. Astrid was also taken to emergency veterinary care. Both dogs survived their injuries and later returned to duty.

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 POLICY²

- A. 1.001 Use of Force Authorization
- B. 1.003 Use of Firearms in The Line of Duty
- C. 427 Foot Pursuits
- D. 304 Conducted Energy Weapon (Tasers)
- E. 304.2 Dual Purpose Police Canines
- F. 3.004 Response Outside the Boise City Limits
- G. 3.005 Mutual Aid

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 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 investigation was detailed and thorough.

The Owyhee County Prosecuting Attorney reviewed the CITF investigation and determined the ACSO Deputies' and BPD Officer Johnson's use of deadly force against Mr. Gaver were reasonable and justified under Idaho law.

B. BOISE POLICE DEPARTMENT FINDINGS:

BPD conducted a thorough 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 found the following:

Initial Approach

- Officers were informed of ACSO deputies' representation of a reasonable suspicion to detain. Once on scene, BPD supervisors should have obtained firsthand information about the circumstances and then communicated those facts to personnel on the scene to ensure a common understanding of the situation.
- When the situation was static, officers and supervisors could have assigned personnel to canvass the area for evidence of a possible crime.

² This policy manual has been updated effective April 1, 2024, See <https://www.cityofboise.org/departments/police/about/bpd-policy-and-procedures/>. The referenced legacy policies in effect at the time of this incident are available through a public records request to BPD.

Foot Pursuit

- Engaging in the foot pursuit of Mr. Gaver was consistent with BPD policy.
- At least 11 officers and deputies were involved in the foot pursuit. Prior to the pursuit, supervisors should have assigned some officers to containment and establishing a perimeter rather than having all officers directly involved in the pursuit.

Taser Deployments

- Officer Carter and Sergeant Miles each deployed 2 Taser cartridges during the foot pursuit.
- The Taser deployments were unsuccessful each time likely due to Mr. Gaver wearing layers of heavy clothing and twirling his cane to disrupt the Taser wires preventing the Taser probes from contacting him.
- The Taser deployments were within policy as Mr. Gaver presented a threat to the officers by being armed with a large knife, fleeing, and failing to obey commands to drop the knife.

Canine Deployments

- Officer Rush and Officer Johnson both deployed their canines during the incident.
- When Officer Rush deployed Meko, he knew that Mr. Gaver was armed with a large knife and had brandished it towards officers, committing aggravated assault on law enforcement officers. He had refused to obey multiple commands to drop the knife. Multiple less-lethal tools had been used and were ineffective. He was actively resisting arrest.
- Officer Rush's deployment of Meko was consistent with BPD policy due to the ongoing threat posed by Mr. Gaver.
- After Mr. Gaver was shot, he was on the ground still grasping the knife in his hand. Officer Johnson deployed his canine Rico to bite Mr. Gaver and pull him away from the knife so that officers could safely take him into custody. When Rico bit Mr. Gaver on the leg and pulled him a few feet, he did not react to the bite but continued to grasp the knife. Officers determined he was likely not conscious and took him into custody.
- Because Mr. Gaver still retained the knife after being shot, he presented a threat to officers. Thus, Officer Johnson's deployment of Rico was consistent with BPD canine policy.

Use of Deadly Force by Officer Johnson

Officer Johnson's decision to use deadly force against Mr. Gaver was reasonable, justified under applicable law, and consistent with BPD policy. BPD found that Officer Johnson was present during the initial use of less-lethal force against Mr. Gaver by deputies. He participated in the foot pursuit. He witnessed four bean bag deployments, multiple Taser deployments, and two canine deployments against Mr. Gaver, all of which were ineffective. Officer Johnson saw Mr. Gaver stab Meko and then attempt to stand while posing an immediate threat of stabbing officers at close range. These factors support their finding that Officer Johnson's use of deadly force was reasonable and consistent with BPD policy.

Leadership Considerations

- One BPD lieutenant and two BPD sergeants were on scene. It was not necessary for 3 BPD supervisors to be present. This resulted in no supervisory coverage within Boise city limits during the incident.
- There was a lack of clarity among BPD personnel concerning who was in command during the incident.
- BPD Sergeant Miles was actively engaged throughout the incident, directing officers' activities. Lieutenant Butler and Sergeant Snyder observed but did not engage after the foot pursuit began.
- Lieutenant Butler was the senior BPD supervisor present. He was ultimately responsible for the deployment of BPD assets at this event.
- ACSO had only requested canine assistance. By policy only one BPD canine unit, one assist officer, and one BPD supervisor was required to be present.
- Once the ACSO canine unit arrived, this eliminated the need for BPD personnel to be present.
- Lieutenant Butler should have relieved unnecessary BPD personnel and sent them back to Boise City jurisdiction. He should have set clear parameters with the Ada County Sergeant on scene concerning available resources and policy considerations.
- The role of supervisors is to actively supervise, and not simply take a passive role in monitoring and reporting events as they unfold.

Mental Health Nexus

- There were numerous indicators that Mr. Gaver may have been experiencing a mental health crisis. He was draped in a tarp and largely unresponsive to attempts to communicate with him.
- On December 29, 2023, BPD Behavioral Response Team Officer Presnell encountered Mr. Gaver on a call in Boise. Afterwards Officer Presnell sent out a multi-agency bulletin, along with a photo and officer safety warning indicating that

the man was likely experiencing a mental health crisis. Mr. Gaver was unidentified at that time. The circumstances of that encounter with Mr. Gaver were similar to this incident.

- Sergeants Snyder and Miles both recognized that Mr. Gaver was likely the subject of Officer Presnell's previous bulletin. They informed the Ada County Sergeant about the bulletin.
- Supervisors should have taken time to research the bulletin while the incident was static. They could have considered utilizing additional resources such as a crisis negotiator. While it may not have changed the ultimate outcome, it could have helped frame an approach to resolving the incident without the need to use force.

Tactics

- No containment or perimeter was set when the incident was static.
- There was an apparent presumption that the initial use of bean bag rounds and canine deployment would succeed. There were no contingency plans if this strategy failed.
- During the final encounter, officers were too close to the suspect and did not attempt to gain distance, cover, or position obstacles (such as vehicles) between themselves and the suspect. Twelve deputies and officers were close to Mr. Gaver when shots were fired. The closest officers and deputies were estimated at 5-7 feet away.
- After the shooting two of the BPD sergeants were directly involved in taking Mr. Gaver into custody. Given the number of available officers, the sergeants should have remained in supervisory roles rather than assuming a primary role.
- Officer Rush placed himself in danger unnecessarily by stepping within lunging distance of Mr. Gaver, who was armed with a knife and tried to stab or slash him.

BPD Recommendations

- Future training should continue to emphasize the specific expectations of supervisors in managing high-risk events, and the importance of time, distance, communication, and contingency planning during tactical events.
- Officers should be mindful of potential limitations of Tasers and other pain compliance tools, especially when encountering persons in crisis.
- Current policies 3.004 Response Outside the Boise City Limits and 3.005 Mutual Aid should be modified to better reflect that:
 - Officers should not respond outside the city jurisdiction absent an explicit and urgent request from an outside agency or direction from their supervisor.
 - At a complex scene, determine who the incident commander is and seek an assignment from that person absent exigent circumstances.

- This event should be debriefed in detail at all levels of BPD to ensure agency roles are assigned and executed and communications are clear.

C. OFFICE OF POLICE ACCOUNTABILITY FINDINGS:

OPA is authorized to investigate and evaluate the conduct of Boise City police officers involved in critical incidents. Accordingly, OPA does not make any findings or recommendations concerning any actions of the ACSO. OPA has included in its analysis the factual circumstances of ACSO's actions during this incident to the extent that those actions provide context for evaluating the performance of BPD officers.

BPD's findings regarding this incident were detailed and thorough. OPA concurs with BPD's findings regarding the actions of BPD personnel, tactical and supervisory deficiencies, and its recommendations for training, debriefing the incident, and clarifying existing policy regarding mutual aid and response outside the city limits.

Analysis of Incident

In addition to the detailed description of the incident and BPD findings above, OPA notes that when BPD officers arrived, the incident had been ongoing for over 30 minutes. While officers relied on deputies' representations that there was reasonable suspicion to initially detain Mr. Gaver, BPD supervisors should have been more assertive in determining the facts and communicating those facts to BPD personnel on scene.

Once on scene, BPD officers observed firsthand deputies give four separate announcements telling Mr. Gaver that he was under arrest and that if he did not surrender force would be used against him. When Mr. Gaver fled, he was clearly under arrest and not free to leave.

At the outset of the foot pursuit, BPD officers observed Mr. Gaver produce a large hunting style knife and brandish it towards officers and deputies, committing aggravated assault on law enforcement officers. BPD officers were then compelled to pursue and arrest Mr. Gaver because they observed him commit a felony.

OPA concurs that BPD's Taser deployments were an appropriate less-lethal measure and were consistent with BPD's de-escalation and Taser deployment policy.

When Mr. Gaver fell, Officer Rush's canine deployment was an appropriate use of force. The final Taser deployment may have caused or contributed to him falling, but he was still in possession of the knife, or it was in close proximity. He was not incapacitated by the Taser and was actively resisting arrest. These factors support Officer Rush's decision to deploy Meko.

Immediately prior to Officer Johnson using deadly force, he observed Mr. Gaver stab Meko, attempt to stab or slash Officer Rush, then try to stand while threatening to stab other officers and deputies who were only 5-8 feet away. The officers were well within the distance Mr. Gaver could lunge with the knife if he had gained his balance. Shooting Mr. Gaver was reasonable and necessary in that circumstance, as he presented an immediate threat of death or serious injury to officers and all less-lethal options had been exhausted.

Supervisory Concerns

As noted in BPD's findings, it was unnecessary for so many BPD officers to be present. Deputies only requested canine support. BPD supervisors could have sent some officers back to the Boise city limits. The sheer number of law enforcement officers and vehicles present may in of itself escalated rather than deescalated this incident with an individual possibly experiencing a mental health challenge.

BPD supervisors were present for at least 20 minutes while deputies' interactions with Mr. Gaver were static. They observed that while Mr. Gaver wouldn't cooperate and show his hands, he did engage in some dialogue and didn't try to flee during deputies' efforts to talk to him. BPD supervisors were present as deputies formed the plan to introduce force into the event by using bean bag rounds and a canine against Mr. Gaver. BPD supervisors should have recognized that introducing force against a passive but non-compliant subject may needlessly escalate rather than de-escalate the event.

The record shows that BPD supervisors were engaged with the Ada County sergeant and could have offered suggestions for contingency plans and additional resources before force was initiated.

BPD supervisors could have suggested involving a crisis negotiator before initiating force. There was time to do so. No exigent circumstance existed that required force to be used at that moment. They could have suggested alternative tactics and worked towards establishing a perimeter for containment, pre-staging medical assets, and implementing contingency plans if the initial use of force failed.

In short, while BPD supervisors knew that the event was under the jurisdiction and ultimate control of the Ada County on-scene commander, they missed an opportunity to make suggestions and offer resources that might have de-escalated the event. It was static for approximately 58 minutes and only escalated after force was initiated by

law enforcement, not in response to any escalation by Mr. Gaver. Once set in motion, deadly force was required less than 3 minutes later.

POTENTIAL CONTRIBUTING FACTORS AND MITIGATION EFFORTS

During this incident, Mr. Gaver made numerous statements indicating his belief that officers were going to kill him. He was clearly fixated on a fear of law enforcement. During the incident they recalled a safety bulletin detailing his contact with an officer on the BPD Behavioral Response Team. The bulletin described Mr. Gaver's actions in the prior contact. They were nearly identical to his demeanor on the night of this incident. Even though there was time, and it was feasible to do so, officers did not attempt intervention by a trained crisis negotiator. While this may have been a missed opportunity, this office cannot say with any certainty that this would have affected the outcome.

The autopsy findings noted no drugs or alcohol in Mr. Gaver's system and thus were not contributing factors. While it appeared that Mr. Gaver may have been experiencing mental health challenges in this incident as well as a prior incident, OPA has no information regarding his mental health history and thus cannot state with any certainty whether mental health challenges were a contributing factor. Mr. Gaver did not have any prior misdemeanor or felony convictions in Idaho.

Mr. Gaver was given numerous, clear commands throughout the entirety of the incident and failed to cooperate at every point. This certainly was a contributing factor to the use of force.

OPA notes that during the foot pursuit, BPD officers and deputies used and exhausted all less-lethal tools at their disposal. Sergeant Miles directed and coordinated officers and deputies during the foot pursuit. They deployed multiple Tasers and additional bean bag rounds in attempting to take Mr. Gaver into custody. Officer Rush deployed Meko despite the risk of death or serious injury to his canine partner.

Mr. Gaver demonstrated his willingness to use deadly force against Meko by stabbing him. He immediately moved towards officers and deputies with the knife, threatening to stab them as well.

While the chain of events was set into motion by law enforcement's decision to initiate less-lethal force, Mr. Gaver's aggression and attempts to stab officers caused Officer Johnson and the deputies to use deadly force against him.

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

This incident highlights several policing practices for continuing education and training. First, when assisting an outside law enforcement agency, officers must maintain autonomy, engage in robust and regular communication, hold roles, plan for contingencies, utilize all available resources, engage in critical thinking, and actively supervise agency officers. While OPA recognizes this can be challenging when not acting as the primary responding agency, officers must not passively participate without active engagement. Second, officers must have a clear understanding of policies, expectations and roles and responsibilities when assisting an outside agency.

OPA recommends the incorporation of supervision standards into its sergeant and lieutenant training program and ongoing quarterly training and scenario-based training if it has not done so already.

OPA also recommends BPD explore engaging outside law enforcement agencies for joint scenario-based training to provide officers the opportunity to practice active engagement.

OPA commends BPD for its robust and thorough review, identification of time-specific action items for debriefing, individual and department wide training, and policy review. OPA requests notice of completion of all required debriefings and trainings identified as action items.

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 "January 24, 2024."

REPORT PREPARED BY:

William R. Long, OPA Investigator

Nicole McKay, OPA Director