



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

*OMB03/0233 - December 10, 2004*

### ***THE SITUATION***

The Complainant filed a police report for a battery, on April 10, 2003. She told police the battery had occurred on April 8, 2003 and that her ex-boyfriend was the person who had battered her. Three police officers responded to the Complainant's residence to take her report and take photographs of her injuries. The police report was routed to the Detective for additional investigation on April 18, 2003. The Detective began his investigation on May 6, 2003, due to annual leave and his required attendance at a murder trial. The Detective completed his investigation and routed his report to the prosecutor's office on May 13, 2003.

The Complainant's ex-boyfriend filed a police report regarding the same incident on April 8, 2003. The Complainant's ex-boyfriend petitioned the court for a protection order the morning of April 10, 2003.

### ***THE COMPLAINT***

The Complainant originally filed an inquiry with the Office of the Community Ombudsman on May 7, 2003. In her inquiry she stated that the police had not responded to her battery report in a timely manner. She said the police responded to her ex-boyfriend in a timely manner. In addition, the Complainant said the police were not objective in their investigation of her report.

A review of the Complainant's inquiry was conducted. The review included the following:

- Reading all corresponding police reports
- Listening to the audio recordings made by the responding officers
- Conducting an informal (not audio recorded) interview with the Detective
- Reading the Detective's investigative file (reports, photographs, audio recordings)

Based on that review, it was concluded that the police had responded in a timely manner and there was no indication that the police were biased against the Complainant.

On September 16, 2003, the Complainant contacted the Office of the Community Ombudsman and requested a formal investigation into the manner in which the Detective investigated her battery report. The Complainant alleged that the Detective's investigation was not thorough and that he showed bias against her. If her allegation was true, it would be a violation of §21.0102 (Performance of Duty) of the Boise Police Department's (BPD) Policy and Procedure Manual.

A formal investigation was opened on November 3, 2003, at the completion of the Complainant's criminal court proceedings. Upon notification that a formal investigation would be conducted, the Complainant was asked to provide any and all evidence, to include documents, audio tapes, video tapes, and any other information that would be relevant to her allegation.

### ***THE COMPLAINT INVESTIGATION***

The investigation included a complete review of all police reports, the Detective's investigation report, and audio recordings associated with the battery report filed by the Complainant. Those reports included the statement completed by the Complainant and each report reflected accurately the information the Complainant gave the police and the

Detective. The Detective interviewed both the Complainant and her ex-boyfriend over the course of his investigation. The Complainant's ex-boyfriend provided evidence to the Detective that showed a pattern of threatening behavior on the part of the Complainant towards her ex-boyfriend. That evidence included recorded telephone messages, photographs, and email messages. The Complainant had no evidence to provide the Detective.

### ***WHAT THE COMPLAINT INVESTIGATION FOUND***

Based on a preponderance of the evidence obtained and reviewed in the course of this investigation, I issued the following findings of fact:

1. The Complainant and her ex-boyfriend had a physical altercation on April 8, 2003.
2. The Complainant filed a police report regarding the altercation on April 10, 2003.
3. The Complainant's ex-boyfriend filed a police report regarding the altercation on April 8, 2003 and petitioned the court for an order of protection the morning of April 10, 2003.
4. The police report compiled by Officer #1 included the Complainant's statement. Officer #1's narrative report was consistent with the audio recording he made during his contact with the Complainant on April 10, 2003.
5. The supplemental report compiled by Officer #3 was consistent with the audio recording made during her contact with the Complainant on April 10, 2003.
6. The Detective was assigned the case involving the Complainant on April 18, 2003.

7. The Detective began his review and investigation into the Complainant's report on May 6, 2003, after he returned from taking annual leave (one-week) and attending a murder trial (two-weeks).
8. The Detective interviewed both the Complainant and the Complainant's ex-boyfriend during his investigation.
9. The Detective collected evidence from the Complainant's ex-boyfriend, that represented a pattern of threatening behavior by the Complainant towards her ex-boyfriend.
10. The Complainant did not provide the Detective with any evidence.
11. The Detective's report was consistent with what he had been told by the Complainant, the Complainant's ex-boyfriend, the reports filed by Officer #1 and Officer #3, and the evidence he collected during his investigation.
12. The Detective concluded his investigation and routed it to the Ada County Prosecutor's Office on May 13, 2003.
13. The Complainant did not provide the ombudsman's office with any evidence to substantiate her allegation.

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

The Boise Police Department's Policy §21.0102 Performance of Duty states, in part:

- a. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Satisfactory performance and competence is demonstrated by:*

- 1) *Adequate knowledge of the application of laws required to be enforced.*
- 2) *Willingness and ability to perform assigned tasks properly.*
- 3) *Conformance to the work standards established for the officer's rank, grade, or position.*
- 4) *Taking appropriate and timely action when a crime, disorder, or other condition requiring police action occurs.*

The Detective did not show bias during his investigation. After his review of the initial police reports, he interviewed both the Complainant and her ex-boyfriend. The Detective collected evidence that pertained to the report filed by the Complainant and consulted with the Ada County Prosecutor's Office as he conducted and completed his investigation.

The Detective's final report is consistent with the information provided to him by the Complainant, the Complainant's ex-boyfriend, the evidence he collected, and his consultations with the Ada County Prosecutor's Office. Based on his investigation, there is no evidence to support the allegation made by the Complainant.

The Detective pursued an investigation into the battery report filed by the Complainant in as timely a manner as his position allowed, given annual leave and his responsibility to attend a murder trial. The Detective completed his investigation in a timely, objective, and thorough manner.

For these reasons, I have issued a finding of exonerated.

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