



## **OMBUDSMAN'S REPORT**

### **Complaint Investigation & Findings**

*OMB04/0208 - November 19, 2003*

#### ***THE SITUATION***

A Boise Police officer (Officer #1) responded to a vehicle accident involving a woman (the Complainant). The vehicle accident was minor and no one was injured. Present, after the accident occurred, were Officer #1, the Complainant, the other involved driver (Witness #1), and another witness (Witness #2). Officer #1's supervisor (Officer #2) arrived sometime later at Officer #1's request.

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

The Complainant said that Officer #1 treated her rudely while investigating the vehicle accident. The Complainant said that Officer #1 used profanity, screamed, and threatened to handcuff her and place her in the back of his patrol car. If true, Officer #1's behavior would be a violation of Boise Police Department Policy § 21.0307 Relationships with Others and Demeanor.

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

Officer #1's audio recording of his contact with the Complainant was reviewed. Interviews were held with Witness #2 and Officer #1. Despite repeated attempts, Witness #1 could not be reached for an interview. Because Officer #2 arrived after the majority of Officer #1's contact with the Complainant and based on the audio recording made by Officer #1 and the information provided by Witness #2 and Officer #1, it was determined that an interview with Officer #2 was not necessary.

The information provided by Officer #1 and Witness #2 was consistent with the audio recording made by Officer #1 during his contact with the Complainant. Officer #1 responded to the vehicle accident and began investigating. While doing so, he was interrupted several times by the Complainant. The Complainant also briskly approached him and shook papers in his face. Officer #1 raised his voice and told the Complainant to step away. Officer #1 explained to the Complainant that he was conducting an investigation and she needed to follow his direction without approaching him in that manner. Officer #1 told the Complainant that if she continued to act in that manner, for the safety of all present, he would be forced to place her in handcuffs and seat her in his patrol car. As Officer #1 continued his investigation, the Complainant entered her vehicle and began to depart the scene of the accident. Officer #1 directed her twice to park her car, while he completed his investigation, or he would place her under arrest for leaving the scene of an accident. Officer #1 did not use profanity, at any time, during his contact with the Complainant.

### ***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. Officer #1 raised his voice and directed the Complainant to step away as he conducted his investigation of the traffic accident.
2. Officer #1 told the Complainant he would place her in handcuffs in the back of his patrol car if she continued to interrupt his investigation.
3. Officer #1 told the Complainant he would arrest her for leaving the scene of an accident if she drove off before he completed his report.

4. Officer #1 did not use profanity in his contact with the Complainant.

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

Boise Police Department Policy § 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.*

Based on the audio recording made by Officer #1 and the statements made by Witness #2 and Officer #1, there is no indication that Officer #1 used profanity or screamed at the Complainant during his contact with her. Officer #1 had an obligation to gain and maintain order during his investigation of the traffic accident. He raised his voice with the Complainant when she repeatedly interrupted him and shook papers in his face. If the Complainant had not complied with his directives, Officer #1 would have been justified had he handcuffed the Complainant and put her in his patrol car. Also, if the Complainant had driven away prior to Officer #1 completing his investigative work she would have been subject to arrest for leaving the scene of an accident.

For these reasons, 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](mailto:mailbox@boiseombudsman.org)