



VALLEY COUNTY PROSECUTING ATTORNEY'S OFFICE

BRIAN D. NAUGLE
PROSECUTING ATTORNEY

March 6, 2024

Detective Chris Wirshing
Violent Crimes Unit
Boise Police Department

RE: CITF Investigation into Officer-Involved Shooting of Jared Decker

Dear Chris:

As you are aware, the Ada County Critical Incident Task Force recently conducted an investigation into the officer-involved shooting of Jared Decker in the summer of 2023. The investigation concluded that there was not probable cause to criminally charge any of the Officers involved in the shooting. I received your completed report in December of 2023 and 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 framework that led to this decision follows.

An investigation conducted by the Critical Incident Task Force (CITF) and led by the Boise Police Department reveals that on April 10, 2023 just before 2:00 A.M., several deputies from the Ada County Sheriff's Office were dispatched to a location on Interstate 84 just south of Boise. Information received by dispatch indicated that at least one person, maybe more, was seen walking on the Interstate in dark clothing. The truck driver who called dispatch advised that he was forced to take evasive action to avoid hitting the person or people. Recognizing that a person walking in dark clothing on an 80-mile per hour freeway creates a significant danger for both the person walking and motorists alike, officers were dispatched to the scene code 3.

Four Ada County Sheriff's deputies responded to the scene. After shutting down the freeway to address the situation, they contacted an adult male later identified as Jared Decker, who matched the description given by the truck driver who called dispatch. The four deputies arrived in full uniform and in two vehicles, both of which had their flashing red and blue lights activated. Despite their efforts to get Mr. Decker to stop walking away from them (efforts which went on for

over five minutes), Mr. Decker refused to stop, come back to them, or show them his hands. Throughout the contact, Mr. Decker repeatedly refused commands to stop and walk back to them with his hands in the air. After several minutes of attempting to gain compliance from Mr. Decker to no avail, the Deputies finally opted to take control of him physically. The entire confrontation with Mr. Decker was recorded by all four deputies on their on-body video cameras.

As they approached Mr. Decker on foot, he continued to walk away from them, at which point one of the deputies grabbed Mr. Decker's backpack and began to take him to the ground. As he was taken to the ground, Mr. Decker produced a large fixed-blade knife and began stabbing one of the deputies. As the deputy and Mr. Decker both went to the ground, Mr. Decker proceeded to get on top of the deputy and continue to stab him in the leg or hip area. At that point all three remaining deputies opened fire (two of them with their 9mm pistols and one of them with non-lethal bean bag rounds), striking Mr. Decker multiple times and the stabbed deputy at least once. Mr. Decker died of his injuries, which consisted of multiple gunshot wounds. The deputy he stabbed suffered significant stab wounds to his left hand, left hip, and upper buttocks as well as gun-shot wounds to both legs. Approximately ten seconds passed between the time that the deputy placed his hand on Mr. Decker's pack and the last shot being fired.

Idaho Code 19-610 dictates 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 Idaho Code 18-4011." Under this section of the Idaho Code, 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).

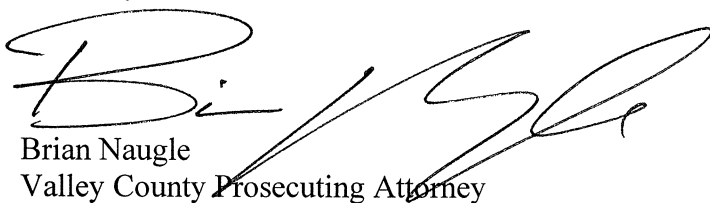
This is not a close case. Mr. Decker's continued refusal to obey the deputies' lawful commands to stop and arrange for his removal from the freeway created a situation that endangered both Mr. Decker and the driving public. The deputies gave Mr. Decker ample time to comply, offered him help, and made every reasonable effort to resolve the situation peacefully. When that was not successful, they attempted to remove Mr. Decker with physical force, having probable cause to arrest him for Resisting and Obstructing an Officer under I.C. 18-705. The deputies who used force – both deadly and non-lethal – upon Mr. Decker did so only after Mr. Decker produced

a knife and began stabbing a fellow law enforcement officer. The law requires that the officers use such force only when there is probable cause to believe that the resistance offered poses a threat of death or serious bodily injury. The active stabbing of a law enforcement officer with a six-inch fixed blade knife met that requirement.

As for the shot or shots that struck the deputy who had been stabbed by Mr. Decker, there is no evidence to suggest that these shots were intended for the deputy, nor were they fired with any level of culpable negligence. I.C. 18-201 makes clear that acts committed “through misfortune or by accident, when it appears that there was not evil design, intention or culpable negligence,” are not punishable as criminal conduct. In this case, there is little doubt that the deputies who fired their weapons did so in an attempt to save their fellow officer, not to injure him further. This was a dynamic situation that unfolded in a matter of seconds, providing no time to carefully orchestrate the termination of the threat posed by Mr. Decker who gave the deputies no choice but to end the threat he presented and end it immediately.

Based on my analysis of the evidence in this case, the actions taken by the deputies, and the legal framework in the State of Idaho, I conclude that the actions taken by all four deputies involved in this incident were reasonable and that probable cause existed to believe that Mr. Decker’s actions presented a real and immediate risk of death or serious injury to the deputies he encountered, particularly the deputy Mr. Decker stabbed multiple times. The use of deadly force by the deputies in this case was justifiable and thus, I have declined to file criminal charges against any of the deputies involved. This letter serves as the final disposition in this matter and the Valley County Prosecutor’s Office review of the incident is now closed.

Sincerely,



Brian Naugle
Valley County Prosecuting Attorney

cc: Scott Bandy, Ada County Prosecutor’s Office