



OMBUDSMAN'S REPORT

Complaint Investigation & Findings

OMB03/0122 - June 24, 2004

THE SITUATION

The Complainant and the Officer engaged in a conversation while a search warrant was served at the Complainant's residence. The search warrant was served regarding issues the Complainant's two adult children were involved in, while the adult children were residents in the Complainant's home.

THE COMPLAINT

The Complainant said that the Officer threatened him with losing his rented home. The Complainant said that the Officer made a statement to him about his (Officer) ability to aid the landlord in evicting him (Complainant) and that he had already done that successfully a previous time. The Complainant also said that the Officer told him that he should not allow his adult children to live with him (Complainant).

THE COMPLAINT INVESTIGATION

Over the course of this investigation, both the previous and the current landlord were interviewed and the Officer was interviewed.

WHAT THE COMPLAINT INVESTIGATION FOUND

Based on the interviews conducted in this investigation, the following findings of fact were issued:

1. The Officer made the Complainant aware that he would assist the Complainant's current landlord with evicting the Complainant and the Complainant's family based on the criminal activities of the Complainant's adult children.
2. The Officer made the Complainant aware that he had assisted the Complainant's prior landlord in the same manner and based on the same issues.

OMBUDSMAN'S ANALYSIS AND FINDINGS

The Boise Police Department's Policy and Procedure Manual that directs officer interaction (§ 21.0307) states:

An employee shall treat all other persons in a civil and respectful manner. He/she shall not use profanity or uncomplimentary speech in the presence of members of the public, prisoners, or other people he/she has contact with nor shall he/she intentionally antagonize any person.

By making the Complainant aware that members of his household who were engaged in criminal activity jeopardized the Complainant's ability to maintain a rented property does not violate policy. The Officer provided factual information to the Complainant. The

Complainant did not report that the Officer, while providing that information, had used profanity or uncomplimentary speech. There was no indication that the Officer violated policy in his contact with the Complainant. For that reason, I have issued a finding of exonerated.

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