



PUBLIC REPORT

OMBUDSMAN'S CRITICAL INCIDENT INVESTIGATION

OFFICER-INVOLVED SHOOTING

AUGUST 11, 2000

ZOO BOISE

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by

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INCIDENT SYNOPSIS

On Friday, August 11, 2000 at approximately 9:12 PM, an officer of the Boise Police Department, while on duty at Zoo Boise, fired three rounds from his .45 caliber duty handgun in the service hallway near the dens of the tiger exhibit. One of the three rounds struck a woman in the leg. The officer fired his weapon as this woman was being bitten by a tiger that had escaped from its den into the service hallway.

OMBUDSMAN'S INVESTIGATION

In the course of this investigation, the ombudsman interviewed, made contact with, or attempted to make contact with all eighteen of the individuals who were in the tiger building at the time of the incident. He also reviewed the police investigation of the incident and all of the evidence collected by the police. The ombudsman conducted separate re-enactments of the incident with three individuals who were in the service hallway at the time of the shooting. In response to questions raised by the victim, the ombudsman retained the services of an independent forensic pathologist who is an expert in wound ballistics. This pathologist reviewed all of the evidence collected by both the police and the ombudsman in order to render an expert opinion on whether the bullet that struck the woman was a direct shot or a ricochet.

FACTUAL FINDINGS

Based on a preponderance of the evidence available, it is my opinion that the following statements are factual:

1. The officer was on duty and in uniform as a member of the Boise Police Department on the night of August 11, 2000 at approximately 9:12 PM.
2. On that same date and time, the officer was present in the service hallway to the tiger dens at Zoo Boise when he witnessed a tiger push down and begin biting a woman.
3. The woman was in imminent danger of death or serious injury as a result of the actions of the tiger.
4. A zoo keeper, who was also in the hallway with the tiger, made an attempt to distract the tiger and get it to cease its attack by yelling at it, throwing meat behind it, and throwing a plastic bucket at it.
5. During the time that the zoo keeper was attempting to distract the tiger, he was between the officer and the tiger, thus making it unsafe for the officer to fire his weapon at the tiger.
6. Once it became obvious to the zoo keeper that his efforts to distract the tiger would not be successful, he moved next to the officer and asked him to shoot the tiger.

7. The officer then fired a total of three rounds from his .45 caliber handgun.
8. The officer fired the first two rounds in an attempt to strike the tiger in its spine, so as to either kill or disable the tiger and end its attack on the woman.
9. Although both of these rounds missed the tiger, the tiger let go of the woman and retreated back into its den.
10. The officer fired the third round as the tiger began to reemerge from its den.
11. One of the three rounds fired by the officer traveled from the muzzle of his pistol directly into the woman's left leg. (This last finding is supported unequivocally by an independent forensic pathologist and expert in wound ballistics who studied all available evidence.)

ANALYSIS

Officer-Involved Shooting

The officer took immediate action and fired his weapon in order to protect the life of another person. In order to do this, he remained in an area where his life was in danger. The officer was particularly careful to fire his weapon only at an area that was away from the woman being attacked by the animal, namely the tiger's back. The officer was aware of the danger of a ricochet in the enclosed steel and cement hallway, but felt that the risk of ricochet was significantly outweighed by the immediate threat that the tiger posed to the life of the woman.

The officer fired all three rounds under great stress and while he, and the other two people in the room, were in extreme danger of being killed by the tiger. The officer did not intend to strike the woman with a bullet. His only intent was to stop the tiger from attacking her. The evidence shows, without a doubt, that the woman's bullet wound was totally accidental. The officer was left with few other options than to use his pistol to try and scare the tiger away.

Post-Shooting Police Investigations

After careful observation and review of the criminal and internal investigations conducted by the Boise Police Department, it is my opinion that, with one notable exception, both investigations were conducted in a thorough and objective manner. The one exception is that portion of the police investigation that attempted to explain the most likely path taken by the bullet prior to striking the victim. My finding, that the bullet did not ricochet and, instead, struck the woman directly, contradicts the conclusion arrived at in the police investigation.

POLICY FINDINGS

Section 1.0101 (Use of Force) of the Boise Police Policy Manual states, in part:

Officers shall use only the amount of force that is reasonable and necessary to protect life, affect a lawful arrest, and/or gain control in any lawful circumstance. Officers may use deadly force when necessary to defend themselves or others when the officer reasonably believes that imminent danger of death or serious bodily injury exists.

Furthermore, Section 1.0102 of the same policy manual states, in part:

The appropriateness of an officer's actions will be determined by the totality of the circumstances and by the reasonableness of the officers perceptions at the time of the incident.

From the evidence available, the factual findings clearly show:

1. The officer reasonably believed that the tiger attack put another person in, “*imminent danger of death or serious bodily injury.*” Therefore, the use of deadly force was authorized.
2. The officer used due caution and followed the training he had been given in an effort to avoid injury to the woman being attacked by the tiger, to the zoo keeper, and to himself.

Therefore, it is the finding of the Ombudsman that the officer acted within policy and according to the training he had received.

Furthermore, it is the finding of the Ombudsman that the officer displayed commendable courage as he remained in close proximity to a tiger that was in the act of attacking another person. This act of valor on his part was taken for the sole purpose of defending the life of another.