



**OMBUDSMAN'S REPORT**  
**Complaint Investigation & Findings**

*OMB03/0064 - September 29, 2003*

***THE COMPLAINT***

The Complainant phoned the Office of the Community Ombudsman on April 28, 2003 to file a complaint against an unknown officer of the Boise Police Department.

The Complainant's son, while driving with friends, witnessed a shooting during the early morning hours of April 27, 2003. The Complainant's son phoned 911. He was asked to wait near the scene to talk with police. The Complainant's son spoke with an unknown officer near the scene and was transported to the Criminal Investigations Division of the Boise Police Department. The Complainant's son was detained for approximately two hours in a small locked room and was not allowed to leave until he was interviewed by a detective.

Summary of the complaint: Duty Performance - PM2 21.0102 - unlawful detention.

***THE COMPLAINT INVESTIGATION***

May 6 through May 19, 2003

Left numerous telephone messages for Complainant's son.

May 9, 2003



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*OMB03/0064 - September 29, 2003*

Records request.

May 13, 2003

Received requested records.

May 20, 2003

The Complainant's son was interviewed over the telephone to gather additional information. The Complainant's son did not have the name of the detaining officer and had only a general description.

May 21, 2003

The investigative file was reviewed at the Criminal Investigations Division of the Boise Police Department. The Complainant's son's name and interview statement were found and reviewed. In a meeting with the lead detective it was discovered that over 30 witnesses were interviewed immediately after the shooting. Witnesses were interviewed both at the scene of the shooting and at the Criminal Investigations Division. The atmosphere, according to the Detective, was chaotic, as many police department employees were working to gather information from as many people as possible. The lead detective did not recall the Complainant's son.

June 3, 2003



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**Complaint Investigation & Findings**

*OMB03/0064 - September 29, 2003*

Email request for information was sent to the detective who spoke with the Complainant's son during the time period in question. The detective, in a telephone call, said that he recalled briefly speaking with the Complainant's son, but had no recollection of detaining him. He said that he referred to the statement he took from the Complainant's son. He thought it was possible that the officer standing outside the door of the room the Complainant's son was in may not have known what involvement the Complainant's son had in the shooting. The detective said that many people were involved in trying to gather witness statements and the atmosphere both at the scene and at CID was busy and confusing.

June 9, 2003

The Complainant's son was interviewed in person and asked to review photographs of the officers involved in responding to the shooting. He reviewed 14 photographs and was not able to positively identify the officer who transported or the officer who stood outside the door of the room he was in at CID. He thought he recognized the detective that interviewed him. He thought a couple of the officers might have been the ones to transport and stand outside the room he was in, but he was not able to positively identify any of the officers.

June 12, 2003

Email requests were sent to the officers that the Complainant's son thought might have been the transport and guard officer. Both officers responded. One officer said that he had



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*OMB03/0064 - September 29, 2003*

spoken with a witness near the crime scene, but couldn't recall which witness and he said that he did not transport the witness. The second officer said that he did not go to CID.

***WHAT THE COMPLAINT INVESTIGATION FOUND***

1. A shooting occurred at a convenience store located at Overland and Curtis on April 27, 2003 at approximately 12:34 am.
2. The Complainant's son, as he was driving past the convenience store, observed the shooting.
3. The Complainant's son phoned 911 to report the shooting.
4. The Complainant's son waited for police, as he had been requested by dispatch, near the scene of the shooting.
5. The Complainant's son was transported to the Criminal Investigations Division of the Boise Police Department.
6. The Complainant's son waited for approximately two hours before being interviewed by a detective.



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#### ***OMBUDSMAN'S ANALYSIS AND FINDINGS***

The Complainant's son phoned 911 immediately after witnessing a shooting. As directed by police dispatch, he waited near the scene to speak with police. The Complainant's son was transported to CID where he waited for approximately two hours before speaking with a detective. The detective took his statement and apologized for the wait. The Complainant's son had no complaint against the detective.

The shooting that the Complainant's son witnessed created major activity on the part of the police department. The shooting involved three civilians and was witnessed by close to 30 people. The police were required to secure the crime scene, identify the witnesses, and take the suspect(s) into custody. During the chaotic activity, it appears that there may have been a lack of communication about the Complainant's son and what involvement he had with regard to the incident.

Summary of Policy Findings:

PM 21.0102 - Performance of Duty (unlawful detention) - **No Finding**

#### ***OMBUDSMAN'S POLICY RECOMMENDATIONS***

In a follow-up meeting to brief the Captain of Criminal Investigations Division of this incident, the Captain agreed to contact the Complainant and apologize for the delay in



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*OMB03/0064 - September 29, 2003*

taking her son's statement. In his contact with her, as reported to the Office of the Community Ombudsman in an email, the Captain made a commitment to try to post whether the person being held in an interview room is a Victim, Witness, or Suspect. Such posting should reduce the amount of confusion in investigations where numerous people are being interviewed.

A handwritten signature in black ink that reads "Pierce Murphy". The signature is fluid and cursive.

Pierce Murphy  
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