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Lewiston Police Department

RE: Officer Involved Shooting - Michael Trappett

Gentlemen:

We have now completed our review of the investigation materials received from you regarding the January 31, 2022, officer involved shooting incident in Clearwater County where Michael Trappett died. Among various materials are numerous Lewiston Police Department investigative reports and supplements, witness statements, audio and video recordings including officer body cams, diagrams and details of the scene.

We also solicited the Trappett family's attorneys for any additional information they or their clients would like us to consider. We have received a few specific factual inquiries from them but nothing of additional substance.

Based on our review:

On the early morning of January 31, 2022, Mr. Trappett's mother called Clearwater County Sheriff's Office 911 and reported that her son was intoxicated, becoming aggressive and had a large kitchen butcher-type knife. Mrs. Trappett further advised that her son had left the residence and was somewhere outside. The dispatcher advised Mrs. Trappett to ensure that all of the residence's doors were locked for her and her husband's safety, and proceeded to dispatch officers to respond.

Because the Clearwater County Sheriff's Office did not actually have a deputy on duty at this hour, Orofino Police Officer Michael Dietrick was the first officer to respond. He made contact with Mrs. Trappett at the residence and was told that her son, Michael, was somewhere outside and she feared that he posed a risk to law enforcement.

Clearwater County Sheriff's Corporal Brittany Brokop arrived on scene after being called out. She and Officer Deitrick began searching the premises in an attempt to locate

Michael Trappett. During that time, Clearwater County Sheriff's Deputy Randal Carruth was also called out and arrived on scene. The three officers/deputies continued to search the areas surrounding the Trappett residence but were unsuccessful in locating Michael Trappett. Officer Deitrick ended up leaving the Trappett residence to see if perhaps Michael Trappett was up the road at this sister's residence.

Shortly after Officer Deitrick left, Deputies Brokop and Carruth were speaking with Mr. and Mrs. Trappett in the doorway of their residence when Michael Trappett approached. Michael Trappett, as depicted in the deputies' body cam videos, appeared to approach the deputies aggressively. He was ordered repeatedly to "show his hands" and eventually removed his right hand from his jacket pocket revealing a large butcher-type knife which he raised above his head in a striking posture.

The deputies repeatedly ordered Michael Trappett to drop the weapon. Instead, Mr. Trappett went around the corner of the residence. As the deputies followed him and turned the corner, Mr. Trappett stopped, raised the knife with his right hand in what appeared to be a striking position, and began moving toward the deputies. Based on witness accounts, Mr. Trappett came within ten feet of the deputies before they opened fire. Michael Trappett was hit multiple times and collapsed on the ground where he died from the gunshot wounds.

The purpose of our office's review is to determine whether there is evidence to indicate criminal conduct on the part of any involved law enforcement officers. Because this is a homicide investigation, the applicable statutes are found in Title 18, Chapter 40 of the Idaho Code.

Idaho Code 18-4009(1)(a) provides that homicide is justifiable when "resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person . . ." Idaho Code 18-4011(3) specifically addresses justifiable homicide by public officers and provides that homicide is legally justified "when reasonably necessary in order to prevent the escape of any person . . . suspected of having committed a felony, provided that the officer has probable cause to believe that . . . the person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons."

Applying the facts of this case to the above-described legal standards, it is our office's opinion that the homicide of Michael Trappett was legally justifiable. In reaching this conclusion, we note that, at a minimum, there was reasonable and probable cause to conclude that Michael Trappett had committed the felony offense of Aggravated Assault on a Law Enforcement Officers (Idaho Code 18-901, 905 and 915) in that Mr. Trappett:

- a. unlawfully attempted, with apparent ability, to commit a violent injury on the persons of the sheriff's deputies or
- b. intentionally and unlawfully threatened by word or act to do violence to the deputies, coupled with an apparent ability to do so and doing act which created a well-founded fear in the deputies that such violence was imminent.

This assaultive conduct becomes Aggravated Assault by virtue of the use of a deadly weapon, the large butcher-type knife.

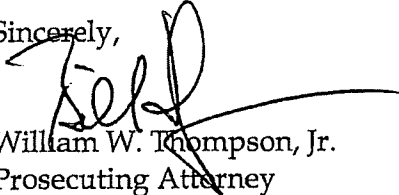
It is also our determination that this homicide is justifiable under the provisions of Idaho Code 18-4001(3) in that the deputies had probable cause to believe that Michael Trappett was suspected of the commission of a felony (as described above) and that Michael Trappett posed a threat of death or physical serious injury to the deputies and potentially to third parties at the residence.

As part of our review, we have explored whether alternative, less-than-lethal options were available. Based on the review of the body cam videos and the interviews of those involved, it is our conclusion that the use of deadly force was the most viable option. Although at least one of the deputies possessed a taser device, Michael Trappett was wearing heavy winter clothing and the deputies' training and experience told them that the taser was unlikely to have any effect. The deputies also had "impact" weapons such as batons, but in order to utilize them, they would have had to get within immediate striking distance of Michael Trappett and knife that he was holding.

Based on the above, we have concluded our review of this officer involved shooting and closed the referral. We encourage anyone interested in the details to make appropriate public records requests to the Lewiston Police Department. We note, however, that the nature of some of the materials are such that they may not be available through a public records request as constituting an unwarranted invasion of personal privacy under the provisions of Idaho Code 74-124. Legal Counsel for the City of Lewiston may also identify other bases impacting what materials can be made available to the public.

If you have any questions, please let us know. Thank you for your patience and diligence.

Sincerely,



William W. Thompson, Jr.  
Prosecuting Attorney

WWT/sao