



VALLEY COUNTY PROSECUTING ATTORNEY'S OFFICE

BRIAN D. NAUGLE

PROSECUTING ATTORNEY

August 22, 2024

Scott Bandy
Chief Deputy Prosecuting Attorney
Ada County Prosecutor's Office
200 W. Front Street, Room 3191
Boise, ID 83702

RE: CITF Investigation into Officer-Involved Shooting - Meade/Umphenour Escape

Dear Scott:

After a careful review of the investigation conducted by the Critical Incident Task Force (CITF) in this case, my office has determined that the shooting investigated by the CITF was justifiable under the law in the State of Idaho and I have thus declined to file criminal charges. A brief explanation of the facts and circumstances, as well as the legal analysis that led to this decision follows.

An investigation conducted by the Critical Incident Task Force (CITF) led by the Ada County Sheriff's Office reveals that on March 20 of 2024 around 2:15 a.m., three officers from the Idaho Department of Corrections (IDOC) were escorting a prisoner named Skylar Meade out of the St. Alphonsus Regional Medical Center (St. Al's) and into a van for the purpose of transporting him back to the prison after he had received medical treatment at the hospital. As they attempted to load Mr. Meade into the van, an assailant later identified as Nicholas Umphenour opened fire on the officers from a short distance, striking two of the officers, before fleeing the scene with Mr. Meade in a Honda passenger car. The incident was captured on St. Al's security cameras located near the emergency room bay doors. Mr. Meade was able to successfully escape IDOC custody as a result of Mr. Umphenour's armed assault on the Corrections Officers.

The Corrections Officer that was not struck by Mr. Umphenour's fire dragged one of the injured officers back into the hospital, handed the injured officer off to medical personnel and, along with the third officer, took a position of cover near the emergency room entrance doors. He took this position in order to secure the emergency room entry in the event that the shooter returned

to the hospital. Unfortunately, he did not check out with or notify law enforcement dispatch, instead notifying his superiors at IDOC.

Shortly after Mr. Umphenour opened fire on the IDOC officers, multiple St. Al's medical personnel called 911 to report the emergency. None of those callers were aware that the officers escorting Mr. Meade were IDOC officers, nor did they appear to be aware that they were escorting a prisoner. The first of those callers reported that there was a shooting and that a gunman had shot an officer. The caller was unable to identify the specific type of officer shot, guessing that it was either a security guard or transport officer. When asked where the shooter was located, the caller said that the shooter was "in our bay right now." The caller provided dispatch with a description of the shooter as being a male about six feet tall with a dark beard and pale white skin. Unfortunately, this description matched the physical profile of one of the Department of Corrections Officers who had taken a position of cover just inside the emergency room bay doors with a semi-automatic pistol in his hand.

Thus, when officers with the Boise Police Department arrived to address what they believed to be an active shooter situation in the emergency bay of St. Al's Hospital, they were looking for a suspect in the emergency room bay near the doors with a gun who was six feet tall and had a dark beard and light skin. Upon arrival at the emergency room bay, multiple officers approached the doors using whatever cover was available in order to remain concealed. So concealed were they in fact, that the IDOC officers just inside the emergency room doors were unable to observe the officers approaching. For all they knew, the shooter (or shooters, at that point) were waiting outside the doors to ambush them so they remained behind cover as best they could.

As this unfortunate situation unfolded, two of the approaching Boise Police officers were able to briefly observe the IDOC officer with the gun and believed, based on the information provided, that he was the suspected shooter. The IDOC officers were wearing tan pants and black shirts but because of their position of cover, which prevented any view of the small insignia on their shirts and because they had not notified dispatch, the Boise Police Officers had little reason to believe that they were law enforcement. Thus, one of the officers who was carrying a tactical rifle, fired on the subject with the gun inside the emergency room twice, striking the wall near where the officer was standing. This resulted in one of the IDOC officers being struck with shrapnel and/or debris from the shots. After firing the two shots, officers with the Boise Police

Department breached the emergency room doors by breaking the glass out of one of the doors, entered the emergency room foyer, and began searching for the suspect. A short time later the officers learned that the person they thought was the suspected shooter was actually a Corrections Officer. The Corrections Officer who was struck by the shrapnel suffered minor cuts to his face but had no major injuries.

Under Idaho Code 18-401, the use of deadly force is “justifiable when committed by public officers... when reasonably necessary in preventing... escape or in retaking inmates who have been rescued or have escaped from any jail, or when reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the inmate or persons assisting his escape, or the person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons.” I.C. 18-4011(3). In addition, the use of deadly force by an officer is justifiable in overcoming actual resistance where “the 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).

When determining whether probable cause exists to believe that there is a threat to the officer or other persons or whether the amount of force used by police is reasonable, a review of cases in which the United States Supreme Court has examined a use of force under the Fourth Amendment’s reasonableness standard provides valuable insight into what might be considered an excessive use of force or whether the probable cause standard outlined in I.C. 18-4011 has been met. In *Graham v. Conner*, the Supreme Court made it clear that determining whether Officers have exceeded the amount of force reasonably necessary in a given situation cannot be made from the perspective of a civilian nor can it be evaluated with the 20/20 vision afforded by hindsight. “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.” *Graham v. Connor*, 490 U.S. 386, 397 (1989).

Given the unique circumstances of this officer-involved shooting, it is important to note that while generally all people are capable of committing crimes, one cannot commit a crime when the act constituting the crime is committed under an ignorance or mistake of fact which disproves any criminal intent. I.C. 18-201(1).

The shooting in this case was justifiable because the Officer who fired his weapon did so under the reasonable belief that the person he saw in the hospital with a gun had just shot a security guard and remained an ongoing threat to law enforcement and hospital personnel. As they approached the hospital, officers were informed that the suspected shooter was inside the emergency bay near the doors with a gun and that he was about six feet tall with a dark beard and light skin – a description that matched one of the IDOC officers taking cover in the emergency room. Because of the information provided and the fact that his own observations corroborated that information, the officer who fired on the suspect did so under the reasonable belief that he was firing on a suspect who had just committed an Aggravated Battery on a Corrections Officer, was an active shooter, and posed an immediate threat.

The Boise Police Officers, as they approached the emergency room doors at St. Alphonsus Hospital on March 20 of this year, believed that they were addressing a threat from a suspect who had just opened fire on multiple law enforcement or security personnel, striking at least one of them. Based on the information they received at the time, that belief was reasonable. As Peace Officers charged with protecting the public and each other from such threats, they addressed that threat in the quickest, most effective way possible, going so far as to fire on the suspect and breach the door at great risk to themselves. The lack of specific information about the identities of the suspects and the IDOC officers made it impossible for them to know that they were firing on an IDOC officer rather than the suspect, who, unbeknownst to them, had already fled the scene. Based on this reasonable mistake of fact, and because the officers were justified in using deadly force to address a reasonably perceived threat, the Boise Police Officer who fired on the IDOC officer cannot and should not be held criminally liable for his actions.

The decision to decline criminal charges should serve as the final disposition in this matter and the Valley County Prosecutor's Office review of the incident is now closed. As always, please call any time if you have any questions at all.

Sincerely,



Brian Naugle
Valley County Prosecuting Attorney