



April 22, 2022

**RE: Officer Involved Shooting**

The Iowa Division of Criminal Investigation has conducted an investigation of an officer-involved shooting that occurred in Waterloo, Iowa on November 16, 2021. The shooting occurred in the 200 block of Madison Street at approximately 3:34 a.m. The subject, Brent J. Boggess (“Boggess”), was fatally shot after he evaded multiple police units during a nine-minute pursuit through the Maywood and Highland/City View neighborhoods of Waterloo. Officer Ken Schaaf, discharged his firearm after Boggess rammed his truck into a police patrol vehicle.

**FACTUAL BACKGROUND**

The facts, as confirmed by the Iowa DCI’s investigation, are as follows:

**A. Initial Incident: Boggess’ Attempt to Strike a Marked Patrol Unit**

On the date in question, at approximately 3:23 a.m., a Waterloo Police Office initiated a brief pursuit after Boggess attempted to hit his patrol unit with his 2001 Chevrolet Silverado. Boggess fled the scene of the initial incident in his truck, but he was quickly located at the intersection of Madison Street and Arizona Street in the Highland/City View neighborhood of Waterloo.

**B. Evading Officers Through Residential Neighborhoods**

**316 EAST 5<sup>TH</sup> STREET, SUITE B-1, WATERLOO, IA 50703**

As the officer approached Boggess' parked vehicle and activated his lights, Boggess put his vehicle into gear and accelerated toward the officer, squealing his tires. The Officer radioed that Boggess "is going to hit me." Boggess then promptly braked, changed directions, accelerated forward through the residential neighborhood and onto a front lawn. Boggess proceeded through the side lawn of the property and toward an alleyway. Thereafter, Boggess reentered the roadway and drove his vehicle at a high rate of speed directly at the officer. Boggess swerved aggressively toward him, who radioed that Boggess was "coming head on to me." The officer took evasive maneuvers at the intersection of Madison Street and Colorado Street and avoided a collision. Boggess, whose driver's side window was down at the time, yelled incomprehensibly at the officer as he sped past.

Boggess then quickly reversed his truck again and brought his vehicle to a stop near the officer's patrol vehicle. At that point, Boggess called for the officer to "come here" and indicated toward the officer, apparently suggesting that the officer exit his patrol unit. Boggess, who appeared to be in an erratic and elevated state, then yelled a string of obscenities toward law enforcement and instructed the officer to "Stay the fuck off me!" Moments later, Boggess again sped away from from the officer.

Additional police officers began to assist as Boggess continued to evade law enforcement. A chase ensued that led officers through the streets of both the Highland/City View and Maywood neighborhoods, including the areas of the Woodland Terraces mobile home park, the Eastgate Estates mobile home park, and Highland Elementary School.

At several points during the episode, Boggess briefly stopped his vehicle as uniformed officers approached on foot. However, upon hearing orders from law enforcement to stop his vehicle and put his hands up, Boggess ignored the instructions and reinitiated the pursuit by rapidly

accelerating away from the scenes. On separate occasions, officers approached Boggess as he slowed or stopped his truck; these officers then gave instructions for Boggess to stop. Boggess did not comply with those instructions at any point. Following a particularly close encounter with Boggess' truck another officer returned to his vehicle and radioed to other units that law enforcement should proceed with caution as the subject was "dangerous."

Boggess continued to elude Officers through several residential areas and yards, including leading officers into the Woodland Terraces mobile home park. At approximately 3:27 a.m., Boggess proceeded from Independence Avenue onto Rome Avenue, southbound, at a high rate of speed. Upon reaching the dead end of Rome Avenue in Woodland Terraces, Boggess drove his truck offroad, into a wooded area and through the backyards of several mobile homes. A separate officer pursued Boggess proceeded in his truck through the dirt paths, dike, and waterway behind Woodland Terraces, eventually emerging at the fence line behind Highland Elementary School. From there, Boggess drove into the Eastgate Estates neighborhood and continued evading Officers.

Because of the erratic and unpredictable nature of Boggess evasion, no single officer was able to track Boggess for the entirety of the nine-minute chase. Various Officers were able to follow Boggess for portions of the pursuit, and they narrated the subject's position and actions to fellow members of law enforcement. Notably, officers had communicated over radio about Boggess' repeated attempts to ram law enforcement with his truck.

### **C. Conclusion of Chase Near Madison Street**

At approximately 3:33 a.m., Boggess led officers down Arizona Street, southbound, where Boggess struck a parked car. Boggess then proceeded down a nearby alley in the 200 block between Madison Street and Monroe Street. Stop sticks were deployed near the location, and Boggess slowed his vehicle. Boggess eventually stopped and reversed his truck toward and officer,

in an apparent attempt to continue to evade Officers. At approximately the same time an officer approached the subject from the front.

Officers closed in on Boggess' position and instructed him to "stop" and "put the [truck] in park." Immediately thereafter, Boggess rapidly accelerated at law enforcement and rammed his truck into the officer's patrol vehicle. As Boggess accelerated toward the officer, Officer Schaaf discharged his firearm 6 times, striking Boggess.

#### **D. Involvement of Officer Schaaf**

Officer Schaaf became aware of the Boggess scenario at approximately 3:23 a.m., in response to radio communications. Upon hearing the reports, Officer Schaaf and several other units proceeded toward the Highland/City View area, where Boggess originally attempted to ram an officer. At the time of the initial report, Officer Schaaf was in his patrol unit located at George Washington Carver Academy in the Good Shepard/Gates Park neighborhood.

Officer Schaaf was privy to the radio communications among law enforcement about the situation, including reports that Boggess had repeatedly attempted to hit law enforcement with his truck as he evaded through residential neighborhoods. Officer Schaaf reached the pursuit at approximately 3:28 a.m., shortly after Boggess fled offroad behind Woodland Terraces. Officer Schaaf followed other patrol units through the grassed area, dirt path, dike, and waterway in pursuit of Boggess. Officer Schaaf announced Boggess' position over radio and made chase through the area. At this time many other units were attempting, unsuccessfully, to stop Boggess.

At approximately 3:30 a.m., Officer Schaaf observed Boggess driving on a residential lawn and slow his truck. Officer Schaaf prepared to exit his patrol unit to attempt contact with Boggess, who then pulled forward, turned sharply, and accelerated away from Officer Schaaf. He continued the vehicle pursuit along with other units. Officer Schaaf was in close proximity at the time Boggess

struck a parked car, and he soon after positioned himself in the alley in the 200 block between Madison Street.

At approximately 3:33 a.m., Officer Schaaf proceeded to the north side of 226 Madison Street and exited his vehicle as he warned a neighbor and onlooker, “Go inside, it’s not safe.” Officer Schaaf then approached the alleyway from the north on foot, as various law enforcement attempted to speak with Boggess. As Officer Schaaf approached, he could overhear officers pleading with Boggess to “Stop!” while Boggess revved his truck and refused law enforcement’s instructions.

At approximately 3:34 a.m., Officer Schaaf had a direct line of sight on Boggess, who was the sole occupant of his truck. At the time officers were attempting to reason with or negotiate with Boggess, commanding him to “Put the [truck] in park,” to “Stop,” and to “Hold up!” These attempts were, once again, unsuccessful.

An officer then began to position his vehicle and attempt to block Boggess in place. Boggess then rapidly accelerated forward, as before. Boggess spun his tires, kicked up rocks, and fishtailed slightly as he fully accelerated toward law enforcement. Boggess ultimately rammed his truck into the officer’s patrol vehicle. In response, Officer Schaaf drew his firearm and fired 6 shots at Boggess through the truck’s windshield.

Boggess eventually exited his vehicle as law enforcement approached on foot. Boggess collapsed shortly thereafter, and officers checked him for injuries. An ambulance was then requested as officers performed lifesaving measures. Boggess was transported to the hospital by ambulance, where he was pronounced dead.

## **LEGAL ANALYSIS**

### **A. Iowa Law Regarding “Reasonable Use of Force”**

**316 EAST 5<sup>TH</sup> STREET, SUITE B-1, WATERLOO, IA 50703**

Under Iowa law, a person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any actual or imminent use of unlawful force. Further, a person who reasonably believes that a forcible felony is being perpetrated or imminently will be perpetrated is justified in using reasonable force, including deadly force, against the perpetrator or perpetrators to prevent or terminate the perpetration of that felony. The law applies equally to members of law enforcement. In order to be justified, the force used by an officer must have been reasonable. “Reasonable force” is that force which a reasonable person, in like circumstances, would judge necessary to prevent an injury or loss. “Reasonable force” includes deadly force, provided that it is reasonable to believe that such force is necessary to resist a like force or threat.

Use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances. Federal Courts have observed that such a standard is appropriate because it embodies an allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

### **B. Legal Conclusion**

After a review of all the evidence, it is the opinion of this Office that Officer Schaaf was justified in his use of force on November 16, 2021. Boggess’ initial encounter with law enforcement and the ensuing nine-minute, multi-vehicle pursuit through residential areas of Waterloo demonstrate that Boggess presented a substantial risk to himself, Officers, and to the community. Boggess’ repeated attempts to deliberately ram law enforcement with his truck establish that Boggess had a reckless and wanton disregard for the lives and safety of himself and

others. The evidence demonstrates that Boggess, quite unfortunately, could not and would not be reasoned with, even while Officers attempted diligently to speak with Boggess, in hopes in getting him out of his vehicle and ending the pursuit without any use of force.

Rather than voluntarily surrendering to law enforcement, Boggess apparently “baited” officers to exit their patrol units and approach him on foot. When officers did so, Boggess quickly accelerated his truck, putting the officers at significant risk of bodily harm. In addition, Boggess’ protracted attempts to elude police through residential neighborhoods, front yards, back yards, and alleyways, demonstrated his unambiguous disregard for the safety of others. Officers reasonably concluded that Boggess would not cease his evasive actions without the use of force. To put it another way, it was reasonable for law enforcement to conclude that use of force was necessary and a measure of last resort to end the vehicular chase.

Officer Schaaf’s understood the risks posed by Boggess and was reasonably informed by both (i) the radio communications from his fellow Officers that he overheard, and (ii) his firsthand observations of Boggess’ conduct. As Officer Schaaf approached the alleyway on foot toward the end of the pursuit, various WPD Officers were attempting to speak with Boggess, pleading with Boggess to “Stop!”

The evidence shows that Boggess then rapidly accelerated forward and struck an officer’s occupied vehicle.. This use of a firearm was a reasonable use of force in the circumstances. Officer Schaaf’s actions were necessary to avoid injury or any further risk to both life and safety. Video evidence also confirms that Boggess’ truck did not relent until after Officer Schaaf used force and effectively neutralized the threat.

The evidence demonstrates that Boggess was repeatedly willing to use his truck to endanger law enforcement and to evade using any path necessary, regardless of the consequences.

Bogges repeatedly used his vehicle to threaten and attempt to ram law enforcement during the same nine-minute chase and also hit a parked car in his attempt to avoid arrest. The record demonstrates that so long as Bogges was in and operating his vehicle at the time in question, he posed a deadly threat to the community and officers.

Officer Schaaf's use of force was both reasonable and consistent with the standards set forth by the U.S. Supreme Court and Iowa Code. An objective person in Officer Schaaf's position would feel the need to use deadly force to prevent significant injuries.

### **IOWA ATTORNEY GENERAL REVIEW**

The Iowa Attorney General's Office will do a separate and distinct analysis of this matter. The Black Hawk County Attorney's Office will have no comment until the Iowa Attorney General's Office has announced their decision.



---

Brian Williams  
Black Hawk County Attorney