



OMBUDSMAN'S REPORT Complaint Investigation & Findings

OMB04/0166 - December 14, 2004

THE SITUATION

The Complainant was driving westbound on I-84, just off the connector, when he observed a Boise Police Department patrol car pass him while traveling in the same direction.

THE COMPLAINT

The Complainant said that while driving westbound on I-84, just passed the connector, a Boise Police Department patrol car passed him (Complainant) going approximately 62 miles per hour in a 55 miles per hour speed zone. The Complainant provided the license number of the patrol car.

If this allegation proved true, it would be a violation of Boise Police Department (BPD) Policy § 3.0202 Guidelines for Use (Assigned Vehicle Usage).

THE COMPLAINT INVESTIGATION

A request was sent to BPD to identify the driver assigned to the patrol vehicle identified by the Complainant. An interview was conducted with the Officer shown to be assigned the patrol vehicle reported by the Complainant. During that interview, it was discovered that the Officer was not driving the patrol vehicle reported by the Complainant. Using dispatch

records the investigation was able to verify that the Officer was in fact driving a different vehicle. No other BPD records were available that would correctly identify the officer who actually was driving the patrol car seen by the Complainant.

WHAT THE COMPLAINT INVESTIGATION FOUND

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

1. According to the unit history records maintained by Ada County Dispatch, the Officer was not driving the patrol vehicle observed by the Complainant.

OMBUDSMAN'S ANALYSIS AND FINDINGS

The BPD's Policy § 3.0202 Guideline for Use (Assigned Vehicle Usage) states, in part:

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

- *Employees will always operate their vehicles in a manner that will not bring criticism or disfavor to themselves or the Department.*

Based on the Officer's testimony and unit history, he was not the officer operating the vehicle observed by the Complainant. According to the official records at BPD, the Officer was assigned the vehicle reported by the Complainant. Due to the discrepancy between the official records compared to the Officer's testimony and his unit history, the identity of the driver of BPD025 was not discovered.

The vehicle records maintained by the department to track vehicle assignments are counted on to be accurate. In this case, where a discrepancy exists, there is not a second official tracking system to identify who was driving the vehicle reported by the Complainant.

Based on that information, I have issued a finding of unfounded.

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