



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

September 3, 2025

Ian Johnson
Bannock County Prosecuting Attorney
624 East Center Street, Room 204
Pocatello, ID 83201

Re: Referral to the Attorney General's Office
Critical Incident - April 5, 2025

Dear Mr. Johnson,

In April 2025, you requested that our office review an officer involved shooting that occurred in Pocatello, Idaho and resulted in the death of Victor Perez for potential criminal charges. We have reviewed the investigation and made a decision that will be explained below.

Summary of Decision

The death of 17-year-old Victor Perez was a tragedy. Perez suffered from developmental delays and autism as well as several other medical conditions. On April 5, 2025, four officers from the Pocatello Police Department shot Perez multiple times in his own backyard causing his death. The public release of the videos of the officers shooting Perez were understandably met with public outrage.

The role of our office as the prosecuting authority in this matter is limited to deciding whether the four officers should be charged criminally for their actions. We do not opine on the issue of potential civil liability or disciplinary action.

Our decision is based on several key factors:

- Under Idaho law, the only facts we can consider when deciding whether to criminally charge the officers are the facts known or reasonably believed by the officers at the time of the shooting. We do not take into account facts known only to others. None of the four shooting officers were aware of Perez's age or his disabilities at the time of the shooting. The officers' knowledge was limited to what dispatch reported, and dispatch's knowledge

was limited to what the 911 caller reported. Neither the 911 caller, dispatch, nor the officers were aware of Perez's age or his disabilities. Instead, the officers were told they were heading into a disturbance where an intoxicated male was trying to stab others with a knife.

- The officers decided to move to the fence surrounding the backyard when they arrived on the scene. With the benefit of hindsight and knowledge of Perez's disabilities, we can say that it would have been better for everyone had the officers kept their distance from the fence. But the officers were acting on the information and belief they had at the time that an intoxicated male was trying to stab other people. Believing that individuals were in danger of being stabbed, the officers chose to run toward the fence in case the officers needed to take immediate action to protect others from harm.
- The fence surrounding the backyard was four feet tall. The officers' decision to place themselves at the fence to protect others made the officers vulnerable to a knife attack from someone standing immediately on the other side of the fence.
- Under Idaho law, the officers did not have a duty to retreat from the fence before using deadly force. One of the officers chose to remain at the fence where he was vulnerable to a knife attack from the other side of the fence. He was still in that position when the officers started shooting.
- Given that the officers did not know about Perez's disabilities, they believed the unknown male posed a risk of serious bodily injury or death: he had a knife, he refused repeated commands to drop the knife, he was moving toward the officers, he held the knife in both hands with the tip of the knife pointed toward the officers, and he was at a distance of approximately twelve feet from the officers.
- We hired a use of force expert to review the facts of this case and provide an objective opinion. He has provided use of force opinions both in favor of officers and against them in the past. After reviewing the facts of this case, he opined that any reasonable officer in these officers' position and with only the limited information these officers possessed would have viewed the unknown male as an immediate threat of death or serious bodily injury at the time the officers started shooting.

These factors would make any criminal prosecution of the officers untenable. The State would be unable to prove *beyond a reasonable doubt* that the four officers who discharged their weapons were *not* justified in using deadly force. We will thus not file criminal charges against the officers.

This is a tragic and heart-rending situation, and our sympathies go out to the family and friends of Victor Perez. It is especially tragic when viewed considering all the facts and circumstances available to us after the event. If the officers had known what we now know, our conclusions might be different. But, as previously stated, our decision must be based only on what the officers actually knew or reasonably believed at the time. And our decision must be based on the laws in effect.

Idaho law does not require officers to use less lethal options or to retreat when deadly force is justified, but the law also does not preclude properly trained officers from taking such steps to avoid having to take a life. Because our role in this case is limited as the prosecuting authority, we take only the narrow position that a criminal prosecution of these four officers would not be successful under Idaho law.

Facts

Again, the death of 17-year-old Victor Perez was a tragedy. His autopsy report states he had developmental delays, autism, aggressive behavior, abnormal gait, and other medical conditions. He was nonverbal. His family tried to keep him away from knives for his protection and the protection of those around him. But on April 5, 2025, he managed to gain access to a large kitchen knife with an approximately 9-inch blade.

Security video from that day shows Perez's family, including his grandfather, his mother, and his 16-year-old sister, struggling with Perez in their backyard. The backyard is surrounded by a four-foot chain link fence with a gate in the northwest corner.

A nearby eyewitness who did not know Perez and was not familiar with Perez's disabilities called 911 to report what he was seeing. He reported the situation as it appeared to him. The 911 caller told dispatch that a man who appeared to be intoxicated was wielding a knife and trying to stab other individuals. He said one man hit the male with the knife in the head with a log, but the male with the knife continued trying to stab others.

The struggle between Perez and his family lasted approximately 13 minutes before law enforcement arrived. Perez's sister spent much of that time physically trying to control Perez by herself, and she managed to do so without a weapon of her own and without any serious injuries to herself, Perez, or anyone else present.

The dispatcher who received the call requested that four officers respond, more than usual for a typical disturbance. The responding officers could not hear the 911 call and neither the dispatcher nor the responding officers had access to the video showing Perez struggle with his family. The information available to the responding officers was limited to the information provided by dispatch and did not include any information related to Perez's disabilities or his age.

Dispatch transmitted information to the responding officers using two methods: inputting text into the CAD system that a responding officer could read and speaking over the radio so responding officers could hear. The 911 call came in at 17:20:38, and the dispatcher then communicated the information in the chart below to the responding officers. The information in this chart is all the relevant information the officers had available to them when they arrived on scene.

Time	Method	Content
17:21:46	CAD	REPORTS 2 MALES & FEMALE THAT ARE INVOLVED IN A PHYSICAL DISTURBANCE, 1 SUBJECT HAS A KNIFE. RP [reporting party] ADVISED THEY ARE IN THE BACKYARD OF A RESIDENCE. MALE WITH A KNIFE APPEARS TO BE HIGHLY INTOXICATED AND IS RUNNING AROUND THE YARD. RESIDENCE IS BEHIND THE AUTO REPAIR SHOP.
17:23:01	CAD	FEMALE & MALE ARE TRYING TO CALM THE MALE WITH A KNIFE DOWN. RP DOESN'T BELIEVE THEY ARE SPEAKING ENGLISH.
17:23:01	Radio	"Units responding to the disturbance, female and male are trying to calm the male with the knife down. RP believes they do not speak English."
17:23:15	CAD	RP IS RECORDING THE INCIDENT.
17:23:57	CAD	MALE WITH A KNIFE GOT HIT IN THE HEAD WITH A LOG BY THE OTHER MALE, MALE IS NOW ON THE GROUND BUT KEEPS TRYING TO STAB THE OTHER 2.
17:23:57	Radio	"Units responding to the disturbance, be advised, male with the knife got hit in the head with a log by other male. Male is now on the ground but keeps trying to stab the other two."
17:23:57	Radio	"EMS [emergency medical services] will be in route."
17:25:01	Radio	"Address 658 N. Main."
17:25:01	CAD	RED TRUCK & RED JEEP IN THE PARKED, BLU CAR PARKED ON STREET NEXT TO IT. RESIDENCE IS WHITE.
17:25:08	CAD	BEHIND 702 N MAIN
17:25:08	Radio	"Update on the location. It's going to be behind 702 N. Main, white house, red truck, red jeep in the driveway, blue car parked in the street."
17:25:41	CAD ¹	PARTIES ARE IN A VERBAL DISTURBANCE NOW, KNIFE APPEARS TO BE A VERY LARGE KITCHEN.

¹ The four responding officers all arrived at the scene at approximately 17:25 and probably did not have an opportunity to read the entry entered by dispatch into CAD at 17:25:41.

Each of the four officers arrived near the backyard in their own patrol cars. They got out of their cars and rushed toward the backyard based on the information they had that an unknown male who appeared intoxicated was trying to stab other people. Three of the officers armed themselves with their Glock handguns. The fourth officer carried his less lethal beanbag shotgun.

As the officers approached the backyard, Perez's grandpa was on the outside of the fence leaning against the gate. He stated "No, no, that's OK, that's OK." Perez's sister and mother were inside of the fence a few feet from Perez and located between Perez and the home. Perez's sister extended her arms toward the officers and shouted.

The officers focused their attention on Perez because he fit the description they had been given of the suspect: a male laying on the ground holding a large kitchen knife. They approached the fence lining the backyard, started shouting commands, and pointed their guns at Perez. The officers loudly, clearly, and repeatedly commanded Perez to drop the knife. He failed to do so.

After the officers started shouting their commands to drop the knife, Perez looked at the officers from his position lying on the ground. He got up on his knees, lifted the knife in his left hand above his head, and pointed the blade toward the sky. He fell forward and caught himself using his hands. With his hands on the ground in front of him, he put his feet on the ground behind him. He stood up and took a step toward the officers. As he stepped, he put both hands on the knife in front of his body with the blade pointed up and toward the officers. All four officers fired their weapons as Perez continued to move toward them with the knife. Perez's failure to obey commands to drop the knife and instead to move toward the officers holding the knife appeared to the officers to mean Perez intended to do them harm.

Because Perez failed to drop the knife and kept moving towards the officers, the officers started shooting. All four officers were standing along the stretch of fence furthest from the house. Three officers were clustered together. Two of the three officers had taken a step or two away from the fence before shooting. The third officer in the cluster remained at the fence holding his less lethal shotgun over the fence. The front of the shotgun was on the opposite side of the fence, his front hand was on the shotgun directly over the fence, and his head and upper body were within physical striking distance from the other side of the fence. The fourth officer approached along the side of the backyard and had just come around the corner of the fence to the back stretch of the fence when the shooting started. The four officers gave estimates ranging from four to ten feet for the distance between the officers and Perez at the time of the shooting. Investigators later estimated the distance to be approximately twelve feet.

All four officers fired their weapons: three firing Glock handguns and one firing a beanbag from the less lethal shotgun. The officers simultaneously fired a single volley of fourteen bullets and a beanbag. All shots were fired within the span of less than two seconds. Perez's autopsy report described twelve gunshot wounds.

Law enforcement then performed life saving measures until Perez could be transported to the hospital. Perez died in the hospital six days later. The autopsy report states the cause of death as multiple gunshot wounds.

The Eastern Idaho Critical Incident Task Force investigated the critical incident with the Bannock County Sheriff's Office acting as the lead agency. The task force provided their investigation of the critical incident to our office on May 15, 2025. The investigation did not include the autopsy report because the report was not yet completed.

We took several steps to shore up the investigation. Investigators with our office completed an additional 15 interviews. The officers involved in the shooting sat for interviews with the task force but declined follow-up interviews with our investigators. Instead, they provided audio recordings and transcripts of interviews they completed with a third party. We also hired Spencer Fomby, an experienced use of force expert, to review the investigation and provide us with his opinion as to the officers' use of force. The Bannock County coroner sent us the autopsy report on August 12, 2025, and we considered the investigation complete as of that date.

Idaho Law

Any criminal prosecution of the four officers by our office would be governed by Idaho law. The State would have to prove that the officers committed a crime when they shot and killed Perez *and* that the use of lethal force was not justified. The State would have to prove both the elements of the crime *and* the absence of a justification beyond a reasonable doubt. *See* I.C. § 19-202A(4).

Idaho law recognizes that homicide by an officer may be justifiable. *See* I.C. § 18-4011. An officer may use force when reasonably necessary in overcoming actual resistance in the discharge of any legal duty including keeping and preserving the peace. *Id.* Deadly force may be used if 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. *Id.*

Officers are also justified in using force to defend themselves or others in the same circumstances as all other people in Idaho. *See* ICJI 1517.² This form of self-defense or defense of another applies when an individual reasonably believes he or someone else is in imminent danger of death or great bodily harm and the action is necessary to save himself or someone else from the danger presented. *See id.*

The Idaho legislature has supplemented these general concepts of self-defense and defense of another with two specific principles that would frustrate any attempt to criminally prosecute the officers who discharged their weapons in this matter:

First, Idaho law does not require a person who is defending himself or another "to wait until he or she ascertains whether the danger is apparent or real." I.C. § 19-202A(2). "A person confronted

² ICJI refers to the standard Idaho Criminal Jury Instructions.

with such danger has a clear right to act upon appearances such as would influence the action of a reasonable person.” *Id.*

Second, Idaho is a stand your ground state, meaning any person exercising self-defense or defense of another “need not retreat from any place that person has a right to be.” I.C. § 19-202A(3). “A person may stand his ground and defend himself or another person by the use of all force and means which would appear to be necessary to a reasonable person in a similar situation and with similar knowledge without the benefit of hindsight.” *Id.*

Legal Analysis

The State would be unable to prove beyond a reasonable doubt that the use of deadly force was not justified in this matter because the officers were not familiar with Perez’s limited capabilities; Perez refused repeated commands to drop the knife, pointed it toward the officers, and moved toward the officers at a distance of approximately twelve feet; and the officers had no duty to retreat from their positions at the fence.

The criminal law judges the officers’ actions based on the information available to them at the time of the shooting. The information they had was limited and did not include any information about Perez’s disabilities. Dispatch informed the officers they were responding to a male with a knife who appeared to be highly intoxicated and who was trying to stab other people—even after being hit in the head with a log and being knocked to the ground. When the officers arrived, they observed a male lying down and could clearly see he was holding a knife. The officers repeatedly—more than six times—commanded the individual to drop his knife, and he failed to obey their commands. Instead, the male struggled to stand—consistent with being intoxicated—and then moved toward the officers with the knife held out in front of him and pointed at least slightly towards the officers. The officers started shooting when the male was approximately twelve feet away.

The specific positioning of the officers in relation to the fence at the time of the shooting would pose an insurmountable obstacle to any criminal prosecution. The officer with the less lethal shotgun was standing right at the fence with his hand directly above the fence and his upper body and head within physical striking distance from the opposite side of the fence. The picture below shows the frame of one officer’s bodycam video when the first shots were fired.



As can be seen in the picture, had Perez reached the fence, he would have been able to use the knife to attack the officer without having to climb on or over or otherwise interact with the fence. The officer's position meant the fence would not have protected the officer from Perez's knife.

The officer *could* have stepped back from the fence to protect himself from a knife attack, but Idaho law did not *require* him to do so before he or the other officers used deadly force. As a police officer responding to a report of a male trying to stab other individuals, the officer could permissibly stand on the outside of the fence surrounding the backyard. Once the officer was in a position he had a right to be, Idaho law did not impose on him a duty to retreat before he or the other officers used deadly force. *See* I.C. § 19-202A(3). On the contrary, the law allowed him to "stand his ground and defend himself." *Id.*

The use of force expert we hired for this matter reviewed all the evidence and opined that in the moment when Perez "approached the officers while brandishing a large kitchen knife, any reasonable officer would have perceived that action as an immediate threat of death or serious bodily injury." His opinion is supported by several legal decisions in which courts have affirmatively found the use of deadly force justified when an individual with a knife approaches officers, refuses commands to drop the knife, and is within approximately twelve feet. *See, e.g., Morgan v. Cook*, 686 F.3d 494 (8th Cir. 2012). Each of these legal decisions were made in the context of a civil case, but the State would be held to a higher standard in a criminal case and would have to prove *beyond a reasonable doubt* that the use of deadly force was *not* justified.

In *Morgan*, two officers responded to a report of domestic disturbance. They saw a man on the porch who appeared intoxicated stumble over chairs and fall into a recliner. One of the officers

saw the man trying to conceal a kitchen knife. The officer drew his gun and commanded the man twice to drop his knife. Instead, the man stood up with his knife pointed downward and his arm at his side and raised his leg to take a step toward the officer. The officer shot and killed the man.

The court found the use of force justified because the man was holding a knife and trying to conceal it, the man refused two orders to drop the knife, the man started moving toward the officer, and “[t]he distance separating [the officer] and [the man] was minimal, totaling twelve feet at most.” *Id.* at 497. *See also, e.g., Reich v. City of Elizabethtown*, 945 F.3d 968, 989 (6th Cir. 2019) (finding two officers were justified shooting man who moved toward them with knife in hand and said officers would have to kill him because the man made the statement, refused repeated commands to drop his weapon, and advanced within six to twelve feet); *Chappell v. City of Cleveland*, 585 F.3d 901, 910 (6th Cir. 2009) (holding officers were justified shooting fifteen-year-old ten times because he stepped toward the officers, closing the distance to five to seven feet, raised his right hand holding a knife, and refused commands to drop it); *Stevens-Rucker v. City of Columbus*, 739 Fed. Appx. 834, 837 (6th Cir. 2018) (holding officer justified shooting man with knife moving toward officer when the officer “estimate[ed] that he was six to eight feet from [the man], albeit on the other side of the fence”).

In each of these civil cases, the court affirmatively found the officers were justified using deadly force. The State would be held to a higher standard in a criminal case than the plaintiffs who lost these civil cases. The State would have to prove *beyond a reasonable doubt* that the officers were *not* justified. A criminal prosecution against one or more of the four officers who discharged their weapons in this matter would not be successful because of the self-defense and defense of other laws in Idaho including the stand your ground law, our expert’s opinion that the officers reasonably believed Perez posed a threat of imminent death or serious bodily injury, and the beyond a reasonable doubt standard applicable in criminal cases. Therefore, we will not pursue criminal charges against the officers.

Answers to More Questions

During this investigation, we were asked several questions by members of the public trying to better understand what happened and why. We had some of the same questions ourselves. We are providing answers to those questions now to try to better explain our decision not to file criminal charges against the officers.

1. How could Perez pose a threat given his disabilities?

One of the reasons Perez’s death is so tragic is that, in reality, he likely did not pose an imminent threat of death or serious bodily injury to the officers due to his disabilities. Under Idaho law, however, whether the officers’ use of force was justified depends on what the officers knew at the time. *See* I.C. § 19-202A(2). None of the officers who discharged their weapons were familiar with Perez or his disabilities.

2. How do you know the officers did not know about Perez's disabilities?

We knew we had to address this question before making a charging decision because it would alter the legal analysis. The task force's investigation revealed that officers from the Pocatello Police Department had previously responded to Perez's home, but none of them were present at the time of the shooting in this case. Following the task force's investigation, our office's investigators conducted follow-up interviews with the officers who had previously responded to Perez's home. These officers confirmed that they had not communicated any information about Perez to the officers who discharged their weapons in this matter. Our investigators were unable to find any evidence indicating that any of the officers who discharged their weapons on April 5 had previously responded to Perez's house or had learned about Perez or his disabilities before the critical incident on April 5.

3. Why didn't the officers look up the address of the disturbance to see if the house was flagged for mental health issues?

None of the responding officers were given an address for the disturbance prior to arriving at the scene. Dispatch was working off the information provided by the 911 caller and informed the officers only that it was "behind 702 N. Main." Perez's residence was on North Harrison.

In addition, our investigators learned during the follow-up investigation that the Pocatello Police Department does not flag residences for mental health issues. Perez's residence was therefore not flagged for mental health issues prior to the April 5 critical incident even though the agency had responded to calls involving Perez and his mental health issues prior to April 5.

4. How does the dispatcher's report that the family did not speak English affect the analysis?

All four officers were in full uniform in broad daylight, pointing their guns at the individual with a knife, and yelling commands. The individual's response was to stand holding the knife and then to move toward the officers. The officers could reasonably infer from those facts that even if this person did not understand the commands, he had no intention of cooperating with the officers and meant to do them harm, especially given that the officers were not familiar with Perez or his disabilities.

5. How does the grandpa's calm demeanor and statement "it's OK" affect the analysis?

The officers' bodycam videos suggest that both the grandpa and the sister were trying to deter the officers when they first arrived and while Perez was lying on the ground. As one of the officers acknowledged in his interview, Perez did not pose an immediate threat to the officers or others while he was lying on the ground. It was not until Perez refused

commands to drop the knife, stood up, and started to approach the officers with the knife that they could reasonably believe he posed an imminent threat of death or serious bodily harm. Even if the officers saw and heard the grandpa and the sister when they first arrived, their focus understandably shifted to the man with the knife who they were told had been trying to stab people and who was refusing commands and moving toward the officers.

6. Couldn't the officers have stepped back from the fence to try to give themselves more time before shooting?

Yes, the officers could have stepped back from the fence. However, the officers were not required to do so under Idaho law. *See* I.C. § 19-202A(3). Idaho law does not impose on any person a duty to retreat from a place he has a right to be before using deadly force.

7. Couldn't the officers have kept their distance from the fence in the first place?

Yes, there were a wide variety of tactical decisions the officers could have made when they arrived at the scene. In fact, our use of force expert opined that the officers made a suboptimal tactical decision by closing the distance to the fence. But he could not say their tactical decision fell outside of what any reasonable officer might do in the situation. More importantly, Idaho law does not require an officer or anyone else to make a sound tactical decision before standing his ground: "a person need not retreat from any place that person has a right to be." I.C. § 19-202A(3). Regardless of the quality of the officers' tactical decisions, there is no reasonable argument that the officers did not have a right to stand on the outside of the fence surrounding the backyard when responding to a disturbance involving a male with a knife attempting to stab others.

8. Weren't the number of shots fired by the officers excessive?

An officer's use of force is generally reviewed by each "round" or "volley" of shots fired. Additional shots would only be reevaluated if there were a change in circumstances that would affect the use of force analysis. Officers typically fire more than one shot in the initial volley because, "if lethal force is justified, officers are taught to keep shooting until the threat is over." *Plumhoff v. Rickard*, 572 U.S. 765, 777 (2014). Here, all four officers fired a single volley of shots that started and ended in less than two seconds.

The number of shots fired is due, in part, to the fact that four officers were present and all four officers fired their weapons. But the same use of force analysis applies to each officer individually with respect to self-defense or defense of another.

9. Couldn't the officers have used a taser or the less lethal shotgun prior to firing their handguns?

Each officer was equipped with a Taser, and one also carried a less-lethal shotgun at the time of the shooting. However, officers in Idaho are not legally required to attempt less-lethal methods before using deadly force. The relevant question is whether the use of

deadly force was justified. Additionally, officers in Idaho and elsewhere are trained to respond to lethal threats with lethal force.

10. Does this mean the officers are “cleared” in the shooting of Victor Perez?

The Office of the Attorney General’s role in this matter is limited to reviewing the investigation for potential criminal charges against the officers. We have concluded only that the State would be unable to prove *beyond a reasonable doubt* that the use of force was *not* justified. Our decision means the officers will not face criminal charges under Idaho law.

In addition to the criminal investigation, the Pocatello Police Department conducted an administrative investigation to determine whether the officers complied with department policy and what, if any, employment consequences there should be for their actions. Our understanding is that there is also ongoing civil litigation over this critical incident. It would not be appropriate for us to express an opinion—and this letter does not express an opinion—on any of those topics.

Conclusion

While the circumstances of this case are tragic, the Idaho Office of the Attorney General will not file criminal charges against the officers involved in the shooting death of Victor Perez because the State would be unable to prove *beyond a reasonable doubt* that the officers’ use of force was *not* justified. We now consider the criminal portion of this matter closed.

Please feel free to contact me if you have any questions.

Sincerely,



Jeff Nye

Deputy Attorney General
Chief, Criminal Law Division