

# **MID-YEAR REPORT**

**2000**



**January 1, 2000 - June 30, 2000**

# **Community Ombudsman's Report**

## **For The Six Months Ending June 30, 2000**

### Introduction

This report is the first report from the Office of the Community Ombudsman that covers a full six months of operation. Our 1999 year-end report covered only three months of full operation. This report will follow the same format established in our previous report. Because the Office of the Community Ombudsman was only operational for the last three months of 1999, this report will not contain any 1999 comparative data. We intend on including a comparison between the first and second halves of this year in our year-end, 2000 annual report. From that point forward, our reports will contain comparative data.

The following areas are covered:

- The mission and guiding principles of the Office of the Community Ombudsman
- Staff training and development
- Citizen contacts and complaint patterns
- Findings
- Review of internal police investigations
- Policy and training recommendations
- Community outreach
- Mediation
- Critical incidents
- False complaints

### Mission

The Office of the Community Ombudsman exists to promote public confidence in the professionalism and accountability of Boise City's police and law enforcement employees through unbiased investigation of citizen complaints, independent review of police actions, thoughtful policy recommendations, and on-going public outreach.

### Guiding Principles

The operating philosophy of the Office of the Community Ombudsman consists of the following guiding principles under which we strive to achieve our mission.

1. We believe in providing equal, fair, and impartial access to the services of the Office of the Community Ombudsman; without regard to age, race, gender, creed, color, nationality, or station in life.

2. We believe in treating all individuals, regardless of their attitude or demeanor, with the same courtesy, tolerance, sensitivity, and dignity we would expect if placed in a similar situation.
3. We believe in providing quality, timely, objective, and responsive service to those persons who request the assistance of the Office of the Community Ombudsman.
4. We believe in the empowerment of people to solve problems, provide service, and satisfy the needs of the community, coupled with accountability and responsibility for their conduct.

### Staff Training and Development

On April 4, 2000 the City Council confirmed the appointment of Ms. Vicki Kuebler as investigator/analyst for the Office of the Community Ombudsman. Ms. Kuebler began work with the Ombudsman's Office on April 19, 2000. Since then, Ms. Kuebler has been given responsibility for fielding all incoming contacts for the Office of the Community Ombudsman, including conducting interviews with citizens who are filing commendations, inquiries, or complaints with the office. Ms. Kuebler also assisted in developing the auditing process for reviewing completed Boise Police internal investigations. She now is responsible for conducting these audits and summarizing her findings for review by the ombudsman.

During the first half of this year, the ombudsman, Pierce Murphy, attended over 100 hours of training. Mr. Murphy attended the following training sessions and conferences:

- "Law Week" conducted by the Idaho Peace Officer Standards and Training Commission. This comprehensive course covered constitutional issues of search and seizure, rights of arrestees, laws of arrest, rules of evidence, state criminal codes, state liquor laws, and state motor vehicle codes.
- "Interviewing and Interrogation Techniques."
- "Scientific Content Analysis."
- "Auditing Police Internal Investigations."
- Annual Training Conference of the United States Ombudsman Association.
- "Police Leadership in the 21<sup>st</sup> Century" at the Southwest Law Enforcement Institute.

During the same period, Ms. Kuebler attended over 80 hours of training, including:

- "Law Week" conducted by the Idaho Peace Officer Standards and Training Commission.
- "Scientific Content Analysis."
- "Microsoft Access Database Training."

## Citizen Contacts

The Office of the Community Ombudsman tracks the number of contacts made by members of the public with our office, whether by telephone, e-mail, letter, or in person. The following is a breakdown of those contacts, first by month and then by type of contact.

<u>Month</u>	<u>Number of Contacts</u>
January	198
February	211
March	169
April	160
May	165
June	163
	_____
Six month total	1,066

Note: The statistical data found throughout this report are displayed graphically in Appendix A of this report.

<u>Type of Contact</u>	<u>Number of Contacts</u>
Commendation/allegation/inquiry	217
Immediate referral to other agency	49
Informal inquiry and follow-up	66
Other	734
	_____
Total contacts	1,066

The ombudsman, or a member of his staff, personally handled all contacts categorized as “informal inquiries and follow-up.” Typically these contacts involved questions about the status of a specific police investigation or a request for police service (e.g., towing of an abandoned vehicle) that could be immediately referred to the appropriate police resource. The citizens we dealt with in these informal contacts often did not know where else to call, or had become

frustrated in their attempts to find the right person to help them. In this way, we believe that the Office of the Community Ombudsman plays a value-added role in serving the community.

The category of “other” includes all requests for general information about police policy and procedures, requests for information about the Office of the Community Ombudsman, requests for interviews and talks by the ombudsman, and opinions received from members of the public.

The Office of the Community Ombudsman between January 1, 2000 and June 30, 2000 opened two hundred, seventeen formal cases. The following is a breakdown of these cases as filed by month.

<u>Month</u>	<u>Number of Formal Cases</u>
January	43
February	46
March	28
April	25
May	31
June	44
	—————
Total	217

One hundred, ninety-three of these formal cases fell within the jurisdiction of the ombudsman, while the remaining involved officers or employees who were not Boise City employees. These 24 cases were referred to the agency that employed the person involved.

The following table shows how many formal cases were opened for each of the three agencies that fall under the oversight jurisdiction of the Office of the Community Ombudsman.

<u>Agency</u>	<u>Number of Formal Cases</u>
Boise Police	189
Boise Airport Police	3
Boise City Code Enforcement	1
Other Agencies	24
	<hr/>
Total cases	217

### Outside Police Agencies

The 24 commendations, allegations, and inquires which were referred to other agencies were initially presented to us as involving the Boise City Police. It was only after a preliminary investigation that the ombudsman was able to determine that the employee(s) worked for a different jurisdiction. Because the Office of the Community Ombudsman is only authorized to act on complaints made against police and law enforcement employees of Boise City, we were required to refer the complainant to another agency. In order to facilitate such referrals, the Office of the Community Ombudsman has working agreements with a number of other agencies for the referral of complaints and inquiries.

### Numbers of Commendations, Allegations, and Inquiries

Often times, a single case, be it a commendation, a complaint, or an inquiry, can involve more than one officer, or more than one allegation against a single officer. For this reason, the Office of the Community Ombudsman counts each officer named in a commendation, complaint, or inquiry and each allegation (if it is a complaint) made against an officer.

The following sections contain statistics linked to each commendation, allegation, or inquiry handled by the Office of the Community Ombudsman for the Boise Airport Police, Boise City Code Enforcement, and the Boise Police Department.

### **Boise Airport Police**

The Office of the Community Ombudsman is authorized to investigate complaints made against employees of the Peace Officers Division of the Boise Airport. These officers are not members of the Boise City Police Department, but have full police powers and are responsible for law enforcement activities in and around the Boise Airport.

During the first six months of 2000, we received a total of three contacts involving members of the Airport Police. Two of these contacts were inquires regarding the application of policy

and/or procedures governing the activities of the Airport Police. The third contact was a complaint in which it was alleged that three officers had used excessive and/or unnecessary force during an arrest at the airport.

The Office of the Community Ombudsman conducted informal inquiries into the two policy questions and provided answers to the citizens who had contacted our office. The ombudsman investigated the use of force complaint and issued findings (see “Findings” section, below).

### **Boise City Code Enforcement**

Boise City employees who function as Code Enforcement Officers also fall under the review authority of the Office of the Community Ombudsman. During the six-month period between January 1, 2000 and June 30, 2000, we handled one inquiry regarding the activities of a code enforcement officer. We responded by researching the officer’s duties and encouraging a dialogue between the citizen who contacted us and the person who manages the code enforcement function.

### **Boise City Police Department**

Out of the 217 formal cases opened by the ombudsman, 189 were about the Boise Police Department (BPD) or its employees.

Nineteen of the BPD related contacts were from citizens wishing to commend a Boise Police officer for his or her actions. These officers had shown exceptional courtesy, diligence to duty, or thoughtfulness. The ombudsman sent a letter to the officers thanking them for their service to our community. A copy of each commendation letter was sent to the chief of police for his information and to be placed in the employee’s personnel file.

One case was related to the critical incident (officer involved shooting) that took place on June 12, 2000. Boise City code requires that the ombudsman conduct an investigation into every critical incident. The opening of a case does not necessarily mean that any complaint was filed in relation to a critical incident.

One hundred, twenty-five of the 183 BPD related contacts were classified as inquiries. Three were appeals by citizens of findings already issued by the police department in response to a complaint filed. The remaining 41 were classified as complaints. A complaint is defined as an allegation of officer behavior that, if it were true, would be a violation of either police department policies, procedures, or law.

The 189 BPD cases contained a total of 232 separate commendations, complaint allegations, or inquiries.

The 19 commendation cases opened during the period dealt with commendations for 25 individual officers. The three appeals contained four separate allegations and the 41 complaint cases involved 77 allegations.

Of the 77 BPD related complaint allegations filed during this period, 22 were classified as Class I allegations and 55 were classified as Class II. Class I allegations involve policy violations and/or criminal activity that, if proven true, could result in discipline or termination of employment for the employee. Class II allegations involve minor policy violations such as rudeness or failure to follow proper procedures.

<u>Classification</u>	<u>Number of Commendations/Allegations/Inquiries</u>
Complaint – Class I	22
Complaint – Class II	55
Appeals	4
Inquiries	125
Commendations	25
Critical Incident	1
	<hr/>
Total	232

These 232 commendations, allegations, and inquiries were also analyzed according to division and shift. The following table shows how many were received for each of the three Patrol Division shifts, the Criminal Investigations Division (CID), and the Administrative Division.

<u>Division</u>	<u>Number of Commendations/Allegations/Inquiries</u>
Patrol – day shifts	28
Patrol – swing shifts	30
Patrol – night shifts	30
CID (detectives)	14
Administrative	5
Unknown	61
Not Applicable	64
	<hr/>
Total	232

We also analyzed these 232 commendations, allegations, and inquiries by the nature of the commendation, allegation, or inquiry (type).

<u>Type</u>	<u>Number</u>
Officer conduct	89
Service quality	60
Policy questions/comments	37
Commendations	25
Use of force	12
Abuse of authority	4
Harassment/non-racial	4
Critical incident	1
	<hr/>
Total	232

A synopsis of each BPD commendation, allegation, or inquiry filed with the Office of the Community Ombudsman can be found in Appendix B of this report. These synopses are grouped by type.

### Findings

Inquiries and commendations do not require the ombudsman to issue a formal finding. Only complaints (Class I and Class II), critical incidents, and appeals require that an ombudsman's finding be issued. This means that 89 allegations, appeals, and critical incidents from the first six months of 2000, will eventually result in a finding. In addition, there were 22 allegations or appeals outstanding from 1999 for which findings could have been issued. Therefore, a total of 111 findings were possible during the first half of 2000.

The ombudsman issued 77 findings between January 1, 2000 and June 30, 2000. This includes findings for all 22 of the outstanding 1999 allegations and 55 of the new allegations filed in the first six months of 2000.

<u>Finding Categories</u>	<u>Number In Each Category</u>
Unfounded	32 ( 42%)
Exonerated	21 ( 27%)
Not sustained	6 ( 8%)
No finding	8 ( 10%)
Sustained	10 ( 13%)
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Total findings	77 (100%)

In 53 out of 77 findings (69%), the ombudsman found that the weight of the evidence (preponderance) showed that the employees either did not do what had been alleged (unfounded) or behaved in a manner that was consistent with both policy and law (exonerated). In six instances, the available evidence did not weigh heavily enough on either side to allow the ombudsman to either clear the employee or sustain the allegation. In these cases the ombudsman issued “not sustained” findings. A finding of “no finding” was issued in eight cases because the complainants either withdrew their allegations or would not cooperate with the investigation. The ombudsman issued ten “sustained” findings (13% of the total 77 findings issued). A sustained finding means that the ombudsman concluded that the employee’s behavior violated department policy or procedure. Definitions for the findings categories can be found in Appendix C of this report.

It should be noted that the sustained rate of 13% is relatively low. Accurate and reliable national statistics about other civilian oversight agencies are not readily available. However, anecdotal evidence indicates that sustained rates in other cities range between 10% and 20%. This places Boise at the lower end of the scale.

The following two tables separate the overall findings data between those issued in cases involving the Boise Airport Police and those involving the Boise Police Department:

### **Boise Airport Police**

<u>Finding Categories</u>	<u>Number In Each Category</u>
Unfounded	3 ( 43%)
Exonerated	4 ( 57%)
Not sustained	0
No finding	0
Sustained	0
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Total findings	7 (100%)

### **Boise City Police Department**

<u>Finding Categories</u>	<u>Number In Each Category</u>
Unfounded	29 ( 42%)
Exonerated	17 ( 24%)
Not sustained	6 ( 9%)
No finding	8 ( 11%)
Sustained	10 ( 14%)
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Total findings	70 (100%)

Findings from the ombudsman are advisory to the chief of police. When the ombudsman issues a finding, the entire investigative report is made available to the chief of police for his review and any action he determines is warranted. According to the protocol worked out between the Office of the Community Ombudsman and the Boise Police Department, the chief notifies the ombudsman whether or not he concurs with the ombudsman's finding. In the case of sustained findings, the chief also notifies the ombudsman if any disciplinary and/or corrective action has been taken.

The following is a summary of the responses of the chief of police to the ten sustained findings that were issued by the ombudsman during the first six months of this year:

Did The Chief Concur  
With the Sustained Finding?

Yes – 6

No – 4

Did The Chief Take Disciplinary  
Or Corrective Action?

Yes – 6

NA – 4

### Review of Internal Police Investigations

The city ordinance that established the Office of Community Ombudsman gives the ombudsman both the authority and the duty to monitor and audit internal Boise Police Department investigations. Formal auditing of completed police internal investigations began in May of this year.

In order to audit internal police investigations in a uniform and consistent manner, the Office of the Community Ombudsman developed an audit checklist. Using this checklist, a member of our staff evaluates each completed investigation on its thoroughness, objectivity, reasonability, and consistency.

During these two months, the Office of the Community Ombudsman audited a total of 14 completed internal police investigations. Thirteen of these were complaint investigations and one was a department-initiated investigation. It was the opinion of the ombudsman that each of the 14 audited cases met the criteria established for the audits. In one case, the ombudsman recommended that an inconclusive finding be changed to one in which the officer was exonerated. This recommendation was made on the basis of the evidence developed during the investigation.

### Policy and Training Recommendations

One of the most positive things that the Office of the Community Ombudsman can do is to recommend changes or improvements to police policies, procedures, and training. Given our mission to improve public confidence in the professionalism and accountability of the police, continuous improvement in police practices is a vital part of our strategy.

During the first six months of this year, the ombudsman forwarded nine separate recommendations to the chief of the Boise Police Department. Eight of these recommendations were the result of complaint investigations undertaken by the Office of the Community Ombudsman. The other two recommendations rose out of a complaint investigation completed by the Boise Police Department and reviewed by the ombudsman. The following is a brief synopsis of each situation, the ombudsman's recommendation, and the Boise Police Department's response.

1. Need For Legal Training – Entry Without A Warrant

*Situation:* Officers responded to a report of a large and noisy party in a residence. Juveniles were observed drinking beer in the house but refused to come out or allow police in. Some officers told those inside that they might face arrest on charges of delaying and obstructing an officer. The police did not have a search warrant.

*Recommendation:* That officers be given refresher legal training explaining that the exercise of one’s constitutional rights (in this case, a Fourth Amendment right against unreasonable search and seizure) cannot be the sole basis for a charge of resisting and obstructing an officer.

*Response:* BPD committed to issue a legal training bulletin covering this.

2. Need For Legal Training – Illegal Possession Of Alcohol By A Minor

*Situation:* Officers responded to a report of a large and noisy party in a residence. Juveniles were observed drinking beer in the house but refused to come out or allow police in. Some minors in the residence were arrested for illegal possession of alcohol for simply being inside a house where beer was being consumed by others and without any evidence that they had been drinking or had been seen with an alcoholic beverage.

*Recommendation:* That officers be given refresher legal training to clarify what constitutes “possession” for the purpose of charging a minor with illegal possession of alcohol.

*Response:* BPD committed to issue a legal training bulletin covering this.

3. Need For Legal Training – Use Of Miranda Warnings

*Situation:* Boise Police questioned a person, already in custody at the Ada County Jail, on a separate and unrelated matter. The officers did not advise the person of his right against self-incrimination and his right to have legal counseling before any questioning (“Miranda” warning). Subsequent legal research appeared to indicate that an in-custody interview, even if on unrelated charges, probably requires that the officer read the “Miranda” warning before questioning the person.

*Recommendation:* That BPD undertake legal research to verify that such a warning is required. Conduct appropriate training.

*Response:* BPD did conduct the recommended legal research and concluded that it was most prudent to have officers give the “Miranda” warning in similar situations. BPD committed to issue a legal training bulletin covering this topic.

4. Need For Review Of Existing Training – Use Of Force

*Situation:* An officer used force while attempting to prevent the escape of a person who was in custody for reasons other than a criminal offense. The ombudsman’s finding was

that the officer failed to cease the use of force once the person ended the resistance and was no longer in danger of escaping.

*Recommendation:* That the police department review its existing use of force training to determine if the principles of situation analysis, resource management, de-escalation, and re-evaluation are being adequately covered.

*Response:* BPD undertook an extensive review of its use of force training and implemented several changes to its training to help officers to respond more effectively to dynamic situations. These changes included an increased use of “scenario-based” training during mandatory annual refresher training for officers.

#### 5. Need For Training – Supervisor Response To Class I Complaints

*Situation:* A citizen complained to a police field supervisor about excessive use of force by an officer. The supervisor took the complaint and began an investigation (as required by policy), but did not follow other investigative procedures specified for a Class I complaint.

*Recommendation:* That supervisors be given some form of training on the investigative procedures they must follow when handling Class I complaints. It was further recommended that BPD consider requiring that supervisors immediately notify the Office of Internal Affairs every time that they receive a Class I complaint.

*Response:* Training was conducted with supervisors. BPD did not change its policy to require supervisors to immediately notify the Office of Internal Affairs every time that they receive a Class I complaint.

#### 6. Need For Policy Clarification – Mental Holds

*Situation:* In evaluating a person for a possible 24-hour mental hold (danger to self or others), an officer did not consult with the Mobile Crisis Unit prior to taking the person into custody and transporting to the hospital. A mental health professional from the Mobil Crisis Unit did perform an evaluation at the hospital. The ombudsman felt that the BPD policy governing the invoking of mental holds was somewhat confusing regarding whether an evaluation by a mental health professional was required before an officer could place that person into protective custody. State law does not require this, but the policy appears to. Common practice, however, among Boise officers was not to have an evaluation done in the field, but to place the person into custody and transport to the hospital for evaluation.

*Recommendation:* That BPD reviews its policy and reconciles any differences between the policy and common practice in the field.

*Response:* BPD did conduct a review of the policy and current practices by officers in the field. The conclusion by the department was that the policy and related procedures do not require that the Mobil Crisis Unit be consulted prior to taking a person into custody

on a 24-hour mental hold, only that the Unit be consulted at some point before the officer completes the process. No additional action was taken.

#### 7. Need for Policy Clarification – Handcuffing Hospitalized Prisoners

*Situation:* In investigating a complaint involving a person who was being held in custody at a hospital, the ombudsman detected what appeared to be a contradiction between the Boise Police Department’s policy against handcuffing prisoners to stationary objects and a procedure for restraining hospitalized prisoners.

*Recommendation:* That BPD resolves this contradiction in order to remove any possible confusion for officers.

*Response:* BPD added a reference to the policy manual that clarified the difference between field handcuffing and the use of handcuffs and so called “soft” restraints in a hospital setting.

#### 8. Need For Policy Change – Ride Along Program

*Situation:* In the course of investigating a complaint, the ombudsman noted that a supervisor assigned a citizen ride along with a probationary officer.

*Recommendation:* That probationary officers be excluded from being assigned a ride along.

*Response:* This recommendation was accepted and implemented by BPD.

#### 9. Need for Policy Change – Screening And Hiring Of New Officers

*Situation:* As a result of the arrest of a Boise Police officer in September of 1999, the ombudsman conducted a review of the BPD process used to screen and hire officers.

*Recommendation:* That several changes be made to the screening and hiring process, including:

- requiring written documentation of reasons why a person was recommended or not recommended for hire from all those involved in the decision making process.
- requiring that the chief be given all recommendations, regardless of whether they are supportive or against hiring, before he makes his decision.
- changing the probationary review process to require that the chief make the final decision on whether to end an officer’s probationary status and promote that officer to regular status.

*Response:* All three recommendations were accepted and implemented.

## Community Outreach

Community outreach for the Office of the Community Ombudsman has three goals:

- To listen to the needs, opinions, and concerns of the community so as to better serve them.
- To familiarize members of the public with the mission and services of the Office of the Community Ombudsman.
- To encourage and facilitate greater dialogue and collaboration between members of the Boise Police Department and the community they serve.

In service of these three goals, the ombudsman has engaged in a number of outreach activities during the first six months of 2000.

<u>Activity</u>	<u>Frequency</u>
Youth and schools	23
Service clubs	6
Professional organizations	4
Human rights/minority groups	8
Neighborhood associations	1
Church groups	2
	<hr/>
Total contacts	60

## Mediation

The Office of Community Ombudsman is authorized to develop a program of mediation for resolving certain citizen complaints about the police. During the first half of this year, we were fortunate enough to have the volunteer services of Ms. Terri McQuillan, a graduate student at the University of Idaho, Boise Center. As part of a practicum course, Ms. McQuillan conducted research and produced a plan for the implementation of mediation as a part of our complaint resolution process. We anticipate taking action on this plan during the second half of the year. It is our hope that, by the beginning of 2001, we will be able to offer mediation as an alternative for resolving certain minor complaints

## Critical Incidents

The ombudsman is required to be notified whenever deadly force is used by a Boise Police officer or when a serious injury results from the actions of an officer. On June 12, 2000 a critical incident did occur in which four Boise City Police officers fired their weapons. As a result of this critical incident, one person, the subject, died. No police officers or bystanders were injured.

As a result of this incident, it was the duty of the ombudsman to closely monitor the resulting criminal investigation of the incident by the Boise Police Department. The ombudsman also began his own, independent investigation of the incident, once the police investigation was completed. As of June 30, 2000, this investigation was still in progress.

## False complaints

Truthfulness is the foundation of the ombudsman's work. We seek to learn the truth and to use it for the improvement of our police and for the good of our community. We depend on all citizens who request our services to be honest and straightforward in what they tell us. Every complaint filed with our office is evaluated to ensure that the ombudsman's office is not being used for malicious or harmful purposes. If we were to receive an allegation that we believed the complainant knew to be false, we would refuse to take any action on that complaint. Willful and malicious false complaints involving serious allegations against an officer or an employee may also be referred to the appropriate law enforcement agency for review of any violation of state laws that prohibit the filing of false charges with a public agency.

During the first six months of the year, the ombudsman did not close any cases because they were false and no cases of false reporting were referred to law enforcement.

## Conclusion

The first half of the year 2000 has been a busy one for the Office of the Community Ombudsman. The number of contacts by members of the public continued to increase from the rate experienced in the last three months of 1999. On average, the ombudsman received 41 calls per week from the public. We opened an average of 8.5 cases each week that required some form of follow-up or investigation.

The hiring of our investigator/analyst, Ms. Kuebler, has helped to increase the efficiency of our case management process and has allowed us to begin auditing the Boise Police Department's completed internal investigations. The generous help provided to us by our practicum graduate student, Ms. McQuillan, enabled us to accomplish some important research on mediation and to begin planning the use of mediation in our complaint resolution process.

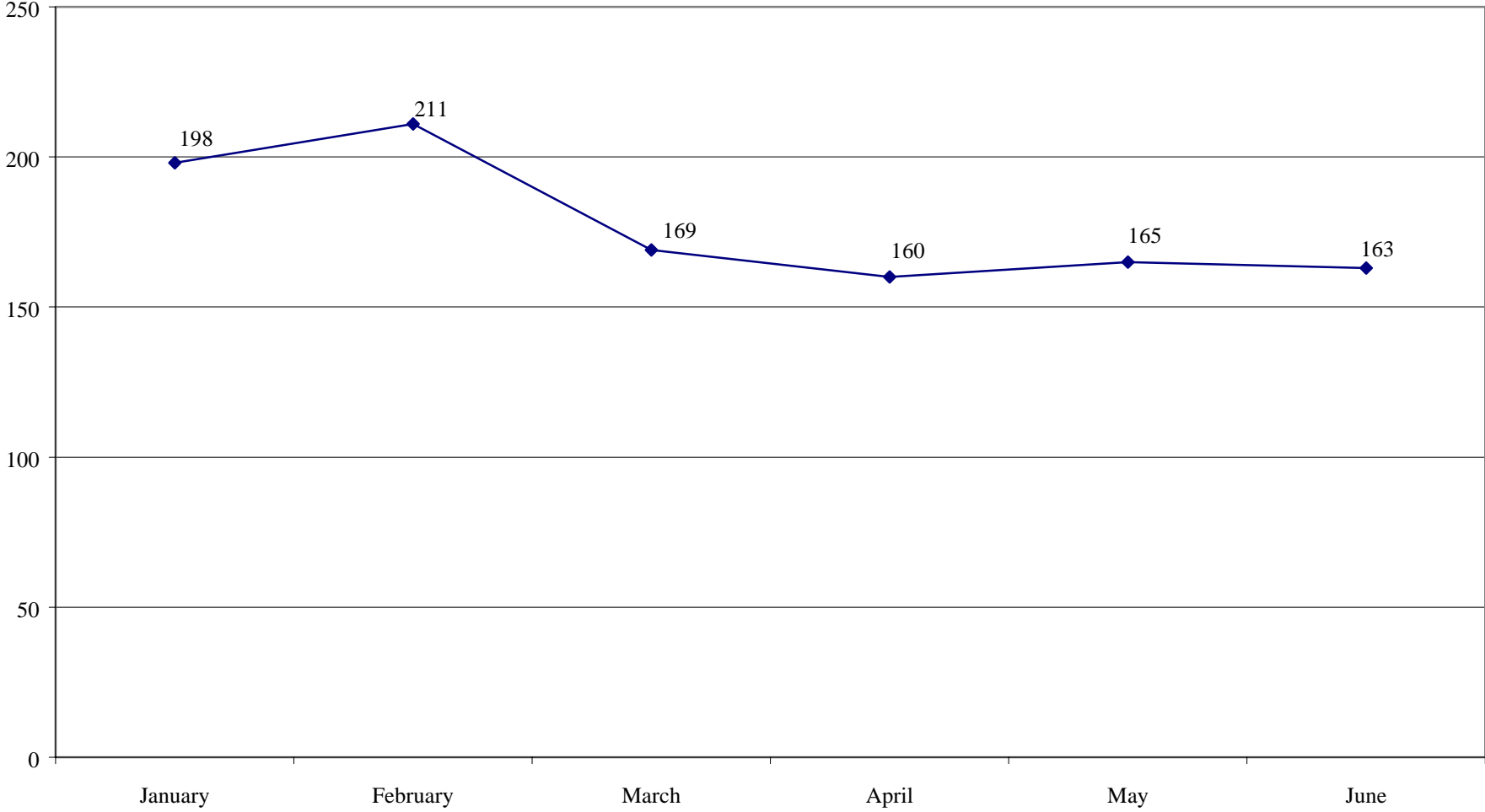
We are also grateful to the members of our community who took the initiative to contact us and to give us an opportunity to serve them. Their trust in us and in the Office of the Community Ombudsman is something we pledge to honor and to work diligently to keep.

# Appendix A

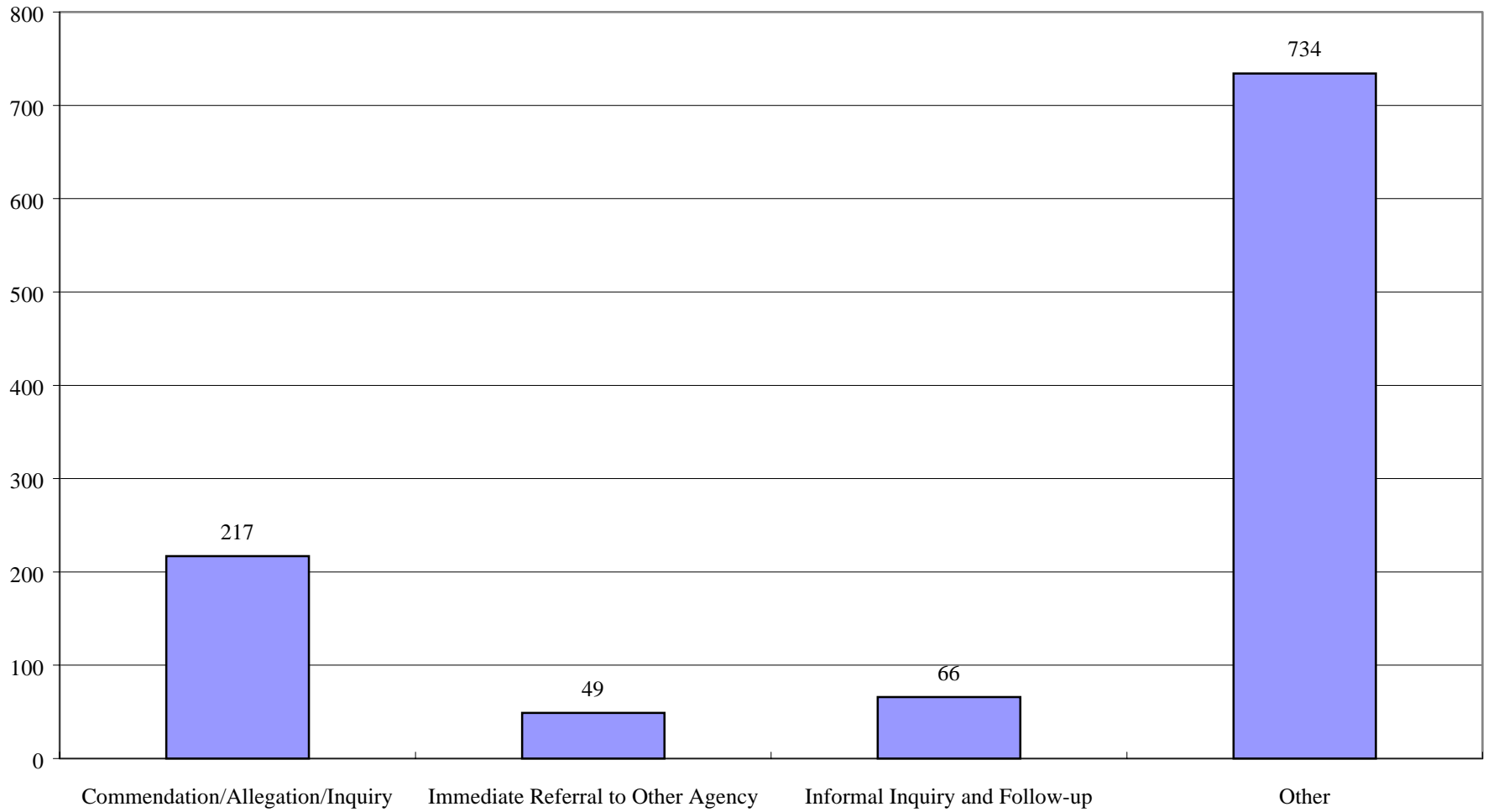


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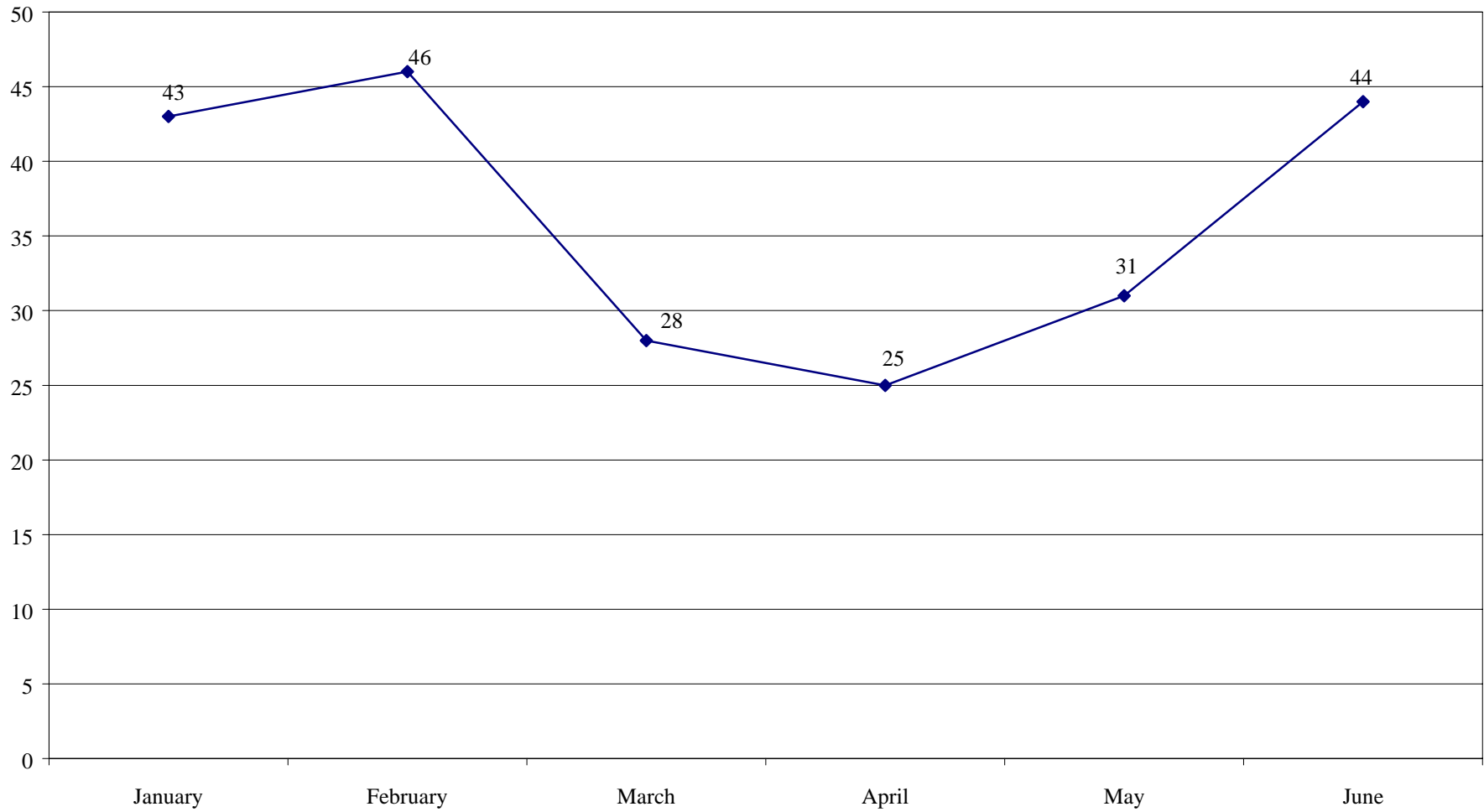
**Citizen Contacts With Ombudsman By Month**  
**January 1, 2000 - June 30, 2000**  
**Total = 1,066**



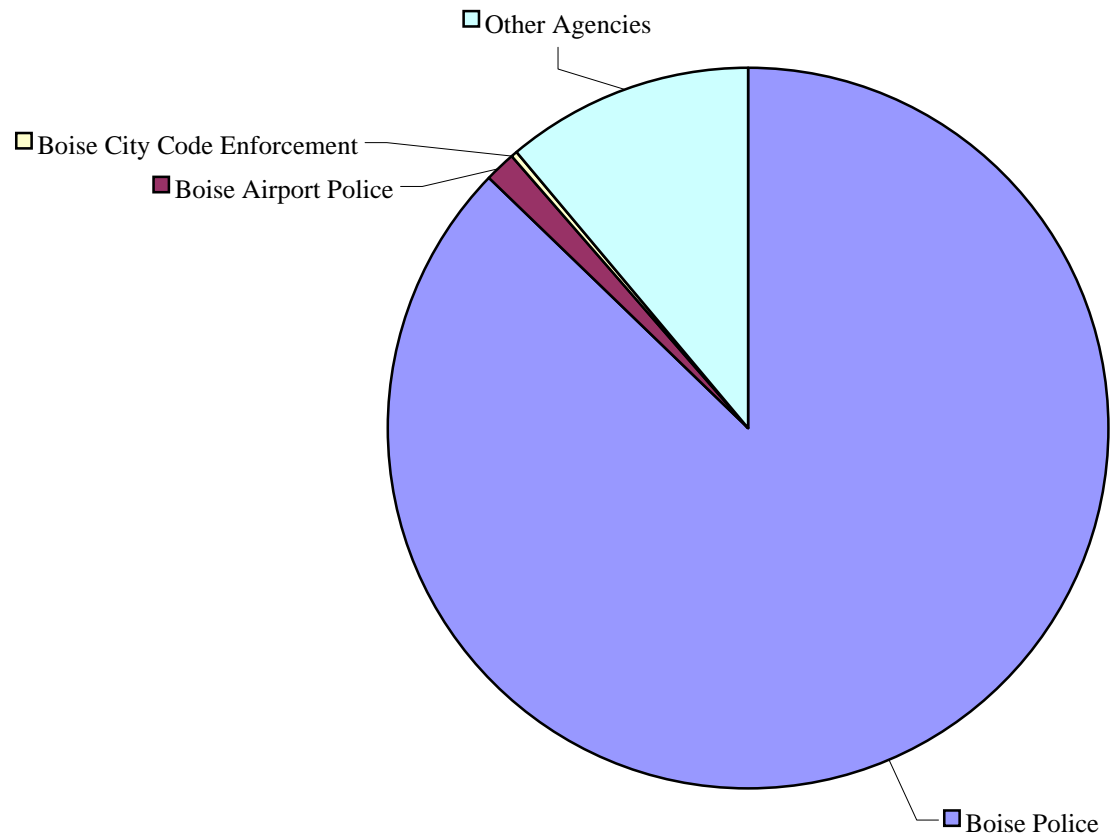
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**January 1, 2000 - June 30, 2000**  
**Total = 1,066**



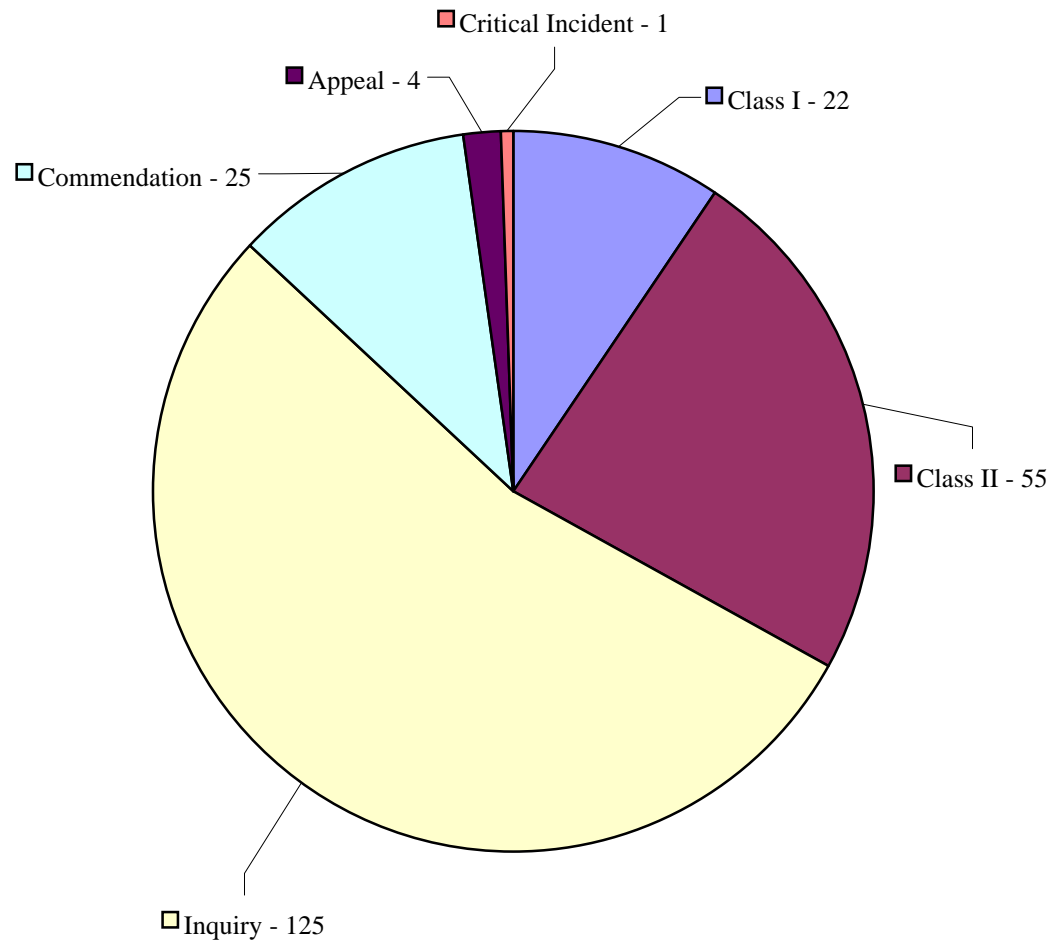
**Commendations/Allegations/Inquiries By Month**  
**January 1, 2000 - June 30, 2000**  
**Total = 217**



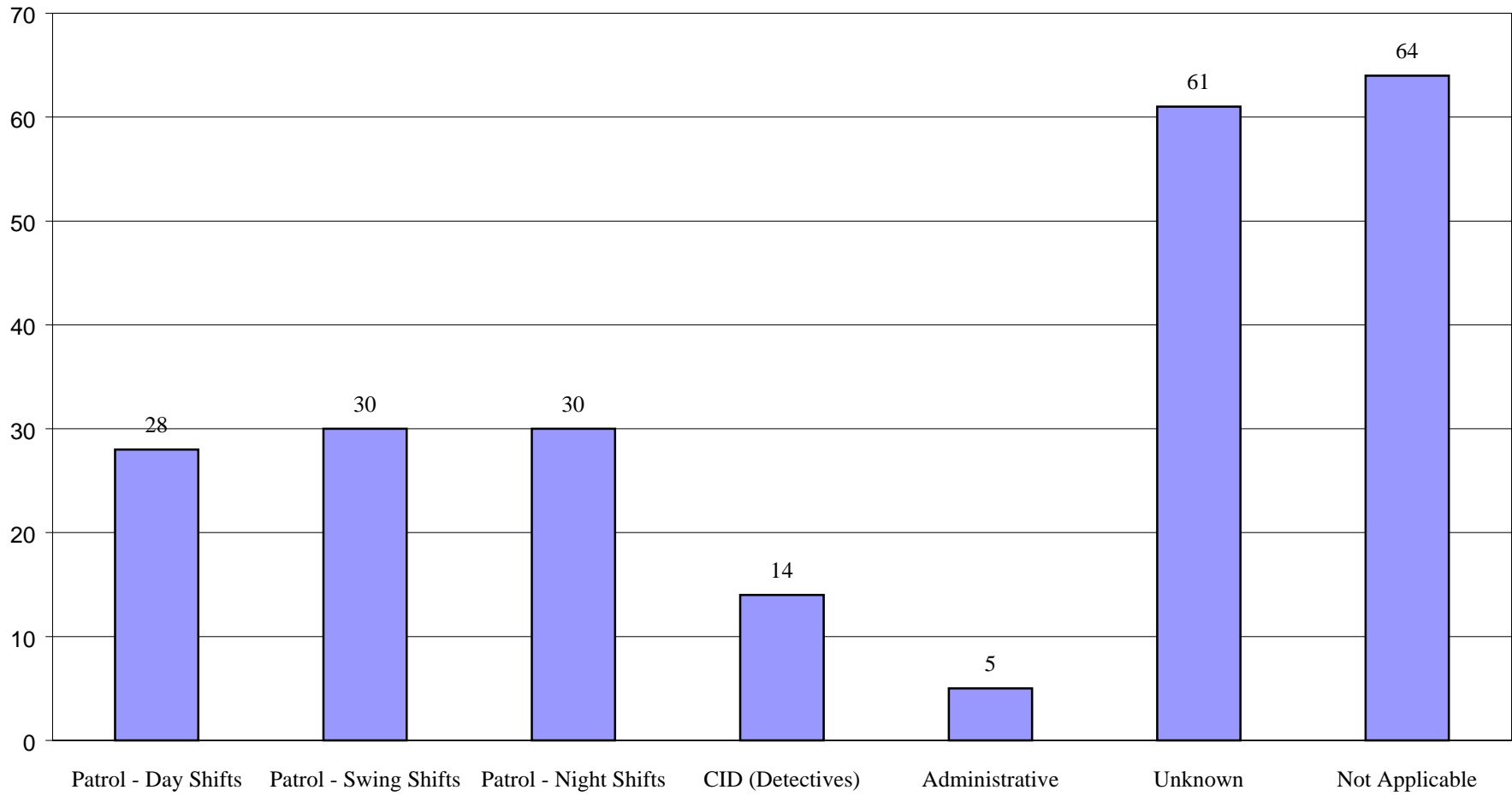
**Commendations/Allegations/Inquiries by Jurisdiction**  
**January 1, 2000 - June 30, 2000**  
**Total = 217**



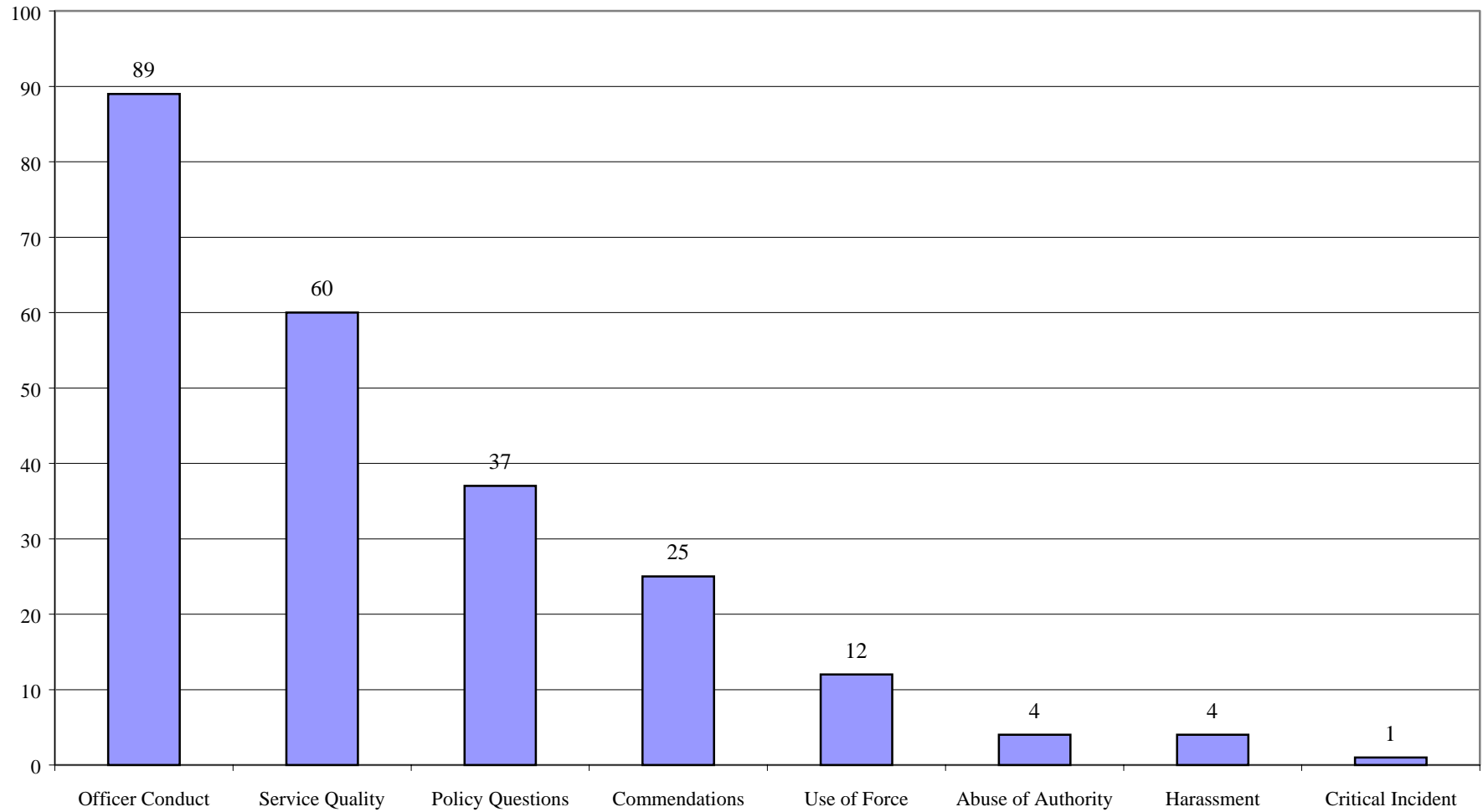
**Classification of Commendations/Allegations/Inquiries**  
**January 1, 2000 - June 30, 2000**  
**Total = 232**



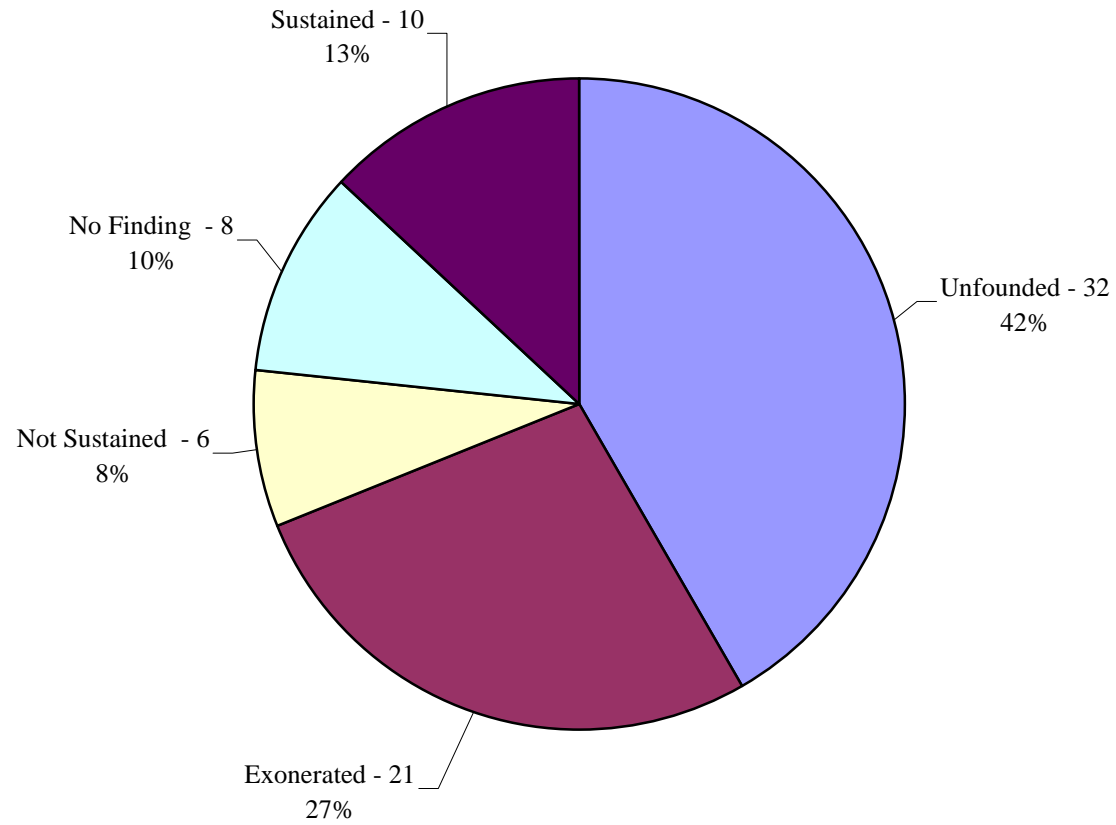
**BPD Commendations/Allegations/Inquiries  
by Division and Shift  
January 1, 2000 - June 30, 2000  
Total = 232**



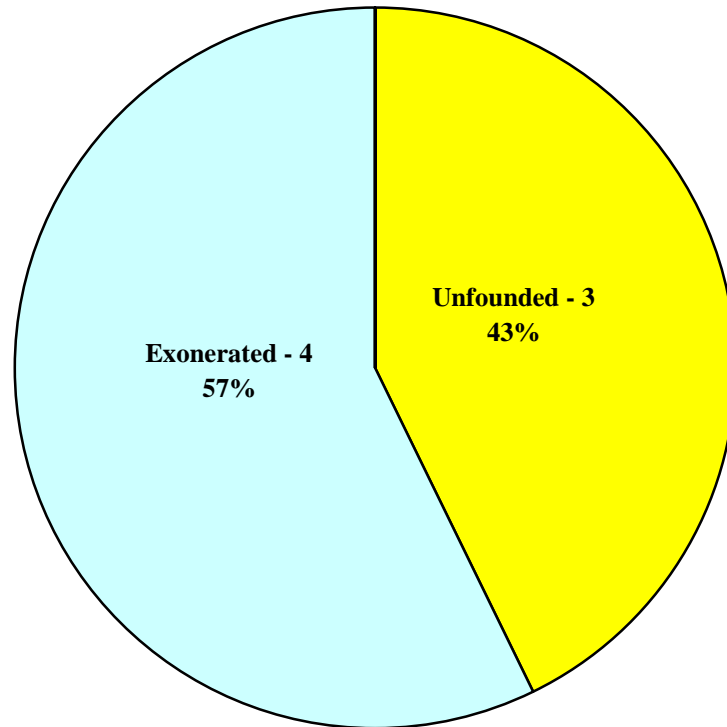
**Nature of Commendations/Allegations/Inquiries**  
**January 1, 2000 - June 30, 2000**  
**Total = 232**



**Overall Findings**  
**January 1, 2000 - June 30, 2000**  
**Total = 77 (100%)**

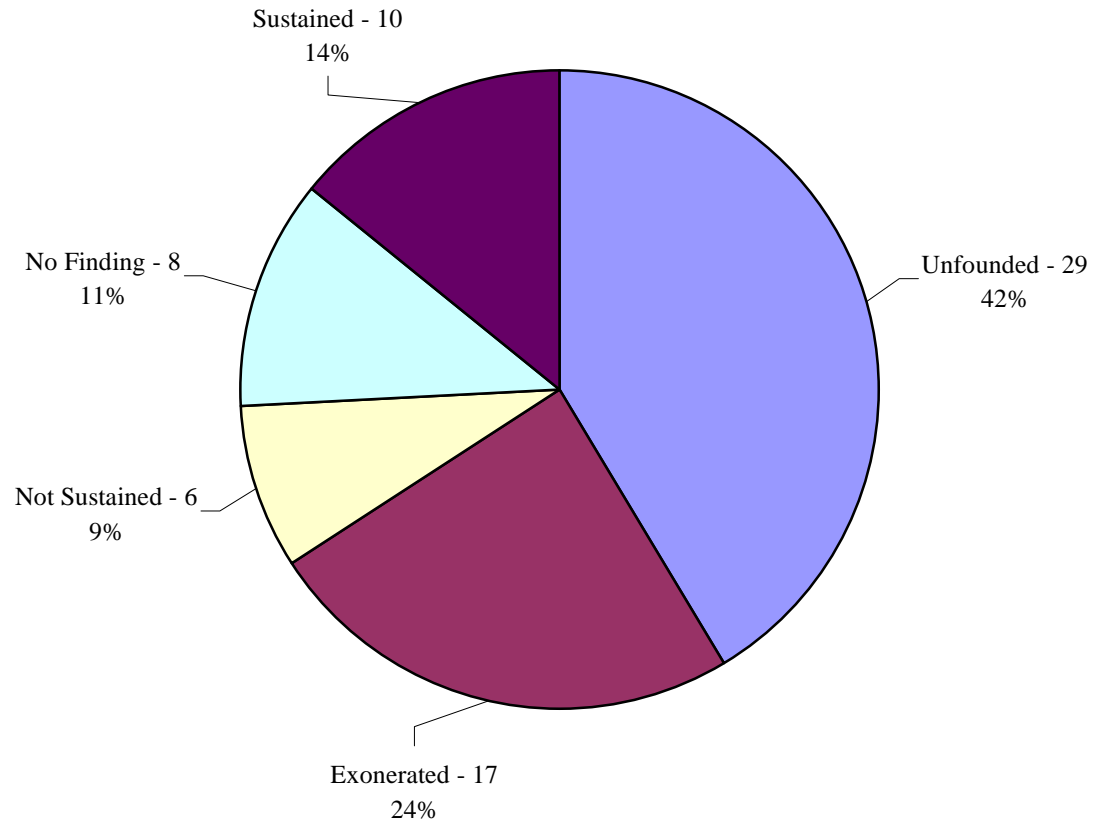


**Boise Airport Police Findings  
January 1, 2000 - June 30, 2000  
Total = 7 (100%)**



Sustained - 0	Not Sustained - 0	No Finding - 0
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**Boise City Police Department Findings**  
**January 1, 2000 - June 30, 2000**  
**Total = 70 (100%)**



# Appendix B



*Boise Community Ombudsman  
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**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges officer put his hand on her pant leg, searched her purse without permission, booked the car keys and vehicle ID papers of her mother's car, and made sarcastic comments.	Unfounded. No further action.
Closed	Alleges officer is harassing her and the officer unlawfully entered her garage and turned off her power for 10 minutes.	Unfounded. No further action.
Closed	Alleged that the officer knowingly filed a police report containing false information.	Sustained. Officer no longer employed by BPD.
Closed	Alleges officer used uncomplimentary speech and selective enforcement due to his sexual orientation.	Unfounded. No further action.
Closed	Alleges that two employees have defamed him.	Unfounded. No further action.
Closed	Alleges officer was rude to him during a traffic investigation and alleges officer is now retaliating.	Unfounded. No further action.
Closed	Complainant was issued a citation for lane changing on I-84 and alleges the officer was "cold blooded".	Complainant was mailed a complaint form, but never responded.
Closed	Alleges he has to move his vehicle every 48-hrs. if he parks on the street in front of his residence and claims he has a right to park in front of his residence.	Complaint handled by BPD.
Closed	Alleges officers had unprofessional conduct and reported false information involving a battery case.	Not taken due to 90-day rule.
Closed	Alleges the police would not let her file charges against her ex-husband in a domestic battery case.	Not taken due to 90-day rule.
Closed	Alleges false information on a vehicle accident report.	Unfounded. No further action.

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know why officer changed his story in court from what was written on the original traffic citation he was issued.	Ombudsman answered questions.
Closed	Alleges officer's attitude was uncaring and casual toward her situation.	Unfounded. No further action.
Closed	Alleges being treated in an unprofessional manner by a Sgt.	Not sustained. No further action.
Closed	Alleges officer cited her son for skateboarding in a dismount area and writing on the citation, infraction \$25.00 fixed penalty. Went to pay the fine and was told it was a misdemeanor to pay \$68.50. Feels she should not have to pay the difference from the original fine.	Questions answered by Ombudsman.
Closed	Alleges his daughter and two other children were in between an officer who had his gun drawn and pointed at a suspect, putting the children in the line of fire.	Investigation revealed officers were from another agency.
Closed	Alleges the police wrote down the wrong information on a traffic accident report.	Ombudsman answered questions.
Closed	Alleges officers humiliated her while taking her into custody.	Investigation showed that officers had legal basis for actions and took steps to avoid embarrassment.
Closed	Alleges officer used excessive force and derogatory remarks during a domestic battery arrest.	Unfounded. No further action.
Closed	Alleges numerous burglaries are occurring at her residence for the last 3 years and claims police are not doing enough to arrest the thieves.	Unfounded. No further action.
Closed	Alleges his daughter was treated unprofessionally by officers during an arrest for tobacco and curfew violations.	Unfounded. No further action.

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges being followed by an officer who was following too close and driving erratically.	Unable to identify the driver of the police vehicle.
Closed	Thinks that BPD and ACHD are not following state rules on setting maximum speed for Boise streets.	Unfounded. No further action.
Closed	Alleges officers charged his son as retaliation for refusing to cooperate, left son out in freezing temperatures, and used deception to gain compliance.	Unfounded. Training changes recommended and accepted by BPD.
Closed	Alleges officer was rude and very abusive to her and her son.	Unfounded. No further action.
Closed	Alleges not being advised of his Miranda rights. Further alleges officers were rude and antagonistic.	Unfounded. Suggestion made to Chief to conduct legal research into requirements to provide Miranda warning to persons already in custody.
Closed	Alleges the police told the manager of her apartment not to let her ex-husband on the property anymore. Further alleges the manager was told if the ex-husband does come around, she should be evicted.	Case closed and no finding issued. Complainant did not return phone calls. No record of police call on date given by complainant and no way to verify officer involvement.
Closed	Alleges being physically restrained and handcuffed by airport police and humiliated publicly. Further alleges being charged with crimes he did not commit.	Unfounded. No further action.
Closed	Alleges officer in patrol car being malicious and could have caused an accident on the connector.	Unfounded. No further action.
Active	Alleges the police used excessive force on him during his arrest. Further alleges authorities failed to secure medical attention.	

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges his vehicle was stickered subject to tow-away and the vehicle is moved everyday. Also, alleged that orange paint was painted on rims and body of vehicle.	Ombudsman facilitated resolution by BPD.
Active	Alleges he was not littering and the officer was abusing his authority.	
Closed	Alleges being treated unprofessionally by two BPD officers.	Not taken due to 90-day rule.
Closed	Alleges reporting an abandoned vehicle and receiving no response.	Five attempts to contact complainant. On site by officer showed vehicle not there.
Closed	Alleges officer was rude and antagonistic.	Sustained. Finding upheld by Chief and disciplinary action taken.
Closed	Alleges Boise Police officers were training their dogs on campus and making a "loud and ugly disturbance".	Ombudsman answered questions.
Closed	Alleges that a male identifying himself as a "detective" was verbally abusive and threatening in complainant's place of business over a product claim.	Complainant failed to provide promised information and did not respond to letter.
Closed	Alleges officer failed to provide name and Ada # when asked and treated complainant in a disrespectful manner.	Unfounded. No further action.
Closed	Alleges a detective is not seriously investigating a crime.	Complaint already under investigation by BPD.
Closed	Alleges that officers are taking false reports and not thoroughly investigating, so that he has been falsely arrested.	No response from complainant to letter requesting written statement.
Closed	Alleges being pulled over by off-duty officer.	Officer in question is not with BPD or ACSO. Complainant filing a police report.

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know what can be done to stop an officer from bothering her about a personal relationship.	Ombudsman answered questions.
Active	Alleges he was detained for a traffic stop without lawful cause. Alleges the stop and subsequent traffic citation were motivated by a bias against him. Further alleges several officers pointed their firearms at him in a threatening manner that constitutes aggravated assault.	
Closed	Wants to know why officer behaved disrespectfully during a traffic stop.	Ombudsman answered questions.
Closed	Alleges being stopped, her vehicle being searched for narcotics, and the officer charged her with DUI. Alleges she refused the field and breathalyzer test. Alleges this was against the law to charge her with DUI.	Not taken due to 90-day rule.
Closed	Alleges a BPD officer entered his residence when he was not home and made a phone call to one of his business clients.	Officer was conducting a welfare check. Ombudsman explained procedures. No further action.
Closed	Alleges that off-duty officer (not in uniform) yelled at a school bus driver and acted in a "Cocky" manner.	Complainant told that private, off-duty actions (if legal) cannot be investigated as a complaint. No further action.
Active	Alleges officer was rude, angry and unprofessional towards her.	
Closed	Alleges officer was unprofessional in his conduct and did not immediately act to apprehend his assailant. Further alleges that no report was taken.	Sustained on unprofessional conduct. Other allegations unfounded. Chief upheld and disciplinary action taken.
Active	Alleges a juvenile was forced to go with her father even though the juvenile expressed fears to the officer about her safety.	

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Alleges officer entered her home without permission or warrant and threatened to give her a citation if she did not give the information the officer wanted.	
Active	Called 911 after a neighbor threatened him with a gun. Alleges police did not arrest his neighbor immediately and feels that the officers should have taken the neighbor into custody.	
Closed	Complainant was stopped for traffic violation and alleges officer made unnecessary comments and had no right to threaten him.	Already under investigation by BPD.
Active	Alleges that an officer refused to write a traffic accident report at the scene. Further alleges the officer failed to cite the other party involved for breaking the law.	
Closed	Alleges officer had difficulty controlling his temper. Further alleges there are inaccuracies in officer's report and that it is incomplete.	Complaint not taken because incident happened more than ninety (90) days ago.
Active	Alleges officer treated her rudely and would not allow her to press charges against another person for battery and kidnapping.	
Closed	Alleges officer exhibited unsafe driving and almost caused an accident.	Unable to identify officer involved. No further action.
Active	Alleges officers conducted a search of his home without his consent or a search warrant.	
Closed	Complainant was stopped by officer and cited for failure to obey traffic sign. Allegedly, sign indicated road was closed except to local traffic and he told officer he lived about 200 yards away. Alleges officer was rude and called him a liar.	Called Ombudsman's office the next day and admitted the officer was not rude. Complainant withdrew his complaint.

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Son was involved in a "road rage" incident. He believes perpetrator was a BPD officer. Wants to know what resources are available to identify and pursue the other party.	Cannot identify officer. Complainant withdrew allegation.
Active	Stopped in traffic and asked an officer if he could get off a particular exit. Alleges officer response was rude and threatening.	
Active	Was arrested for curfew and arresting officer allegedly left bruises on her arm and the handcuffs were so tight that bruises were left on both wrists. Feels officer used unnecessary force.	
Active	Off-duty officer observed son speeding. Allegedly officer called residence to issue a citation and questioned other minor children. Wants to know if this was legal and why she was not contacted. Further wants to know why her request for the belt tape was denied.	
Active	Alleges that his now deceased wife was assaulted by four police officers when taken into custody.	
Active	Alleges officer refused to give his name and badge number when he requested it. Wants to know why the officer approached and questioned him and his friends and told him to leave the park for 24-hours.	
Active	Alleges that an officer's statements to him were unprofessional.	
Active	Alleges officers were "lackadaisical" in the handling of a vehicle accident his girlfriend was involved in. Feels that a blood alcohol test should have been done on the other driver, because the driver admitted he had been drinking.	

**OFFICER CONDUCT**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Alleges officers entered his house two times without permission. Further wants to know if officers can question his minor children and why the police are coming to his house.	
Active	Alleges officers are stopping her frequently during her morning newspaper delivery. Upset because it causes her to be late on her deliveries.	
Closed	Alleges that while being held in custody he attempted to leave the ER and was struck in his sternum 8 to 9 times by officer. Claims the force used was excessive and continued after he stopped attempting to flee. (1999 Case)	Sustained. Officer no longer employed with BPD.
Closed	Wants an apology from a Jr. High SRO for alleged false allegations made against him.	Unfounded. No further action.
Closed	Alleges officers did not identify themselves and he was dragged from vehicle.	Unfounded. No further action.
Closed	Alleges that officer was patronizing in speech and inappropriately touched her on the shoulder while issuing a traffic citation.	Unfounded. No further action.
Closed	Alleges police failed to gather evidence and follow-up on racially motivated vandalism. (1999 Case)	Sustained. Chief concurred and disciplinary action taken.
Closed	Alleges he was treated in a hostile manner by an officer during a traffic stop and threatened with physical harm if he did not remain in his car. Also, alleges officers seemed to be enjoying the harassment.	Unfounded. No further action.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Alleges the police used excessive force on him during his arrest. Further alleges authorities failed to secure medical attention.	
Active	Wants to know why officer did not include her detailed statement in the original report and why she had so much difficulty getting in touch with the officer.	
Active	Phoned BPD concerned about a dangerous intersection. Allegedly her call was transferred several times without being assisted.	
Active	Stopped on a routine traffic violation, two officers checked her identity and said she had an outstanding warrant. Turned out to be mistaken identity. Wants to know why it took one hour, what information was exchanged, and what could be done to prevent this from happening again.	
Active	Concerned about lack of police presence during a shift change, by BPD, when there are serious traffic issues with high school students trying to get to classes.	
Active	Observed vehicles speeding, reckless driving, and several accidents on her street, located by two high schools and several elementary schools. Has called BPD several times and patrol has not increased and officers seem unconcerned.	
Active	Wishes to appeal OIA investigation. Alleges patrol officer and detective acted with bias in failing to include all relevant information in police report and failing to conduct a thorough investigation.	
Active	Wife involved in vehicle accident and allegedly her set of keys were given to an officer at the scene. Keys have not been returned.	

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Is unhappy with the way the detective followed up on her aggravated battery case.	Advised detectives did all they could with no further leads.
Closed	Wants to know the status of investigation of his vehicle being broken into and property stolen.	BPD contacted victim. Victim satisfied.
Closed	Wants to know why his vehicle was towed when he was arrested and then sold while he was in jail.	Changes made to tow notification procedures.
Closed	Frustrated with trying to get the problem with traffic on her street rectified.	Chief and officer met with complainant.
Closed	Wants to know if anything was ever done in response to his report of a theft of parts from his repossessed tow truck.	Complainant advised of actions that were taken by detectives.
Closed	Alleges his wallet was not locked up after his arrest and money was stolen.	Complainant advised that he voluntarily left his vehicle at the scene and did not inform officers of money in vehicle.
Closed	Complained about BPD control of New Year's Eve crowds.	Complainant contacted by BPD and satisfied with outcome. Complainant wishes no further action.
Closed	Complainant had to detour to the Eagle exit on I-84, due to an accident, in order to turn around. The police blocked off the on ramp to the new fly-over. Alleges the police could have done a better job with traffic control by informing drivers to exit at the Cole off ramp.	Complainant contacted directly by BPD. Issue resolved.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know why detectives are not following up on her case.	Complainant did not return phone calls. No further action.
Closed	Wants to know what is being done about a reported burglary.	Complainant put in touch with investigator.
Closed	Asked for background information to help him understand why the police acted as they did and wished to express his fear and distress over the incident. He wanted to see if a case had been filed on his accusation of assault against another citizen involved in this incident.	Complainant was told a report had been filed and sent to the prosecutor. Sent complainant a Claim for Damage form to file with the City Clerk.
Closed	Wants to know why BPD did not respond more quickly to a telephone threat.	Complainant withdrew the complaint after discovering that police had followed up with another employee.
Closed	Wants to know why it took over 2 hours for an officer to respond to a vehicle burglary in progress.	Contacted by BPD. Will increase STEP patrol.
Closed	Complainant not certain police did all they could to prevent his car from being stolen and to recover stolen property.	Details of police action explained and contact made with detective.
Closed	Wants to know why officer did not offer assistance when asked.	Incident investigated and discussed with complainant. No further action.
Closed	Wants to know why police officers did not have an access code to a gated neighborhood to investigate a noisy party.	Incident investigated and questions answered by BPD.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges money was missing from her daughter's wallet after a traffic accident.	Investigation showed no BPD involvement in disappearance of property. A theft investigation could not prove actual loss or point to any suspects.
Closed	Wants to know why he is being singled out for prosecution.	No action taken. All incidents were more than 90 days ago.
Closed	Alleges phoning police about a neighbor breaking and entering and receiving no response.	No dispatch record of a call from complainant. No further action.
Closed	Alleges the perpetrators of her son's severe beating have been identified and have never been arrested.	No positive identification ever made. No further action.
Closed	Complainant was involved in a hit and run traffic accident and the driver of the vehicle told the reporting officer they needed medical assistance. Alleges the officer did not provide assistance.	Not sustained. No further action.
Closed	Alleges the person who invaded his home, and assaulted him and his friend, were only charged with a misdemeanor. Also, alleges it took 30 min. for police to arrive after calling 911.	Ombudsman answered questions and complainant was pleased.
Closed	Complainant was issued a citation for excessive smoke emissions. Contacted the BPD on several occasions and alleges his phone calls were not being returned.	Ombudsman answered questions.
Closed	Alleges ongoing drug trafficking at a neighbor's house and follow-up not being done by the police after complainant has reported it on numerous occasions.	Ombudsman answered questions.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know why he has received no response to two letters to Chief of Police regarding a detective's failure to investigate a crime.	Ombudsman answered questions.
Closed	Alleges his roommate broke into his vehicle attempting to steal his stereo. Wanted to file charges and alleges the officer did not believe him and would not let him file charges.	Ombudsman answered questions.
Closed	Wants to know why no action was taken on burglary report.	Ombudsman answered questions.
Closed	Wants to know why the delay in towing an abandoned vehicle and what is being done.	Ombudsman answered questions.
Closed	Alleges having trouble with the communication system between city and county.	Ombudsman answered questions.
Closed	Wants to know why officer(s) refused to arrest the person who took her purse.	Ombudsman answered questions. No further action.
Closed	Complainant was burglarized at his shop and merchandise stolen. Alleges perpetrators were stopped by BPD for DUI and two of his guns were found in the trunk. Alleges an illegal search was conducted and he did not recover his property.	Ombudsman answered questions. Property returned to complainant.
Closed	Alleges having made contact with the BPD five or six times and has not received a response as to the status of his case.	Ombudsman facilitated contact with detective on case.
Closed	Complainant had a robbery occur at his store and has been trying to contact BPD to find out the status of the investigation. Alleges no one is returning his calls and he is being told no one is available.	Ombudsman facilitated contact with detective.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Complainant reported a burglary and has tried to contact the BPD to find out the status of the investigation. Alleges he has been trying for four days to contact an investigation and is being told to call back Monday during regular operating hours.	Ombudsman facilitated contact with detective.
Closed	Concerned that detective was not aware of witnesses to a battery that could clear his neighbor of charges.	Ombudsman investigated and advised complainant.
Closed	Phoned BPD non-emergency number to report a domestic dispute at a neighbor's house. Alleges he was not contacted by the officers, and feels he should have been interviewed as the complainant. Is not pleased with the way the incident was handled by the police officers.	Ombudsman investigated and answered questions.
Closed	Wants to know why BPD would not take report of domestic battery from him but did take report from his wife.	Ombudsman investigated and answered questions.
Closed	Wants to know why it appeared that police did not provide medical assistance and Spanish interpreter to person arrested for DUI following an accident.	Ombudsman investigated and determined that suspect was not injured and that Spanish speaking officer was involved.
Closed	Feels police should be doing more to find suspect who shot his dog with a pellet gun.	Ombudsman investigated and explained police actions to complainant.
Closed	Wants to know why BPD is not doing more to investigate molestation charges filed by her.	Ombudsman investigated and questions answered.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Phoned dispatch to report 14-yr. old son missing. Officers responded and took report. Was told juvenile resource officer will be assigned and in touch within 7-10 days. If son not back within 3 days, a detective will be assigned. Feels that more should be done to locate her son and thinks a detective should have been on the case immediately. Wants to know why the delay.	Ombudsman put complainant in touch with detective.
Closed	Alleges his 12-yr. old son was assaulted by a 34-yr. old man and the man has not been arrested.	Ombudsman referred to investigating officer.
Closed	Wants to know why he was told by the BPD that they did not have the manpower to take a theft report on a \$400 NSF check.	Policy and procedures explained by Ombudsman.
Closed	Alleges the police did not file a report at the scene of a traffic accident he was involved in.	Policy explained. No further action.
Closed	Complainant called the non-emergency number twice to request that a barking dog be dealt with. Both times he was told nothing could be done. Wants to know what laws exist regarding barking dogs and what can be done to get this situation resolved.	Questions answered by BPD.
Closed	Alleges excessive speed of vehicles on S. 13th St.	Referred to STEP for follow-up.
Closed	Upset about lack of adequate parking for the disabled who wanted to attend the Y2K celebration downtown.	Resolved by Patrol.
Closed	Wants to know why more has not been done to apprehend known burglars and recover stolen property.	Review of investigative steps and explained to complainant.

**SERVICE QUALITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know what is being done about a crime he reported and why officer will not return his calls.	Supervisor and officer made contact. Complainant satisfied.
Closed	Alleges officer was unprofessional in his conduct and did not immediately act to apprehend his assailant. Further alleges that no report was taken.	Sustained on unprofessional conduct. Other allegations unfounded. Chief upheld and disciplinary action taken.
Closed	Alleges his wife was harassed by a group of young people who claim she hit their vehicle. Alleges the officer did nothing about the threats his wife received.	Unable to identify the officer involved.
Closed	Alleges officer failed to conduct an objective and thorough investigation.	Unfounded. No action taken.
Closed	Alleges false information on a vehicle accident report.	Unfounded. No further action.
Closed	Alleges that officer never filed a grand theft report or put out an ATL on suspect vehicle as promised.	Unfounded. No further action.

**POLICY QUESTIONS**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Wants to know why it was necessary for an officer, who stopped her for a traffic violation, to allegedly turn her into the Idaho Transportation Dept. for difficulty in safely operating a motor vehicle.	
Closed	Anonymous complaint about police refusal to release the name of the officer involved in a fatal traffic accident on 1/29/00. Feels police are being subject to a different set of rules than everyone else.	Anonymous phone call. No further action.
Closed	Wants to know why she is denied officer's audio tape.	Complainant advised to have person involved request information.
Closed	Called complaining that a detective took her child and placed the child with H&W. Wanted Ombudsman to order the detective to return the child.	Complainant advised to seek legal representation.
Closed	Complainant was upset that she was given a ticket rather than a warning for walking against a red "don't walk" sign. Said that officer was professional and polite.	Complainant contacted and now understands the role of STEP unit.
Closed	Wants to know why first officer on a prowler call shined spot light at their house and second officer came in what appeared to be a personal vehicle. Both of these actions frightened him and his wife.	Complainant contacted by BPD and issue resolved.
Closed	Requests assistance of police in filing reports on pawned rental property.	Contacted by BPD officer who resolved her problem.
Closed	Alleges officer in numbered, marked unit, violated traffic laws without emergency equipment on.	Description of driver did not match assigned officer. Officer was not in area at that time.
Closed	Wants to know why an involved supervisor is investigating the complaint he filed with BPD.	Determined that investigating supervisor not involved. Complainant notified.

**POLICY QUESTIONS**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Wants to know why he was not contacted by a detective prior to charges being filed against him.	Inquiry showed that BPD did not file charges.
Closed	Alleges being detained on a traffic stop for no apparent reason and wants to know why.	Not a Boise Police officer. Unknown agency.
Closed	Alleges her husband physically abused her and was not arrested, he only received a ticket.	Not taken due to 90-day rule.
Closed	Was stopped for speeding and was inquiring about the procedures used during the stop.	Ombudsman answered questions.
Closed	Requested another officer to be present during his arrest and was denied.	Ombudsman answered questions. No further action.
Closed	Feels he was treated unfairly when turned down for CPA and volunteer position.	Ombudsman facilitated explanation by BPD.
Closed	Wants to know why assailant was not charged with more serious offense and was released from jail.	Ombudsman investigated and answered questions.
Closed	Complainant went to school when her kindergarten age son did not come home on time. Two officers were talking to principal when she arrived. Alleges no one would tell her why officers were called to the school. Wants to know who called them and why.	Ombudsman investigated and questions answered.
Closed	Wants to know why Boise Police sit in the parking lot of her business and contact customers.	Ombudsman researched and answered questions.
Closed	Alleges his vehicle was wrongfully towed away and impounded.	Procedure to be changed to improve notification process.
Closed	Questions about actions of a Boise Airport Officer.	Questions answered by Airport Police Manager.

**POLICY QUESTIONS**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Reported an infant left unattended in a car. Alleges responding officer told her that a crime had not been committed. Wants someone to explain why this situation was not illegal and how it was handled.	Questions answered by BPD.
Closed	Wants to know what information must be listed on a search warrant for a house and vehicle for the search to be legal.	Questions answered by Ombudsman.
Closed	Alleges she was not notified of her 16-yr. old son's arrest until 3 hours later. Also, alleges drug testing was done on her son without parental permission.	Questions satisfactorily answered by BPD.
Closed	Concerned about shots being fired into homes in the Surprise Valley Subdivision.	Referred to Neighborhood Contact Officer and ACSO.
Closed	Would like reassurance that an officer will phone the parents of habitual juvenile speeders if she supplies license plate numbers.	STEP unit contacted and answered questions.

**COMMENDATIONS**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Appreciated the officer being very polite and nice when he wrote the citation for a traffic violation.	
Closed	Commends officer for his professionalism, efficiency, communication, and knowledge of skills in an incident involving the stalking of her daughter.	Commendation letter sent to detective, officer and Chief.
Closed	Commends detective and officer for the expedient and efficient way they handled an incident involving her children.	Commendation letter sent to detective, officer, and Chief.
Closed	Commends officer for responding in a timely manner and being very professional in the handling of his problem.	Commendation letter sent to officer and Chief.
Closed	Impressed with the attitude and friendliness of BPD officers when they were pursuing a vehicle and two of the passengers fled on foot in his neighborhood.	Unknown officers. No further action.

**USE OF FORCE**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Alleges the police used excessive force on him during his arrest. Further alleges authorities failed to secure medical attention.	
Active	Alleges he was detained for a traffic stop without lawful cause. Alleges the stop and subsequent traffic citation were motivated by a bias against him. Further alleges several officers pointed their firearms at him in a threatening manner that constitutes aggravated assault.	
Active	Wishes to appeal the findings of the complaint he filed with the BPD.	
Active	Alleges that he was sprayed with pepper spray, struck on the back of the head, kicked in the groin, injured with a knee to his back, and cut on his forehead without cause or resistance. Further alleges he was restrained for over 4 hours in hospital without cause.	
Active	Was arrested for curfew and arresting officer allegedly left bruises on her arm and the handcuffs were so tight that bruises were left on both wrists. Feels officer used unnecessary force.	
Closed	Alleges improper use of handcuffs.	Exonerated. No further action.
Closed	Alleges officer used excessive force in arresting him.	Not taken due to 90-day rule
Closed	Alleges excessive force several years ago.	Not taken due to 90-day rule.
Closed	Alleges that while being held in custody he attempted to leave the ER and was struck in his sternum 8 to 9 times by officer. Claims the force used was excessive and continued after he stopped attempting to flee. (1999 Case)	Sustained. Officer no longer employed with BPD.
Closed	Alleges officer used excessive force and derogatory remarks during a domestic battery arrest.	Unfounded. No further action.

**USE OF FORCE**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges his daughter was treated unprofessionally by officers during an arrest for tobacco and curfew violations.	Unfounded. No further action.
Closed	Alleges being physically restrained and handcuffed by airport police and humiliated publicly. Further alleges being charged with crimes he did not commit.	Unfounded. No further action.
Closed	Claims that officer applied a choke hold across his wind pipe, and while he was handcuffed and unconscious, one or more officers beat him causing him to be injured. (1999 Case)	Unfounded. No further action.
Closed	Alleges her son was handcuffed, pepper sprayed, and kicked unnecessarily. (1999 Case)	Unfounded. No further action.
Closed	Alleges officers did not identify themselves and he was dragged from vehicle.	Unfounded. No further action.
Closed	Arrested at the scene of an auto accident for DUI and alleges that the officer used unnecessary force pushing her to the ground after putting the handcuffs on.	Withdrew complaint and said it did not happen.

**ABUSE OF AUTHORITY**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Active	Alleges he was not littering and the officer was abusing his authority.	
Closed	Alleges officer improperly threatened her with arrest.	Exonerated. No further action.
Closed	Felt he had been wrongly arrested for domestic battery.	Policy explained. No further action.
Closed	Alleges having privacy invaded by off-duty officer who discovered home address through law enforcement access to vehicle registration.	Sustained. Chief upheld and disciplinary action taken.
Closed	Alleges an officer used his position with BPD to try and get him fired.	Unfounded. No further action.

**HARASSMENT (NON-RACIAL)**

<b>STATUS</b>	<b>SYNOPSIS</b>	<b>ACTION TAKEN</b>
Closed	Alleges that officer is harassing him and making unnecessary threats of punishment, but does not know if he wants to file a complaint.	Complainant did not call back.
Closed	Owns a low-rider vehicle and alleges he is frequently being followed and stopped by the police.	Ombudsman discussed concerns. No further action.
Closed	Alleges officer is harassing her daughter's boyfriend by accusing him of possessing	Questions answered by Ombudsman.
Closed	Alleges a code enforcement officer has been harassing him for the past 12 years.	Referred to Code Enforcement. Action taken.
Closed	Alleges officer is harassing her and the officer unlawfully entered her garage and turned off her power for 10 minutes.	Unfounded. No further action.

**CRITICAL INCIDENT**

**STATUS**

**SYNOPSIS**

**ACTION TAKEN**

Active

Officer involved shooting.

# Appendix C



*Boise Community Ombudsman  
Mid-Year 2000 Report*

## Terms and Definitions

### Complaint Definition

A “complaint” is an allegation received from a citizen alleging conduct by a Boise City police or law enforcement employee that, if sustained, would constitute a violation of law or of the policies and/or procedures of the City of Boise or any of its departments.

### Citizen Inquiry Definition

“Citizen inquiries” are not complaints, per se, but involve questions of a general nature regarding department policy and procedure or law. No misconduct is alleged.

### Definitions of Findings

- a. EXONERATED - The acts that provided the basis for the complaint or allegation did occur, but were justified, lawful, and proper.
- b. NO FINDING - The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the complaint; or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the officer(s) or employee(s) involved.
- c. NOT SUSTAINED - The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.
- d. SUSTAINED - The investigation disclosed sufficient evidence to clearly prove the allegation(s) made.
- e. UNFOUNDED - The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when individual officer(s) or employee(s) named were not involved in the act or in acts that may have occurred.