



OMBUDSMAN'S REPORT

Complaint Investigation & Findings

OMB04/0207 - November 18, 2004

THE SITUATION

A Boise Police sergeant made a traffic stop on a woman (the Complainant) for suspicion of driving under the influence. The sergeant requested the assistance of a second officer (the Officer) trained in testing individuals who may be driving while under the influence. The Officer conducted a standard series of field sobriety tests on the Complainant. The Officer arrested the Complainant and transported her to the Ada County Jail. While at the jail, the Officer offered the Complainant the opportunity to take an additional evidentiary test to determine the concentration of alcohol in her body. The Complainant declined the evidentiary test and asked the Officer how to place a phone call from the jail.

THE COMPLAINT

The Complainant said that after she asked the Officer how she could place a phone call from the jail, he asked her if she was going to keep “yapping.” The Complainant said he used the term “yapping” with her twice and appeared to be trying to start an argument with her. If true, this would be a violation of Boise Police Department Policy § 21.0307 Relationships with Others and Demeanor.

THE COMPLAINT INVESTIGATION

After the Complainant was interviewed, the Officer's audio recording was reviewed. The recording made by the Officer, during his contact with the Complainant, spanned a time period of almost 50 minutes. The Officer did not use the term "yapping," or any other similar term, at any time during his contact with the Complainant. The Officer was polite, informative, and friendly throughout his interaction with the Complainant.

WHAT THE COMPLAINT INVESTIGATION FOUND

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

1. The Officer did not use the term "yapping" or any other such term during his contact with the Complainant.

OMBUDSMAN'S ANALYSIS AND FINDINGS

Boise Police Department Policy § 21.0307 and 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.

The Officer clearly did not use profanity or uncomplimentary speech. He spoke to the Complainant in a respectful and informative manner.

OMB04/0207

Ombudsman's Report - Complaint Investigation and Findings

November 18, 2004

For that reason, I have issued a finding of unfounded.

Pierce Murphy
Community Ombudsman
P.O. Box 500
Boise, Idaho 83701-0500
(208) 395-7859
mailbox@boiseombudsman.org