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NEWS RELEASE

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Wendy J. Olson, United States Attorney for the District of Idaho, and Jay Kiiha, Valley County Prosecuting Attorney, Jointly Announce Criminal Charges Not Warranted in FBI Agents' shooting of James DiMaggio Last August

Agents helped rescue sixteen-year-old hostage from remote campsite near Morehead Lake

Based upon the information reviewed from the FBI Inspection Division Shooting Incident Inquiry, including the Autopsy Report and Post-Rescue Interview of the sixteen-year-old victim, and evidence gathered by the Valley County Sheriff's Office, the United States Attorney's Office for the District of Idaho, the Civil Rights Division of the United States Department of Justice, and the Valley County Prosecuting Attorney's Office have determined that the shooting by FBI Hostage Rescue Team agents on August 10, 2013, near Cascade, Idaho, resulting in the death of James DiMaggio, does not warrant federal or state criminal prosecution.

The United States Attorney's Office and the Civil Rights Division have concluded that the evidence is insufficient to support a determination that there was a violation of the federal criminal civil rights statutes and that a federal criminal investigation is unwarranted. The Valley

County Prosecuting Attorney's Office has determined that the FBI Hostage Rescue Team agents used reasonable force in defending themselves and/or another as relating to the death of Mr. DiMaggio.

In early August 2013, DiMaggio kidnapped a sixteen year-old- girl after killing members of her family in Boulevard, California. Pursuant to local tips on August 8 and 9, a law enforcement airplane located DiMaggio and his hostage on August 10 at a campsite near Morehead Lake, approximately forty miles from Cascade, Idaho.

Hostage Rescue Team agents were taken by helicopter and dropped within hiking distance of the campsite. They hiked to the campsite, tactically surrounded it, and began to close in through a wooded area to attempt to arrest the subject and rescue the hostage. The wooded area was steep, and the terrain difficult to negotiate. The airplane remained above the campsite and provided its observation of the activities of the subject and his hostage to the Hostage Rescue Team. Infrared video recorded from the airplane showed the arrest and rescue, including an overhead view of the action of the individuals involved and the heat from the shots that were fired.

Some of the Hostage Rescue Team agents moved in when it was reported that DiMaggio was separated from the hostage. When several agents got within approximately 100 yards of the subject, DiMaggio fired two rifle shots. Two agents, who could see DiMaggio and were directly within his firing line, believed DiMaggio was shooting toward them. The two agents returned fire, striking DiMaggio multiple times. A third agent found and safely removed the hostage.

Under federal law, in determining whether a law enforcement officer has willfully used more force than is necessary, prosecutors examine all of the facts and circumstances from the perspective of a reasonable law enforcement officer. Based on the consistent evidence gathered during the FBI's shooting incident review and the Valley County Sheriff's Office investigation, both the U.S. Attorney's Office and the Civil Rights Division have concluded that it cannot be established beyond a reasonable doubt that either Hostage Rescue Team agent acted willfully, intending to violate the law, when they fired at DiMaggio. Accordingly, the U.S. Attorney's Office and the Civil Rights Division decline to pursue any prosecution or further investigation of the agents.

Under Idaho State Law, force that a person may lawfully use in self-defense is limited by what a reasonable person in the same situation would believe to be necessary. A person may act in self-defense if a reasonable man, in the same situation, would be justified in believing himself in danger. As such, the Valley County Prosecutor's Office declines to pursue any further prosecution or investigation of the agents.

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