



USE OF FORCE INVESTIGATIVE REPORT

DATE OF INCIDENT: 06/09/22

INVOLVED PERSON: Jake Joseph Cottrell

INVOLVED BPD OFFICER: Sgt. Kirk Rush

INVOLVED BPD OFFICER: Cpl. Brek Orton

INVOLVED BPD OFFICER: Ofc. Connor Burch

OPA: 23-0065

OIA: 23-0132

DATE OF REPORT: 03/14/24

CASE SYNOPSIS

On June 9, 2022, Idaho Department of Corrections Parole and Probation Officers conducted a residence check in Boise on Jake Joseph Cottrell, who was on felony parole. During the residence check, Mr. Cottrell produced a handgun and fired at one of the Parole Officers. Mr. Cottrell then fled on foot and stole a car from a nearby house. Shortly afterward, he abandoned the car and stole a truck from its owner at gunpoint.

Multiple BPD officers responded and located Mr. Cottrell in the stolen truck. During the ensuing pursuit, Mr. Cottrell reached speeds of over 80 miles per hour while driving recklessly to evade apprehension.

BPD Cpl. Orton performed a Pursuit Intervention Technique (PIT) maneuver on the stolen truck, which caused it to spin out and stop. Mr. Cottrell then used 3 different handguns to fire multiple shots at officers who were blocking his escape.

BPD officers Sgt. Rush, Cpl. Orton, and Ofc. Burch, along with two Meridian Police Department officers, fired their weapons at Mr. Cottrell striking him several times. Mr. Cottrell fell from the truck onto the street where he was taken into custody. Officers provided medical aid to Mr. Cottrell at the scene. He survived his injuries.

DETAILED DESCRIPTION OF INCIDENT

On June 9, 2022, at approximately 1:20 pm, two Idaho Department of Corrections Parole and Probation officers conducted a residence check in Boise on Mr. Cottrell, who was on felony parole. The parole officers had received information that Mr. Cottrell had been evicted from his residence for non-payment of rent but had refused to vacate. He had also missed a scheduled office visit with his parole officer. During the residence check, Mr. Cottrell produced a handgun from his pocket and fired at least one round at a parole officer. He ran to a nearby house where he stole a car.

The car's hood was up and its engine running while the owner showed it to a prospective buyer. Mr. Cottrell fled in the stolen car with the hood still open. Approximately 4 minutes later, he used the car to block the path of a Dodge truck that was pulling a trailer near the intersection of E. Lone Cove Drive and E Riverside Drive in Eagle. After stopping the truck, Mr. Cottrell pointed a pistol at the driver and forced him out. Mr. Cottrell stole the truck, abandoning the trailer nearby. The driver of the truck called 911 and reported the incident. The driver also reported that two handguns and two rifles were in the truck when Mr. Cottrell stole it. Dispatch informed responding officers that Mr. Cottrell was now in possession of additional firearms.

BPD officers located Mr. Cottrell in the stolen truck on S. Eagle Road near Island Woods Drive and a pursuit ensued. During the pursuit Mr. Cottrell reached speeds of over 80 mph, ran red lights, drove over medians, curbs, and into oncoming traffic. The responding officers included Sgt. Rush, Cpl. Orton, and Ofc. Burch, who were each in marked police cars and wearing full police uniform. Their on-body video cameras were activated and captured the incident.

At the intersection of W. Broadway Ave and NW 1st St in Meridian, Cpl. Orton performed a Pursuit Intervention Technique (PIT) maneuver on the stolen truck which caused it to spin out and stop. When the truck came to rest, Cpl. Orton's patrol car was positioned behind the truck. Within seconds, Sgt. Rush and Ofc. Burch arrived. Their patrol cars were positioned in front of the truck facing towards it.

Cpl. Orton exited his patrol car and moved to his left to avoid potential crossfire from the officers positioned in front of the truck. As Cpl. Orton exited his car, the driver's side door of the truck was opening. Mr. Cottrell was seated in the truck and had a handgun in his hands. Cpl. Orton gave commands for Mr. Cottrell to drop his gun. At nearly the same time Sgt. Rush and Ofc. Burch were exiting their patrol cars, drawing their weapons, and using their car doors as cover.

A review of Cpl. Orton's on-body video shows Mr. Cottrell fired at the officers from inside the truck. Cpl. Orton, Sgt. Rush, Ofc. Burch, and two Meridian officers each fired several rounds at Mr. Cottrell striking him multiple times. Mr. Cottrell fell out of the driver's side of the truck onto the street. He dropped two pistols to the ground as he fell. Officers stopped firing when Mr. Cottrell dropped his weapons and no longer presented an imminent threat to the officers.

Officers then took Mr. Cottrell into custody and provided medical aid at the scene to control his bleeding. Mr. Cottrell survived his injuries and was later convicted of Assault and Battery on Certain Personnel (Police Officers) and Robbery.



A forensic scene investigation determined that Mr. Cottrell fired a total of 14 rounds from 3 different handguns at the officers. The entire incident, including the parole residence check, "carjacking," vehicle pursuit, and shooting incident involving BPD, occurred within a 20-minute time frame.

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 POLICY¹

A. 1.001 USE OF FORCE/AUTHORIZATION

The legal standard for use of force generally by officers.

B. 1.003 USE OF FIREARMS IN THE LINE OF DUTY

Firearms may be used by officers to "protect themselves or others from what they reasonably believe to be an imminent danger of death or serious bodily injury."

C. 4.001 VEHICLE PURSUITS

A vehicular pursuit is recognized as a valid law enforcement activity to attempt to apprehend a fleeing subject, under limited circumstances.

D. 4.005 EXTREME MEASURES

The use of extreme measures will have prior authorization by the Incident Commander and is warranted only when other means of termination have failed or are impractical. The danger shall be clearly imminent, and the officer shall be able to articulate the suspect's/driver's actions are life threatening to another person.

¹ https://www.cityofboise.org/media/16346/bpd-policy-manual_11152023-version-11-new.pdf. This manual has since been updated but no substantive changes have been made to the referenced policies, See BPD Legacy Manual pages 28 and 29 and Updated Manual pages 160 and 161.



INVESTIGATIVE FINDINGS

A. CRITICAL INCIDENT TASK FORCE FINDINGS:

After the shooting incident, the Ada County Critical Incident Task Force (CITF) was activated, led by the Garden City 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 is reviewing the CITF investigation to determine whether the officer's actions were justified under Idaho law. As of the date of this report, that review remains outstanding.

B. BOISE POLICE DEPARTMENT FINDINGS:

BPD conducted an 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 concluded that each BPD officer was faced with an immediate threat to his life as well as to the life and safety of other officers present and that their use of lethal force in response to that immediate threat did not violate applicable law or policy. BPD noted positive performance by each officer and had no additional training recommendations for the individual officers involved in this incident.

BPD recommended the following additional training be conducted for BPD generally:

- Pursuit training that includes force-on-force scenarios at the conclusion of a pursuit.
- Implementing the use of PPE (protective personal equipment – latex gloves) into scenario-based training to build the habit of officers using PPE following critical incidents to protect officers from bloodborne health risks.
- Continue to emphasize pre-planning for contingencies, the use of custody teams, and supervisor led incident management during department-wide training.

C. OFFICE OF POLICE ACCOUNTABILITY FINDINGS:

OPA agrees that Sgt. Rush, Cpl. Orton, and Ofc. Burch were each justified in using deadly force against Mr. Cottrell.

At the time that the officers used deadly force against Mr. Cottrell, each officer knew that Mr. Cottrell had fired a weapon at a Parole Officer, stolen two cars (including one at gunpoint), and that he possessed multiple firearms. The officers knew that Mr. Cottrell was actively fleeing from officers, driving recklessly, and in a

manner that was endangering the public. The officers knew that during a short span of time, Mr. Cottrell had engaged in a pattern of rapidly escalating violent actions towards officers and members of the public.

The officers knew that probable cause existed to arrest Mr. Cottrell for several felonies, including Aggravated Battery on Officers, Armed Robbery, Grand Theft, Eluding, as well as parole violations.

Cpl. Orton saw Mr. Cottrell point a pistol directly at him before he used deadly force against Mr. Cottrell. Ofc. Burch saw Mr. Cottrell shoot several rounds directly at him and other officers through the windshield of the stolen truck. Sgt. Rush saw Mr. Cottrell shoot at him and towards other officers. Sgt. Rush saw "pock marks" appearing in the windshield glass blowing out towards him which he knew meant that Mr. Cottrell was shooting at him from inside the truck.

It was reasonable for each officer to believe that by pointing a firearm and shooting at them, Mr. Cottrell presented an imminent threat of death or serious bodily injury to them, other officers, and members of the public who were nearby or inside numerous homes that surrounded the scene. Each officer correctly assessed that it was reasonable and necessary to use deadly force against Mr. Cottrell in self-defense and defense of others in these circumstances.

As soon as practicable after the shooting, officers rendered medical aid to Mr. Cottrell at the scene. He had several wounds including severe bleeding from a gunshot to his leg. By quickly assessing this wound and properly applying a tourniquet, officers likely saved his life. He was quickly transported to the hospital by medical personnel.

Given the imminent nature of the threat of being shot, less lethal force options, such as a taser or pepper spray, were not appropriate or reasonable for the officers to use in this situation.

Based on the OPA review and analysis of the facts and circumstances of this case, OPA concurs with the CITF and BPD investigations that each officers' actions were reasonable and necessary when officers faced an imminent threat of being shot with a handgun. Each officers' actions were consistent with BPD policy and complied with the applicable legal standard for use of force by law enforcement officers.

POTENTIAL CONTRIBUTING FACTORS AND MITIGATION EFFORTS

Several factors contributed to this critical incident. First, Mr. Cottrell fired at least 15 shots from three different firearms at officers during two separate shooting incidents.

Second, Mr. Cottrell failed to cooperate during every interaction with officers. Mr. Cottrell had numerous opportunities to comply with officers before deadly force was used against him. Mr. Cottrell could have cooperated with Parole Officers rather than shooting at them and fleeing in a stolen car. He could have chosen not to point a firearm at and “carjack” an uninvolved civilian. At any point during the pursuit, he could have pulled over and surrendered. When forced to stop by officers, he could have complied with commands and been arrested without further incident.

Third, Mr. Cottrell demonstrated a pattern of escalating violence and imminent threats to the officers and the public. In a short span of time, Mr. Cottrell shot at a Parole Officer during a routine residence check, stole a neighbor’s car, “carjacked” a second vehicle, drove recklessly at high speeds in heavy traffic while attempting to elude officers, and shot numerous times at officers who finally interdicted his efforts to escape.

While Mr. Cottrell clearly exhibited escalating dangerous behavior, it is unknown whether this was solely attributable to a deeply engrained pattern of criminal thinking, or other additional unidentified factors. This investigation did not reveal any information linking this incident to acute substance use or a mental health crisis.

OPA recognizes the effective mitigation efforts by BPD officers in the response to this incident. Officers quickly assessed the risk that Mr. Cottrell presented to officers and the public at large. Officers effectively pursued and used a PIT maneuver to stop Mr. Cottrell at an opportune time and location. They used the amount of force necessary to mitigate the risk presented by Mr. Cottrell, then slowed down, rendered medical aid at the scene, and enabled a prompt response by emergency medical personnel.

OPA will continue to track data on potential contributing factors for evaluation of community support and response and aggravating or mitigating efforts by officers to inform best policing practices.

RECOMMENDATIONS

OPA concurs with BPD’s training recommendations and makes no additional recommendations.

LINK TO DOCUMENTS

BPD news releases of this critical incident may be viewed at:

<https://www.cityofboise.org/departments/police/critical-incidents/> under "2022 Critical Incidents" "June 9 2022." Once the Owyhee County Prosecuting Attorney releases its review of this matter, the Critical Incident Review report and the officer body worn camera video will be linked to this incident.

REPORT PREPARED BY:

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