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CRIMINAL DIVISION



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FOR IMMEDIATE RELEASE

Critical Incident at Eastern Idaho Regional Medical Center

I have received and reviewed the investigative reports from the Eastern Idaho Critical Incident Task Force led by Idaho State Police and Detective Paul Egbert. Assisting agencies were the Idaho Falls Police Department and the Bonneville County Sheriff's Office. I would like to commend these agencies for their professionalism, expertise and thoroughness in completing this investigation.

FACTS

On March 18, 2016 at approximately 6 a.m. the Jefferson County Sheriff's Office was dispatched to a disturbance involving a male with Alzheimer's disease and/or dementia who was agitated and had gotten out of a vehicle. The male's name was David Alma Giles. This vehicle was traveling from Fremont County to Eastern Idaho Regional Medical Center (EIRMC) in Idaho Falls to have the male assessed and seek mental health treatment. Mr. Giles's wife and others were assisting in the transport to the hospital in two separate vehicles. Reports and interviews confirm a rapid onset of Alzheimer's disease and/or other mental health impairments to Mr. Giles.

Captain John Wolfe, Jefferson County Sheriff's Office, responded to the location of the vehicle. Captain Wolfe offered to assist the transport to EIRMC by first following Mr. Giles's

vehicle to EIRMC. Then at one point at the request of Mrs. Giles, allowing Mr. Giles to ride in Captain Wolfe's police vehicle where Mr. Giles sat in the front passenger seat. Finally they traveled with Mr. Giles in the front passenger seat, and Mr. Giles's wife seated in the rear passenger seat of Captain Wolfe's vehicle. Captain Wolfe described Mr. Giles's demeanor as calm and appropriate during this time.

As the party continued to EIRMC, Mr. Giles remained calm for most of the drive, but became more agitated and efforts to distract or otherwise calm Mr. Giles were unsuccessful as they neared the hospital in Idaho Falls. Once at the hospital, Mr. Giles became more combative, confrontational and belligerent to Captain Wolfe and Mr. Giles's wife.

Captain Wolfe exited the vehicle, had Mr. Giles's wife exit the vehicle and then attempted to escort Mr. Giles to the hospital. In an agitated state (similar to what was described as his behavior when suffering from his mental health symptoms previously) Mr. Giles fought with Captain Wolfe, attempting to put his hands around Captain Wolfe's throat. Mr. Giles was pushed away back into the front passenger seat of the patrol vehicle. Mr. Giles grabbed Captain Wolfe's duty shotgun locked into place inside of the patrol vehicle and began pulling on it. Captain Wolfe sprayed Mr. Giles with pepper spray and tried to pull Mr. Giles out of the vehicle.

The shotgun was freed from its locked placement by Mr. Giles (presumably because the lock holding the shotgun in place failed but this is unknown although testing showed that this locking mechanism failed on several test inspections by investigators) and a round was "racked" (loaded) into the chamber as Mr. Giles exited the vehicle. Mr. Giles came out of the patrol vehicle and pointed the shotgun at Captain Wolfe, so Captain Wolfe grabbed the barrel and pushed the shotgun away from pointing at him. At this time Mr. Giles pulled the shotgun barrel toward himself. Mr. Giles right hand was by the shotgun trigger. Captain Wolfe, knowing the gun had a

round in the chamber and that his weapon was kept with the safety off, attempted to engage the safety on the weapon as they fought over control over the shotgun. At this time the shotgun fired. Whether this was done deliberately or intentionally by Mr. Giles is unknown. Mr. Giles was struck with a single shotgun round in the chest. CPR and lifesaving efforts were immediately initiated and Mr. Giles was rushed into the nearby emergency room where he was ultimately pronounced dead.

ISSUE

The sole question of this inquiry is whether Captain Wolfe engaged in any criminal conduct.

It is important to note that there appears to be criminal activity on the part of Mr. Giles. Whether Mr. Giles was competent to be charged with any crime is unknown given his indicated mental health symptomology. Regardless, the information presented suggest potential charges to include assault/battery on a law enforcement officer, aggravated assault upon a law enforcement officer up to and including the use of deadly force. As Mr. Giles is deceased his conduct is only relevant in context and relation to Captain Wolfe's conduct.

There has been no evidence presented that Captain Wolfe acted with any malicious or willful intent – to the contrary – therefore the only real question presented is whether Captain Wolfe acted with any criminal negligence in his conduct with Mr. Giles in relation to the handling of the firearm and/or transport of Mr. Giles.

ANALYSIS

Captain Wolfe responded to an emergency where family was attempting to obtain help for someone suffering from a mental illness. In that response, Captain Wolfe made efforts to comfort and assist this individual and family during a difficult time. He offered to assist with transport of

Mr. Giles and the request/behest of Mr. Giles's wife and allowed Mr. Giles to sit in the front seat in an effort to continue communication and build rapport with Mr. Giles while traveling to the hospital. The aggressive behavior by Mr. Giles was not present until they neared the hospital in Idaho Falls.

Certainly there was recklessness and negligence in the handling of the shotgun – but that conduct was by Mr. Giles. In his apparent altered state, Mr. Giles became physical with Captain Wolfe, Mr. Giles grabbed the shotgun, wrestled it from its locked position, chambered a round, pointed it at Captain Wolfe, and ultimately pointed it at himself and had his hand on/near the trigger. All of these were done unfortunately by a man suffering from a mental illness, and not by Captain Wolfe. Therefore any fault as it relates to the handling of the firearm must lie with Mr. Giles and I see no culpability in Captain Wolfe's response to Mr. Giles's conduct.

The remaining action by Captain Wolfe was to allow this individual to ride in the front seat of his patrol vehicle. It is common practice to provide transport in a police vehicle for varying reasons. Citizen ride-along, courtesy transports and others. It is customary for those accused of committing crimes to be placed in "custody" in the back seat of a patrol vehicle such that a police vehicle becomes a portable "jail" facility. But for other transports, an officer's judgment determines whether to allow a citizen to ride in the front seat.

It is apparent that Captain Wolfe was treating Mr. Giles as one suffering from a mental illness, not as a criminal and thus although the decision to allow Mr. Giles to ride in the front passenger seat may have precipitated the events ultimately leading to Mr. Giles's death, I do not find Captain Wolfe's conduct to be negligent or the cause of Mr. Giles's death. For Captain Wolfe to be negligent, his conduct must fall below a standard of care we would expect from a reasonable officer in his situation. It is reasonable for an officer to treat those with a mental illness differently

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than a criminal and make decisions to effectively deal with delicate individuals. As a fellow citizen, I would expect our law enforcement officers to treat these individuals with a level of care and compassion that was present here.

Additionally, Mr. Giles's intentional acts of fighting with Captain Wolfe, wrestling the shotgun free from its placement, pointing the firearm at Captain Wolfe and himself would supersede any previous acts by Captain Wolfe in allowing Mr. Giles to ride in the front seat of the vehicle. Those superseding acts by Mr. Giles were the cause of his death, not the decision by Captain Wolfe to allow this individual to ride in the front seat of his vehicle.

For these reasons I see no criminal liability on the part of Captain Wolfe and consider this matter closed.

A handwritten signature in cursive script, appearing to read "Daniel R. Clark".

Daniel R. Clark

Bonneville County Prosecuting Attorney