



# USE OF FORCE INVESTIGATIVE REPORT

**DATE OF INCIDENT:** 09/24/2024

**INVOLVED PERSON:** Adam Lee Cook

**INVOLVED BPD OFFICER:** Cpl. Luis Gutierrez

**INVOLVED BPD OFFICER:** Ofc. John Jayne

**INVOLVED BPD OFFICER:** Ofc. Luke Yanna

**INVOLVED BPD OFFICER:** Ofc. Colt Bonas

**OIA:** 24-0062

**DATE OF REPORT:** 09/08/25

## CASE SYNOPSIS

On September 24, 2024, at approximately 9:28 pm, a retail store located on West Fairview in Boise reported that it had been robbed by a man brandishing a handgun. Boise Police Department (BPD) officers responded to the area and quickly located a suspect, Adam Lee Cook. Mr. Cook was also a suspect in other recent armed robberies. Mr. Cook fled from officers in a Jeep Renegade. A pursuit ensued but was terminated by BPD because Mr. Cook's excessive speed and reckless driving created a danger to other motorists.

A short time later, a resident in a nearby neighborhood reported the Jeep abandoned in their driveway. A responding BPD officer saw Mr. Cook jump over a fence and into another resident's backyard. Mr. Cook hid in a shed as officers formed a perimeter around the fenced backyard where he was hiding.

Officers had a brief verbal exchange with Mr. Cook, who did not comply with commands. Mr. Cook suddenly came out from behind the shed and took a shooting stance, pointing what was believed to be a gun directly at Cpl. Gutierrez. Cpl. Gutierrez and Ofc. Jayne fired their patrol rifles, wounding Mr. Cook. Officers deployed a less-lethal 40 mm projectile and police canine to bring Mr. Cook into custody. Mr. Cook recovered from his wounds and later pled guilty to armed robbery.

## DETAILED DESCRIPTION OF INCIDENT

In September 2024, BPD was investigating two recent armed robberies of sandwich shops that were believed to be committed by the same person. Nampa Police Department was also investigating an armed robbery of a convenience store. In each robbery, the suspect was described as a male wearing a black hoodie, black mask, black sweatpants, blue latex gloves and armed with a silver handgun. In the Nampa robbery, surveillance video captured the suspect fleeing in a Jeep Renegade. The

license plate of the Jeep showed it was registered to Adam Lee Cook at an address on N. Cole in Boise.

On September 24, 2024, BPD issued an internal bulletin to officers identifying Mr. Cook as a suspect in the robberies, which had all occurred within the previous 10 days. The bulletin described the Jeep, including the license plate number, and provided Mr. Cook's address as listed on the vehicle registration. It also described Mr. Cook's criminal history including several violent felonies.

At 9:28 pm, employees at a retail store located on W. Fairview in Boise called 911 and reported they had been robbed at gunpoint. They described the suspect as a male wearing a black hoodie, black mask, black sweatpants, blue latex gloves, armed with a silver handgun. They reported that he pointed the handgun directly at them during the robbery.

Responding BPD officers had seen the bulletin concerning Mr. Cook. At 9:43 pm, BPD officers saw the Jeep Renegade near Mr. Cook's residence and attempted a traffic stop.

Mr. Cook fled from officers and a vehicle pursuit ensued. During the pursuit, Mr. Cook drove into oncoming traffic, ran stop lights and stop signs, drove at speeds exceeding 90 mph, and defeated two attempts to stop him using a Pursuit Intervention Technique (PIT). At 9:48 pm, the BPD Lieutenant supervising the pursuit terminated it due to the risk to public safety caused by Mr. Cook's hazardous driving.

Three minutes later, a resident in a nearby neighborhood called 911 and reported a Jeep Renegade had screeched to a halt in their driveway. Officers responded and found Mr. Cook's Jeep still running but abandoned. Shortly afterward, Ofc. Yanna saw a man jump over a fence into a nearby backyard. As Officers began setting up a perimeter around the fenced backyard, they saw motion lights activate inside the fenced area.

Cpl. Gutierrez and other officers contacted the residents of the home. The residents permitted officers to enter both to provide protection as well as visibility and access to the backyard.

Cpl. Gutierrez learned that the backyard contained two sheds. The homeowner indicated one shed was unlocked. The homeowner checked the security cameras and found that, moments before, the backyard camera captured a man going into the unlocked shed.

BPD used a drone to search the backyard, including the area around the sheds. At 10:36 pm, the drone operator advised officers that he could see movement under a tarp inside the unlocked shed.

Approximately 2 minutes later, the drone moved low and closer to get a better view into the shed. The man stepped out of the shed and struck the drone with a wooden stick, causing it to crash.

Cpl. Gutierrez and other officers took a position inside the garage. The garage had a door providing access to the backyard. Ofc. Jayne took a position in an upstairs window that provided an overview of the backyard.

Cpl. Gutierrez opened the garage door and using the door jamb for cover, looked into the backyard. Mr. Cook, who was concealed behind the corner of the shed approximately 20 yards away, moved his arm around the corner and pointed an item directly at Cpl. Gutierrez. Cpl. Gutierrez reacted by moving back behind the door jamb and told the other officers that the man just pointed a gun at him. The following brief verbal exchange followed:

Cpl. Gutierrez yelled, "I'm going to fucking kill you if you won't come out here. Show me your hands now! Show me your hands!"

Mr. Cook yelled a reply that is unintelligible in the on-body video footage. Later in his interview with Critical Incident Task Force (CITF) investigators, Cpl. Gutierrez said that Mr. Cook's reply was, "If you send that dog over here, I'm going to shoot it too."

Then for approximately one minute, Ofc. Gutierrez and Mr. Cook exchanged the following dialogue that on-body video captured:

Cpl. Gutierrez – "Drop the gun and show me your hands."

Mr. Cook – "Fuck you!"

Cpl. Gutierrez – "Come on man. You haven't done anything wrong tonight."

Mr. Cook – "Then why are you after me?"

Cpl. Gutierrez – "Because you did some other things."

Mr. Cook – "Like what?"

Cpl. Gutierrez – "Just put the gun down and we can talk about it."

Mr. Cook – "Like what? Tell me what I am getting arrested for."

Cpl. Gutierrez – "Right now, just for running."

Mr. Cook – "Bullshit, what else? Back up. Back up."

At that point Ofc. Bonas came into the garage with his K9 Dozer. Dozer was barking. Ofc. Bonas and other officers in the garage could not see Mr. Cook from their positions.

Cpl. Gutierrez said to Ofc. Bonas, "Come on, come on, he's right behind this shed. Right there behind the shed, right there behind the shed."

A review of Cpl. Gutierrez's on-body video and footage from a second overhead drone clearly showed that Mr. Cook suddenly came out from behind the shed and took a two-handed pistol shooting stance, pointing an item at Cpl. Gutierrez. Cpl. Gutierrez and Ofc. Jayne, who was looking down from an upstairs window, fired approximately six shots each from their rifles at Mr. Cook. Mr. Cook fell to the ground on his back. Mr. Cook was moving his arms and legs and speaking clearly. From the ground, officers could not see the area around Mr. Cook because the grass was approximately six inches high, potentially concealing any weapon near him. Cpl. Gutierrez told Mr. Cook several more times to drop his gun. Mr. Cook replied that he did not have a gun. Another officer in the garage asked Cpl. Gutierrez where the gun was located. Cpl. Gutierrez replied, "I don't know. It was in his right hand. He banged it on the wall and then came out and presented it."

Cpl. Gutierrez said, "Where's the gun at? Hey dude, we need to get you some help, tell me where the gun is." Mr. Cook replied, "I don't have one." Cpl. Gutierrez tried to convince Mr. Cook to crawl towards them and away from the suspected gun, which he believed was close to Mr. Cook or possibly in his hand. Mr. Cook was yelling in pain and replied six times that he could not move.

The officers formed a plan for Ofc. Yanna to shoot Mr. Cook with a 40mm less-lethal weapon to determine if he was feigning being unable to move. If he still refused to move, Ofc. Bonas would send K9 Dozer to bite Mr. Cook and drag him away from the suspected gun so that officers could safely approach, take him into custody, and render medical aid.

Ofc. Yanna fired one 40mm less-lethal round at Mr. Cook, striking him on the shoulder. Mr. Cook did not move. Ofc. Bonas then sent K9 Dozer, who bit Mr. Cook on the neck and face and dragged him by the neck for a few feet towards officers. Using a shield for cover, an arrest team moved forward. Ofc. Bonas released Dozer's bite. Mr. Cook was taken into custody and provided medical aid at the scene.

The ensuing CITF investigation determined that Mr. Cook was shot six or seven times. He also had severe injuries from the dog bite. Mr. Cook underwent several surgeries and spent eleven days in the hospital before being released to the jail. Toxicology results indicated the presence of THC and ketamine in his bloodstream.

Crime scene investigators did not find a gun at the scene. They found an 11-inch-long wooden dowel or stick with blood on it near where Mr. Cook fell after being shot. Investigators believe the wooden stick is what Mr. Cook pointed at Cpl. Gutierrez.

Investigators later recovered a black hoodie, sweatpants, balaclava mask, and a stainless-steel Kimber .45 caliber pistol that were abandoned in the parking lot of a business located two blocks from the W. Fairview retail store. Investigators determined that the pistol had been stolen from a relative of Mr. Cook's girlfriend approximately thirty days prior to the armed robbery of the W. Fairview retail store.

Mr. Cook was charged with four armed robberies, felony eluding, and unlawful possession of a firearm by a convicted felon. Mr. Cook pled guilty to one count of armed robbery and was sentenced to a fixed 40-year prison term. His prior criminal history included convictions for aggravated battery and unlawful possession of a firearm by a convicted felon.

## **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 BPD 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, City Council and the Chief of BPD.

## **BOISE POLICE DEPARTMENT POLICIES**

- A. 300 - Use of Force
- B. 319 - Standards of Conduct
- C. 424 - Portable Audio/Video Recorders
- D. 309 - Canines
- E. 307 - Vehicle Pursuits

## **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 Blaine County Prosecuting Attorney reviewed the CITF investigation and determined that Cpl. Gutierrez and Ofc. Jayne's use of deadly force against Mr. Cook was 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, administrative interviews with each involved officer, a training review, policy findings, and training directives.

#### **Use of Deadly Force**

Finding Cpl. Gutierrez's and Ofc. Jayne's use of deadly force against Mr. Cook reasonable, necessary, and within policy, BPD noted the following:

- Officers knew Mr. Cook was a suspect in four recent armed robberies, including one that evening. Officers had been briefed that the suspect was armed with a handgun in all four incidents and had pointed the handgun at victims in the robbery that evening.
- Mr. Cook fled from officers at a high rate of speed while driving recklessly and without regard for public safety.
- Mr. Cook threatened to shoot the police K9, indicating he was armed with a firearm.
- Cpl. Gutierrez and Ofc. Jayne saw Mr. Cook point an item directly at Cpl. Gutierrez. Both officers believed it was a handgun.
- Mr. Cook knocked down a law enforcement drone when officers were trying to locate him in the backyard.
- Mr. Cook left his concealed position behind the shed and took a shooting stance while pointing an object that appeared to be a firearm directly at Cpl. Gutierrez.
- Officers feared for their own safety as well as that of other officers and the residents of the home.

#### **Use of Less-Lethal Force by Ofc. Yanna**

Finding Ofc. Yanna's use of a 40 mm less-lethal weapon against Mr. Cook after the shooting was reasonable and within policy, BPD noted the following:

- Ofc. Yanna could not see the suspect's hands when they were concealed in the tall grass.
- Ofc. Yanna could see a light in the tall grass near Mr. Cook. He thought the light could be a weapon-mounted light on a handgun. (The light was later determined to be from the downed drone.) He believed Mr. Cook was still armed or had access to a handgun. Ofc. Yanna recognized the need to take Mr. Cook into custody as soon as possible so that they could render medical aid.

- Mr. Cook continued to pose a threat to officers and others until he was handcuffed because of his potential access to a firearm.
- Ofc. Yanna believed it was necessary to use the 40 mm munition to attempt to determine if Mr. Cook was feigning being unable to move.

#### **Canine Deployment and Release by Ofc. Bonas**

Finding Ofc. Bonas' deployment and release of a canine against Mr. Cook reasonable and within policy, BPD noted the following:

- The 40 mm deployment was ineffective.
- Ofc. Bonas gave the suspect numerous commands to crawl towards the officers, but he did not comply. Ofc. Bonas believed Mr. Cook was still armed and was feigning being unable to move to lure officers into an ambush.
- Ofc. Bonas believed that having the canine drag Mr. Cook towards officers and away from where he was laying was the safest option for taking him into custody.
- Ofc. Bonas' use of the bite bar for disengagement was the safest and most effective method to avoid exacerbation of injury.
- Given the tactical realities, there were no other safe or reasonable alternatives.

#### **Failure to Activate On-Body Video by Cpl. Gutierrez**

Cpl. Gutierrez activated his on-body video camera just prior to opening the garage door to the backyard, therefore the shooting incident was captured on the camera. However, this occurred approximately one hour into the incident. By failing to activate his on-body video camera when he arrived on scene, he violated BPD's policy concerning the use of on-body video cameras.

#### **Failure to Activate On-Body Video by Ofc. Yanna**

Ofc. Yanna was a participant in the vehicle pursuit prior to the shooting incident. When he joined the pursuit, Ofc. Yanna failed to activate his on-body video camera. By failing to activate his on-body video during a vehicle pursuit, Ofc. Yanna violated BPD's policy concerning the use of on-body video cameras.

Ofc. Yanna's on-body video camera was properly activated while at the scene of the shooting incident and when he used non-lethal force against Mr. Cook.

#### **Use of Profane Language by Cpl. Gutierrez**

BPD's findings stated, "BPD Policy 319.5.9 (g) prohibits the use of obscene, indecent, profane, or derogatory language while on duty or in uniform towards the public or a co-worker except to quote another person in reports or testimony, or when the use is to

provide emphasis during a rapidly evolving situation to gain compliance with an uncooperative subject."

Considering this policy, BPD reviewed certain statements that Cpl. Gutierrez made and were captured by his on-body video during the incident:

- "He just pointed a gun at me. Mother fucker."
  - BPD found that this statement was not directed at the suspect but was essentially muttered at low volume under his breath as commentary after Mr. Cook pointed an item at Cpl. Gutierrez, which he believed to be a firearm. BPD found this statement did not violate policy.
- "I am going to fucking kill you if you won't come out here!" and "show me your hands now! Show me your hand! You're going to get bit by a dog."
  - BPD found that this language was directed specifically at Mr. Cook but was intended to gain compliance. BPD noted that when it did not work, Cpl. Gutierrez then changed tactics and tried to downplay the seriousness of the situation to gain compliance. BPD found this statement inappropriate but did not violate policy as it was made when trying to gain compliance during a rapidly evolving situation.
- "Holy shit, that scared the fuck out of me."
  - BPD found that Cpl. Gutierrez made this statement privately to Ofc. Jayne after the shooting occurred and Mr. Cook had been taken into custody. It was not directed at Ofc. Jayne or anyone else, rather it was made as a commentary and an expression of emotion immediately following a traumatic incident. BPD found this statement did not violate policy.

### **Preplanning and Contact and Cover**

Overall, BPD found the preplanning, contact and cover and de-escalation within policy, and noted areas of improvement due to the following findings:

- Preplanning: Lt. Weir established a command post and assigned Sgt. Miller to run operations and coordinate a response. Sgt. Miller established a REACT team in the street. Sgt. Miller assigned Ofc. Gutierrez and other officers' roles. Ofc. Gutierrez did not coordinate his action opening the back door to confront the suspect with Sgt. Miller or any other containment teams and did not establish a REACT/Arrest team in case he contacted the suspect. Upon contact with the suspect, Ofc. Gutierrez held both lethal cover and communication responsibilities.
- Contact and Cover: After discharging their rifles and striking the suspect, officers exited the garage into the back yard, where they did not have any cover or concealment.



## **Vehicle Pursuit Findings**

BPD found the pursuit in this incident to be within policy and OPA concurs.

## **BPD Directives**

To address concerns and improve future response protocols, BPD has initiated or will undertake the following actions:

- Department-wide drone integration training before the end of calendar year 2025.
- Scenario-based training emphasizing principles of de-escalation, pre-planning, and crisis communication will continue indefinitely.
- Given the recurrence of inappropriate verbal threats during high-stress encounters, training will be expanded to include identification and mitigation of stress-induced responses. This will complement the active listening and communication training already underway as of June 2025.
- A K9 unit and department incident debrief focusing on two issues:
  - Deployment of the K9 off lead in this type of incident (to remove a suspect from a possible weapon).
  - The coordination at the time of the K9 deployment was not well executed, placing Officer Bonas out ahead of lethal and ballistic cover.
- The K9 Unit and Training Division will engage a third-party evaluator to conduct a full review of K9 policies and training program.

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

OPA finds BPD's review and findings regarding this incident detailed, objective, and thorough. OPA concurs with BPD's findings regarding the lawful use of force, deficiencies in pre-planning, contact and cover, profanity, and failures to timely activate on-body video cameras. OPA does not concur with BPD on the standard of conduct finding, as detailed below.

In addition, OPA offers further analysis, findings and recommendations:

## **Preplanning, De-escalation, and Communication**

Deliberate preplanning, de-escalation, and effective communication are now core components of BPD policy and training and have been the focus of many OPA use of deadly force reports. When feasible, leaders and officers are expected to take available time for preplanning, role assignment, de-escalation, and effective communication to safely manage high risk incidents, especially when suspects appear agitated, non-compliant, or potentially armed. While we see these practices increasingly integrated by officers overall, these critical core components were not fully realized in this incident.

When Cpl. Gutierrez decided to open the garage door to the backyard, he knew he was likely to confront the suspect. As noted by BPD, he did not use available resources, form a reaction team, or plan for logical contingencies using numerous officers who were present and available. While Lt. Weir and Sgt. Miller were on scene and in command, it does not appear that Cpl. Gutierrez communicated his plan to confront the suspect with command staff.

There was no urgency to open the garage door to the backyard and confront the suspect. The situation was contained, as officers had established a close perimeter around the backyard. The family inside the home had sheltered in place and were protected by officers inside the house. Sgt. Miller had established a reaction team outside the house in the street. There was effective overwatch of the backyard by drones and an officer using an upstairs window with a view of the backyard. They also had access to the residence's backyard security camera as an additional resource aiding in situational awareness.

Cpl. Gutierrez is an SOU team member with considerable tactical experience. SOU had been activated but was not yet on scene. Because there was no emergent circumstance driving him to open the door and force a confrontation at that point, he could have waited for SOU to arrive with all its resources, including crisis negotiators, while planning for logical contingencies should immediate action become necessary before SOU was in place. By planning for contingencies and refining the perimeter and overwatch of the site, he could have used his SOU experience to help set the most favorable conditions for SOU when they arrived. While Cpl. Gutierrez's stated reason to open the door was to control the confrontation, doing so without the benefit of planning and communication escalated the situation.

Cpl. Gutierrez was understandably alarmed to see the suspect suddenly emerge from a concealed location and take a shooting stance pointing an item that appeared to be a handgun directly at him. However, even with that level of alarm, Cpl. Gutierrez's first communication with the suspect, "I'm going to fucking kill you if you won't come out here," does not align with the policies and trainings of BPD. Failing to "come out here" is not justification for the use of deadly force and "I'm going to kill you" is not an appropriate warning of force. Such language is inflammatory and inconsistent with BPD's continuing emphasis on de-escalation in high-risk encounters.

While BPD found this command inappropriate, it did not find this statement a violation of policy based on the totality of the circumstances. OPA finds it is an unacceptable and unauthorized threat and a violation of BPD Policy 319.5.9(d) (prohibiting

unauthorized or unlawful threatening conduct). Recognizing a pattern of inappropriate verbal threats made by officers during high-risk encounters, BPD has directed that training be expanded to include identifying and mitigating stress-induced responses by officers in such situations. OPA supports this effort. OPA recommends that this training address specifically what constitutes "unauthorized or unlawful" threat in this context and conversely what does not.

Our departments may at times arrive at differing conclusions when reviewing the same set of facts. These differences do not necessarily indicate error by either party, but instead reflect the distinct roles, mandates, and lenses through which each entity views an incident. These differences should not be seen as adversarial but as part of a constructive process aimed at improving public safety, strengthening accountability, and reinforcing community confidence in policing.

### **Use of Less-Lethal Force**

Following an officer-involved shooting, law enforcement officers must rapidly assess the threat level and safely secure the scene, including the apprehension of the suspect and control of any nearby weapons. In such situations, officer and public safety remains paramount. Officers must plan and execute in a manner that not only keeps the officers safe but also brings the suspect into custody safely and with the least amount of force necessary.

In the incident under review, officers reasonably believed the suspect was armed with a handgun when he was shot. After the shooting, they gave him commands to crawl towards them, seeking to separate him from the firearm they believed could be in his hand, next to him, or underneath him. He was laying in grass approximately six inches tall, partially obstructing their view. Mr. Cook was talking, yelling in pain, and moving his arms and legs. In response to officer's commands, Mr. Cook stated he was unable to crawl towards them.

Officers initially gave commands from the cover of the garage but moved outside the garage and completed making their custody plan while standing in the open and exposed to the threat. This tends to undermine their concern that he remained a threat. However, it may have been a mere tactical error made in their haste to take him into custody. They rightly understood that he could be bleeding severely and sought to provide lifesaving medical aid as quickly as possible.

In any case, the planning could have been more deliberate, thorough, and safe if conducted from inside the garage.

To take the wounded suspect into custody, officers decided to use a tactic wherein they would shoot the suspect with a less-lethal 40 mm projectile to determine whether he is feigning being unable to comply with commands and crawl to them. If they determined the suspect is feigning being unable to crawl to them or otherwise still presented a threat, they would then use a police canine to bite the suspect and drag him away from the gun so officers could safely approach. BPD has used this tactic in other similar circumstances.

Mr. Cook did not react when the 40mm projectile struck him on the shoulder. The canine was immediately released. The canine locked onto Mr. Cook's neck and face and dragged him several feet towards officers. Mr. Cook was yelling in pain, pleading with officers to release the bite.

The outcome of the 40 mm deployment was not assessed or discussed prior to deploying the canine. The canine was deployed reflexively rather than resulting from a deliberate use-of-force decision informed by assessing the results of the 40mm deployment.

The only way for the suspect to "comply" was to crawl to officers. If he was physically incapacitated to the point of being unable to crawl towards officers, then it was impossible for him to comply. No additional commands were given after the 40 mm deployment. No alternative means of compliance were offered to the suspect, such as holding his hands up so that officers could see that they were clear of any weapon. The deployment of the canine without having first assessed the suspect's compliance demonstrates the need to fully evaluate the purpose and proper use of this tactic.

Mr. Cook suffered severe injuries to his face and neck from the dog bite and from the twisting and tearing of his flesh while being dragged. The injuries required multiple surgeries to repair. The extent of his injuries highlights the inherent risks posed by using this tactic and the need to establish standards, including potential alternatives to its use.

The use of the 40 mm less-lethal weapon combined with canine deployment may be an appropriate and necessary tactic in some circumstances but should not be considered a standard approach to resolving every similar circumstance.

OPA recommends that BPD evaluate the tactic to determine its effectiveness, liabilities, and specific criteria for its use. BPD should develop and implement training in the use of the technique, including reasonable alternatives, consistent with its ongoing focus on de-escalating high risk incidents to minimize the use of force and unnecessary injury to

suspects whenever possible. OPA fully supports the retention of an outside canine expert to evaluate BPD's canine use.

### **Conclusion**

Overall, instances of ineffective communication—both with the suspect and among officers—combined with a lack of preplanning and adherence to role assignments, undermine officer safety and increase the likelihood of unnecessary harm to suspects. Particularly when a suspect is already contained but not secured, the focus should shift toward slowing down the situation, using deliberate, coordinated, and clearly communicated tactics.

Absent exigent circumstances, tactical patience, clear communications, deliberate planning, and delineation of roles are essential for achieving a safe resolution. BPD must continue to prioritize and emphasize scenario-based training that reinforces these fundamentals and builds repeatable protocols for managing high-risk incidents.

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

The primary contributing factor to this incident is a series of decisions made by Mr. Cook.

Prior to this incident, Mr. Cook had a history of committing serious offenses, including aggravated battery and unlawful possession of a firearm by a convicted felon. His decision to steal a firearm and engage in a series of armed robberies in this case demonstrates a continuing pattern of deeply engrained criminal thinking that set this shooting incident into motion.

Mr. Cook endangered the victims of his robberies and showed reckless disregard for the safety of others by fleeing and eluding officers during a dangerous vehicle pursuit. Lt. Weir is to be commended for terminating the pursuit when he determined the risk to public safety to be too great.

BPD's response to the robbery in this case was rapid and effective. When Mr. Cook fled the traffic stop, BPD quickly located Mr. Cook in a residential neighborhood after he abandoned his Jeep. When a combination of observant officers integrated with drone searches isolated Mr. Cook in a backyard, officers quickly took action to protect the residents and set a perimeter to contain him.

Rather than accept that he was caught and surrender, Mr. Cook chose to pretend he was armed and suddenly present what any reasonable officer would believe was a deadly threat. He made a deliberate decision to engage in conduct that he must have known would result in him being shot.

There are several complex and interrelated reasons why a suspect may pull a firearm on law enforcement officers. While each case is unique, common contributing factors include fear of arrest or incarceration, anger, desperation, criminal intent, impaired judgment, or a perceived lack of alternatives. In some cases, suspects may have a deliberate intent to harm officers or resist apprehension through violent means. Understanding these motivations underscores the importance of strong officer safety protocols, situational awareness, and training in de-escalation techniques. It also highlights the need for ongoing efforts to address underlying issues such as mental health crises, substance abuse, and systemic factors that contribute to violence and resistance during police encounters.

Medical evidence indicates that Mr. Cook had THC and ketamine in his bloodstream, but it is unknown if these substances were a contributing factor in this incident. OPA has no information to indicate a mental health crisis was a factor in this case.

While the identification of deficiencies in pre-planning, tactics, and communication presents the BPD with valuable opportunities to improve its response to high-risk, dynamic situations and to reduce the risk of harm to both officers and suspects, these deficiencies are not considered by this office to have been contributing factors in the use of deadly force in this incident. The danger that led to the use of deadly force was created by the suspect's actions. Fortunately, the suspect survived and has since recovered from his injuries.

## **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 "2024Critical Incidents" and "September 24, 2024."

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