

MADISON COUNTY
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March 29, 2021

Chief Shane Turman
Rexburg Police Department

Re: Troy Allen

Chief Shane Turman,

I have reviewed the incident report provided to me by Detective Zeb Graham of the Bonneville County Sheriff's Department regarding the Officer involved shooting that took place on February 15, 2021.

The shooting involved City of Rexburg Officers Daniel Allen and John Bone and took place at Brenchley Apartments in Rexburg, Idaho. The civilian involved was Troy Allen (hereinafter referred to Mr. Allen.) He was shot multiple times by both Officers Allen and Bone and died as a result of the shooting.

My review of the incident report involved reading the materials provided to me by Detective Graham and reviewing the videos of the incident. I reviewed security footage of Brenchley Apartments and body cam footage from both Officers Allen and Bone.

It is the position of the Madison County Prosecutor's Office that this officer involved shooting was completely and totally justified. Upon responding to Brenchley Apartments and speaking with Mr. Allen, Mr. Allen became agitated and confrontational with Officer's Bone and Allen. The Officer's response and behavior was appropriate. During the interaction between the Officers and Mr. Allen, Mr. Allen put his hand in his pocket and simulated that he had a weapon and rushed at the Officers. Both Officers told Mr. Allen to show his hands and he refused to do so. At the time Mr. Allen rushed the Officers he had refused to show the Officers his hands and was continuing to simulate that he had a weapon in his pocket. While it is speculation to say what Mr. Allen intended the Officers to believe, it was entirely reasonable for the Officers to

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believe that Mr. Allen had a gun in his jacket pocket due to his actions. At the time Mr. Allen rushed the Officers they had a reasonable belief that their lives were in danger. In fact, Mr. Allen's actions at the time constituted an Assault upon a Police Officer as described in Idaho Code 18-915.

Idaho Code 18-4011 provides the standard for when an Officer is justified in using deadly force. 18-4011(2) states that homicide by an officer is justified:

When reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless 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;

Whereas it was entirely reasonable for Officers Bone and Allen to believe their lives were in danger, they had probable cause to believe that Mr. Allen posed a threat of death or serious physical injury to both Officers and the civilian who was present. As such this homicide was justifiable as a matter of law.

Due to the conclusions reached above, the Madison County Prosecutor's Office declines to prosecute Officers Bone and Allen as they have not committed any crime. While any loss of life is tragic, their actions were professional and appropriate, especially given how quickly Mr. Allen escalated the situation.

Should you have any questions or concerns, please contact me.

Best Regards,



Rob H. Wood
County Prosecutor
Madison County, Idaho

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