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**BLAINE COUNTY PROSECUTING ATTORNEY**

July 18, 2025

Detective Steven Hansen  
Meridian Police Department

RE: Adam Lee Cook – September 24, 2024, Officer Involved Shooting

Dear Detective Hansen:

Pursuant to the Memorandum of Understanding Agreement between our offices dated June 6<sup>th</sup>, 2022; I was requested to review the investigation conducted by the Critical Incident Task Force (CITF) to determine whether criminal charges should be filed against officers involved in the shooting and apprehension of Adam Lee Cook (hereinafter “Cook”). In this matter, CITF was led by the Meridian Police Department as the investigative agency. I have carefully reviewed the investigation, comprised of reports, photographs, video and audio recordings, and have concluded that the shooting and other use of force was justifiable under Idaho law. For this reason, I am declining to file criminal charges. A summary of the facts, applicable law, and the reasons for my decision are explained below.

On and before September 24<sup>th</sup>, 2024, the Boise Police Department was investigating three armed robberies that had recently occurred in the Boise/Nampa area. The investigation led detectives to believe that Cook was the primary suspect. On that date, investigators distributed a law enforcement bulletin with a photograph of Cook, and stated he was armed and dangerous and likely to commit additional robberies. Through the investigation, it was determined that one of the

vehicles associated with Cook was a 2017 Jeep Renegade and that he lived at an apartment complex located at 1800 N. Cole Rd. Apt L101. Later that night, the Boise Police Department responded to another report of an armed robbery at an Adam and Eve store located at 6919 W. Fairview Ave. Employees at the store reported that an adult male wearing a black hooded sweatshirt, blue gloves, and black sweatpants, had pointed a firearm at an employee and demanded money from the cash register.

After the robbery at Adam and Eve, officers suspected Cook was responsible and went to his residence, which was less than a mile away from the scene of the robbery. As they walked toward the apartment, the Jeep Renegade was observed entering the parking lot. The Jeep Renegade passed by the officers, continued through the parking lot, onto Cole Road, and into a CVS Pharmacy parking lot on the corner of Cole Rd. and Fairview Rd. Officers followed and confirmed that the license plate of the Jeep Renegade was associated with Cook. In the parking lot, an officer drove towards the Jeep Renegade, activated his emergency lights, and attempted to pull the vehicle over. The officer observed that the driver of the Jeep Renegade matched the description of Cook and began giving commands for him to show his hands out the window of the Jeep. Initially, Cook was compliant and followed the officer's directions. Then, Cook yelled profanities at the officer and sped out of the parking lot onto Cole Road.

At around 10:00 p.m., Officers pursued Cook at high speed. They observed him swerve into oncoming traffic at speeds exceeding ninety miles per hour and run through a stop sign and a red light. Officers attempted to stop Cook on Ustick Road by executing a PIT maneuver but were unsuccessful. Because Cook continued to elude the police through this highly trafficked area of Boise, which clearly endangered the public, officers terminated the pursuit. Officers last observed Cook driving into a residential neighborhood. An officer involved in the pursuit drove into the neighborhood, parked and waited. He then saw Cook run through the front yard of a home located at 3117 Redway Road and then jump a fence into the backyard.

It was dark outside when multiple officers arrived at the 3117 Redway Road home and set up a perimeter around the backyard. They contacted the homeowners, who allowed law enforcement access to their home to secure the inside. The family remained hidden inside their

home while officers entered the two-story residence and positioned themselves so they could see the backyard. The backyard had two sheds, one with the door open. Officers used a drone to fly near the shed and recorded video footage of a tarp with movement underneath. Then, the drone captured Cook as he came out from the shed and struck and disabled the drone with an object. Cook then positioned himself on the back side of the other shed, where he was hidden from the view of officers.

Several officers were inside the residence, including Cpl. Gutierrez and Officer J. Jayne. Both officers were members of the Special Operations Unit (SOU) with the Boise Police Department. Cpl. Gutierrez and Officer J. Jayne positioned themselves inside the garage at a door leading to the backyard where the shed was visible. Cpl. Gutierrez opened the door from the garage and looked toward the shed where Cook was hidden. Almost immediately, Cook leaned out from behind the shed and pointed his hands at Cpl. Gutierrez, simulating that Cook had a gun. From the vantage point of Cpl. Gutierrez and the body camera that he was wearing, it appeared in the darkness that Cook had pointed a gun at him. Cpl. Gutierrez told an officer standing nearby that Cook just pointed a gun at him and that information was announced over the radio. Cpl. Gutierrez yelled at Cook to show his hands, drop the gun, and warned him that if he continued to ignore his commands he would be shot or that a dog would be used to bite him. Meanwhile, Officer J. Jayne left the garage and went to the second floor to get a better view of where Cook was hidden behind the shed. Cpl. Gutierrez continued in his efforts to negotiate with Cook, telling him that he hadn't done anything wrong and to drop his weapon. They yelled back and forth, and Cpl. Gutierrez continued to convince Cook to surrender.

Cpl. Gutierrez then watched as Cook stepped out from behind the shed, with both arms pointed directly at him in a shooter's stance, again simulating that he had a weapon in his hands. Officer Jayne was at a second-floor bedroom window and also saw Cook step from behind the shed into view of Gutierrez. Officer J. Jayne later reported that Cook was clearly in a shooting position, with both hands extended toward Cpl. Gutierrez. Officer Jayne believed Cook had a gun and was initiating an attack on Cpl. Gutierrez. Cpl. Gutierrez and Officer Jayne fired their weapons at Cook almost simultaneously.

During the standoff with Cook, a Boise Police Department drone was flying overhead and recorded video of the incident. From this video, Cook is visible hiding behind the shed and pacing back and forth. Consistent with Cpl. Gutierrez's account of the incident, the drone captured Cook pointing his arm around the side of the shed at the officers before he retreated to a hidden position. From the distance the video was taken, it cannot be seen whether Cook had anything in his hands, but his body position is consistent with pointing a gun at the garage door, where Cpl. Gutierrez was standing. Later in the drone video, Cook steps out from behind the shed with both hands in a shooter's stance aimed towards the officers, and is holding a stick as if it were a gun.

After being shot, Cook fell to the ground near the shed and partially on the grass and partially on the gravel. Officers maintained their positions and visually searched for a gun, and when asked, Cook stated that he did not have a gun. Officers reasonably believed otherwise and were unable to determine whether there was a gun concealed in the grass near Cook. Commands were given to Cook to crawl towards the officers, but Cook yelled back that he was unable to comply. A plan was formed for Officer Yanna to deploy his 40mm less lethal weapon at Cook and then a K9 would pull him away from the area where he may have access to a hidden gun. Officer Yanna fired his 40 mm at Cook striking him. K9 Officer Bonas then deployed his K9. The K9 bit Cook in the neck area and pulled him several feet away. Officers then approached Cook and placed him in handcuffs. It was then discovered that Cook did not have a weapon on or around him during the standoff. The gun that was used in the Adam and Eve store robbery was later recovered hidden near the Adam and Eve store.

Cook was struck with multiple bullets to his hip, abdomen, and shoulder. He also suffered dog bite wounds to his neck. Officers and Emergency Medical Personnel rendered aid and Cook ultimately survived. He was charged with four (4) counts of Robbery, two counts of Grand Theft, one county of Felony Eluding a Police Officer, Unlawful possession of a Firearm by a Convicted Felon, and an enhancement for Use of a Deadly Weapon in Commission of a Felony. Cook plead guilty to Robbery on June 16<sup>th</sup>, 2025, and was sentenced to a life sentence with a fixed forty (40) years.

In order to determine whether the shooting by law enforcement was justifiable, a review of Idaho law is warranted. Idaho Code Section 19-610 provides that when an “arrest is being made by an officer... without a warrant but is supported by probable cause to believe that the person has committed an offense, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all reasonable and necessary means to effect the arrest and will be justified in using deadly force under conditions set out in section 18-4011, Idaho Code.” That statute sets forth that an officer may use deadly force “when reasonably necessary in overcoming actual resistance” and when an “officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons.” I.C. § 18-4011(2). Finally, an officer may use deadly force when reasonably necessary to prevent the escape of any person suspected of having committed a felony when the officer has probable cause to believe that the person suspected of a felony poses a threat of death or serious physical injury to the officer or other persons. *See* I.C. § 18-4011(3).

The United States Supreme Court has stated that reviewing officer involved shooting cases “requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.” *Graham v. Conner*, 490 U.S. 386, 396 (1989). The Court continued “the calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Id.* at 397-397. Further, “if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014).

The first question posed by this case is whether law enforcement had probable cause for Cook’s arrest. Law enforcement had reason to believe Cook was responsible for a recent armed robbery. When they attempted to stop Cook in the CVS parking lot, Cook fled in his vehicle. Cook then eluded police while driving at speeds exceeding ninety (90) miles per hour while swerving towards oncoming traffic. Cook’s reckless driving posed a significant risk to the driving public, and

officers observed Cook in violation of Idaho Code Section 49-1404(2), Eluding a Peace Officer, which is a Felony offense. There was clearly probable cause to arrest Cook for this crime.

The next issue is whether it was reasonably necessary for law enforcement to use deadly force to affect Cook's arrest. As stated above, Cook was the primary suspect in an armed robbery and purposely evaded capture by recklessly eluding police officers and endangering the public. Subsequently, Cook fled on foot through a residential neighborhood and into the backyard of a blameless family, before hiding in and behind their sheds. Cook repeatedly refused to comply with officer commands to surrender and show his hands while leading officers to believe he possessed a firearm. By stepping into view while in a shooter's position with what appeared to be a gun in his hand, it was certainly reasonable for the officers to believe that Cook posed a threat of death or serious physical injury to the officers. Further, from the officers' perspectives, engaging Cook in a shootout in the backyard of an occupied home in a residential neighborhood placed the public at risk of death or serious injury. Finally, Cook was dangerous, desperate, and known to have been armed. Cook's attempt to avoid arrest after committing an armed robbery, created a reasonable threat of death or serious injury to law enforcement or the public. Therefore, deadly force was justified to end the threat presented by Cook.

It is true that at the time deadly force was used, Cook no longer possessed the firearm used in the recent armed robbery. However, officers had no way of knowing that fact, and Cook's behavior was clearly intended to lead officers to believe he was in possession of a gun. The speed with which Cook presented himself from behind the shed, with what appeared to be a gun pointed at Cpl. Gutierrez offered officers little time to react. Cook created a situation where officers were forced to make a split-second judgment, in a tense uncertain and rapidly evolving situation.

After Cook was shot, officers maintained their reasonable belief that he was in possession of a firearm as they could not see whether Cook had a weapon within reach, either in his waistband or in the grass next to him. The use of the 40mm beanbag round and the K9 were reasonable alternatives that ended the threat Cook presented without resorting to further lethal force. See *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014).

Given the erratic, violent and dangerous actions of Cook during the armed robbery, the police pursuit, and the standoff with law enforcement, Cpl. Gutierrez and Officer Jayne were reasonable in

their belief that they and the public were in imminent danger. Cook refused numerous opportunities to surrender starting with the initial contact in the CVS parking lot, then leading officers on a high-speed chase, then fleeing on foot before hiding behind the sheds. His continued dangerous and threatening behavior posed a serious and immediate threat to the safety of the officers and public.

In conclusion, after reviewing the evidence in this case, Cpl. Gutierrez, Officers Jayne, Yanna, and Bonas, acted reasonably in using deadly force to affect the arrest of Cook. Therefore, I have concluded that the deadly force employed was lawful and no criminal charges are warranted against law enforcement.

The Blaine County Prosecuting Attorney's involvement in this case is now complete and the criminal case review is considered closed. Please feel free to contact me if you have any additional questions or comments.

Sincerely,

*Matthew Fredback*

Matthew Fredback  
Blaine County Prosecuting Attorney