

**OFFICE OF THE COMMUNITY OMBUDSMAN**



**2009**  
**ANNUAL REPORT**

January 1, 2009—December 31, 2009



# OFFICE OF THE COMMUNITY OMBUDSMAN



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# EXECUTIVE SUMMARY

This report is produced on a yearly basis and serves two primary purposes. It provides the residents of Boise and City officials with information about public feedback regarding the activities of City law enforcement agencies. These public reports also give the community and their elected representatives the opportunity to understand and evaluate the performance of the Office of the Community Ombudsman. The ombudsman and his staff are accountable to the Mayor of Boise. They have an obligation to perform their duties as defined by ordinance in a professional, ethical, and service-oriented manner.

The ombudsman position was created to maintain the public's trust in Boise City's law enforcement officers. This is to be accomplished through independent investigations of officer-involved shootings, complaints and inquiries about police actions; as well as audits of internal investigations conducted by the police. Recognizing that no police department can operate effectively without the trust of those whom they serve, the Boise City Council empowered the community ombudsman to act independently in his investigations and to communicate his findings openly and directly to the public. By these means, the operations and actions of Boise's law enforcement agencies and their officers will be transparent to the community.

The 2009 Annual Report is a comprehensive view of the Office of the Community Ombudsman. It is divided into multiple sections to explain the various functions of the office, the results of 2009, as well as a review of the past ten years. A summary of these sections follows.

## OFFICE OF THE COMMUNITY OMBUDSMAN

This section discusses the history of the office and lists the values it stands by. This section also provides highlights of the past year.

## OPERATIONS

This section offers insight into the workings of the Office of the Community Ombudsman. It includes information on how cases are managed and the how cases and allegations are classified.

## YEAR END STATISTICS

While the primary focus of media reports about the ombudsman's office has been on the investigation of complaints and officer-involved shootings, these activities form only part of the ombudsman's daily work. The office spends a significant amount of time assisting people who either have questions about the actions of a Boise law enforcement officer or are dissatisfied with the service they received from the police. Since its inception, the Office of the Community Ombudsman has resolved more than two thousand inquiries. In 2009, it brought over 99 inquiries to a successful resolution. The majority of these inquiries were addressed through the Rapid Resolution process.

The Office of the Community Ombudsman has 7 separate case classifications and 17 different allegations it uses for its cases. This section provides details about the 126 formal cases opened in 2009. It includes charts and graphs to present specific information regarding these cases.

## CASE SUMMARIES

Since the majority of the work the Office of the Community Ombudsman deals with is confidential information, it is important to provide a way of making its work known to the public without compromising the integrity of the office or the independence it thrives on. The ombudsman issues public reports for each of the Critical Incident and Complaint investigations conducted by the office. These reports are available on the internet. A sampling of case studies is included in this annual report to demonstrate the wide variety of cases received by the Office of the Community Ombudsman throughout the year. This section includes examples of the Inquiries, Class I and Class II Complaints, Critical Incidents, and an Appeal addressed in 2009.

## FINDINGS

At the end of an investigation, the ombudsman issues a finding for each allegation. There are five (5) types of findings that can be issued based on the preponderance of the evidence. This section defines the types of findings and standard of proof used by the ombudsman, presents all findings issued in 2009, and analyzes the 2 cases that produced the 2 sustained findings issued in 2009. It includes a brief description of the complaint, the reason for the sustained finding issued by the ombudsman, and the response by the chief of police to each sustained finding.

## RECOMMENDATIONS

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In addition to the many hours spent investigating Complaints and Critical Incidents, the Office of the Community Ombudsman spends time researching best practices of other agencies in order to make value-adding policy recommendations. Over the years the ombudsman has issued over 75 policy or training recommendations. These recommendations are made public in both investigative reports and special policy reports. In 2009, six (6) recommendations were made to the chief of police. This section provides a summary of those recommendations.

## AUDITS OF BPD OFFICE OF INTERNAL AFFAIRS CASES

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The Office of the Community Ombudsman is responsible for auditing internal investigations conducted by the Boise Police Department's Office of Internal Affairs (OIA). Each year, all Class I Complaints and at least half of the Class II Complaints investigated by OIA are audited by the Office of the Community Ombudsman. The ombudsman can make recommendations to the chief based on discoveries made during these audits. Information on the audits conducted during 2009 are presented in this section.

## TEN-YEAR REVIEW

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The Office of the Community Ombudsman celebrated its ten-year anniversary in 2009. It has been an honor to serve the community and see how much has changed over the past decade. There have been many achievements accomplished during this time. This section reviews statistics and recommendations of past years.

## 2009 CASE SYNOPSIS

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The Appendix includes a synopsis for each case opened by the Office of the Community Ombudsman in 2009. These cases are divided by the seven (7) case types used by the office: Commendation, Inquiry, Appeal, Class I Complaints, Class II Complaints, Critical Incidents, and Other Agency.

### 2009 STATISTICAL HIGHLIGHTS

- Over 256 people contacted the Office of the Community Ombudsman in 2009, resulting in 126 cases opened. Since its inception in 1999, the Office of the Community Ombudsman has handled over 3,456 contacts and has opened 2,386 cases.
- In 2009, a total of 121 of the 126 cases involved the Boise Police Department. There were no cases opened in connection with Boise City Parking Control or Boise City Code Enforcement. Five (5) cases involved agencies outside of the ombudsman's jurisdiction.
- There were 157 separate allegations, issues, and commendations associated with the 126 cases opened in 2009.
- A total of 16 Complaints were made in 2009. They are divided into eight (8) Class I Complaints and eight (8) Class II Complaints.
- Two (2) Critical Incident cases were opened in 2009.
- A total of 53 Rapid Resolution Inquiries were assigned to BPD for them to resolve. Most of these Rapid Resolution Inquiries involved the Bench Patrol Division.
- An equal amount of the cases opened in 2009 involved incidents that occurred in the Bench and Valley area of Boise. However, the majority of the complainants that contacted the Office of the Community Ombudsman live in the Bench area of Boise.
- A total of 37 findings were issued in 2009. This total includes 20 exonerated, 12 unfounded, 3 not sustained, and 2 sustained findings.
- The chief of police did not agree with both of the sustained findings issued by the ombudsman in 2009. However, disciplinary or corrective action was taken by the chief in both cases.
- The ombudsman issued six (6) formal recommendations during 2009. All six (6) recommendations were adopted by the chief of police.

# OFFICE OF THE COMMUNITY OMBUDSMAN

## MESSAGE FROM THE OMBUDSMAN

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It is my honor to present to you the 2009 Annual Report of the Office of the Community Ombudsman. This annual report is a comprehensive view of the work our office does. It details the types of formal cases opened during the year and explains how we classify cases and allegations. It also informs the community about the nature of the issues and concerns brought to our attention and the outcome of our in-depth investigations.

This past year, we have been busy reviewing our policies, procedures, and processes in order to increase our efficiency in providing service to the public by conducting thorough investigations, researching recommendations, conducting audits, and community outreach. We met with members of the community and employees of the Boise Police Department to gather input, opinions, and perspectives on improving the services we provide.

This project was in connection with the 10 year anniversary of the Office of the Community Ombudsman. It is amazing how quickly time has passed. To re-affirm our commitment, we replaced our decade old mission statement and guiding principals with a new vision and values. At the end of this report, you will see statistics for our 10 years of operation. Overall, complaint totals have gone down. This is a positive indication that our community has greater faith in the actions of our Police Department. It also speaks to the improved training and development of Boise's law enforcement officers.

We have many changes in store for 2010 and look forward to implementing some of our new procedures with a focus on improving the timeliness of our investigations.

Sincerely,

A handwritten signature in blue ink that reads "Pierce Murphy". The signature is fluid and cursive, written in a professional style.

Pierce Murphy  
Community Ombudsman

## VISION

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### **CITY OF BOISE**

To make Boise the most livable city in the country.



### **OFFICE OF THE COMMUNITY OMBUDSMAN**

We are a high-functioning team of skilled investigators and police policy experts working collaboratively to make Boise the most livable city in the country by seeking the truth, advocating for accountability, and promoting public confidence through positive change to police practices.

## VALUES

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### **RESPECT**

We appreciate contributions from all team members and listen to everyone with openness.

### **INTEGRITY**

We strive to maintain high standards in our personal and professional lives and are dedicated to being unbiased.

### **BOLDNESS**

We are committed to seeking the truth, advocating accountability, and suggesting change where needed.

### **COMMITMENT**

We are devoted to the City of Boise and the members of our community by promoting public confidence through positive change to police practices.

### **COLLABORATION**

We use teamwork and value cooperation to achieve our goals.

### **RESPONSIBILITY**

The community depends on us to initiate positive change and enhance the quality of service received from the Boise Police Department.

## HISTORY

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On July 20, 1999, the Boise City Council enacted the Ombudsman Ordinance which formally established the Office of the Community Ombudsman. The office exists to promote confidence in the professionalism and accountability of Boise City's police and law enforcement employees through unbiased investigation of complaints, independent review of police actions, thoughtful policy recommendations, and on-going public outreach. The Community Ombudsman provides information through radio, newspapers, television, and presentations at schools and community meetings. Complaints or Commendations can be made to the Office of the Community Ombudsman in person, by telephone, facsimile, e-mail, or in writing.

The Community Ombudsman's office is independent from all other City departments and reports directly to the Boise City Council. City ordinance number 5930 was unanimously passed by the Boise City Council. This ordinance established Title 2, Chapter 22, of the Boise City Code to establish the Office of the Community Ombudsman specifying duties and responsibilities, requiring confidentiality of records, and authorizing mediation, recommendations, community outreach, and reporting. This ordinance was the result of extensive benchmarking of police oversight mechanisms throughout the United States and consultations with experienced practitioners and leading academics in the field.

## COMMUNITY OUTREACH

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Part of the mission of the Office of the Community Ombudsman is to provide on-going public outreach. The ombudsman is available to speak to service clubs, professional organizations, neighborhood groups, and schools. These contacts with members of our community allow the ombudsman to listen to the concerns and opinions community members have about both Boise law enforcement agencies and the operations of the ombudsman's office. In addition, the ombudsman is able to educate the community about the ombudsman's office and promote community support for professional and accountable law enforcement in our city.

The ombudsman and his staff provide a real service to the community through the many questions they answer about the policies, procedures, and tactics of law enforcement. Even though the office receives an influx of contacts whenever there is extensive media coverage of police activities, it is not only high-profile situations that prompt people to call and ask for the ombudsman's help in understanding the details of police procedures and practices. Many of the contacts that are received involve minor interactions between community members and Boise law enforcement officers. In every instance, the ombudsman and his staff either answer the question posed, or put the person in touch with a specific individual who can provide an answer. As public servants, and especially as members of the Office of the Community Ombudsman, the staff believes that it is their duty to provide the public with the information they need and want about law enforcement in our community.

In addition to the contacts with the community initiated by either the public contacting the office or the ombudsman speaking to organizations, the office provides brochures and maintains a website that provides helpful information.

### PRESENTATIONS

In 2009, the ombudsman spent over 13 hours participating in community outreach activities. These activities included presentations to students at Treasure Valley Community College, Boise State University Criminal Justice classes, BPD's Citizen Police Academy, Rotary and Lions clubs, orientations for new refugees, and special appearances on a call-in radio show at KWEI Spanish Radio.

### BROCHURES

The Office of the Community Ombudsman has two brochures available to the public. Both brochures are available at the ombudsman's office, on their website, or by requesting that one be mailed to you.

The primary brochure provides a brief introduction to the office, includes information on how to file a complaint or commendation, and contains a form to be completed and returned. This brochure is created as business reply mail and can be folded and mailed with no postage.

The second brochure was created as a joint project with the Boise Police Department. It is entitled, "What to Expect – Un-

derstanding the Law and Police Procedures." This brochure helps the reader know what to expect when interacting with a police officer, whether during a traffic stop, when reporting a crime, or during an arrest.

### WEBSITE

The Office of the Community Ombudsman's website is an interactive site where the public can express their complaints, issues, or concerns regarding Boise City's law enforcement agencies. The homepage provides links to the Ombudsman Ordinance, staff information, the complaint process, commendations, and related websites. On-line publications include PDF versions of the office's brochures, investigative reports, policy reports, and mid-year and annual reports. This site is a valuable resource in assisting the community to understand and evaluate the available services.

## PROJECTS AND UPDATES

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### JOINT POLICY STUDY

The Ombudsman's Office and the Boise Police Department have conducted a joint policy study each of the last three years. The 2006 project examined the Taser policy, the 2007 study focused on the application and use of the Public Intoxication ordinance, and the 2008 project explored Code Three Policy Vehicle Operations. Foot pursuits was the chosen project for 2009. This study was still active by the end of the year and work will continue into 2010. These joint studies allow both agencies to collaborate on issues of high importance to the community and to the officers, with the level of importance being determined by one of more of the following factors (among others): officer safety, potential liability, public safety, best practices, etc.

### CRISIS INTERVENTION TEAM (CIT)

In 2006, after the completion of a Critical Incident investigation (OMB04/0232), the ombudsman recommended that BPD begin a formal program of training and establishing Crisis Intervention Teams.

In April 2009, after completing training, BPD implemented their first Crisis Intervention Team. The goal of this team is to increase safety for the public, for officers, and for those dealing with a mental health crisis, or emotional issues brought on by substance abuse. The team is designed to try and diffuse crisis situations involving those with mental illness before those situations escalate to potential violence.

## OPERATIONS

### COMPLAINTS ABOUT CONDUCT

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Anyone may file a complaint about the conduct of Boise City law enforcement agencies with the Office of the Community Ombudsman. If you feel an employee of the Boise Police Department, Boise City Parking Enforcement, or Boise City Code Enforcement did not treat you properly or violated a policy, you may contact the office with your concern. When you contact the Office of the Community Ombudsman, details of your complaint will be assigned to an investigator for investigation. After a thorough investigation, the ombudsman will issue a finding and you will be notified of the outcome.

### FALSE COMPLAINTS

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The Office of the Community Ombudsman relies upon the truthfulness and good intentions of those community members who choose to file a complaint about the actions of a Boise law enforcement officer. A reasonable amount of allowance is made for the fact that multiple witnesses to the same event will have different memories of the event. Every person's impression of what occurred is colored by individual perceptions, emotions, biases, and a host of other factors. The ombudsman does not expect that every officer and every citizen at the scene of an incident will have exactly the same memory of the event, nor that they will all draw the same conclusions about the meaning and appropriateness of what took place.

We do insist that every person who files a complaint with the Office of the Community Ombudsman provides information that he or she believes to be true and accurate. Intentionally and knowingly providing false information in the filing of a complaint is a serious matter. It is a breach of trust. It compromises the integrity of the "community feedback" process the office depends on. It also is unfair to an officer whose professional and personal reputation may be at stake. Evidence sufficient to form probable cause to believe that a complainant has knowingly made a false allegation regarding a Boise law enforcement officer will be forwarded to the prosecutor for consideration of criminal charges against the complainant.

### TIME LIMITS

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The policy and procedures of the ombudsman's office include a time limit for filing Complaints and Appeals. In the case of Complaints, when a violation of policy, procedure, or law is alleged, the complaint must be filed within 90 days of the occurrence of the incident that gave rise to the grievance. The ombudsman may grant an exception to this time limit when the initial evidence presented constitutes a violation so severe that criminal charges, termination, or serious disciplinary action could result if the allegation were to be sustained, or when the complainant was unable to file a complaint during the 90 days due to an involuntary incapacity (e.g., hospitalization, incarceration, etc.). Citizens must file Appeals with the ombudsman within 30 days of receiving notification of a finding issued by the chief of police for a complaint the citizen filed directly with the police department. The ombudsman may grant an exception to the Appeal time limit in cases where the complainant was unable to request an Appeal during the 30 days.

### CONCLUSION

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After an investigation, the ombudsman issues findings on all Critical Incidents, Complaints, and Appeals. Occasionally, recommendations may be issued as a result of the investigations. All complainant-initiated cases result in a follow-up with the complainant in which the results of the investigation are explained. Investigative reports for all Critical Incidents and Complaints are available to the public. These reports are available on our website and include the findings issued by the ombudsman, as well as any recommendations. Most cases end with a final disposition from the chief of police or the appropriate department head.

## FORMAL CASE TYPES

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The Office of the Community Ombudsman classifies cases using six (6) types of formal cases. The descriptions below explain how the decision is made to how a case is classified.

### COMMENDATIONS

The ombudsman opens a formal case every time a community member takes the time to praise the actions of officers in a specific incident. This type of case is called a Commendation. The Office of the Community Ombudsman gladly takes these commendations and forwards them to the officer and chief of police.

### APPEALS

In those instances when an individual complains directly to the police, an Appeal can be filed with the ombudsman within 30 days after the complainant has received a response from an investigation conducted by BPD. Upon receipt of an Appeal, the ombudsman reviews the internal investigation conducted by BPD and determines whether or not the investigation was complete and thorough. The ombudsman may issue a finding based on the strength of the department's own internal investigation or he may conduct an additional investigation and then issue a finding.

Individuals must file Appeals with the ombudsman within 30 days of receiving notification of a finding issued by the chief of police for a complaint the person filed directly with the Police Department. The ombudsman may grant an exception to the appeal time limit in cases where the complainant was unable to request an appeal during the 30 days due to an involuntary incapacity (e.g., hospitalization, incarceration, etc.)

### INQUIRIES

Inquiries constitute the largest percentage of formal cases. Inquiries are the name given to a question or a complaint that does not, on its face, contain an allegation of policy or law violation. Nonetheless, the person contacting the ombudsman is questioning the actions of a Boise law enforcement officer or agency. As such, the ombudsman is obligated to look into the circumstances underlying the expressed concern or question. If possible, a satisfactory resolution of the problem is sought. The ombudsman often acts as a mediator between the person and the involved Boise City law enforcement agency. There are three (3) types of Inquiries: Policy Question, Service Quality, and Rapid Resolution.

Rapid Resolution Inquiries were developed to be able to provide a response to inquiries in a shorter amount of time. Due to the large percent of inquiries opened by the ombudsman and the time involved seeking an answer or mediating a resolution, the ombudsman, with the cooperation of the police department, developed a process designed to resolve issues quickly by putting individuals in direct contact with first-line supervisors.

The rapid resolution process is initiated when an inquiry is filed by an individual. After reviewing the inquiry, the ombudsman decides if the resolution could be expedited by involving the police directly. A formal case is then opened and a division captain at BPD is contacted. The captains are requested to either contact the person themselves, or delegate the contact to the appropriate supervisor in order to provide a "rapid resolution". This process allows a supervisor to find out quickly what happened and resolve any questions or concerns directly with the individual.

The captain is obligated to contact the ombudsman once the Inquiry has been resolved. After receiving an explanation of the outcome, the ombudsman follows up with the individual. If for any reason the individual is not happy with the contact by the supervisor, or if they still have questions, the individual has 30 days in which to contact the ombudsman with their concerns.

The Office of the Community Ombudsman takes special care in making sure that the complainants understand the process and are comfortable in speaking with a BPD supervisor. Many people have been eager to have the opportunity to speak directly to someone in BPD. Very few have indicated that they would feel uncomfortable speaking to someone from the police department. However, when such a preference is made known, the ombudsman will look into the Inquiry.

### CLASS I COMPLAINTS

The ombudsman also opens a case whenever a person complains about the actions of one or more officers. If the actions being described by a complainant are such that, were they true, they would constitute a violation of either police policy or law, the case is classified as a Complaint.

Complaints are then classified as either a Class I or a Class II Complaint. This distinction is related to the severity of the misconduct being alleged. In practice, all complaints receive a thorough and objective investigation and little or no practical distinction is made between the two different classes of complaints.

A Class I Complaint includes more severe allegations along the lines of excessive force, violations of criminal law, or the abuse of authority. In the 8 Class I cases opened in 2009, 27 separate allegations were made. All of the Class I complaints involved the Boise Police Department.

## **CLASS II COMPLAINTS**

Class II Complaints are less serious and involve complaints of inadequate service, discourtesy, improper procedure, and non-criminal conduct. They are tracked in the same manner as Class I Complaints.

When a person files either a Class I or a Class II Complaint, the ombudsman tracks each reported act of misconduct by each of the involved officers. Often, more than one officer is involved in the underlying incident. During the investigation, if additional misconduct is discovered, new allegations will be listed. Tracking allegations separately enables the ombudsman's office to report a finding for each complaint allegation and to track allegations by type and officer.

In 2009, there were eight (8) Class II cases opened by the Office of the Community Ombudsman with eleven (11) separate allegations.

## **CRITICAL INCIDENTS**

A Critical Incident is an event that involves the use of deadly force, or an event in which police actions result in death or serious bodily injury. They are specifically addressed in the City ordinance that governs the Office of the Community Ombudsman. It requires that the ombudsman be notified immediately whenever an employee of the Boise Police Department or the Boise Airport Police Department is involved in a Critical Incident. When a Critical Incident occurs, the ombudsman is required to act as an observer to any criminal, civil, or administrative investigation conducted by or on behalf of the police department. In addition, the ombudsman has the authority to conduct his own independent administrative investigation into the critical incident. Critical Incidents are defined by Boise City ordinance in the following manner:

- Use of force or any other department action that results in death or serious bodily injury (Serious bodily injury is an injury that results in the subject being admitted to a hospital.),
- or Use of Deadly Force where only minor bodily injuries occur,
- or Intentional use of Deadly Force but no injury occurs (excluding animals),
- or Vehicle pursuits, roadblocks or intercepts resulting in death or serious bodily injury,
- or when a Boise Police employee is involved in a traffic accident resulting in death or serious bodily injury, while operating either a city or a private vehicle while on City business.

## **OTHER AGENCY**

Occasionally, the ombudsman receives complaints that are outside of his jurisdiction. Complainants who contact the Office of the Community Ombudsman are sometimes not clear about the ombudsman's jurisdiction. If, after the extent of the office's authority is explained, the complainant requests that the ombudsman forward a complaint to the appropriate agency, an Other Agency case may be opened. In some cases, it is unclear which agency has been involved and the ombudsman makes every effort to help identify the agency. If a case is originally opened as a Complaint or an Inquiry and it is later discovered that BPD employees were not involved, the case is reclassified as Other Agency and the complainant is given the option to either contact the appropriate agency themselves or have the ombudsman forward the complaint.

## **ALLEGATION TYPES**

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Each case tracks any allegations presented by the complainant. Additional allegations may be added as they are discovered in the course of an investigation. Some cases contain more than one allegation for a particular officer and/or contain allegations for multiple officers.

A total of 17 different allegation categories are recorded by the Office of the Community Ombudsman. Allegation categories are also used to classify items that are not a complaint per se. For example, if a commendation is received, the allegation is reported as an Officer Commendation. Inquiries are classified in one of three ways: Service Quality, Policy Question, or Rapid Resolution. Other Agency is also an allegation classification. The other allegations all classify the type of complaint alleged or the potential policy violation and will be issued a finding at the end of an investigation.

The following definitions are used to classify each of the following types of allegations:

### **RUDENESS/DEMEANOR**

A Rudeness/Demeanor complaint is any allegation involving the behavior of an officer, in word or in deed, that can be considered rude, offensive, or disrespectful.

Officers are expected to conduct themselves in a civil and respectful manner. They shall not use profanity, uncomplimentary speech, or intentionally antagonize any person.

A Rudeness/Demeanor allegation does not include non-specific allegations of a general nature that may otherwise be classified as a Service Quality Inquiry.

### **PERFORMANCE OF DUTY**

A Performance of Duty complaint includes any allegation involving the inefficiency of an officer in carrying out his or her duties.

Examples include inadequate service, failure to take a report, inadequate investigation, and any other non-criminal conduct. However, Performance of Duty does not include failure to take action, as required by law or policy, or failure to record an enforcement contact. These two allegations are specifically addressed under Failure to Act and Failure to Record allegations.

An officer's competency is demonstrated by adequate knowledge of the application of laws required to be enforced, the willingness and ability to perform assigned tasks properly, conformance to the work standards established for the law enforcement officer's rank, grade, or position, and taking appropriate and timely action when a crime, disorder, or other situation requiring police action occurs.

A Performance of Duty complaint focuses on the inadequate or insufficient actions of an officer as contrasted by an Improper Conduct complaint which revolves around the excessive, unnecessary, or disproportionate action of an officer.

### **USE OF FORCE**

A Use of Force complaint includes any allegation involving the unnecessary or unreasonable use of force or violence.

The criteria for determining a reasonable amount of force includes the severity of the crime, the nature and extent of the threat posed by the suspect, the degree to which the subject resists arrest or detention, attempts by the subject to evade arrest by flight, and other factors including: the nature and quality of force used upon the individual, duration of the force, the severity of injuries inflicted, the officer's or subject's physical size or attributes, environmental considerations, reaction time, and the totality of circumstances.

In all circumstances, officers must refrain from any unnecessary infliction of pain or suffering and may never engage in cruel, degrading, or inhumane treatment of any person.

### **IMPROPER CONDUCT**

An Improper Conduct complaint includes any allegation involving the extreme or unwarranted action of an officer in carrying out his or her duties.

This includes, but is not limited to, any acts or threats of violence, property damage, conduct unbecoming, cruelty, intimidation, or other actions which shock the conscience.

An Improper Conduct complaint differs from a Performance of Duty complaint by focusing on an allegation that an officer acted in an excessive, undue, severe, or conflicting manner; as opposed to the insufficient, derisory, or poor action of an officer.

### **ABUSE OF AUTHORITY**

An Abuse of Authority complaint includes any alleged action by an officer that can be construed as an exploitation or misuse of the authority granted to the officer.

Examples include corruption, retaliatory arrest, biased policing, or use of one's position for personal gain and/or advantage.

### **OFFICER HARASSMENT**

An Officer Harassment complaint includes any alleged actions by an officer that can be categorized as harassment in the form of intimidation, ridicule, or persecution.

It also includes any stalking or pestering in any form that may be considered retaliation against a person for reporting misconduct, harassment, or complaining about the alleged retaliating officer.

### **CRIMINAL CONDUCT**

A Criminal Conduct complaint includes an allegation that an officer violated the law or has been charged with a crime.

**VEHICLE OPERATION**

A Vehicle Operation complaint is an allegation that includes unsafe driving, driving violations, or unauthorized Code 3 response.

Any employee-involved traffic collisions resulting in death or life-threatening bodily injury involving a law enforcement employee operating either a city vehicle or a private vehicle while on-duty do not fall under this allegation, but, rather, are classified as Critical Incidents.

**CONSTITUTIONAL RIGHTS VIOLATION**

A Constitutional Rights Violation complaint includes any allegations of a violation of rights included in the Constitution of the United States.

Examples include unlawful search, unlawful detention, failure to provide Miranda warning, and harassment designed to infringe upon those rights guaranteed by the Constitution and applicable federal and state laws.

Harassment not considered to be a Constitution Rights Violation but rather used for retaliation or intimidation is defined as an Officer Harassment allegation. Use of Force is also not included under a Constitutional Rights Violation complaint.

**FAILURE TO ACT**

A Failure to Act complaint includes any alleged failure to take action as required by law or policy.

A Failure to Act complaint is separate from a Performance of Duty complaint, in which the officer's actions are considered insufficient. It also does not include Failure to Record.

**FAILURE TO RECORD**

A Failure to Record complaint is an allegation of an officer's failure to audio record an enforcement contact as required by policy.

**CRITICAL INCIDENT**

Critical Incidents include any event in which deadly force is used and results in death or life-threatening bodily injury, as well as any event in which deadly force is intentionally used but minor or no bodily injury occurs.

Critical Incidents also include any vehicle pursuits, roadblocks, intercepts, or other police actions resulting in death or life-threatening bodily injury. Employee-involved traffic collisions resulting in death or life-threatening bodily injury any time while operating a city vehicle or a private vehicle while on-duty are also classified as Critical Incidents and are separate from Vehicle Operation allegations.

**OFFICER COMMENDATION**

An Officer Commendation is an acclamation providing recognition of an officer's exemplary conduct or meritorious actions, including attitude, accomplishments, or superior service.

**POLICY QUESTION**

A Policy Question Inquiry is any inquiry into the policy or procedures of the police department.

This includes questions about whether the actions or behavior of an officer were consistent with policy, procedure, or law.

However, allegations of specific actions or omissions that, if true, would be a violation of policy or law, are classified as a Complaint rather than an Inquiry and identified as some other type.

**SERVICE QUALITY**

A Service Quality Inquiry is any inquiry into the quality of service provided by an officer or the propriety of an officer's actions.

This includes, but is not limited to, any question of behavior or action taken by an officer in response to a request for service.

This type includes any behavior or action that can be questioned, but does not appear to be a violation of policy, taken at face value.

**RAPID RESOLUTION**

A Rapid Resolution Inquiry involves inquiries of a general nature sent to the police department for quick resolution.

It can include inquiries into the quality of service provided by an officer or the propriety of an officer's actions that does not appear to be a violation of policy. It can also include any questions about department policy or procedure that can be better answered by the police department.

**OTHER AGENCY**

Other Agency is used when a complaint or inquiry involves an agency outside of the ombudsman's jurisdiction.

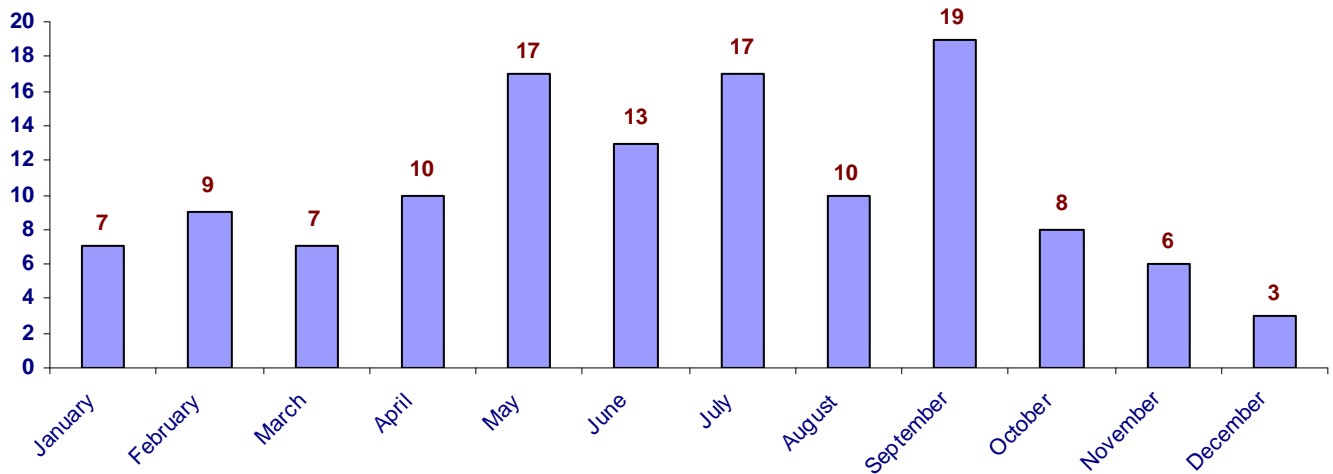
# YEAR-END STATISTICS

## 2009 CASE TOTAL

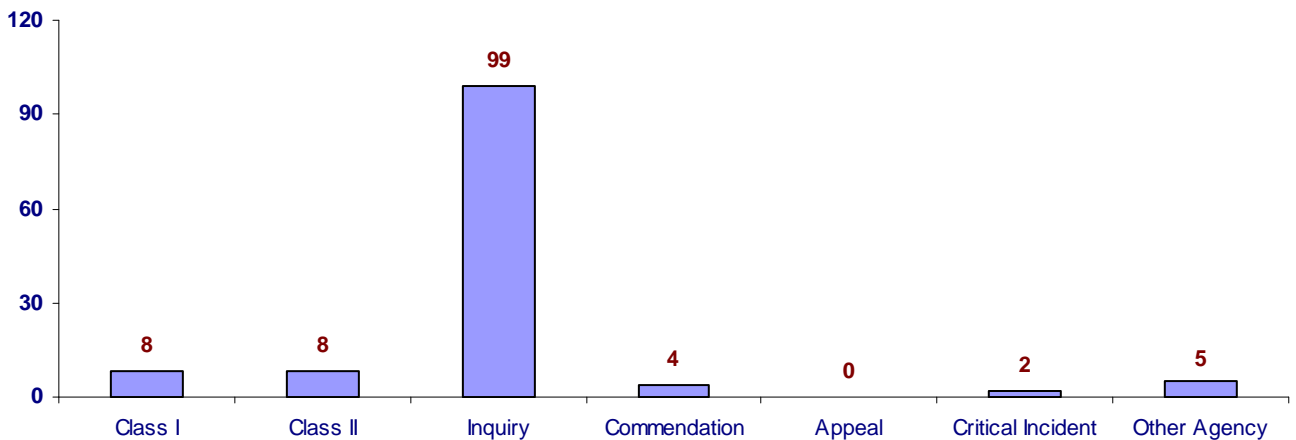
The Office of the Community Ombudsman opened 126 formal cases in 2009. The year began with nine (9) cases from 2008 and one (1) from 2007 still open. However, by the end of 2009, work had been completed on all but six (6) of the 2009 cases.

Investigative reports are made public when the ombudsman's office conducts an investigation into a Complaint, Critical Incident, or Appeal. In 2009, 17 investigative reports were issued. They include six (6) cases opened in 2008. These reports can be found on the website [www.boiseombudsman.org](http://www.boiseombudsman.org) under "Investigative Reports".

**Total Cases by Month**  
January 1, 2009 - December 31, 2009  
Total = 126



**Classification of Formal Cases**  
All Jurisdictions  
January 1, 2009 - December 31, 2009  
Total = 126

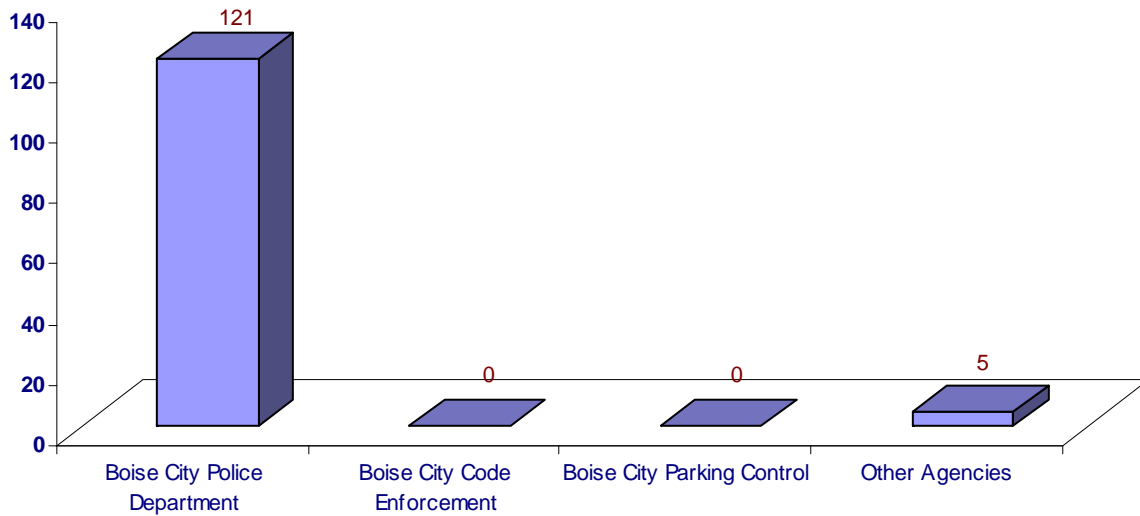


## FORMAL CASES BY JURISDICTION

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Of the 126 cases opened in 2009, 121 involved the Boise Police Department. No cases were opened involving Boise City Code Enforcement or Boise City Parking Control. A total of five (5) cases were outside of the ombudsman's jurisdiction.

**Formal Cases by Jurisdiction**  
January 1, 2009 - December 31, 2009  
Total = 126

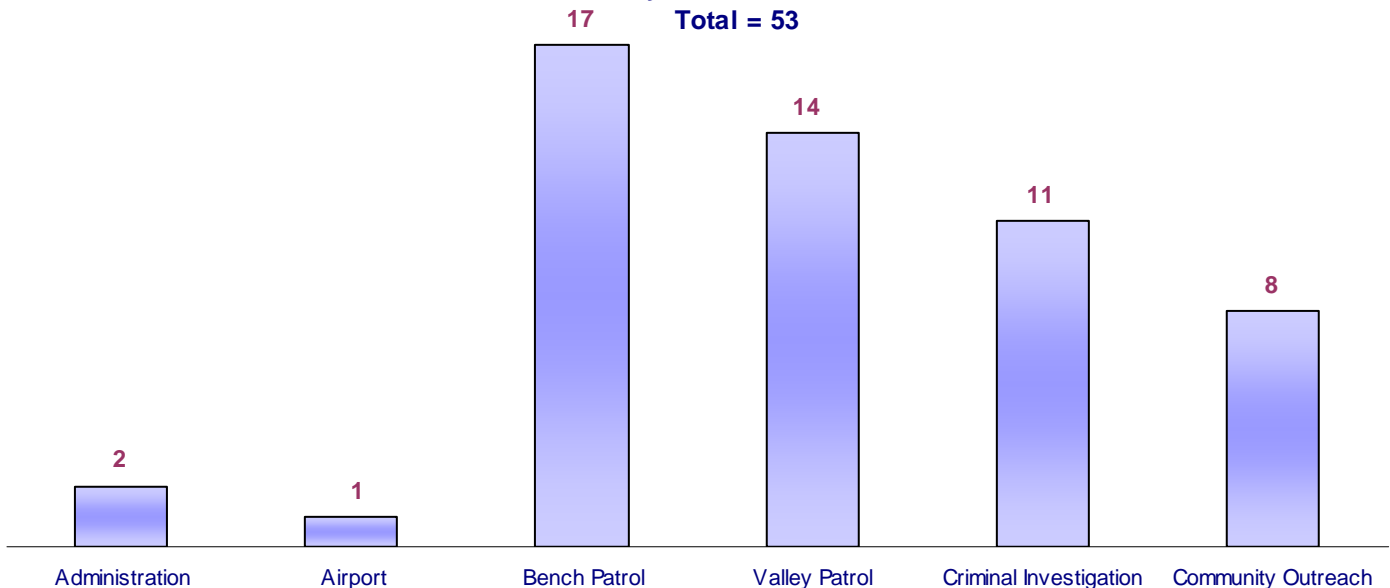


## RAPID RESOLUTION INQUIRIES

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Of the 99 Inquiries opened in 2009, a total of 53 were handled by various divisions of BPD as Rapid Resolution Inquiries.

**2009 Rapid Resolution Inquiries**  
By BPD Divisions  
Total = 53

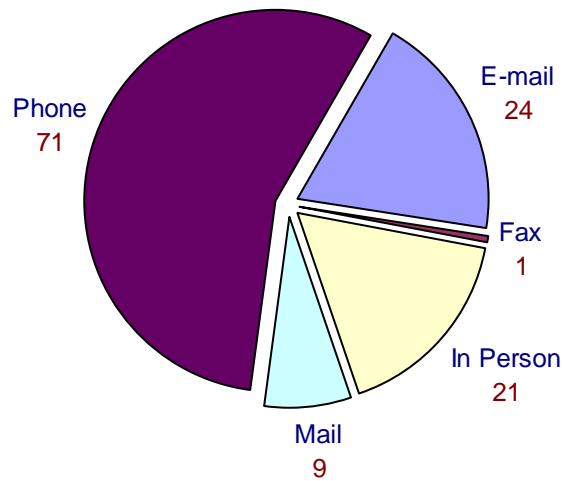


## INTAKE METHOD

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The Office of the Community Ombudsman can be contacted in a variety of ways. The vast majority of contacts resulting in a formal case were made by phone.

**Intake Method**  
January 1, 2009 - December 31, 2009  
Total = 126

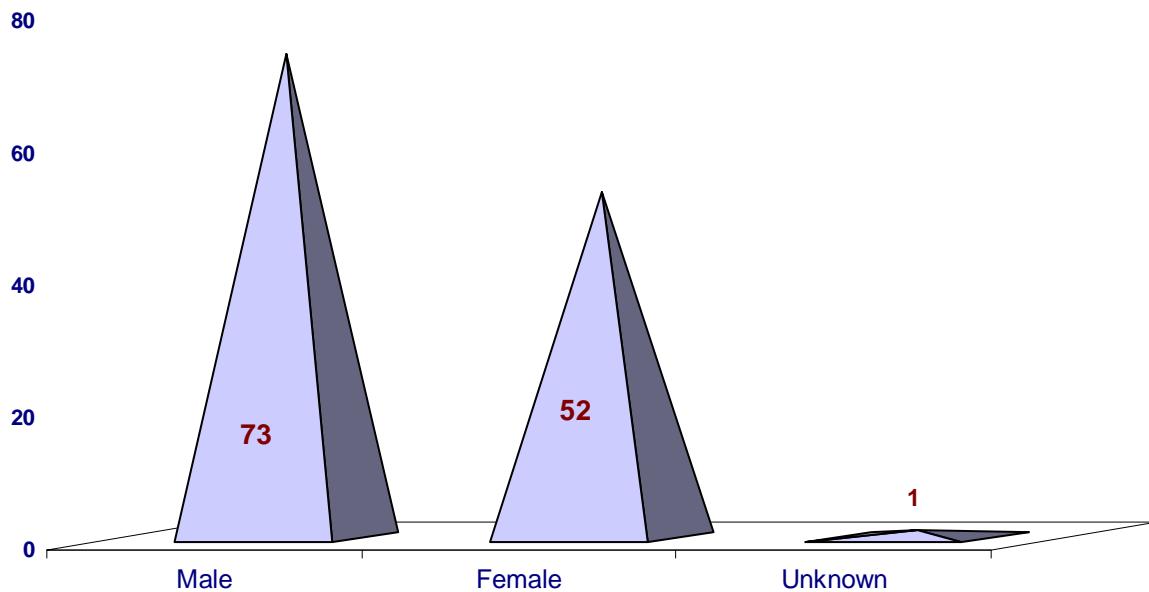


## COMPLAINANT GENDER

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Males account for 58% of the contacts that resulted in formal cases during 2009. On occasion, the ombudsman receives anonymous complaints resulting in the complainant's gender being unknown.

**Complainant Gender**  
January 1, 2009 - December 31, 2009  
Intake Total = 126

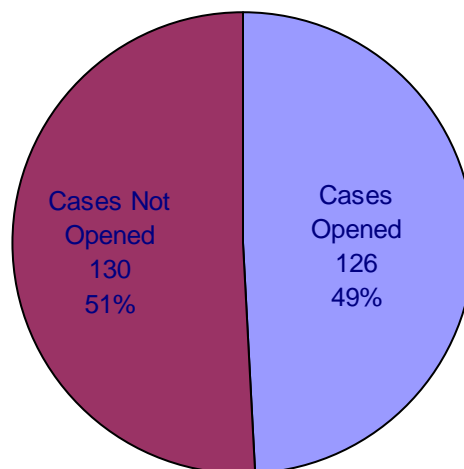


## CONTACTS NOT RESULTING IN A FORMAL CASE

The Office of the Community Ombudsman receives numerous contacts throughout the year. Some of these contacts result in an immediate answer or a referral to another agency. However, other contacts require more time and consideration. Often these contacts do not meet the standards required to open a formal case. When this occurs, these contacts are documented with the reason they were not opened as a formal case. In 2009, there were 256 contacts that were documented. A total of 126 resulted in a formal case, while 130 did not. The various reasons why a case was not opened for those 130 contacts are shown below.

Reason Why Formal Case Was Not Opened	
Contact was made in excess of 90 days after the incident	4
Complainant was not directly involved in incident	8
Complaint is outside of the ombudsman's authority	37
Complainant already contacted BPD and awaiting response	11
Questions answered/issue resolved during contact	12
No allegation of policy violation	19
No further action required	39
<b>Total</b>	<b>130</b>

Results of the 256 Documented Contacts Received in 2009



## FORMAL CASES IN EXCESS OF 90 DAY TIME LIMIT

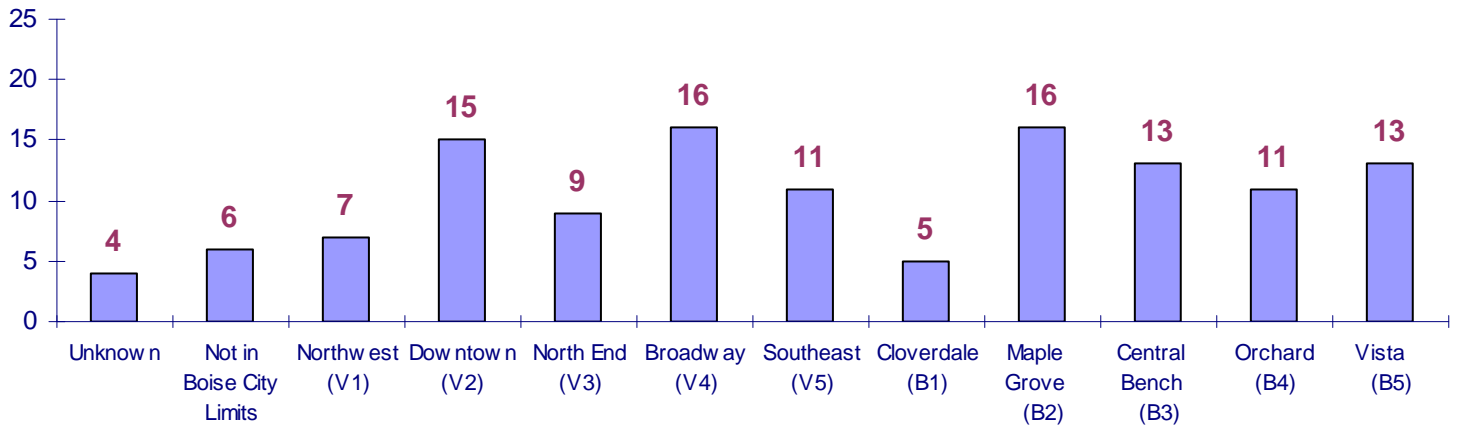
Conversely, even though a formal case is opened, it may not always be investigated by the ombudsman. Although a case may not be opened due to the complainant not making contact with the Office of the Community Ombudsman within 90 days of the incident, occasionally a formal case number is assigned in order to provide a means of tracking the information received. This occurs primarily if a written statement is received from the complainant. In 2009, a total of 3 formal cases were opened in which the incident occurred over 90 days prior. These three cases were classified as Inquiries. Only one of the inquiries was closed as being denied due to the 90-day rule and no further action was taken. However, one case was referred to the Police Department after it was agreed that BPD would be willing to address the issue raised by the Complainant. This case resulted in a police report being taken. Finally, the last case involved the ombudsman conducting a mediation session with BPD and the Complainant for resolution. No cases were opened where the time-limit requirement were waived in order for a complaint to be investigated.

## REPORTING DISTRICTS

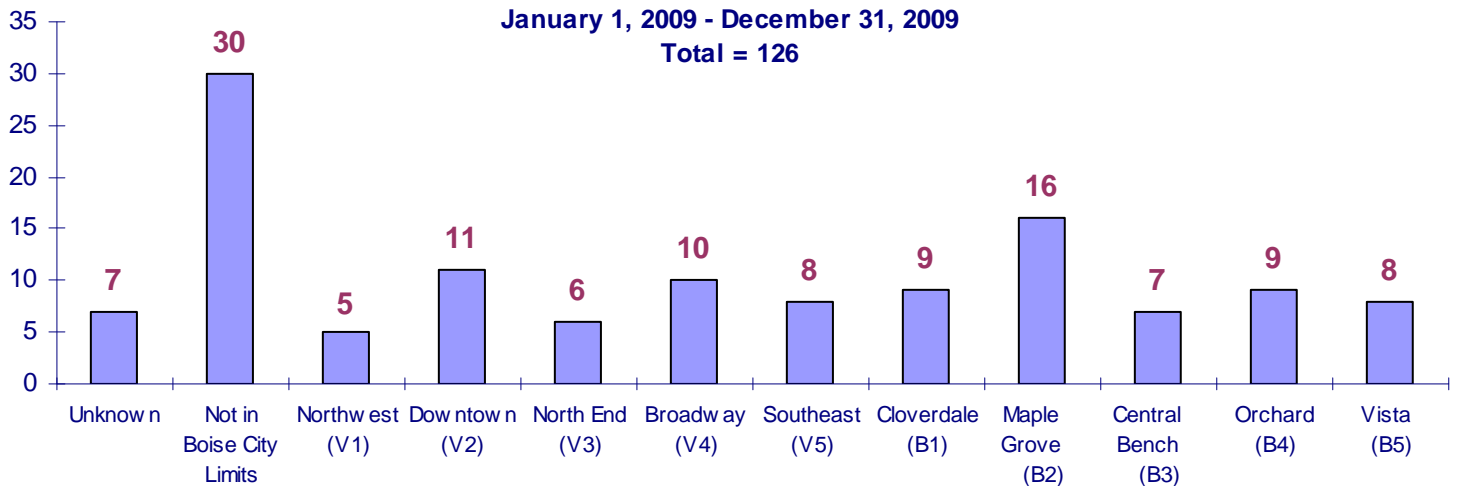
The police department separates the City into Reporting Districts for tracking crime statistics. These reporting districts are divided by BPD's two patrol divisions: Valley and Bench. These two patrol divisions consist of multiple districts. The Boise River provides the dividing line between the two areas. Each area is divided by groups. The Valley area is divided into five groups: Northwest, Downtown, North End, Broadway, and Southeast. The Bench area is also divided into five groups: Cloverdale, Maple Grove, Central Bench, Orchard, and Vista.

The Office of the Community Ombudsman uses these reporting districts in two ways. The location where an incident took place is tracked by reporting district, as well as, the residence of the complainant. This data shows trends and highlights specific areas of Boise in which incidents that result in a formal case occur. It is also helpful in showing which area of Boise the majority of our complainants live. This data can be useful in identifying areas of the City that may benefit from future outreach programs by the Office of the Community Ombudsman.

**Reporting District  
Incident Location  
January 1, 2009 - December 31, 2009  
Total = 126**



**Reporting District  
Complainant Residence  
January 1, 2009 - December 31, 2009  
Total = 126**

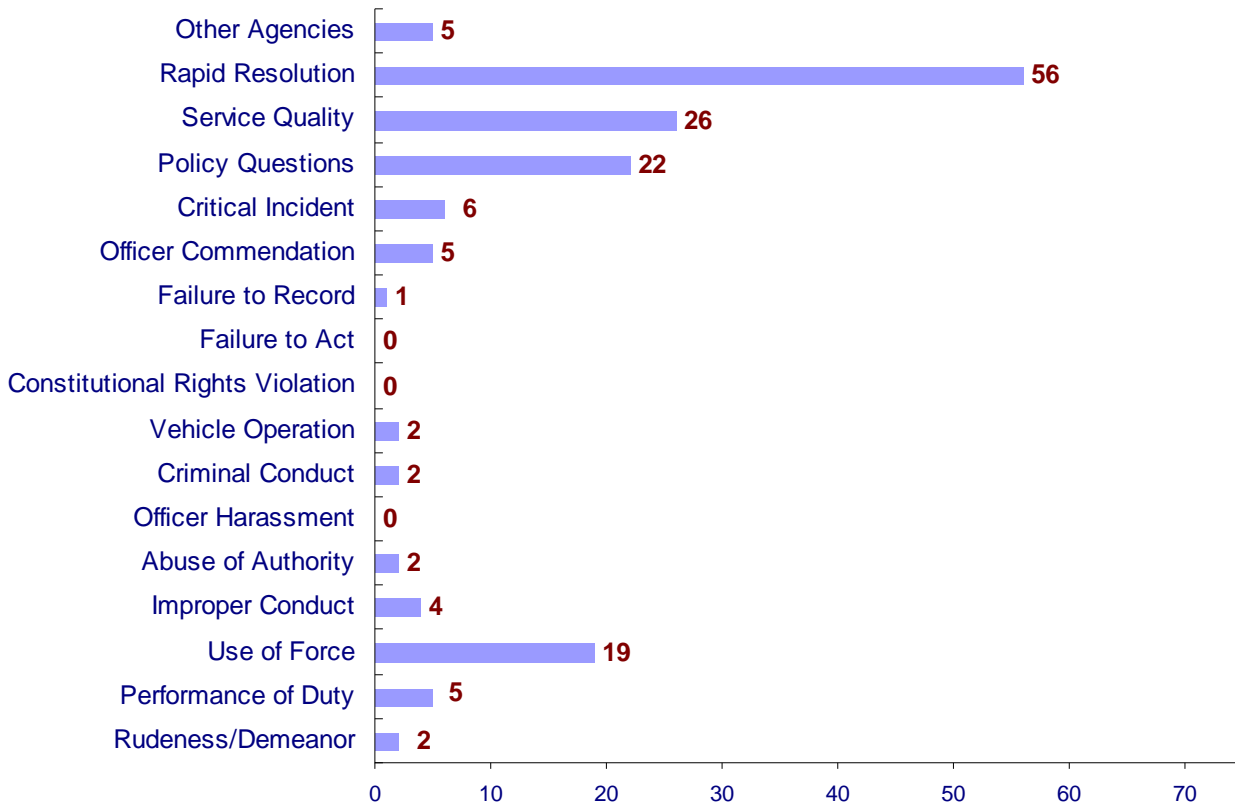




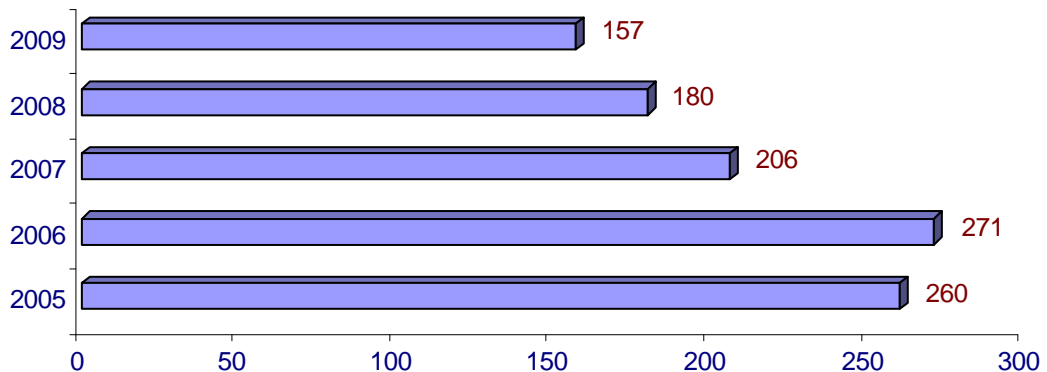
## 2009 ALLEGATION TOTALS

In 2009, a total of 157 allegations were included in the 126 cases opened. Each case tracks any allegations presented by the complainant. However, additional allegations may be added in the course of an investigation. Some cases contain more than one allegation for a particular officer and/or contain allegations for multiple officers. Allegations indicate the type of misconduct alleged in a Complaint or the type of Inquiry opened. Commendation and Other Agency are used as both allegation type and a classification for a formal case. In 2009, a total of 152 of the 157 allegations involved the Boise Police Department.

**Nature of Commendations/Allegations/Inquiries**  
**All Jurisdictions**  
**January 1, 2009 - December 31, 2009**  
**Total = 157**



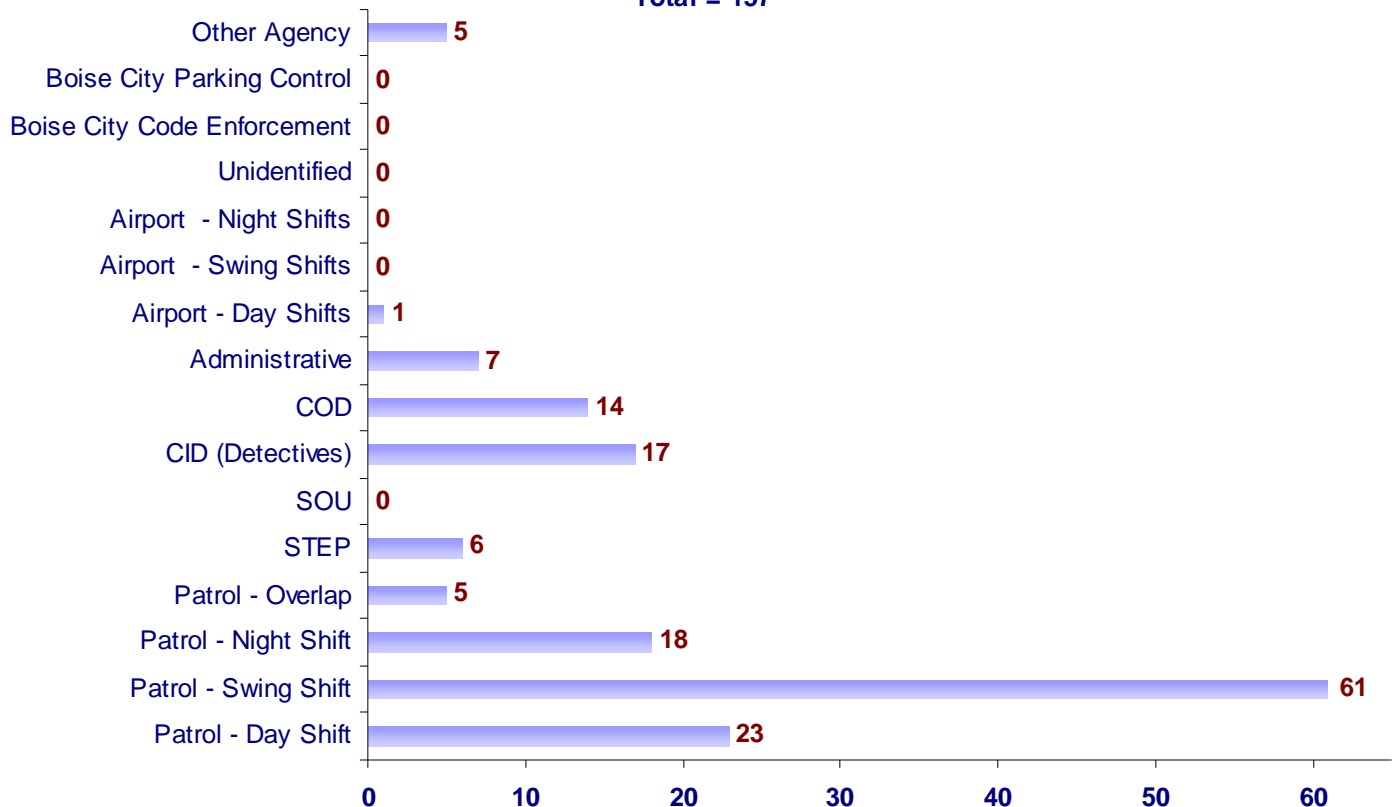
**Allegation Total**  
**5-Year Comparison**



**Allegations/Commendations/Inquiries  
by Case Classification  
All Agencies  
January 1, 2009 - December 31, 2009  
Total = 157**

Allegation Type	Class I	Class II	Inquiry	Commendation	Appeal	Critical Incident	Other Agency	Total
Rudeness/Demeanor		2						2
Performance of Duty	1	5						6
Use of Force	18	1						19
Improper Conduct	4							4
Abuse of Authority		2						2
Officer Harassment								0
Criminal Conduct	2							2
Vehicle Operation	2							2
Constitutional Rights Violation								0
Failure to Act								0
Failure to Record		1						1
Officer Commendation				5				5
Critical Incident						6		6
Policy Questions			22					22
Service Quality			25					25
Rapid Resolution			56					56
Other Agencies							5	5
<b>Total</b>	<b>27</b>	<b>11</b>	<b>103</b>	<b>5</b>	<b>0</b>	<b>6</b>	<b>5</b>	<b>157</b>

**Commendations/Allegations/Inquiries by Division  
All Agencies  
January 1, 2009 - December 31, 2009  
Total = 157**



## CASE SUMMARIES

The following are summaries of some of the cases closed in 2009. They demonstrate the variety of cases that are received by the Office of the Community Ombudsman. Public reports are not issued for Inquires, cases in which no policy violations are alleged; however, complete investigative reports for Critical Incidents and Complaints can be found at [www.boiseombudsman.org](http://www.boiseombudsman.org) by the corresponding case number under “2009 Investigative Reports”.

### INQUIRIES

#### OMB 09/0083 (POLICY QUESTION)

The Complainants reported their vehicle stolen from a Boise City park in the spring of 2009. A BPD employee took an auto theft report and told the Complainants that Dispatch had checked records and the vehicle had not been towed. Thirteen days later, the Complainants were notified that their car had been towed and in storage the whole time. Subsequently, the Complainants were charged for impound and storage fees. The Complainants questioned a “system failure” due to their vehicle not being identified as being impounded when they reported it stolen. They requested the ombudsman to investigate the matter.

The Boise City Park and Recreation Department maintains a contract with a tow company to tow any illegally parked vehicles. Although the park is publicly owned, towing of illegally parked vehicles is governed by the regulations of a “private property tow”. City Code requires that tow companies fax the vehicle description and location to BPD’s Vehicle Impound Unit (VIU) within twenty-four hours of any tow from private property.

The VIU received the tow notice fax for the Complainants’ vehicle from the tow company, ran the vehicle’s VIN and saw that it had not been reported stolen. Later that same day, a BPD employee took an auto theft report and had Dispatch check their tow records. The employee believed that the Dispatch tow log would reflect any tow in the city. However, the Dispatch list only includes repossessions and law enforcement initiated tows. Dispatch is not routinely notified of private property tows.

The VIU has a practice of periodically checking all unclaimed towed vehicles to make sure none of them were stolen. It was during such a check that the Complainants’ vehicle was identified as a reported stolen auto. The vehicle was recovered and released to the Complainants after the towing and storage fees were paid.

It is clear that a number of factors contributed to the fact

that the Complainants’ vehicle remained in the tow yard for several days after it was reported missing and listed as stolen. This situation could have been avoided if the Complainants had contacted the tow company listed on the sign posted at the park when they first discovered their vehicle missing. It also could have been avoided if there had been an easy way for BPD officers and employees, Dispatch, and the general public to access a list of vehicles towed from private property.

The ombudsman suggested to the chief of police that he raise the issue to a command level within BPD and the Ada County Sheriff’s Office so that some type of agreement can be made between BPD and Dispatch to keep track of such tows. The ombudsman also suggested that the chief speak directly with the director of the Parks and Recreation Department to see if their contract with the tow company can be modified to require tow operators to attempt contact within 24 hours with the registered owners of vehicles they remove from City parks.

#### OMB 09/0050 (RAPID RESOLUTION)

The Complainant noticed that a police car was following him as he turned into a parking lot, but had no reason to believe it was following him specifically. As the Complainant parked and stepped out of his car, two officers got out of the police car and drew their guns. One of the officers told the Complainant that they stopped him because he was “driving erratic”. The Complainant felt like he had done nothing wrong and was upset with the way the officers spoke with him and that they had their guns drawn. The Complainant was open to speaking to the officers’ supervisor about his concerns with this interaction.

The officers’ sergeant looked into the incident and contacted the Complainant. The sergeant learned that the officers had been given criminal history information from Dispatch associated with a name similar to the vehicle’s registered owner. This information caused the officers to be apprehensive of the Complainant’s erratic driving. The Complainant had registered his vehicle under the name he prefers to go by instead of his legal name. Therefore, the criminal history provided to the officers was associated with an individual who has the same name as the one the Complainant used when he registered his vehicle.

The officers had a valid reason to contact the Complainant based on their observations. However, it was the information provided to them by Dispatch that caused them to suspect that the Complainant was driving under the influence and might pose a danger to the officers.

## CLASS I COMPLAINTS

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Although the officers did not violate any policy, they were counseled on the importance of clear communication during enforcement contacts to avoid confusion. The officers were also reminded that, had they run the Complainant's driver's license during the contact, they would have discovered the identity error and handled the situation in a more positive manner.

The Complainant was satisfied with the explanation he received from the sergeant concerning the officers' behavior towards him.

### **OMB 09/0100 (RAPID RESOLUTION)**

The Complainant contacted the ombudsman after an encounter with a BPD officer. The Complainant felt that the officer's behavior and loud, commanding tone was not appropriate for the situation. She felt that a friendly and professional approach would have been more effective and reflected better on BPD. She asked to have someone coach the officer on how to interact more effectively with the public. The Complainant was open to speaking to the officer's supervisor and a Rapid Resolution Inquiry was opened.

The officer's supervisor reviewed the officer's audio recording of the incident and contacted the Complainant. The supervisor advised the Complainant that he felt the officer was inappropriate in one of his remarks and that the officer could have framed his responses better. He also advised her that the officer took responsibility for his statements and had been coached on how to better deal with similar situations in the future. The Complainant was satisfied with the results of the inquiry and the supervisor's actions.

### **OMB 08/0068**

In early 2008, Officer #1 and Officer #2 observed a white, four-door SUV pull out of a gas/convenience store in northwest Boise. The SUV pulled into the parking lot of a second gas/convenience store located a few blocks away. The driver of the SUV got out of the vehicle, pointed what appeared to be a gun at Officer #1, and fled. Officer #1 and Officer #2 pursued the suspect on foot. Approximately fifty additional officers arrived to assist in setting up a perimeter and attempted to locate the suspect. The suspect was not located.

The Complainant learned the next day that he had been identified as the suspect in the above incident. He contacted the Boise Police Department and made arrangements to meet officers in the lobby of the Public Safety Building. After speaking with officers, including Officer #1, he was placed under arrest and booked into jail.

During the course of the investigation, another officer, Officer #3, obtained surveillance video from the first gas/convenience store. Officer #3 delivered the video tape to Officer #1. In the process of preparing for trial on the charges against the Complainant, it became clear that Officer #1 had returned the video to the business and that it was no longer available for use at trial. The charges against the Complainant were then dismissed and he was released from custody.

The Complainant contacted the Office of the Community Ombudsman several days after being released from jail. He alleged that, by returning the video to the gas/convenience store before trial, Officer #1 had failed to preserve evidence which may have served to clear the Complainant of the crime. The Complainant also alleged that, as a result of an inadequate investigation conducted by Officer #1, he had been wrongly arrested and held in jail for approximately 5 months.

The preponderance of the evidence indicates that Officer #1 advised the Prosecutor's Office of the content of the tape as he saw it from his point of view as a police officer. He also told the Prosecutor's Office that he felt it had no evidentiary value and that he planned to return the tape to the gas/convenience store unless he heard otherwise. Officer #1 did not receive a response from the Prosecutor's Office and returned the tape.

Based on the facts presented and the policies in place at the time of the incident, it was found that Officer #1 did not violate BPD policy when he returned the videotape to the gas/convenience store. Given that Officer #1 is not a detective, that he was not given any extra or release time in which to perform the investigative duties he had been given in this case, that BPD was short on officers during the time period following the incident, and that no one requested that he perform any type of follow-up investigation, it was concluded that Officer #1 performed an adequate patrol officer investigation of the incident. Therefore, with respect to the allegations that Officer #1 violated policy by failing to handle evidence properly and by not

adequately investigating the crimes for which the Complainant had been charged, two findings of exonerated were issued.

#### **OMB08/0128**

A police vehicle was being driven by Officer #1, with Officer #2 as his passenger. Officer #1 passed another vehicle that was being driven by the Complainant, and then made a U-turn and began to follow the Complainant's vehicle. Officer #1 activated the emergency lights on his police car and conducted a traffic stop. A pat-down search of the Complainant's outer clothing was conducted. The Complainant was eventually issued a citation by Officer #2 for having a loud and modified muffler on his vehicle and then released.

The Complainant contacted the Office of the Community Ombudsman and explained that he was awaiting trial on a criminal charge that involved Officer #1. The Complainant alleged that Officer #1 conducted a traffic stop without lawful justification for the purpose of harassing the Complainant, who was known to Officer #1. The Complainant also alleged that Officer #1 conducted a pat-down search of the Complainant's outer clothing without consent or a reasonable suspicion that the Complainant was armed.

The preponderance of the evidence supports the conclusion that Officer #1 stopped and detained the Complainant to investigate a possible equipment infraction. Officer #1's digital audio recording of the incident together with Officer #1's statements during his ombudsman interview, show that he did not recognize the Complainant as the driver or as the person awaiting trial for a crime against Officer #1. The officer only recognized the Complainant after making contact and learning his name. It was also determined that Officer #1 had probable cause to believe a traffic infraction had been committed in his presence. Therefore, a finding of exonerated was issued for the allegation that Officer #1 stopped the Complainant merely to harass him.

It is without dispute that Officer #1 conducted a pat-down search (or frisk) of the Complainant. However, the preponderance of the evidence supports the conclusion that it was reasonable for the officer to suspect that the Complainant was armed and dangerous at the time of the incident. Therefore, a finding of exonerated has been issued in regards to the allegation that the officer conducted an unlawful pat-down search.

#### **OMB08/0099**

The Complainant contacted the Office of the Community Ombudsman after a traffic stop and his subsequent arrest for possession of marijuana and drug paraphernalia. The Complainant alleged that Officer #1 operated a BPD police car in an unsafe manner by traveling over the posted speed limit while transporting the Complainant to jail. If this were true, it would be a violation of BPD policy. The Complainant also made two allegations against Officer #2. The Complainant alleged that Officer #2 conducted a search of the interior of the Complainant's vehicle without permission, a search warrant, or other lawful authority to do so. Furthermore, the Complainant alleged that,

after this illegal search, Officer #1 asked him for permission to search, in an apparent effort to make it seem like the search was consensual. If it were true that the search of the vehicle took place before the Complainant was asked for his consent and that no search warrant or other lawful authorization existed, the search would be a violation of BPD policy. Finally, the Complainant alleged that Officer #2 spoke to the Complainant in an uncivil and/or disrespectful manner by calling the Complainant a "stupid stoner", or words to that effect.

The Complainant alleged that, while taking him to jail, Officer #1 exceeded the posted speed limit by 10 to 15 mph. Officer #1 considers it highly unlikely that he did so. Given the fact that there is no means to verify the speed at which Officer #1 was driving the police car and that the Complainant and Officer #1 have different recollections regarding this, a finding of not sustained was issued for the allegation that Officer #1 violated BPD policy in how he operated the police car.

The Complainant also alleged that Officer #2 and one other unknown officer searched his vehicle prior to his arrest and without his permission, a warrant, or other legal justification. The Complainant further alleges that, after his car had already been searched and as a possible ruse to make it look like the search had been consensual, Officer #1 asked him for permission to conduct the search. The preponderance of the evidence supports the conclusion that the one and only search of the vehicle took place after the Complainant gave the police permission to search his vehicle. Therefore, a finding of unfounded for the allegation that Officer #2 conducted an illegal search was issued.

The Complainant alleged that Officer #2 referred to him as a "stupid stoner". Officer #2 denies saying this or anything like it. In addition, the other three officers report that nothing of the sort was said by any of the four officers present. Finally, no such statement can be heard on the recording made by either Officer #1 or Officer #3. For these reasons, the ombudsman issued a finding of unfounded for the allegation that Officer #1 violated BPD policy.

#### **OMB09/0023**

Shortly after 11:00 p.m. on a weekend night in March 2009, a resident called Dispatch to complain about a loud party nearby. Two Boise Police Department (BPD) officers, Officer #1 and Officer #2, were sent to handle the call. After making contact with the calling party and obtaining a signature on a summons for violating the City's ordinance against disturbing the peace, the officers approached a nearby residence from which were coming loud music and raised voices. Officer #2 made contact with a small group of people standing outside in the yard and began the process of issuing the summons to a resident. Officer #1 stood back some distance and provided Officer #2 with security by watching the people and the surrounding area. A full-sized "Red Heeler" dog exited the residence through the open front door and ran directly at Officer #1. As the dog came within a few feet of him, Officer #1 drew his handgun and fired two shots at the dog. One round struck the dog in the back,

causing the dog to turn and run to another part of the yard. The dog died after being taken to an emergency veterinary clinic.

The owner of the dog contacted the Office of the Community Ombudsman and filed a complaint alleging that Officer #1's use of deadly force on the dog was unreasonable and unnecessary. Given the totality of the circumstances, it was objectively reasonable for Officer #1 to conclude that the dog running directly at him might bite him if he did not take immediate action to defend himself and stop the threat. Given that BPD policy permits officers to use a firearm against an animal to prevent injury to self or others, a finding of exonerated was issued. Two training recommendations were made as a result of this investigation and can be found on page 35 of this report.

#### **OMB09/0049**

On a late winter evening in 2009, a BPD officer spotted a pickup truck matching the description of one owned by a person wanted by the police for a felony aggravated battery. This person had an extensive criminal record and was thought to be armed. After calling for additional police units to assist, Officer #1 attempted to make a traffic stop on the truck. A vehicle pursuit ensued that lasted approximately five and one-half minutes and covered more than four miles. The pursuit ended when Officer #1 used a specific maneuver known as the Pursuit Intervention Technique (PIT). Following Officer #1's use of the PIT, the truck spun, jumped a curb, knocked down a street sign, light pole, and tree, and came to rest in the front yard of a residence. The falling tree caused structural damage to the residence. The driver of the truck, who was the wanted person, was arrested at the scene along with the passenger.

The Complainant, the owner of the residence in whose front yard the suspect truck came to rest at the conclusion of the pursuit, contacted the Office of the Community Ombudsman and alleged that the speeds at which the suspect truck and the pursuing police cars were traveling were greater than was safe for the existing conditions. The Complainant further alleged that the PIT used by Officer #1 was done at a speed that was inherently unsafe and violated BPD policies.

The preponderance of evidence does not support the conclusion that the suspect truck was traveling at a speed of more than 40 mph at the time of the PIT. Both Officer #1 and the officer who was a passenger in his police car, estimated the speeds of both vehicles to be below 40 mph. This speed did not violate BPD's pursuit policy. With regard to the officer's use of the PIT previous attempts to stop the suspect truck, including two other attempts to apply the PIT, spike strips, and intercept vehicles had been unsuccessful. The use of the PIT in this situation was allowed by BPD policy. Officer #1 considered the safety of the public, the suspect, and involved officers. He considered the many risk factors present and made the decision to use the PIT, a decision that a reasonable officer could make under the same or similar circumstances. For these reasons, findings of exonerated were issued.

#### **OMB09/0066**

In the middle of a summer day in 2009, Officer #1 conducted a traffic stop on a vehicle driven by the Complainant. After making contact with the Complainant at the driver's door, Officer #1 was informed by Dispatch that there was a valid arrest warrant outstanding for the Complainant. Once Officer #2 arrived to assist, Officer #1 informed the Complainant about the warrant and told her that she was under arrest. The Complainant was booked into jail on the warrant, as well as for Resisting and Obstructing an Officer and Carrying a Concealed Weapon. The Complainant called the Office of the Community Ombudsman the next day and alleged that both Officer #1 and Officer #2 used unreasonable and unnecessary amount of force during her arrest.

In the course of the arrest, soft empty-hand (no strikes) force was used by both Officer #1 and Officer #2, and the Complainant was taken to the ground and handcuffed. Additional soft empty-hand force was used by the officers to stabilize the Complainant against the police car while she was being searched for weapons, as well as to get her properly seated in the rear seat of Officer #1's police car for transport to the jail. The Complainant failed to immediately comply with each lawful command given to her by the officers after she was placed under arrest. She argued with them and physically resisted their efforts to take her into custody, control her movements, and search her subsequent to arrest. In response, both Officer #1 and Officer #2 used minimal force by holding, grabbing, pulling, and pushing the Complainant. The Complainant could easily have avoided having this force used on her if she had complied with the lawful commands of Officer #1 and avoided physical resistance to the officers' efforts to take her into custody. Based upon the preponderance of evidence, findings of exonerated were issued regarding the allegations against both Officer #1 and Officer #2.

#### **OMB09/0081**

During the summer of 2009, a BPD officer conducted a criminal investigative interview of the Complainant. This interview took place inside a conference room in the secure area of the Ada County Jail. The Complainant alleged that the officer grabbed her arm and pushed her back and down into a chair after she stood up and stated she wanted to have an attorney present. It was the contention of the Complainant that this use of force by the officer was unnecessary and unreasonable given the totality of the circumstances.

The officer perceived that the Complainant's action (suddenly standing up) placed him in a potentially compromised position from the standpoint of personal security. If he had allowed the Complainant to continue standing over him she would be in a position to strike him more easily than if she were seated. Since the Complainant was in custody and did not enjoy at that moment full freedom of movement, the officer had the authority to control her movement, for his own safety and that of others, as well as to prevent any possible escape. As a result, the use of a reasonable degree of force to control the Complainant was permitted by BPD Policy. In response to the Complain-

ant's allegation that the officer used excessive force a finding of exonerated was issued.

## CLASS II COMPLAINTS

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### OMB 08/0110

Early in the morning hours during the summer of 2008, the Complainant was traveling as a passenger in a vehicle operated by his girlfriend. The vehicle had been pulled over two separate times in the downtown area of Boise the same evening because it was missing its rear license plate. Both times, a warning was issued to the driver. As the Complainant and his girlfriend headed home, they were stopped a third time by another officer. This time the driver was issued a citation for a violation related to the display of the rear license plate. All three stops occurred within a timeframe of 40 minutes. The next day, the Complainant called the Office of the Community Ombudsman and alleged that a BPD officer had spoken to him and his girlfriend in a rude manner and had told them to "shut up" or words to that effect.

There was no evidence that the officer was aware of the previous traffic stops at the time he made his initial stop on the vehicle. While the officer's questions and comments to the Complainant and his girlfriend may have created confusion and animosity on their part, there was no evidence that the officer was rude or told them to "shut up". A finding of unfounded was issued for this allegation.

### OMB08/0134

Late in the summer of 2008, officers responded to a call that the Complainant's son, a juvenile, had been the victim of a theft and was being threatened by an older boy. The Complainant called the Office of the Community Ombudsman about seven weeks after the incident and alleged that the two BPD officers who came to her home refused to take a police report even after the Complainant explained to them that an older boy had taken a video game system from her son after threatening him and the family with physical harm. The facts as presented by the Complainant, if true, may have supported a sustained finding against the officers for failing to take a crime report of a strong-armed robbery.

Based on the information known to Officer #1 at the time, and in light of the fact that no one specifically demanded a crime report be taken, the ombudsman issued a finding of exonerated for the allegation that Officer #1 failed to take a crime report as required by duty. The evidence is clear that Officer #1 was the primary officer in this incident. As such, it was she and not Officer #2 who bore responsibility to take appropriate action. Therefore a finding of unfounded was issued for the allegation that Officer #2 failed to take a crime report.

### OMB09/0022

In the winter of 2009, during a basketball game between two junior high boys' basketball teams, a physical altercation oc-

curred between two players on opposite teams. At the conclusion of the altercation, both boys were on the floor engaged in a fight. The day after the incident, the Complainant, the mother of one of the two boys, contacted a BPD officer (Officer #1) and told him that her son had been the victim of an unprovoked attack by the other boy and that she wanted the incident to be investigated as a criminal battery.

One month after the incident at the basketball game, the Complainant contacted the Office of the Community Ombudsman to file a complaint. The Complainant alleged that Officer #1 refused the Complainant's request that he take a police report and investigate the incident as a criminal battery. The Complainant alleged that Officer#1 told her to call the Ada County Emergency Dispatch Center (Dispatch) and have a patrol officer take the report. The Complainant also alleged that, once a crime report had been taken by a Patrol officer and assigned back to Officer #1 for investigation, Officer #1 did not conduct an adequate investigation into the battery reported by the Complainant.

Officer#1 denies having refused to take a report from the Complainant or having told her that it was not his job. He also states that he did not refer her to Patrol in order to report the alleged battery. There is no evidence that would either prove or disprove the Complainant's allegation. Therefore, a finding of not sustained was issued.

The investigation also found that the officer's investigative report clearly and extensively documents the steps he took to investigate the incident reported by the Complainant. He interviewed and/or obtained written statements from both involved parties and all known witnesses. He accepted evidence of possible injuries submitted by the Complainant. A finding of unfounded was issued for the allegation that failed to properly investigate the reported battery.

### OMB09/0032

In the spring of 2009, Officer #1 went to the Complainant's house and told her that he had seen her driving, found out that her license was suspended, and wanted to warn her that she could be arrested for that. About seven weeks later, Officer #1 arrested the Complainant for driving on a suspended driver's license.

The Complainant alleged that Officer #1 used his position as a police officer to find out where she lived so he could make contact and develop a personal relationship with her. She asserted that her later arrest was in retaliation for the fact that she asked another officer whom she knew (Officer #2) to tell Officer #1 to leave her alone.

Officer #1 believes that the Complainant initiated contact with him when she repeatedly waved at both him and another officer as she drove past them. Officer #1 ran the Complainant's license plate and driver's license record to see if there was something in the Complainant's record that would explain her strange behavior. In Officer #1's view, the fact that the Com-

plainant was driving a vehicle with expired registration on a suspended driver's license showed that he was right to be suspicious of her strange attempts to get his attention. He believed the Complainant was trying to get the two police officers to pay attention to how friendly she was so they would not notice that she was breaking the law.

In response to learning that the Complainant's registration and license were not valid, Officer #1 went to the Complainant's home the next day to warn her against driving until they were fixed. He saw his action as being consistent with the direction he had been given by his supervisor to seek out positive law enforcement contacts with the public.

It is impossible to know, with certainty, what motivated Officer #1 to go to the Complainant's home and warn her in person that she was risking arrest by driving on a suspended license. However, the fact that he openly registered his actions on his call record and created an audio recording of the entire contact lends strong support to Officer #1's statement that he was simply trying to follow his supervisor's wishes by creating a positive law enforcement contact. This conclusion is further bolstered by the actual content of the recorded conversation between Officer #1 and the Complainant. Officer #1 was appropriate in what he said and how he said it. He was friendly and cordial, as was the Complainant.

In support of the allegation that Officer #1 sought out the Complainant at her house in order to enter into a personal relationship with her, the Complainant asserted that Officer #1 later arrested her because Officer #2 had confronted him at her request. There is no evidence to support this interpretation of the circumstances surrounding the Complainant's later arrest. Here again, Dispatch records support Officer #1's recollection that he first ran the Complainant's vehicle license and then pulled her over once he verified that it was still not valid.

Based on a clear preponderance of the evidence, Officer #1 made no attempt to use his official position as a police officer to gain a personal advantage or favor for himself from the Complainant. For this reason, a finding of unfounded was issued.

#### **OMB09/0054**

In the spring of 2009, the Complainant's vehicle was parked on a public street. A BPD employee responding to a complaint about cars being parked on the street for days, marked the Complainant's vehicle tire and placed a Notice of Intent to Impound Vehicle on its windshield. Four days later, the employee impounded the vehicle and had it taken to a storage yard.

The Complainant alleged that the employee acted improperly in impounding the vehicle as abandoned. The Complainant said that he moved his vehicle after it was marked by the employee and that the employee was aware that it had been moved, but impounded it anyway. The Complainant speculated that the employee had acted "out of spite" when impounding the Complainant's vehicle.

After reviewing the Standard Operating Procedures for BPD's Vehicle Impound Unit it was found that the employee performed his duties as required. The employee returned to the same block more than 72 hours after he had marked the Complainant's vehicle. He then consulted with the BPD legal advisor and sought advice. Following this, the employee impounded the vehicle, had it removed to storage, and completed the required paperwork. Based on a preponderance of the evidence, a finding of exonerated was issued. Additionally, the ombudsman issued two policy recommendations as a result of this investigation that can be found on page 35 of this report.

#### **OMB09/0056**

On an early summer afternoon in 2009, the Complainant was stopped by Officer #1 for speeding on Capitol Blvd. Officer #1 made contact with the Complainant, obtained the necessary documentation, and walked back to his police car. Officer #2 drove to the location of the traffic stop to assist Officer #1. While Officer #1 was writing a speeding citation, Officer #2 saw the Complainant doing something with a cell phone and ordered him to put the phone down. Officer #1 then asked the Complainant to step out of his vehicle and sit on the rear bumper of his (the Complainant's) car while Officer #1 completed the citation. After Officer #1 issued the citation, the Complainant was released. The Complainant contacted the Office of the Community Ombudsman and alleged that Officer #2 used profanity at two different times while speaking to him.

During the interview of the Complainant, the ombudsman disclosed to him that no profanity could be heard on the officers' audio recordings of the incident. The Complainant said that he was not certain about the second use of profanity, but insisted that he clearly heard the first one. The Complainant said that Officer #2 said this about 15 to 20 seconds before he told the Complainant to put down the phone.

The evidence of Officer #2's audio recording clearly proves that, from the time he activated his recorder (48 seconds before Officer #2 told the Complainant to put the phone down) until the end of the traffic stop, Officer #2 did not use profanity or say what the Complainant alleges. While it is possible that Officer #2 may have used profanity before he activated his recorder, Officer #1 would have been able to hear it if it was loud enough for the Complainant to hear. While Officer #1 did not have his recorder active at that time, since he was writing the citation and not interacting with the Complainant, Officer #1 reported that he did not hear any such language being used.

Based on the preponderance of the evidence, it was found that Officer #2 did not use any profanity while speaking with or in earshot of the Complainant. For this reason, a finding of unfounded was issued in connection with the Complainant's allegation.

## CRITICAL INCIDENTS

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### OMB 08/0075

In June 2008, BPD officers were summoned to an apartment complex on the 600 block of Village Lane to investigate possible drug use or trafficking. One officer observed suspicious behavior by a person driving on the main driveway through the complex. It appeared that the driver (the Subject), upon spotting a police car, backed out of sight and then fled on foot into a nearby apartment, the same unit that was the focus of the drug investigation. The subject then evaded the police by making a hole in the ceiling of a bedroom closet and eventually making his way to the basement of the apartment building. The Subject hid in a hole in the concrete floor and covered himself with a large piece of plywood. The Subject had a soldering gun in his possession as he hid under the plywood.

The BPD Special Operations Unit was called in to search the building. As the entry team was searching the basement, the Subject called out that he had a gun. The officers were unable to identify the specific direction from which the voice came. In an effort to make certain that the Subject was not hiding in the basement hallway, an officer lifted the plywood to look underneath. The Subject rose quickly and pointed the soldering gun at Officer #1 and Officer #2. These two officers then fired several three-round bursts from their BPD-issued MP5 weapons. As a result, the Subject received multiple bullet wounds, but survived the shooting.

This use of deadly force by BPD officers was initially investigated by the multi-agency Ada County Critical Incident Task Force (CITF). Following the completion of the CITF investigation, both the BPD Office of Internal Affairs and the Office of the Community Ombudsman initiated independent investigations of the use of deadly force by the BPD Officers.

The evidence clearly supports the conclusion that, while still lying hidden under a sheet of plywood, the Subject shouted that he had a gun. Both Officer #1 and Officer #2 heard this. Just moments later, both officers were confronted by the Subject as he emerged from under the plywood holding a pistol-shaped object in his hand and pointing it at them. As a result, Officer #1 and Officer #2 each concluded that they faced the imminent danger of death at the hands of the Subject. The ombudsman found that the use of deadly force by both Officer #1 and Officer #2 complied with the restrictions placed by BPD Policy. For this reason, findings of exonerated were issued.

### OMB09/0075

On July 28, 2009, officers of the Boise Police Department (BPD) responded to a call from a resident of an apartment complex who reported that there was a man at her door with a “machine gun” and that he was demanding to be let in. While officers were en route to the call, the dispatcher, who had stayed on the phone with the reporting party, heard the sound of two shots being fired outside the caller’s door and advised the responding officers of this fact. When officers arrived on scene, they deployed around the apartment building and began

to search for the man with the gun. While the officers were searching, they heard what sounded like a gunshot.

The officers had a duty to take immediate action to protect the life of the calling party and, if possible, find the Subject and take him into custody. Upon seeing the Subject pointing a gun in their direction, four officers fired at the Subject. The Subject was not struck by any of the rounds fired by the officers and was taken into custody. Each of the four officers who used their weapons saw the Subject at the top of the stairs, just feet away from the calling party’s door, using what one of them described as “military or law enforcement tactics” of concealment and cover. The Subject did not comply with commands from officers to surrender. The actions by the Subject were reasonably interpreted by the officers as evidence that the Subject was a deadly threat to the calling party, other nearby residents, and the assembled police officers. His actions also indicated to the officers that it was likely going to be difficult to take him into custody if he made a rush towards the door of the calling party’s apartment or chose to engage the police with gunfire.

Considering all that these officers personally witnessed and were told, any reasonable officer in similar circumstances would believe that his life, the lives of his fellow officers, and the life of the calling party were in immediate danger from a deadly threat. Given the totality of the circumstances and the Subject’s lack of compliance with repeated commands to show his hands and surrender, the use of deadly force in response to this imminent threat to human life was both reasonable and necessary. Therefore findings of exonerated were issued.

### OMB09/0108

During the summer of 2009, officers attempted to arrest a subject. A struggle between the subject and officers ensued, and one of the officers sustained injuries that required him to be hospitalized. Due to an injury resulting in hospitalization as a result of an enforcement contact, the ombudsman opened a Critical Incident.

It was discovered that two officers were positioned on opposite sides of the intoxicated subject in an attempt to take him into custody. As the subject refused to comply with their commands, officers tried to gain control of the subject. Each officer positioned himself to attempt a different technique, unaware of the tactic the other planned to use. As both officers attempted to execute their techniques, the subject lost his balance. This caused the subject and one of the officers to fall onto the other officer resulting in injury.

As part of his investigation, the ombudsman audited BPD’s internal investigation into the incident. The ombudsman found the internal investigation to be complete and thorough and found no indication of any officer misconduct. The case was closed with no further action.

## APPEALS

### OMB 07/0078

The Complainant filed an Appeal with the Office of the Community Ombudsman after disagreeing with the outcome of a complaint investigation conducted by the Office of Internal Affairs (OIA). The complaint involved allegations of excessive and unnecessary force and duty performance after a confrontation after an officer issued a parking ticket to the Complainant at the lower level of the Boise Airport.

The ombudsman reviewed the investigation conducted by OIA. He concurred with the findings and upheld two (2) findings of unfounded for the use of force, two (2) findings of exonerated for performance of duty, and one (1) sustained finding for the failure to audio record an enforcement contact.

Critical Incidents by Year January 1, 1999—December 31, 2009							
YEAR	Firearm	Force <i>not firearm</i>	K9	Vehicle <i>including Pitt</i>	Taser	Other	TOTAL
1999							0
2000	3						3
2001		1		1			2
2002	2						2
2003	2		2	1	1		6
2004	2					1	3
2005	3		2	1	1	1	8
2006	1			1		1	3
2007	1		1	4	1		7
2008	1						1
2009	1					1	2
<b>TOTAL</b>	<b>16</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>3</b>	<b>4</b>	<b>37</b>

# FINDINGS

## TYPES OF FINDINGS

Following the completion of an investigation, the ombudsman issues a finding for each specific allegation of wrongdoing in cases that were classified as either a Class I or Class II Complaint. The ombudsman also issues a finding for each officer involved in a Critical Incident. Following are the five types of findings the ombudsman can issue after conducting an investigation.

### EXONERATED

The acts that provided the basis for the complaint or allegation did occur, but were justified, lawful, and proper.

### 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 acts that may have occurred.

### SUSTAINED

The investigation disclosed sufficient evidence to clearly prove the allegation(s) made.

### NOT SUSTAINED

The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation(s) made.

### NO FINDING

The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wished 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.

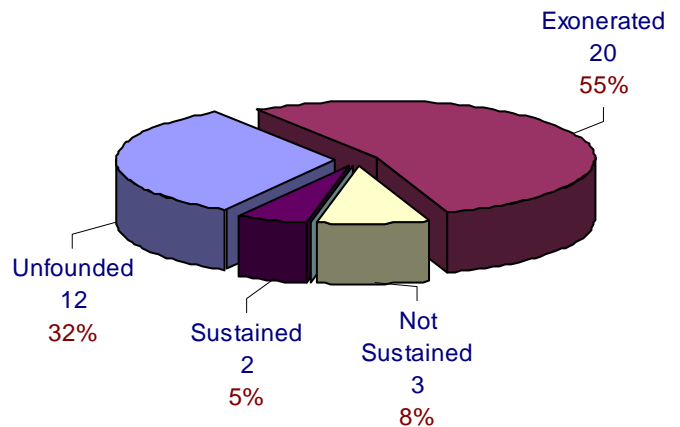
## STANDARD OF PROOF

The Office of the Community Ombudsman uses the preponderance of the evidence standard or the 51% rule when determining whether a department policy has been violated by an officer or employee. This standard is not as high as proof beyond a reasonable doubt. However, it means that it is more probable than not that the violation in question occurred.

## FINDINGS ISSUED IN 2009

In 2009, the ombudsman issued 37 findings. These findings include cases opened in 2009, as well as cases opened in 2007 and 2008 that were still under investigation when the new year began. Eighty-seven percent (87 %) of these findings were either exonerated or unfounded, which means the ombudsman found no wrongdoing on the part of the employee. Five percent (5%) of those findings were sustained. A sustained finding means that the preponderance of the evidence indicated that the employee violated a department policy or procedure. Eight percent (8%) of the findings were not sustained, indicating that no clear determination could be made based on the available evidence. All findings issued in 2009 involved the Boise Police Department.

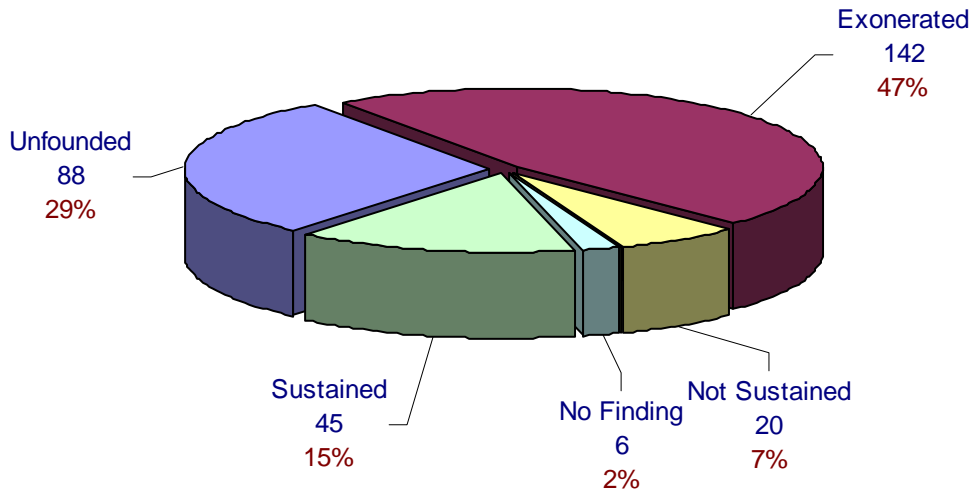
**Findings Issued**  
**January 1, 2009- December 31, 2009**  
**(includes cases opened prior to 2009)**  
**Total = 37 (100%)**



**Findings Issued by Allegations**  
**January 1, 2009- December 31, 2009**  
(includes cases opened prior to 2009)  
**Total = 37**

	Exonerated	Unfounded	Sustained	Not Sustained	No Finding	
Rudeness/Demeanor		3				3
Performance of Duty	6	3	1	1		11
Use of Force	4	3	1	1		9
Improper Conduct						0
Abuse of Authority		1				1
Officer Harassment	1					1
Criminal Conduct		1				1
Vehicle Operation	2			1		3
Constitutional Rights Violation	1					1
Failure to Act						0
Failure to Record		1				1
Officer Commendation						0
Critical Incident	6					6
	20	12	2	3	0	37

**Overall Findings**  
**Five Year Comparison**  
**2005 - 2009**  
**Total = 301 (100%)**



**Overall Findings**  
**Five Year Comparison**

OVERALL FINDINGS	2005	2006	2007	2008	2009	TOTAL
Unfounded	16	30	17	13	12	88
Exonerated	28	30	41	23	20	142
Not Sustained	2	2	5	8	3	20
No Finding	2	2	2	0	0	6
Sustained	7	11	13	12	2	45
<b>TOTAL FINDINGS</b>	<b>55</b>	<b>75</b>	<b>78</b>	<b>56</b>	<b>37</b>	<b>301</b>

## **CASE SUMMARIES OF 2009 SUSTAINED FINDINGS**

The ombudsman issues a sustained finding whenever the preponderance of the evidence from an investigation proves that a violation of policy or procedure has occurred. In 2009, the ombudsman issued two (2) sustained findings. These findings arose out of two (2) separate cases involving complaints about the actions of Boise law enforcement employees. Both cases involved the Boise Police Department and were opened in 2009.

The following is a brief description of each complaint, the reason for the sustained findings issued by the ombudsman, and the response of the chief of police to each sustained finding. For more information regarding these complaints please visit the website: [www.boiseombudsman.org](http://www.boiseombudsman.org). A complete investigative report for each case can be found under "2009 Investigative Reports".

### **OMB 09/0014**

A Class I Complaint was opened after the Complainant alleged that a BPD officer used excessive force during the Complainant's arrest. Specifically, the Complainant alleged that, after he was handcuffed and while offering no resistance, he was tased three times by the officer, once on the wrist, once on the lower back, and once on the inside of his right buttock. In addition, the Complainant alleged that, while he was handcuffed and prone on the floor, the officer pushed the Taser in between the Complainant's legs and up against his anal and genital regions. Finally, the Complainant alleged that the officer accompanied his actions with taunts and threats to tase the Complainant in those regions.

Due to the nature of these allegations, and based on a preliminary review of the evidence, the ombudsman determined that there was credible evidence to suggest that a criminal offense may have been committed by the officer. In accordance with the Policies and Procedures of the Office of the Community Ombudsman, the ombudsman requested that an outside law enforcement agency first conduct a criminal investigation. The matter was investigated by the Idaho State Police, the results of which were reviewed by the Ada County Prosecutor's Office, who declined to pursue criminal charges. A finding of unfounded was issued for the allegation that the officer failed to conform to the law. After it was learned that no laws were violated, the ombudsman proceeded with an investigation into the Complainant's three separate allegations of BPD policy.

The ombudsman's independent investigation determined that the officer tased the Complainant only twice, once before he was handcuffed and once after being handcuffed. Therefore a finding of unfounded was issued for the allegation that the Complainant was tased on the wrist. The first use of the Taser was applied to the Complainant's lower back and came moments after the police came into direct contact with the Complainant. There was credible contradictory evidence regarding the extent and nature of the resistance shown by the Complainant at the time of the first use of the Taser. As a result, there was no clear preponderance of evidence to support a finding of

either exonerated or sustained. Therefore, a finding of not sustained was issued.

The Complainant was handcuffed when the officer activated the Taser the second time. Although the Complainant was still moving and was not totally compliant with the officers' commands to stop moving, he was not resisting or behaving in a way that would justify the use of a Taser on a handcuffed individual. The evidence clearly shows that, not only did the officer threaten to put the Taser against the Complainant's anus and genitals, the officer acted on his threats and pushed the Taser between the Complainant's legs and against those areas of his anatomy. The officer's Taser left burns on the inside of the Complainant's right buttock. The preponderance of the evidence clearly supports the conclusion that this second use of the Taser by the officer was neither reasonable nor necessary given the totality of the circumstances. Therefore, a sustained finding was issued.

BPD's own Office of Internal Affairs also conducted an investigation into the incident. The chief did not concur with the ombudsman's sustained finding for the officer's use of the Taser, but did sustain an allegation against the officer for Conduct Unbecoming. Disciplinary action was taken as a result of the sustained finding.

Two recommendations, one for a policy change and the other for training, were also made at the end of this investigation and can be found on page 35 of this report.

### **OMB 09/0035**

The day after receiving a citation from Officer #1 for driving the wrong way, the Complainant contacted the Office of the Community Ombudsman. The Complainant alleged that Officer #2 failed to provide his badge number when requested to do so.

The investigation found that upon the Complainant's request for a badge number, Officer #1 provided his Ada number. An "Ada number" is a unique employee identification number issued to all law enforcement employees in Ada County. In the case of the BPD, an officer's badge does not have a number on it. Each officer's Ada number is the equivalent of his or her badge number. One of the Complainant's passengers asked Officer #2 for his badge number. Officer #2 stated that he did not have a badge number.

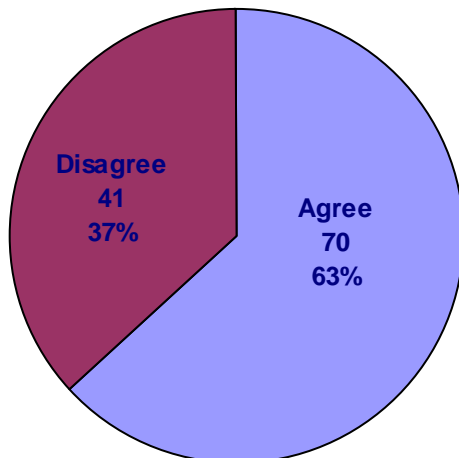
The evidence in this case clearly shows that a passenger in the Complainant's car asked Officer #2 for his badge number. With equal clarity, the evidence shows that, rather than giving the passenger his Ada number, Officer #2 stated that he did not have a badge number. For these reasons the ombudsman issued a sustained finding.

The chief upheld the sustained finding and took appropriate personnel action.

**ANALYSIS OF BPD SUSTAINED FINDINGS**

Since its inception, the Office of the Community Ombudsman has issued 111 sustained findings in connection with allegations involving the Boise Police Department. Over the years, the chief of police has concurred with sixty-three percent (63%) the sustained findings issued by the ombudsman.

**Chief Response to the 111 Sustained Findings Issued by the Ombudsman between 2000-2009**



**BPD Chief Response to Sustained Findings Issued by the Ombudsman 2000—2009**

YEAR	2000		2001		2002		2003		2004		2005		2006		2007		2008		2009	
	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO
Did Chief concur with the Sustained Finding?	7	4	15	7	6	7	3	3	13	2	1	6	4	6	12	1	8	4	1	1
Did the Chief take disciplinary or corrective action?	7	4	15	7	6	7	3	3	13	2	1	6	3	7	3	10	4	8	2	0
Sustained Findings Total	11		22		13		6		15		7		10		13		12		2	

# RECOMMENDATIONS

## OMB RECOMMENDATIONS

The ombudsman has the authority to make recommendations that, “will have as their goal improved professionalism, safety, effectiveness, and accountability of the Boise City Police and law enforcement employees” (Boise City Code § 2-22-04 (E)). Since 1999, the ombudsman has issued 75 recommendations. Multiple considerations are often suggested with each recommendation. Recommendations that are the result of an investigation are provided to the chief in advance, so that the chief’s written response can be included with the report as it is made public.

In addition to the recommendations made at the conclusion of an investigation, the ombudsman has issued three special reports. Those reports also included recommendations issued by the ombudsman after a thorough analysis of potential concerns. These special reports are addressed for police management to consider and provided to the public for their information. They can be found in their entirety under “Policy Reports” on the website: [www.boiseombudsman.org](http://www.boiseombudsman.org).

In 2009, the ombudsman made six (6) recommendations. Four (4) recommendations were issued following a Class I Complaint investigation, and two (2) recommendation resulted from a Class II Complaint investigation. These recommendations are described on the next page.

Ombudsman Recommendations by Year	
1999	2
2000	14
2001	3
2002	7
2003	6
2004	15
2005	5
2006	12
2007	1
2008	4
2009	6
Total	75

**OMB 09/0014**

As a result of an investigation into the use of a taser, the ombudsman issued two recommendations.

*Policy Recommendation:*

Use of Force Investigation Policy: That BPD establish specific standards and procedures for those tasked with investigating reportable uses of force by BPD officers. Particular attention should be paid to the timely collection of evidence, recorded interviews of involved officers and witnesses, and documentation (including photographs) of the presence and/or absence of injuries to subjects and officers. These standards should also include a clear expectation regarding the timeframe within which a use-of-force investigation and its subsequent report should be completed.

*Response: Adopted*

Additional policy requirements have been submitted to a committee and will result in significant investigation changes. Additionally, all line supervisors are receiving additional training in this area.

*Training Recommendation:*

Training Regarding Positional Asphyxia: That BPD review its training regarding Positional Asphyxia to ensure that officers are aware of the potential for this condition under a variety of circumstances, including those not involving the use of hobbles. Officers should be trained to spot the signs of possible Positional Asphyxia and to know what they can do to minimize its occurrence and respond appropriately, if necessary.

*Response: Adopted*

BPD will expand their current training on positional asphyxia to cover a greater number of situations.

**OMB 09/0023**

A dog died as a result of being struck by a bullet fired from a BPD officer's handgun when that officer perceived the dog running directly at him as a threat and took action to defend himself. At the conclusion of his investigation, the ombudsman issued two recommendations.

*Policy Recommendation:*

That BPD conduct additional research concerning the effectiveness and viability of officers using a Taser and/or O.C. Spray to stop the threat of a charging or attacking animal.

*Response: Adopted.*

BPD will conduct follow-up research on the use of OC Spray and Tasers on animals and consider updating their training models to include greater direction on their use against animals. Included will be tracking their use on animals and the effectiveness of the application.

*Training Recommendation:*

Based on the results of the above research, and with the assistance of those skilled in defensive tactics training, the ombudsman recommends that BPD regularly train its officers on those

tactics that will most effectively prevent them from being injured by animals while minimizing (to the extent possible) injuries inflicted on an animal and clearly placing the highest value on human safety.

*Response: Adopted.*

BPD agreed to conduct training on how to deal with dangerous animals within the year.

**OMB 09/0054**

After investigating a complaint that a BPD employee impounded a car even though it was moved by the Complainant after he had received a Notice of Intent to Impound Vehicle, the ombudsman issued two recommendations.

*Policy Recommendation:*

Because of the potential for confusion and ambiguity, it is recommended that BPD work with the Office of the Boise City Attorney to explore whether legislative change at the State and/or the City level might provide police employees and vehicle owners with greater clarity and direction.

*Response: Noted with Agreement.*

BPD agrees with the recommendation but can not be the sole source for change. They will begin pursuing change.

*Policy Recommendation:*

That BPD explore other options, including the possibility of contracting with a licensed attorney who has relevant experience to act as hearing officer for future Post-Storage Hearings.

*Response: Adopted*

BPD has met with City Legal and the Mayor's office and is pursuing a contract to mirror the PDS hearing officer process in order to provide a hearing officer who is from outside the City and will work under contract to provide a clearly unbiased decision.

## AUDITS OF BPD INTERNAL AFFAIRS CASES

The Office of the Community Ombudsman is mandated by Boise City Code and organizational policy to audit internal investigations conducted by the Boise Police Department (BPD). The purpose of these audits is to determine if BPD's internal investigations are full, fair, thorough, and complete.

The ombudsman's office mostly audits two types of BPD internal cases. The first type are investigations into allegations of needless or excessive force, brutality, violations of criminal law, corruption, breach of civil rights, abuse of authority, false arrest, biased policing, or a pattern of lesser offenses. These cases are classified by BPD as "Class I" and a sustained finding of one or more allegations could result in discipline up to and including termination. The ombudsman's office audits all completed BPD Class I investigations.

The second type of internal investigation audited by the ombudsman's office are referred to as "Class II." Class II investigations are those that look into allegations of inadequate service, discourtesy, minor performance issues, improper procedure, or other less serious and non-criminal conduct. The ombudsman's office audits no fewer than half of all completed BPD Class II investigations.

Some internal investigations are initiated by the police department, rather than by a complaint from a member of the public. Known as "department-initiated investigations," they are also audited by the ombudsman's office. Audits of both department-initiated and community member complaint investigations are included in the statistics tracked by the ombudsman's office.

When the ombudsman's office has a question about a case it is auditing, or thinks there may be an issue with that case, it first addresses the issue with BPD's commander of the Office of Internal Affairs (OIA). It is the responsibility of OIA to manage and track all BPD internal investigations.

This year, the Office of the Community Ombudsman created and implemented a new system of communicating with OIA when informal discrepancies are discovered during the course of an audit. An Informal Audit Memo was created to replace the formal meeting in which these discrepancies were previously identified. By creating this memo, information could be disseminated quickly and conveniently, and any necessary resolution was able to be addressed in a timely manner.

In 2009, the Boise Police Department's Office of Internal Affairs completed and closed 20 Class I Complaints and 31 Class II Complaints. A total of 39 cases were audited by the Office of the Community Ombudsman. This total includes 20 (100%) Class I Complaints, 18 (58%) Class II Complaints, and one case classified as Employee Vehicle Accident.

A total of eleven (28%) of the 39 cases audited contained various procedural errors. Given the absence of any material deficiency, those procedural and documentary errors were brought to the attention of OIA using an Informal Audit Memo. In most instances the error was remedied.

Four of the eleven cases with procedural errors were classified as Class I Complaints. Three cases did not include audio recordings of interviews with the involved employees, two cases did not include notifying the employee of the findings, and one case did not include a response to the Complainant.

Six cases with procedural errors were Class II Complaints. Three cases did not indicate notifying the employee of the complaint, four cases did not include audio recordings of the employee interviews, one case did not contain the audio recording of a witness interview, five cases had no indication of the employee being notified of the findings, and three cases had no record that the Complainant had not been notified of the outcome of the investigation.

The last case with procedural errors was an Employee Vehicle Accident case. It contained items that were unrelated to the investigation.

Of the Class II Complaints that resulted in an Informal Audit Memo being provided to OIA, two were later downgraded to Inquiries. Although these two cases were originally classified as Class II Complaints, it was determined they would be more appropriately classified as Inquiries after they were audited.

Two Class I Complaint cases contained material issues that required a formal meeting to resolve them. The issues were critical to the outcome of the investigations and could have resulted in the cases not passing audit if not remedied.

One case contained two errors or discrepancies of material facts in the investigative report. Additionally, no Garrity admonishment was provided to officers during their inter-

views. After discussing these issues with OIA, a supplement was added to the report that clarified the discrepancies. The supplement also acknowledged the lack of any Garrity admonishment, as well as including a sustained violation to the investigator for his failure to record an interview. This case passed audit after the supplement was added to the investigative report.

The second case involved an inadequate explanation in the investigative report that led to a concern with the thoroughness of the investigation. After OIA was informed of this concern, it was determined that the case needed further investigation. The case was re-opened for investigation and has not been completed as of the date of this report.

### Audits of OIA Class I and Class II Complaint Investigations

January 1, 2009—December 31, 2009

Case Type	Cases Completed by OIA	Cases Audited by OMB
CLASS I	20	20 (100%)
CLASS II	31	18 (58%)

### OIA & OMB COMBINED BPD COMPLAINTS

The Boise Police Department's Office of Internal Affairs (OIA) also receives complaints from members of the public about the actions of Boise Police employees. These complaints are divided into Class I or Class II Complaints.

The following charts show the total Class I and Class II Complaints opened in both OIA and the Office of the Community Ombudsman (OMB) in 2009 and the Complaint totals for both OIA and OMB over the past five years.

OIA & OMB 2009 Complaint Type			
	Class I	Class II	Total
OMB	8	8	16
OIA	10	19	29
Type Total	18	27	45

OIA & OMB Complaint Total: 5 Year Comparison					
	2005	2006	2007	2008	2009
OMB	16	26	27	17	16
OIA	33	42	27	34	29
Total	49	68	54	51	45

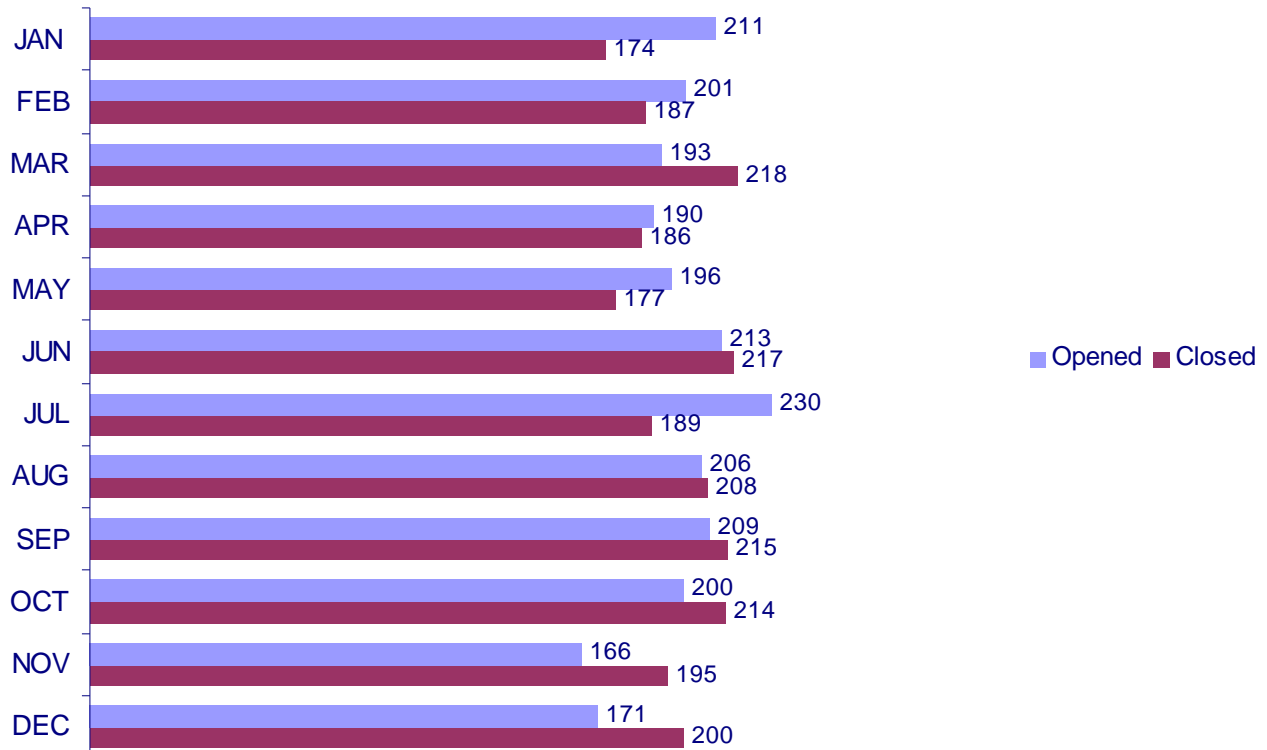
# TEN-YEAR REVIEW

## OPEN AND CLOSED CASE TOTALS

Beginning with its inception in 1999, and ending December 31, 2009, the Office of the Community Ombudsman has opened 2,386 formal cases. Only 6 cases from 2009 were still active as the year 2010 began.

Year	Total Cases Opened	Total Cases Closed	CASES CLOSED BY YEAR											Cases Open As Of 01/01/10		
			1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009			
1999	50	33	33	17												0
2000	366	322		305	60	1										0
2001	374	406			346	28										0
2002	266	277				248	16	2								0
2003	261	239					223	37	1							0
2004	239	251						212	26	1						0
2005	210	219							192	18						0
2006	195	194								175	20					0
2007	154	153									133	20	1		0	
2008	145	156										136	9		0	
2009	126	130												120	6	
<b>TOTAL</b>	<b>2386</b>	<b>2380</b>	<b>33</b>	<b>322</b>	<b>406</b>	<b>277</b>	<b>239</b>	<b>251</b>	<b>219</b>	<b>194</b>	<b>153</b>	<b>156</b>	<b>130</b>	<b>6</b>		

10 Year Combined Monthly Totals



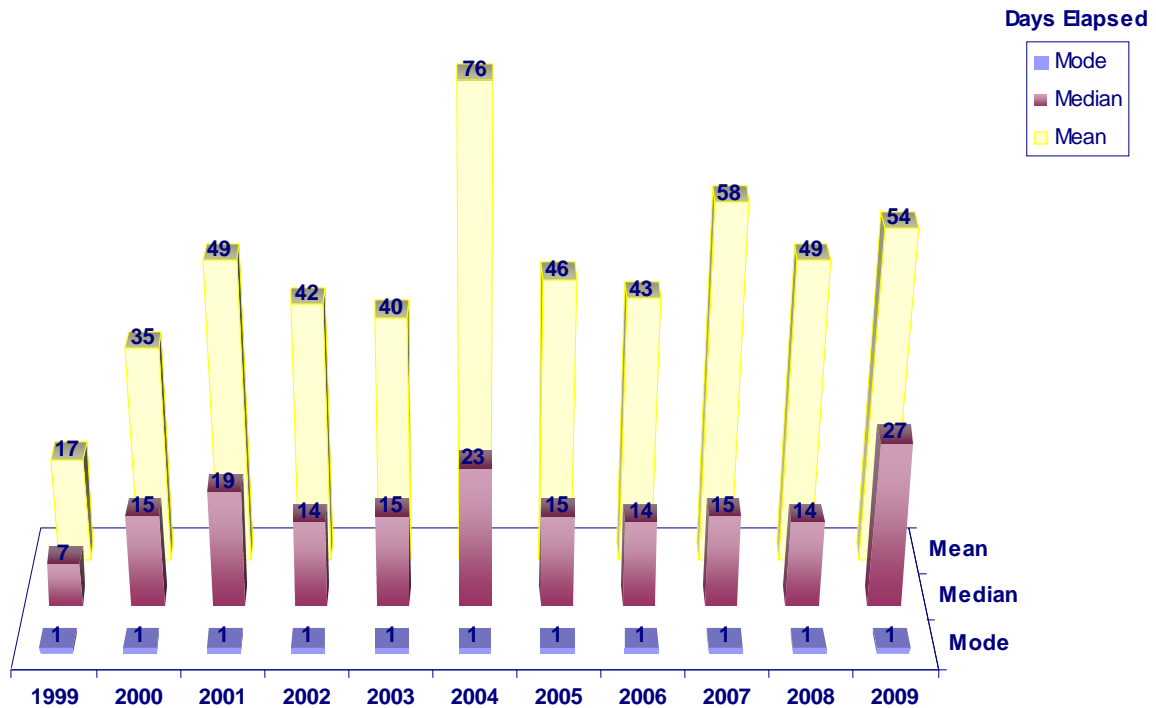
## ANALYSIS OF OMB INVESTIGATIVE HOURS AND DAYS ELAPSED

The Office of the Community Ombudsman strives to thoroughly investigate each case in a timely manner. The total time spent on a case is tracked as well as the number of days a case remains open. Hours are logged and counted as Investigative Hours, while Days Elapsed represents the number of days from when a case was opened to when it was closed.

In the charts below, the *mean* shows the arithmetic average, it is calculated by dividing the sum of all values by the number of values. The *median* represents the value a value in the middle of a set of values, having equal values before and after the median. Finally, the *mode* is the value that occurs the most often in a set of numbers. The set of values, or numbers, are compiled using information from the 130 cases closed in 2009.

INVESTIGATIVE HOURS BY YEAR											
Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Total Cases Closed</b>	33	322	406	277	239	251	219	194	153	156	130
<b>HOURS</b>	<b>Lowest</b>	Investigative hours were not tracked in the years 1999 and 2000.		Investigative hours would not be accurate due to cases from 2000 closed during these years.*		1	1	1	1	1	1
	<b>Highest</b>					259	332	106	532	134	259
	<b>Mode</b>					1	2	2	2	2	2
	<b>Median</b>					3	4	3	3	3	3
	<b>Mean</b>					8	9	8	13	12	14
<b>Total</b>					1929	2203	1762	2504	1754	2166	1727

DAYS ELAPSED BY YEAR											
Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Total Cases Closed</b>	33	322	406	277	239	251	219	194	153	156	130
<b>DAYS ELAPSED</b>	<b>Lowest</b>	1	1	1	1	1	1	1	1	1	1
	<b>Highest</b>	69	196	535	479	424	542	441	570	366	447
	<b>Mode</b>	1	1	1	1	1	1	1	1	1	1
	<b>Median</b>	7	15	19	14	15	23	15	14	15	14
	<b>Mean</b>	17	35	49	42	40	76	46	43	58	49

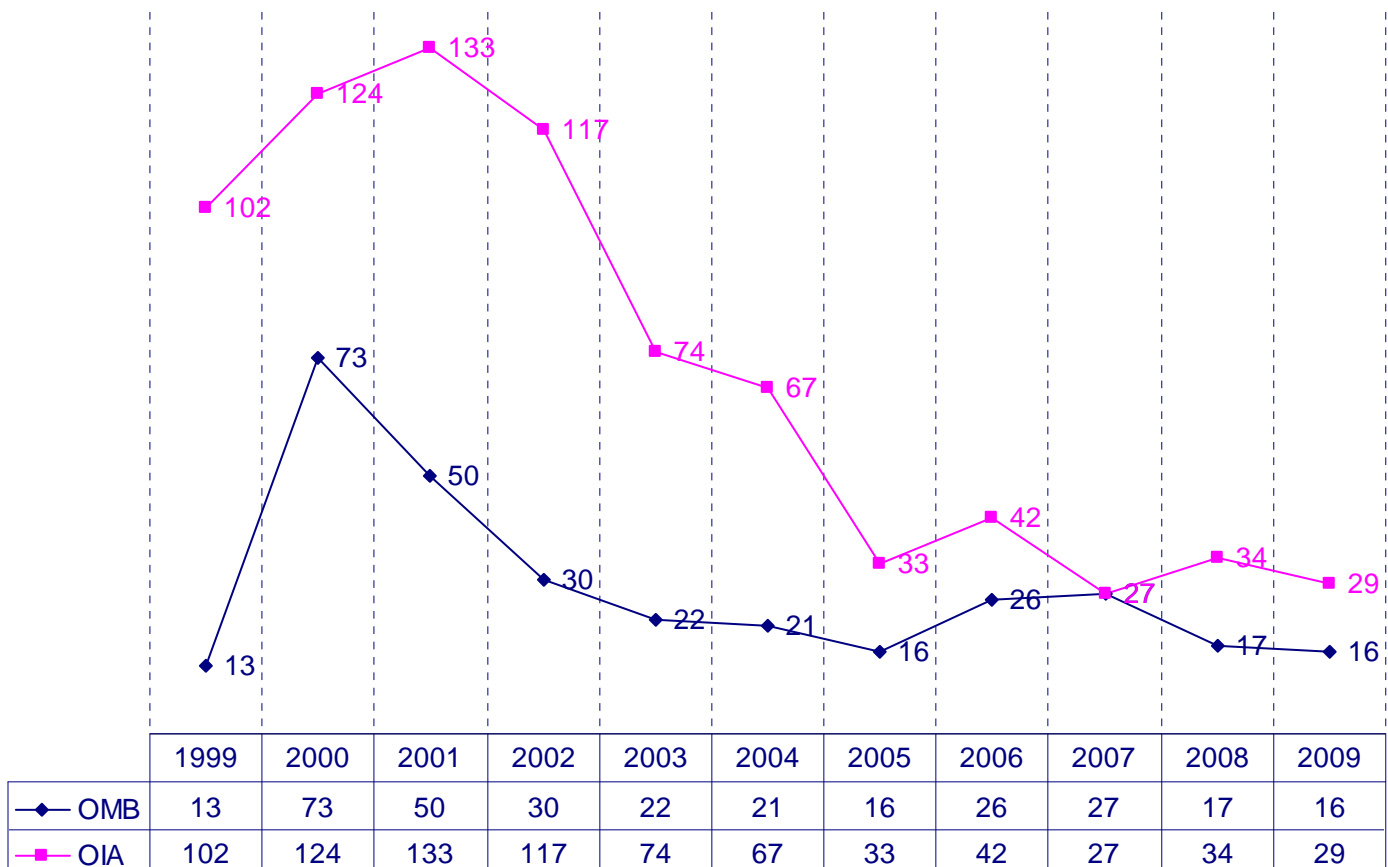


## CLASSIFICATION OF CASES

Of the 2,386 formal cases opened by the Office of the Community Ombudsman, 1,697 have been classified as inquiries.

OMB Classification of Formal Cases—All Jurisdictions											
TYPE	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Class I	7	22	17	18	14	8	11	12	17	8	8
Class II	6	55	34	16	12	14	7	15	10	9	8
Inquiry	22	221	240	192	208	193	156	152	102	112	99
Commendation	3	32	36	16	8	8	9	5	10	7	4
Appeal	3	6	11	5	1	0	4	3	3	2	0
Critical Incident	0	3	2	2	6	3	8	3	7	1	2
Other Agency	9	27	34	17	12	13	15	5	5	6	5
<b>TOTAL</b>	<b>50</b>	<b>366</b>	<b>374</b>	<b>266</b>	<b>261</b>	<b>239</b>	<b>210</b>	<b>195</b>	<b>154</b>	<b>145</b>	<b>126</b>

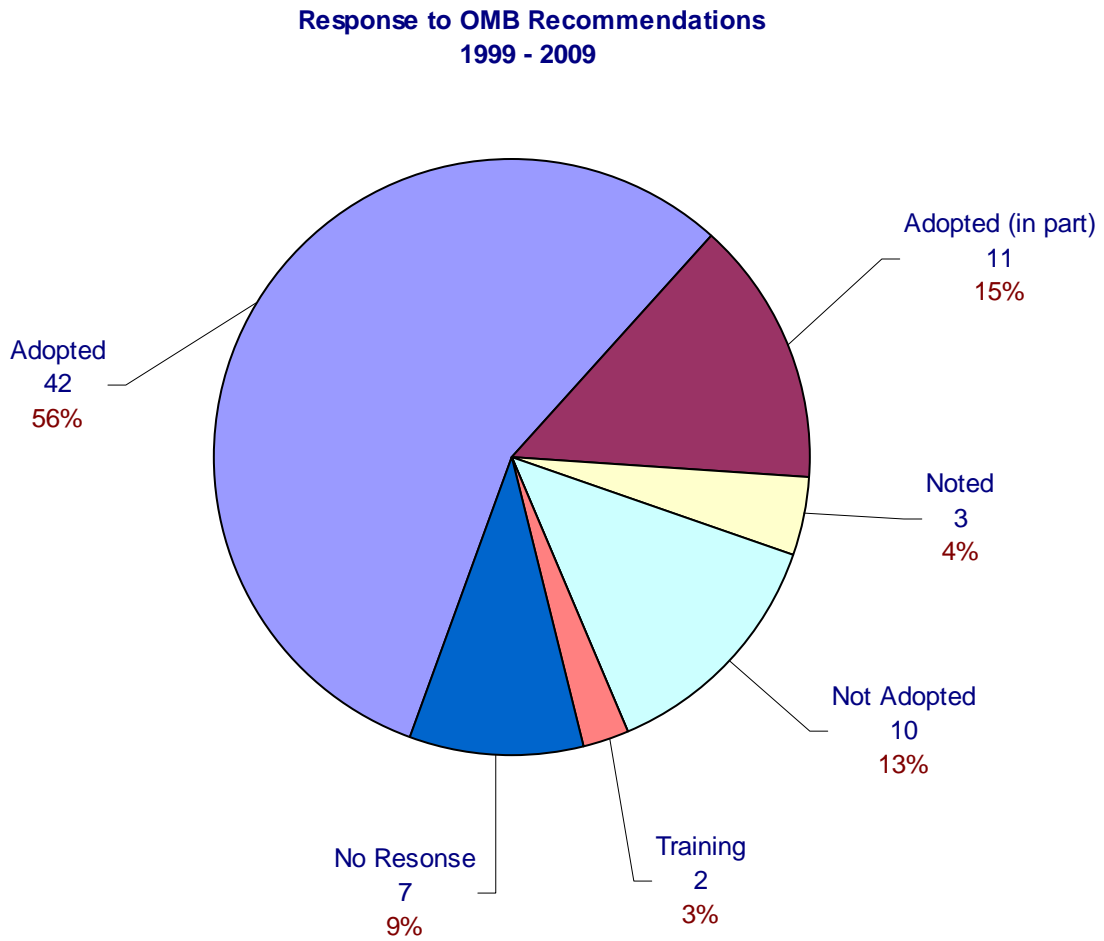
**OIA & OMB  
BPD Combined Class I & Class II Complaint Totals  
1999-2009**



## RECOMMENDATIONS

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Over the past ten years the ombudsman has issued over 75 recommendations. Seventy-one percent (71%) of all those recommendations have been adopted or adopted in part. The following pages list all of those recommendations as well as the chief's response.



YEAR	RECOMMENDATION	BPD/APD RESPONSE
1999	Develop a policy or procedure for how officers are to respond to individuals with seizure disorders.	Training
1999	Consider procedures and training that direct officers in their encounters with people who suffer from mental illness or emotional instability. It is recommended that BPD provide their officers with guidelines and training in how to contain and control individuals with mental illness without resorting to the use of force, if at all possible.	Training
2000	Provide officers with refresher legal training on entry without a warrant explaining that the exercise of one's constitutional rights cannot be the sole basis for a charge of resisting and obstructing an officer.	Adopted
2000	Provide officers with refresher legal training to clarify what constitutes "possession" for the purpose of charging a minor with illegal possession of alcohol.	Adopted
2000	Review existing use-of-force training to determine if the principals of situation analysis, resource management, de-escalation, and re-evaluation are being adequately covered.	Adopted
2000	Provide supervisors with some form of training on the investigative procedures they must follow when handling Class I Complaints.	Adopted
2000	Consider changing policy to require that supervisors immediately notify the Office of Internal Affairs every time that they receive a Class I Complaint.	Not Adopted
2000	Review policy regarding mental holds and reconcile any differences between the policy and common practice in the field.	Not Adopted
2000	Review policy and clarify handcuffing of hospitalized prisoners in order to remove any possible confusion for officers.	Adopted
2000	Change policy to require that probationary officers be excluded from being assigned a ride-along.	Adopted
2000	Review policy of screening and hiring new officers to require written documentation of reasons why a person was recommended or not recommended for hire from all those involved in the decision making process.	Adopted
2000	Review policy of screening and hiring new officers to require that the chief be given all recommendations, regardless of whether they are supportive or against hiring, before he makes his decision.	Adopted
2000	Change 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.	Adopted
2000	Undertake legal research regarding use of Miranda Warnings to verify when such a warning is required and conduct appropriate training.	Adopted (in part)

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2000	Change policy GO II-A-22 ( <i>Investigation of Officer-Involved Critical Incidents Within Boise City</i> ) to include a specific supervisory role at the location to which principal and involved officers are transported after the incident. This supervisor should have specific responsibility to ensure that every principal and involved officer remains separated from officers who were involved in the incident.	Adopted (in part)
2000	Conduct a training review of this incident to see what lessons can be included in future training for officers, supervisors, and incident commanders. Specific areas to examine would include: 1) Perimeter establishment and control. 2) Delegation of responsibility and authority. 3) Re-assignment of excess officers outside of immediate scene. 4) De-escalating and slowing down volatile and dynamic situations. 5) Scene containment immediately after a critical incident. 6) Process and timing of transporting principal and involved officers from the scene. 7) Process of deciding where to house principal and involved officers once they are removed from keeping the scene while they awaited the arrival of investigators. 8) Keeping principal and involved officers separated from each other and sheltered from distractions.	No response received
2001	More clearly define for employees what information is confidential and the process for releasing information to members of the public.	Not Adopted
2001	Revise procedures and training in response to reports of sexual assaults; procedures and training should be modified to provide patrol officers, detectives, and supervisors more clarity and guidance in responding to crimes of this nature.	Not Adopted
2001	Develop a written brochure for sexual assault victims that would explain the process of filing claims and reimbursement for medical exams.	Adopted
2002	Conduct initial and regular refresher training in the use of ramming techniques and other authorized "extreme measures".	Adopted
2002	Adopt policy language prohibiting employees from making statements that would accept liability on behalf of the City, unless specifically authorized to do so.	Not Adopted
2002	Initiate a dialogue with the courts, the prosecutor, and Health and Welfare to create a mechanism by which the police can lawfully protect children from potential harm without encouraging parents to violate the state's child custody interference statute (Idaho Code § 18-4506).	Adopted
2002	Provide Airport Police Department (APD) officers with training designed to enhance the officers' skills in dealing with people under stressful and confrontational situations.	Adopted by APD
2002	Consider offering education to Airport Police Department (APD) officers on how to personally deal with the effects of stress and confrontation on the job.	Adopted by APD
2002	Consider the possibility of offering refresher training in dealing with emotionally distraught persons to the CID detectives who handle the investigation of violent crimes.	Adopted (in part)
2002	Change practice of allowing officers to park on sidewalks while observing traffic in search of possible violators.	Adopted

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2003	Engage in a conversation with area hospitals, the courts, prosecutors, and the Department of Health and Welfare to determine when and how the medical treatment provisions of the Child Protective Act (Idaho Code § 16-1616) should be used. This provision seems to express the legislature's desire that judges, not police officers, decide when medical treatment is necessary.	No response received
2003	The City should adopt a formal policy and process for the investigation of alleged policy violations by City employees. Such a policy should not conflict with already existing policies and procedures already in place for dealing with allegations made against employees of the Police Department and the Airport Police (i.e. Internal Affairs and the Office of the Community Ombudsman).	No response was received from the Mayor and City Council.  However, certain elements of these recommendations appear to have been incorporated into the creation of the Ethics Commission.
2003	The City should adopt a formal policy and procedure that clearly define the process to be used when allegations are made against senior managers, department heads, and elected officials. Particularly with regard to allegations made against department heads and elected officials, a cooperative agreement with an outside (non-Boise City) investigative agency/ contractor should be put in place so that allegations against department heads and elected officials can be automatically referred to the outside agency/contractor for investigation	
2003	It is recommended that, under no circumstances should the chief of the Boise Police Department, the chief of the Boise Airport Police, or any member of their departments be used to conduct an administrative review of any City employee and/or elected official outside of either police department.	
2003	It is recommended that, if in the course of an administrative review, credible evidence is found that forms a reasonable suspicion that a criminal violation has occurred, and if the crime is a felony or is a misdemeanor that directly affects the reputation and/or operational effectiveness of the City of Boise, the administrative review should be halted immediately and the matter referred, through the Office of the City Attorney, to an appropriate outside (non-Boise City) law enforcement agency for investigation. The administrative review would recommence once any criminal investigation has been completed.	
2003	Criminal investigations involving one or more Boise City employees as the target of the investigation in which the alleged criminal behavior is connected with the target's employment with the City should be referred immediately to an outside law enforcement agency other than the Boise Police Department and the Boise Airport Police.	
2004	Policy and procedures manual (3.03.05) should be amended to explicitly prohibit BPD officers from becoming involved in any pursuit that has two or more police vehicles already involved, no matter what law enforcement agency that already-involved units belong to. The policy should require specific authorization from the pursuit incident commander before any BPD unit gets involved in a pursuit that already has two or more units involved.	Adopted (in part)
2004	Seek a joint agreement with the other law enforcement agencies of Ada Co., as well as, the Idaho State Police, in which the following will be accomplished: 1) Uniform policy and procedures for vehicle pursuits conducted by any agency within any jurisdiction in Ada Co. 2) Protocol by which a single incident commander will have full authority over any pursuit conducted by any agency within any jurisdiction in Ada Co. regardless of the number of different agencies involved. Such a protocol would obligate all officers involved in a pursuit to follow the commands of the incident commander.	Adopted (in part) in 2007

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2004	Work with the Critical Incident Task Force (CITF) to establish a common and consistent format for conducting witness interviews. This would apply to interviews of both law enforcement personnel and civilians. Recommend that all interviews be either audio or audio/video recorded and documented in a consistent, standardized format.	Adopted (in part)
2004	Review the post-incident care provided to officers (e.g. personal comfort, nutrition, exercise, replacement clothing, etc.) to determine what improvements can be made.	Adopted
2004	Work with CITF to add to their standard protocol that all involved officers who were present at the scene of an officer-involved shooting be directly asked to identify every weapons (including, but not limited to firearms) on their person and/or in their immediate control at any time during the incident.	Adopted
2004	Review current pursuit training to ensure that supervisors and officers all understand and are able to apply the following: 1) The reasons for limiting the number of officers engaged in direct pursuit. 2) The potential consequences of dangerous pursuit driving by officers (death & serious injury to officers and citizens); including agency, supervisor, and officer liability. 3) The judgment necessary to weigh the risks and benefits presented by pursuit. 4) What constitutes direct pursuit. 5) The process by which officers, other than a primary and a secondary officer, may be authorized to engage in direct pursuit. This process should be simple and flexible enough that it can be used during all pursuits, regardless of the seriousness of the situation. 6) Officers from other jurisdictions, if engaged in direct pursuit, count as either the primary or the secondary officer, if they are in the first or second position behind the suspect vehicle.	Adopted
2004	Establish a set of minimum expectations for officers when ordered to terminate a pursuit. These minimum expectations must be broad enough to be useful regardless of the particulars of any given situation and allow for the application of common sense. Furthermore, BPD should incorporate communications of these standards into regularly scheduled in-service training and briefing communications so as to create and maintain a consistent understanding among all officers.	Adopted (in part)
2004	Work with other county agencies and Idaho State Police to seek a multi-agency agreement that will create a clear, unified, and consistent command of every multi-agency pursuit in Ada Co, regardless of which agencies are involved. (Previously recommended in 2004.)	Adopted (in part) in 2007
2004	Provide its officers with regular skill-building training (practical and experiential in nature) in the use of any and all “extreme measures” authorized for use during pursuit, or re-examine its policy and related training concerning the use of “extreme measures” so that the only measures authorized are those that can be safely taught, practiced, and used. (Previously recommended in 2002.)	Adopted
2004	Clarify and standardize letters distributed to employees regarding administrative leave during internal investigations to state restrictions placed on the employee during the time or leave and properly state that the leave is neither prejudicial nor punitive in nature.	Adopted
2004	Strengthen the reimbursement policy and the collection practices for personal use of department cell phones.	Adopted (in part)

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2004	Conduct an audit of employees' use of the City's computer network and email system and reinforce its email usage policy with its employees.	Adopted
2004	Strengthen harassment policy training and communication for employees on this issue.	Adopted
2004	Review internet access by employees and further restrict it where appropriate.	Adopted
2004	Consider the use of digital recorders by APD officers and clarify the audio recording policy for officers.	Adopted by APD
2005	Remind officers of the need to leave weapons in place at the scene of an incident unless moving a weapon is the only way to keep it from being accessed by suspects or the public.	Adopted
2005	Work with other CITF members to require that all interviews conducted by CITF investigators be audio (or video/audio) recorded and documented in a consistent manner. (Previously recommended in 2004.)	Adopted
2005	Consider establishing a practice of all involved officers, witness officers, and supervisors arriving on scene who receive safety briefings from involved officers and officers assigned as escorts to the involved officers be required to activate their audio recorders and leave them on until they depart the scene of a critical incident.	Not Adopted
2005	Review media philosophy and practices regarding public statements and demonstrations by police officials.	Noted
2005	Review training to determine the effectiveness it has in preparing officers to assess the situation and effectiveness of their fire when discharging a firearm.	Not Adopted
2006	Design and implement on-going training for all officers to improve their ability to effectively accomplish the difficult responsibilities of being a primary officer for incidents that include an existing or potential threat to life or property and require the response of two or more officers.	Adopted
2006	Immediately begin a formal program of training and establishing Crisis Intervention Teams.	Adopted in 2008
2006	Work with CITF to institute those changes to CITF procedures and management oversight necessary to insure the proper identification, collection, handling, testing, and safeguarding of evidence in the course of a CITF investigation.	Adopted
2006	Closely scrutinize the practice of searching a dead suspect's home, especially in cases where the suspect was killed by law enforcement officers. (Police policy and procedures must make it clear that the deliberate use of a Fourth Amendment warrant for purpose of gathering evidence for the defense of a civil action must not take place.)	Not Adopted

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2006	The ombudsman repeats and reinforces his 2005 recommendation that BPD make such changes to current audio recordings and critical incident policies and procedures as are necessary to require officers to audio record all statements made by involved parties, victims, suspects, witnesses, etc. officers and non-officers alike.	Not Adopted
2006	Adopt BPD and APD policy language that: 1) Clearly articulates that shooting at a moving vehicle, its driver, and/or its passengers is inherently dangerous and generally ineffective. 2) Reminds officers of their public responsibility to avoid tactics that unnecessarily create dangerous circumstances or the need to use deadly force if other equally effective options are available. 3) Informs officers that moving out of the way of an on-coming vehicle, retreating, reposition, and obtaining cover are sound police tactics, not examples of cowardice or weakness. 4) Requires officers to take into account the presence of other vehicles, pedestrians, innocent bystanders, and occupied structures and weigh the potential danger to others before shooting at a moving vehicle, its driver, or any occupants. 5) Prohibits officers from intentionally placing themselves in front of or behind a station occupied vehicle. 6) Prohibits officers from intentionally stepping in the path of a moving vehicle. 7) Directs officers to avoid placing themselves in an inherently dangerous position which would expose them to danger should the suspect vehicle become mobile. 8) Requires officers to get out of the path of a moving vehicle if at all physically possible. 9) Prohibits officers from firing their weapons at a moving vehicle, its driver, and/or its passengers excepts as a last resort when: a) The officer is physically unable to either get out of the vehicle's path and/or, b) A deadly threat is present, other than the approach of the vehicle itself (e.g., shots are being fired at the officer or others from inside the vehicle) and the officer and/or those being threatened are able to obtain sufficient cover.	<p><i>BPD Response</i> Adopted (in part)</p> <p><i>APD Response</i> Adopted (in part)</p>
2006	Develop and implement education and training sufficient to implement the policy recommended above.	<p><i>BPD Response</i> Adopted</p> <p><i>APD Response</i> Adopted</p>
2006	Evaluate current training to determine its effectiveness in preparing officers to continuously assess and evaluate the effectiveness of his or her fire when discharging a firearm.	Not Adopted
2006	Review policy concerning the release of confidential information: 1) State a clear and usable definition. (Previously recommended in 2001.) 2) Examine the apparent practice of affording special rights not found in the law to parents of those who have reached the age of 18.	Noted
2006	Clarify policy to clearly communicate a standard of care for all injured or ill persons encountered by BPD employees, regardless of the causation, and that adequate equipment and training should be provided.	Adopted
2006	Consider adopting a policy or written procedures concerning guarding prisoners who are in unsecured locations.	Adopted
2006	Revise policy to clearly articulate the custodial responsibility of prisoners who are undergoing polygraph examinations.	Adopted

YEAR	RECOMMENDATION	BPD/APD RESPONSE
2007	Review practice and training as it applies to entry into backyards without a search warrant, exigent circumstances, or consent to ensure that all officers are aware of and follow the most recent court decision. Also, review process for documenting all legal training provided to employees.	Adopted
2008	Review issue of officers indicating that refusal to answer an officer's questions delays the officer's investigation and is a violation of Idaho Code § 18-705 and initiate any training needed to help officers understand those acts which are criminalized under ID Code § 18-705 and those which are not.	Adopted
2008	Redesign process for the development and security of oral board test questions so that specific questions are not repeated from one cadre of applicants to another.	Adopted
2008	Require that any person who is given access to questions to be used in any BPD hiring and/or selection test sign a confidentiality agreement clearly stating that all test materials and content are not to be disclosed to any person outside of the actual administration of the test itself.	Adopted (in part)
2008	<u>Behavioral Screening At Boise Airport:</u> While attending the annual training conference of the National Association for Civilian Oversight of Law Enforcement in October 2008, Ombudsman Pierce Murphy learned from other police oversight professionals about emerging concerns in some cities regarding the use of behavioral observation and screening techniques used by airport police officers to initiate consensual contacts with persons. After consultation with Chief Masterson of the Boise Police Department (BPD), Mr. Murphy conducted some informal research on the subject. At a meeting attended by officials with the Boise Airport, BPD's Airport Division, and Chief Masterson, Mr. Murphy shared the results of his research. Following the meeting, the BPD Airport Division designed and implemented a simple tracking system to document all citizen contacts made by BPD officers at the airport that are based on some form of behavioral observation and screening. This will allow BPD to monitor any emerging trends and respond quickly and accurately to any requests for information regarding such contacts.	Adopted
2009	Conduct additional research concerning the effectiveness and viability of officers using a Taser and/or O.C. Spray to stop the threat of a charging or attacking animal.	Adopted
2009	Based on the results of the research, and with the assistance of those skilled in defensive tactics training, the ombudsman recommends that BPD regularly train its officers on those tactics that will most effectively prevent them from being injured by animals while minimizing (to the extent possible) injuries inflicted on an animal and clearly placing the highest value on human safety.	Adopted
2009	<u>Use of Force Investigation Policy:</u> That BPD establish specific standards and procedures for those tasked with investigating reportable uses of force by BPD officers. Particular attention should be paid to the timely collection of evidence, recorded interviews of involved officers and witnesses, and documentation (including photographs) of the presence and/or absence of injuries to subjects and officers. These standards should also include a clear expectation regarding the timeframe within which a use-of-force investigation and its subsequent report should be completed	Adopted
2009	<u>Training Regarding Positional Asphyxia:</u> That BPD review its training regarding Positional Asphyxia to ensure that officers are aware of the potential for this condition under a variety of circumstances, including those not involving the use of hobbles. Officers should be trained to spot the signs of possible Positional Asphyxia and to know what they can do to minimize its occurrence and respond appropriately, if necessary	Adopted
2009	<u>Definition of Abandoned:</u> That BPD work with the Office of the Boise City Attorney to explore whether legislative change at the State and/or the City level might provide police employees and vehicle owners with greater clarity and direction	Noted with agreement
2009	<u>Hearing Officer:</u> That BPD explores other options, including the possibility of contracting with a licensed attorney who has relevant experience to act as a hearing officer for future Post-Storage Hearings	Adopted

## SPECIAL POLICY REPORTS

Over the past ten years the ombudsman has issued five special policy reports. These reports focus on national and local law enforcement matters, and are the result of time dedicated to reviewing current Boise Police Department policy, analyzing policies and best practices from other agencies, and investigating community concerns.

### 2004: A VICTIM-CENTERED RESPONSE TO SEXUAL ASSAULTS

In June of 2004, a task force jointly commissioned by the ombudsman and the chief of police issued a total of 16 recommendations for improvement in how BPD responds to and investigates sexual assault reports. The ombudsman and the chief both endorsed the recommendations, which focused on creating what the task force called a “victim-centered” approach. The ombudsman added two of his own recommendations to those made by the task force:

- 1) Establish written protocols for all personnel involved in taking the report, investigating the crime, and providing services to the victim.
- 2) Continue to work with victim advocates, who are not employed by the criminal justice system, to clarify their roles in a way that best serves the needs of victims.

### 2006: TASER USE BY THE BOISE POLICE DEPARTMENT

The Office of the Community Ombudsman and the Boise Police Department jointly analyzed over two years of data related to the use of Tasers by Boise police officers. As of result, the Boise Police Department began the process to make changes to its policy governing the use of Tasers. The ombudsman responded to the new Taser policy and made four recommendations for further improvement based on the ombudsman’s own analysis of local data and national best practices.

- 1) Add the following language to § 1.02.03A of BPD’s revised Taser policy: *An officer who is currently certified in Taser use and to whom the department has issued a Taser, must carry the Taser on his or her person at all times when in uniform and on-duty.*
- 2) Under the section that reads, “Unless exigent circumstances exist, the Conducted Energy Weapon will not be used,” the following item should be added: *On subjects whose active resistance is only defensive in nature and who pose no immediate threat of physical harm to officers, themselves, or others.*
- 3) Modify the section dealing with handcuffed subjects to read: *On a handcuffed or secured subject, absent physical assault or active aggression that poses an immediate threat of injury to officers or others.*
- 4) Amend the section of the policy that reads, “Unless exigent circumstances exist, the Conducted Energy Weapon will not be used,” to read as follows (added language appears in *italics*): *On elderly persons, young children, visibly frail persons, and persons of very small stature.*

### 2006: BPD INTERACTIONS WITH HOMELESS

In response to issues raised by concerned citizens regarding the enforcement of laws that tend to impact adversely those who are homeless more than other segments of the population, the ombudsman analyzed the interactions between the police and the homeless to determine whether systemic problems exist and whether there are opportunities for improvement. Recognizing that many of the potential solutions require the political and financial commitment of other areas of government as well as the private sector, the ombudsman made five recommendations in hopes that BPD can be the catalyst for change:

- 1) Create a written police protocol overseeing interaction between police officers and persons experiencing homelessness, including:
  - a) a training program to familiarize officers with the services available, the location of facilities, and the staff of those facilities and,
  - b) a pamphlet outlining the social services available, the locations of facilities and service providers, and their hours of operation.
- 2) Seek funding for and create an outreach program to identify persons experiencing homelessness and connect them to services.
- 3) Leverage authority and expertise to define immediate needs to help police officers in dealing with the challenges of the interaction between law enforcement and the homeless. Training and protocols are not enough when there is no infrastructure of services and care.
  - a) Gather statistics on the number of intoxicated persons that they encounter who need either a detox center and or sobering station and,
  - b) document the number of hours its officers spend staying with people who are intoxicated in order to ensure their safety.

- 4) Create a task force to examine the possibility of creating some type of diversion program within the criminal justice system to divert homeless persons from the jails and criminal courts.
- 5) Institute a CIT program or equivalent. This would permit officers to better identify situations involving mental health issues and to respond to those situations by linking people to resources.

### **2007: PUBLIC INTOXICATION ORDINANCE**

The Office of the Community Ombudsman participated in a collaborative review of the enforcement of a relatively new “Public Intoxication” ordinance (Boise Municipal Code § 6-01-06) as part of the completion of its assigned mission to provide independent review and thoughtful policy recommendations. The following recommendations were made as a result of this review.

- 1) It is recommended that the ordinance be amended slightly to preclude an arrest for simply being in an intoxicated state.
- 2) It is also recommended that there be additional training for BPD on this topic.

### **2009: CODE THREE RESPONSE BY BPD**

The Office of the Community Ombudsman and the Boise Police Department jointly reviewed policy, practices, and training governing emergency vehicle response (the use of emergency lights and/or sirens, also known as “code three”) This review included research into best practices in other communities and key statistics concerning actual emergency responses by BPD officers over a three-year period (2005-2007). As a result of this review, the following recommendations were made.

For 1050PI and 1057 PI the current protocol of sending two officers code three should be changed to the primary officer responds code three, while the assist officer responds code two.

For MEDICAL (EMS, OD, ATTSUIC, & SUICSUB) the current protocol of sending two officers code three should be changed to the primary and assist officers respond code two with a tone alert. If any one of the three following criteria exists in the call, report of a combative person, weapon involved, or a threat of risk of violence the call will be dispatched as code three. EMS, Fire, or the primary BPD officer can upgrade to code three if circumstances require it.

For WRONG (Wrong Way Drivers) the current protocol of two officers code three should be changed depending on the location. Since a wrong way driver is inherently more dangerous on the interstate due to higher speeds and lack of exits, we recommend two officers be dispatched code three to I84 and I184 calls, while two officers respond code two to wrong way calls on city streets.

FIRE (Assist Fire Department) the current protocol of one or two officers code three should be changed to one or two officers code two. Fire can request a code three response if they consider it necessary.

*No Change to current protocol for WEAPON, DOMPHYS, UNKNOWN, FITE, PROWRES, and Armed Robbery.*

Code Three Police Vehicle Operation Training Recommendations:

- 1) The department needs to have a yearly refresher on driving skills both in the emergency driving and ‘routine’ driving. This could be accomplished using the current quarterly training schedule.
- 2) Officer training on the opti-com and its limitations in changing the traffic signal.
- 3) Training should be strong on decision making skills while responding to emergency calls using the emergency equipment.
- 4) Basic training of officers should have strong emphasis on decision making during code three responses.

## SYNOPSIS OF 2009 CASES

### COMMENDATIONS

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0038	Elderly male would like to thank two officers for their professional and caring manner.	Ombudsman forwarded commendation to officers and chief.
OMB09/0086	Driver involved in a minor collision would like to commend a BPD officer for his professional demeanor.	Ombudsman forwarded commendation to officer and chief.
OMB09/0098	Resident would like to commend an officer for being a great help and giving her a sense that BPD once again cares about her well being.	Ombudsman forwarded commendation to officer and chief.
OMB09/0121	Driver would like to commend an officer for his responsiveness and demeanor during a traffic stop.	Ombudsman forwarded commendation to officer and chief.

### OTHER AGENCIES

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0043	Individual advised of potential dangerous and criminal behavior occurring at an assisted living facility.	Ombudsman advised of contact information for State Long Term Care Ombudsman and forwarded email to appropriate agency.
OMB09/0065	Resident provides information outside of the ombudsman's jurisdiction.	Ombudsman provided information to the appropriate agency for follow-up.
OMB09/0087	Parents question the actions of officers resulting in the arrest of their daughter.	Ombudsman discovered officers were from a law enforcement agency outside of his jurisdiction.
OMB09/0091	Individual has concerns regarding how an incident was handled.	Ombudsman discovered incident did not involve BPD officers. Complainant was directed to the appropriate agency.
OMB09/0097	Inmate alleges unlawful arrest and excessive use of force.	Ombudsman discovered incident did not involve BPD officers.

## CRITICAL INCIDENTS

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0075	Officer-involved shooting.	Ombudsman issued four (4) findings of Exonerated.
OMB09/0108	Officer hospitalized with injury resulting from the arrest of a suspect.	Audit of BPD investigation shows no evidence of officer misconduct.

## CLASS I COMPLAINTS

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0014	Complainant alleges excessive force was used during his arrest.	Ombudsman issued two (2) findings of Unfounded, one (1) finding of Not Sustained, and one (1) finding of Sustained.
OMB09/0023	Complainant alleged unnecessary use of deadly force against a dog.	Ombudsman issued one (1) finding of Exonerated and two (2) training recommendations.
OMB09/0049	Complainant alleges an unsafe vehicle pursuit for the conditions and an unsafe Pursuit Intervention Technique (PIT) at speeds above 40 MPH.	Ombudsman issued two (2) findings of Exonerated.
OMB09/0066	Complainant alleges excessive use of force.	Ombudsman issued two (2) findings of Exonerated.
OMB09/0081	Complainant alleges excessive force was used during an interview.	Ombudsman issued one (1) finding of Exonerated.
OMB09/0088	Complainant alleges excessive force in that she was roughly forced to her knees after being handcuffed.	Case still active as of December 31, 2009.
OMB09/0116	Complainant alleges that a BPD officer used unnecessary force during his arrest.	Case still active as of December 31, 2009.
OMB09/0126	Complainant alleges that an officer used force to take him to the ground without cause or necessity.	Case still active as of December 31, 2009.

## CLASS II COMPLAINTS

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0022	Complainant alleged an officer refused to take a police report of a battery.	Ombudsman issued one (1) finding of Not Sustained and one (1) finding of Unfounded.
OMB09/0032	Complainant alleges that an officer used his position as a police officer to find out where she lived so he could make contact and develop a personal relationship with her.	Ombudsman issued one (1) finding of Unfounded.
OMB09/0035	Complainant alleges officer failed to provide identification when asked.	Ombudsman issued one (1) finding of Sustained.
OMB09/0044	Complainant alleges that a BPD officer threatened him (over the phone) and his client/girlfriend (in person) with arrest for exercising their constitutional rights against self-incrimination and to seek legal counsel.	Case still active as of December 31, 2009.
OMB09/0054	Complainant alleges that a BPD employee improperly impounded and towed his legally parked and recently moved vehicle.	Ombudsman issued one (1) finding of Exonerated.
OMB09/0056	Complainant alleges officer used inappropriate language and intimidation.	Ombudsman issued one (1) finding of Unfounded.
OMB09/0112	Complainant alleges officer used excessive force during his arrest.	Case still active as of December 31, 2009.
OMB09/0115	Complainant alleges that, with no reasonable basis, he was detained after it was clear he was not impaired, not allowed to drive home, and that his name was sent to ITD for a medical evaluation.	Case still active as of December 31, 2009.

## INQUIRES

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0001	Complainant has concern with officer's attitude.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0002	Complainants raise questions regarding citations issued.	Ombudsman addressed and answered all questions raised.
OMB09/0003	Complainant questions an officer's demeanor and actions during a traffic stop.	Ombudsman could not answer questions because no audio recording was made. Ombudsman referred the "failure to record" issue to BPD for follow-up.
OMB09/0004	Complainant asks questions regarding BPD Policy.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0005	Complainant questions service of BPD officers.	File closed after Complainant failed to provide enough information to proceed with any inquiry.
OMB09/0006	Complainant raises concerns with an officer's behavior during a traffic stop.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0007	Complainant has concerns regarding an officer's investigation of a traffic collision.	Ombudsman reviewed incident and answered questions.
OMB09/0008	Complainant would like to know the status of an investigation.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0009	Complainant concerned that officers drove past the scene when she had already placed a call into Dispatch requesting officer assistance.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0010	Complainant would like to speak to someone about a possible concentrated traffic enforcement effort in his neighborhood.	Ombudsman facilitated resolution between BPD and Complainant.
OMB09/0011	Complainant questions officer's behavior and police report.	Ombudsman reviewed incident and answered questions.
OMB09/0012	Complainant feels that officers should have been more professional about a situation.	Ombudsman reviewed incident and addressed concerns.
OMB09/0013	Complainant questions the way a detective is handling an investigation.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0015	Complainant has questions about an on-going investigation.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0016	Complainant questions an investigation placed on inactive status.	Ombudsman facilitated resolution between BPD and Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0017	Complainant has questions regarding the status of a police report.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0018	Complainant has questions regarding a traffic stop and subsequent search.	Ombudsman reviewed incident and answered questions.
OMB09/0019	Complainant has concerns that officers did not respond based on his call to Dispatch and that he was told it was a civil matter.	Ombudsman discovered that official records revealed no record of a call made from the Complainant to Dispatch.
OMB09/0020	Complainant has concerns about a BPD car parked in a No Parking Zone.	Ombudsman looked into the incident and made a suggestion to BPD regarding parking of police cars.
OMB09/0021	Complainant has questions regarding the status of an investigation.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0024	Mother of deceased gunshot wound victim has questions about the police investigation.	Ombudsman conducted a mediation session with BPD and mother for resolution and communication. BPD conducted a thorough review of prior investigation and follow-up of concerns raised by the mother.
OMB09/0025	Complainant indicates a concern with an incident occurring in 2005.	Case denied due to 90 day rule.
OMB09/0026	Complainant wants to know what BPD did to investigate the burglary he reported several months ago.	Ombudsman arranged for a CID supervisor to look into this; a detective was assigned to follow-up on new information.
OMB09/0027	Complainant has concerns about the citation issued to his juvenile son.	Ombudsman reviewed available records and recordings and answered Complainant's questions.
OMB09/0028	Complainant has concerns about the way an incident was handled.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0029	Complainant has questions regarding vehicle impounding and parking enforcement.	Ombudsman referred the Complainant to the "Post Storage Hearing" process for handling of his grievance.
OMB09/0030	Complainant has questions about having seized property returned.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0031	Complainant questions officer's actions.	Ombudsman answered questions.
OMB09/0033	Complainant has questions concerning an officer's response to a traffic collision.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0034	Complainant questions the way officers handled a fight situation.	Ombudsman facilitated communication between BPD and Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0036	Complainant has concerns about an officer's attitude.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0037	Complainant has questions about charges resulting from a vehicle collision.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0039	Complainant questions an officer's response.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0040	Complainant has concerns regarding an interaction with an officer.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0041	Complainant has concerns with how an officer is investigating a collision report.	Ombudsman reviewed reports and spoke to the Division commander and determined the investigation was conducted in a thorough and professional manner.
OMB09/0042	Complainant questions the reason for a traffic stop.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0045	Complainant has concerns with a detective's objectivity during an investigation.	Ombudsman reviewed investigation and found the detective's investigation to be fair and thorough.
OMB09/0046	Complainant has questions regarding the enforcement of an Idaho State Code.	Ombudsman answered questions and passed feedback to BPD.
OMB09/0047	Complainant has questions regarding BPD protocol in testing people with disabilities for suspicion of driving under the influence (DUI).	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0048	Complainant has a question regarding the enforcement of an Idaho State Code.	Complainant contacted BPD and received an explanation to the question raised.
OMB09/0050	Complainant has concerns about an encounter with officers.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0051	Complainant has concerns with actions of BPD officers during a recent incident at his home.	Ombudsman reviewed incident and audio recordings, then answered the Complainant's questions.
OMB09/0052	Complainant would like to have fingerprints taken for evidence from a reported break-in.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0053	Complainant is disappointed in the actions of a BPD officer.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0055	Complainant questions officers training and requests a review of an incident to see if officers acted appropriately.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0057	Complainant would like to have charges filed.	Ombudsman facilitated communication between BPD and Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0058	Complainant does not feel an officer conducted a thorough investigation.	Ombudsman reviewed case and supporting documents and answered the Complainant's concerns.
OMB09/0059	Complainant has questions regarding an interaction with BPD officers.	Ombudsman reviewed records and audio, communicated with BPD supervisor, and answered the Complainant's questions.
OMB09/0060	Complainant questions reasons for being pulled over and officers' behavior.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0061	Complainant has concerns about the way that the officers who came to her home treated her.	Ombudsman reviewed audio of contact, provided feedback to officer's supervisor, and answered the Complainant's questions.
OMB09/0062	Complainant is not satisfied with the response she received while speaking to a telephone report person at BPD to report a possible crime and wants this possible crime investigated.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0063	Complainant concerned about how traffic control is being handled by BPD for a church parking lot.	Ombudsman facilitated communication between BPD and Complainant. Per BPD, a solution will be put into place.
OMB09/0064	Complainant is concerned about a police car that was speeding in his neighborhood and the way the officer reacted when it was brought to his attention.	Ombudsman listened to officer's audio recording and answered the Complainant's questions.
OMB09/0067	Complainant is trying to find personal property that is missing after an arrest.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0068	Complainant questions why an officer did not take a police report.	Ombudsman reviewed the record and recording and determined that no report was required.
OMB09/0069	A BPD officer inquires if the ombudsman would investigate an allegation of improper use of the BPD Office of Internal Affairs and disciplinary process against an officer.	Legal review concluded that the ombudsman does not have jurisdiction in such cases.
OMB09/0070	Complainant questions officers' actions.	Ombudsman looked into the incident and answered the Complainant's questions.
OMB09/0071	Complainant questions officers' actions during a traffic stop.	Ombudsman reviewed the records and answered the Complainant's questions.
OMB09/0072	Complainant questions officers' actions.	Case closed after it was discovered that no contact with police had occurred within 90 days.
OMB09/0073	Complainant questions roadblock stop by officers.	Ombudsman looked into the incident, answered the Complainant's questions, and made a suggestion to the Chief of Police for follow-up action.
OMB09/0074	Complainant questions roadblock stop by officers.	Inquiry withdrawn at the request of the Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0076	Complainant would like a personal item booked as evidence returned to him.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0077	Complainant has questions about why she was stopped and why the police wanted to search her car.	Ombudsman reviewed all records and recordings and answered the Complainant's questions.
OMB09/0078	Complainant has questions regarding an incident involving the police coming to his home.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0079	Complainant concerned about how an officer acted.	Ombudsman reviewed police report and officer recordings and found no evidence of inappropriate conduct by any officer.
OMB09/0080	Complainant would like to talk to someone about a report, but phone calls have not been returned.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0082	Complainant questions why he received a parking violation while others did not.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0083	Complainant questions a system failure due to a vehicle reported stolen because it was not identified as having been impounded.	Ombudsman reviewed the situation and provided suggestions to the chief of police for improvement
OMB09/0084	Complainant is not satisfied with the service provided by BPD officers during two related contacts.	Ombudsman reviewed incidents and answered questions.
OMB09/0085	Complainant concerned that an officer did not issue a citation following a traffic collision.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0089	Complainant questions treatment by officers.	Ombudsman listened to audio of the incident and addressed the Complainant's questions.
OMB09/0090	Complainant has questions and concerns about an incident and would like to have a police report filed.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0092	Complainant has concerns about an officer.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0093	Complainant concerned with an officer's actions during an incident.	Not taken due to 90-day rule.
OMB09/0094	Complainant questions the way an officer handled a situation.	Ombudsman facilitated communication between BPD and Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0095	Complainant questions officers driving down a street with no headlights at night.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0096	Complainant concerned about police actions.	Ombudsman answered questions.
OMB09/0099	Complainant has questions regarding the enforcement of the open container law.	Complainant did not wish to proceed. No further action taken.
OMB09/0100	Complainant has concerns regarding an officers unfriendly approach.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0101	Complainant would like to have an investigation conducted into a police report that was filed.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0102	Complainant requests assistance regarding charges filed against him.	Ombudsman advised Complainant to seek legal counsel.
OMB09/0103	Complainant concerned about how he was treated by an officer during a recent incident.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0104	Complainant has questions regarding how a search warrant was served.	Ombudsman answered questions.
OMB09/0105	Complainant questions how police investigated a dispute.	Ombudsman answered questions and addressed concerns.
OMB09/0106	The ombudsman looks into the application of BPD's involuntary blood draw policy.	Ombudsman completed review and provided suggestions to BPD.
OMB09/0107	Complainant questions presence of Gang Unit during concerts.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0109	Mother of young children asks for help communicating with police over abuse allegations against father of kids.	Ombudsman provides suggestions.
OMB09/0110	Complainant would like to file a police report.	Ombudsman facilitated communication between BPD and Complainant. A police report was taken.
OMB09/0111	Complainant has concerns about an officer's attitude.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0113	Complainant questions actions taken as a result of the service of a search warrant.	Ombudsman looked into the incident and answered the questions.
OMB09/0114	Complainant has questions regarding the way BPD officers responded to an incident.	Ombudsman facilitated communication between BPD and Complainant.

CASE #	CASE SYNOPSIS	OUTCOME/ACTION TAKEN
OMB09/0117	Complainant questions a traffic infraction citation issued based off on a complaint by another driver.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0118	Complainant believes an area is incorrectly posted as no parking and questions a parking ticket received there.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0119	Complainant has concerns with how she was spoken to by an officer.	Feedback was received and shared with involved officers.
OMB09/0120	Complainant concerned about the timeliness of an investigation.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0122	Complainant is concerned with the rude way an officer treated her during a traffic stop.	Ombudsman facilitated communication between BPD and Complainant.
OMB09/0123	Complainant objects to the search of his vehicle during a traffic stop following the use of a drug dog outside the vehicle.	Ombudsman closed inquiry after the Complainant did not provide sufficient information on which to follow-up.
OMB09/0124	Complainant has questions regarding the length and nature of his detention during a traffic stop.	Ombudsman answered the Complainant's questions after reviewing Dispatch records and the officer's audio recording of the stop.
OMB09/0125	Complainant feels he was arrested without cause due to his handicap.	Ombudsman reviewed incident and answered the Complainant's questions.