



OMBUDSMAN'S REPORT

Complaint Investigation & Findings

OMB04/0060 - April 6 2004

THE SITUATION

The Complainant reported that he was traveling north on Five Mile Road from Overland Road on March 18, 2004, at approximately 5:45 PM. He said that an unmarked police car was in front of him, traveling the same direction. According to the Complainant, the police officer was clearly frustrated with the van in front of the officer as indicated by his body language. The Complainant said that the officer was following too closely to the van, flailing his arms around, and braking frequently. The Complainant reported that as they approached the intersection of Five Mile Road and Ustick Road, the light turned to yellow, the van moved into the left turn lane and the officer remained in the center lane. According to the Complainant, the officer passed through the intersection of Five Mile Road and Ustick Road on a red light. The Complainant provided the license plate number of the vehicle driven by the officer.

THE COMPLAINT

The Complainant felt the way the officer drove in the described situation was not appropriate. He wanted some assurance that the officer would be counseled to set a good example while driving. Unsafe operation of a police vehicle by an BPD employee would be a violation of § PM 03.0202 – Guidelines for Use of City Vehicle – of the BPD Policy and Procedures Manual.

THE COMPLAINT INVESTIGATION

This complaint was assigned to Michelle Callaham, the assistant ombudsman, for investigation. Ms. Callaham determined that the person driving the city vehicle described by the Complainant was a police lieutenant. Ms. Callaham interviewed the Lieutenant.

The Lieutenant admitted that he was driving the vehicle on March 18, 2004, at about 5:45 PM on Five Mile Road in the area described by the Complainant. However, the Lieutenant denied engaging in the behavior described by the Complainant, specifically following too closely and driving through a red signal.

Ms. Callaham was unable to discover any additional witnesses and/or evidence of the alleged behavior.

WHAT THE COMPLAINT INVESTIGATION FOUND

The investigation determined that the Lieutenant had been operating the described police car on March 18, 2004, and verified that the car had been drive in the area and at the time described.

OMBUDSMAN'S ANALYSIS AND FINDINGS

The Boise Police Department's Guidelines for Use Vehicle policy §3.0202 state:

The following guidelines shall apply to the operation of the vehicles:

- *Employees will be dressed appropriately in uniform, business suit, or moderately casual clothes unless a duty assignment indicates otherwise.*
- *Officers shall be armed with an approved weapon, police identification,*

and badge and shall constantly monitor the police radio. If away from police radio, officers shall carry their assigned pager.

- *Employees will always operate their vehicles in a manner that will not bring criticism or disfavor to themselves or the Department.*
- *Employees shall not operate an assigned vehicle within eight hours after consuming any alcoholic beverage. However, a supervisor may authorize minimal use of alcohol during a duty-related investigation, provided the investigator minimizes the use of the vehicle.*

The Complainant alleged that the Lieutenant drove his vehicle too closely to the vehicle in front of him (Lieutenant) and that the Lieutenant ran a red light. If those allegations were true, driving in a such a manner would bring criticism and disfavor to the Lieutenant and to the police department. The Lieutenant denied running the red light and said that he was not agitated by the vehicle in front of him. The Lieutenant said that he had no memory of the vehicle in front of him, but was certain he did not follow too closely.

The preponderance of evidence available from this investigation is insufficient to either prove or disprove the allegation made by the Complainant. For this reason, I issued a finding of not sustained in connection with the allegation that the Lieutenant violated §3.0202 of the BPD Policy and Procedures Manual.

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