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# OFFICE OF INTERNAL AFFAIRS

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Boise Police Department



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# INTRODUCTION

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The Office of Internal Affairs (OIA) is established within the Professional Standards Division of the Boise Police Department (BPD). The commander of this office is a Police Captain, who reports directly to the Deputy Chief of Police and Chief on Internal Affairs matters. Three Professional Staff members comprise the unit with two Investigators and one Administrative Specialist. The investigators are responsible for conducting internal investigations and special projects. The Administrative Specialist is responsible for primary complaint intake, office coordination, case tracking, maintenance of the IPro database and other administrative duties.

The primary function of OIA is to ensure the highest level of professionalism within the Boise Police Department. This is accomplished through ongoing analysis of national trends, policy analysis and review of training methods. OIA also works to ensure the highest level of service is maintained by individual employees through the receipt, assignment and investigation of complaints received from citizens or initiated by department supervisors regarding the actions of employees. OIA investigators handle investigations of more serious complaints. Both OIA investigators and other department supervisors handle less serious complaints. OIA monitors all investigations for timely completion and reports the findings to the complaining citizen and subject employee(s).

Other functions of OIA include critical incident investigations, as well as assignment and investigation of citizen and administrative inquiries. OIA also reviews and tracks reports of employee uses of force, pursuits, vehicular accidents, missed court appearances, administrative incident reviews, lawsuits, and notice of claims, assigning them to staff for follow-up when required. Additionally, OIA

manages and tracks the Department's corrective action as well as coordinates risk management and employee grievance matters.

For purposes of this report, the term "employee" is used throughout to denote both sworn (officer) and non-sworn (professional staff) members of the Boise Police Department. While most citizen complaints are lodged against sworn police officers, the increased amount of contact between non-sworn personnel and the public has resulted in some complaints of misconduct against non-sworn employees. Therefore, we have chosen to use "employee" as a generic term for all Boise Police Department members.

## COMPLAINTS

OIA defines a *complaint* as a singular incident which gives rise to one or more allegations of misconduct. A single complaint may allege misconduct by multiple employees and/or multiple violations of policy by a single employee. Therefore, the number of complaints filed will not equal the number of allegations and findings resulting from the complaint investigation.

## CITIZEN COMPLAINTS AND INQUIRIES

Citizen complaints are now captured solely by the allegation type. OIA also classifies some citizen concerns as *citizen inquiries*. An Inquiry differs from a complaint, in where no officer misconduct is alleged.

## DEPARTMENT INITIATED COMPLAINTS

If a complaint is initiated by BPD supervisors or brought to supervisory attention by any BPD employee, it is classified as a department-initiated complaint.

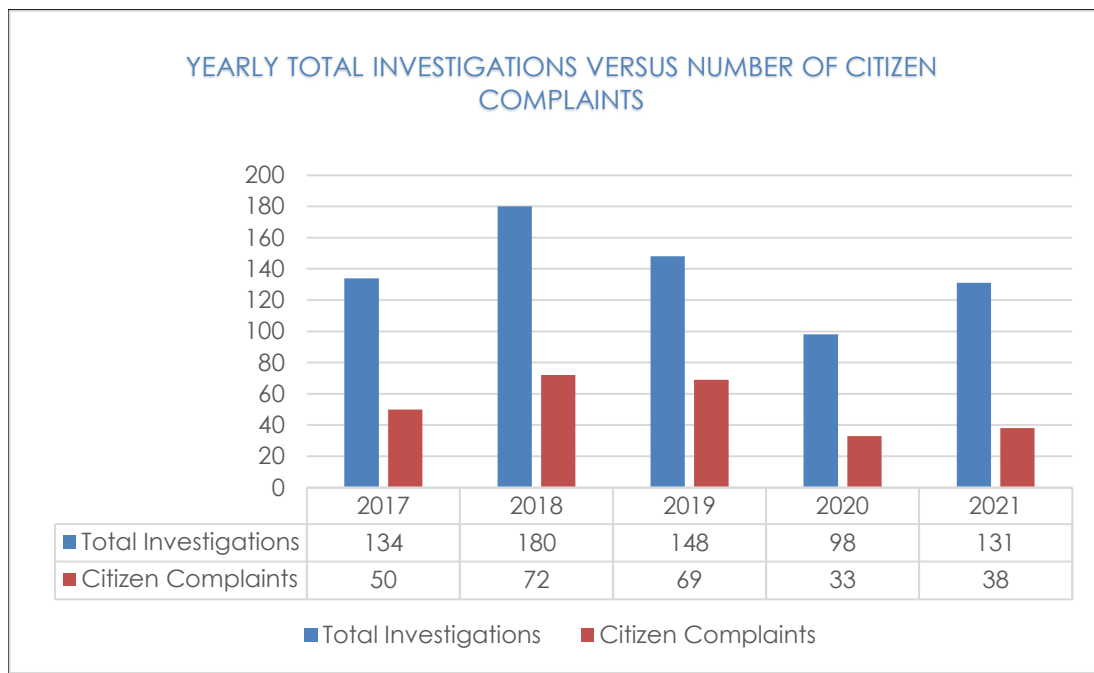
## COMPARISON OF THE NUMBER OF INVESTIGATIONS BY YEAR

	2017	2018	2019	2020	2021
<b>Citizen Complaints</b>	50	72	69	33	38
<b>Citizen Inquiries – includes OPA Referral inquiries</b>	50	36	44	37	59
<b>Department Initiated</b>	54	72	35	28	34
<b>Total Investigations</b>	134	180	148	98	131

- ✓ There was an increase in Citizen Complaints and Department-Initiated investigations from the previous year.
- ✓ Of the reported 59 Citizen Inquiries, only 5 of those were forwarded from the Office of Police Accountability (OPA).

- ✓ Although the population increased in 2021, the calls for service decreased.

<b>3 Year Comparison of Calls for Service and Population</b>			
	2019	2020	2021
<b>Calls for Service</b>	152,574	149,698	132,392
<b>Population</b>	226,115	229,993	237,617



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## CLASSIFICATION OF COMPLAINTS

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As stated previously, a single complaint may result in multiple allegations of misconduct. Since the types of allegations may be vastly different, it is difficult to categorize complaints. However, it is possible to gain some insight into

the concerns of citizens and the department by looking at the most serious allegation from each complaint. The following table represents the distribution of these allegations.

	Citizen Complaints	Department Initiated
Conduct Unbecoming	1	2
Constitutional Rights Violation	2	2
Criminal Conduct	0	0
Demeanor / Rudeness	16	3
Driving Violations	1	1
Duty Performance	10	22
Use of Force	8	1
Failure to Audio/Video Record	0	2
Workplace Harassment	0	1
<b>Total</b>	<b>38</b>	<b>34</b>

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## ALLEGATIONS AND FINDINGS

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*Allegations* represent a distinctly different category than complaints. They are assertions of an employee's behavior that, if proven, would amount to a violation of department policy. A single complaint may result in multiple allegations of misconduct against one employee, single allegations against multiple employees, or any combination thereof.

*Findings* are issued for each allegation in an investigation, including those made by the complainant as well as any allegations of misconduct not included in the original complaint, but that may be discovered during the investigation. Findings are also issued when policy violations are discovered during a review of employee performance following an incident such as a pursuit, a use of force or an

employee vehicular accident. For these reasons, the number of findings issued will exceed the number of complaints reported.

Although complaints are the primary basis for our statistical reporting, we also track the findings for each allegation, rather than a single overall finding for each individual complaint. Examining allegations separately from complaints is useful in gaining a more accurate understanding of areas of concern to citizens and to the department.

Findings fall into one of five categories, which are explained in detail in Appendix A of this report. The following table represents the findings issued for 2021 cases.

## ALLEGATIONS AND FINDINGS (CONTINUED)

The Findings reflected in this report are for incidents occurred/reported during the year 2021. The Department opened and investigated 38 Citizen Complaints and 34 Department Initiated cases: with a total of 126 allegations, as distributed below.

### FINDINGS FROM ALLEGATIONS DURING 2021

	Citizen Complaints	Department Initiated
Exonerated	21	9
Not Sustained	1	3
Sustained	5	43
Unfounded	41	3
No Finding	0	0
<b>Total</b>	<b>68</b>	<b>58</b>

### DISTRIBUTION OF SUSTAINED FINDINGS DURING 2021

	Citizen Complaints	Department Initiated
Conduct Unbecoming	0	7
Constitutional Rights Violation	0	1
Criminal Conduct	0	0
Demeanor / Rudeness	2	4
Driving Violations	2	2
Duty Performance	1	25
Use of Force	0	0
Failure to Audio/Video Record	0	4
Workplace Harassment	0	0
<b>Total</b>	<b>5</b>	<b>43</b>

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## CRITICAL INCIDENTS

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A **critical incident** is an event in which an employee intentionally uses deadly force or in which death or life-threatening bodily injury result from the actions of an employee.

When a critical incident occurs, the Office of Internal Affairs conducts an administrative investigation to determine whether employees complied with applicable policies and procedures, to evaluate the effectiveness of those policies and procedures, and to assess quality control issues. In addition to the investigation conducted by OIA, the Office of Police Accountability conducts an administrative investigation and the Critical Incident Task Force, which is comprised of five area law enforcement agencies, conducts a criminal investigation.

During 2021, the Boise Police Department experienced six officer-involved critical incidents.

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### SUMMARY ONE

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On the afternoon of June 27, 2021, Boise Police Officers began investigating a child abduction report near State Street and North Street. The suspect, reportedly known to the family, entered a residence and left with a 14-year-old male. Based on information they had received; officers believed the boy was in immediate danger and they began an investigation to locate the boy.

An Amber Alert was in the process of being issued when patrol officers located the suspect vehicle with a boy inside matching the missing child's description. Officers also observed a weapon. Officers attempted a traffic stop, but the suspect fled. Ultimately a Pursuit Intervention Technique (PIT) maneuver was performed on the suspect vehicle to stop the pursuit. Officers confronted the suspect, and due to an immediate danger presented by the suspect, officers were forced to fire their weapons. Officers ensured the child's safety and immediately began life-saving measures on the suspect. The Critical Incident Task Force (CITF) conducted a criminal investigation into the

matter and the case was reviewed by a prosecuting attorney who found the officer's conduct to be lawful. The Office of Internal Affairs conducted an internal investigation into the incident. The Office of Police Accountability conducted a separate investigation into the incident as well.

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### SUMMARY TWO

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On July 11, 2021, Boise Police Officers were dispatched to a report of a reckless drunk driver with significant reported damage to the side of the U-Haul van the suspect was driving. Officers further learned the U-Haul van was stolen. As officers attempted a traffic stop of the van, the suspect fled the stop and, at times, drove directly at the officers' occupied vehicles.

A pursuit of the suspect's vehicle began but was terminated by a BPD Supervisor due to the suspect's dangerous driving behavior, the high rate of speed he was traveling, and the risk it posed to the public. The van was later located in a residential area south of Overland Road. The suspect drove head-on toward police officers and intentionally rammed occupied police vehicles which ultimately led to officers firing their weapons at the suspect. The Critical Incident Task Force (CITF) investigated the incident and the case was reviewed by a prosecuting attorney who found the officer's conduct to be lawful. The Boise Police Office of Internal Affairs is conducting an internal investigation into the incident. The Office of Police Accountability is conducting a separate investigation as well.

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### SUMMARY THREE

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On July 24, 2021, at 1:20 am, Boise Police responded to a request for a property check in the backyard of an address on N. 21<sup>st</sup> Street near W. Pleasanton and W. State Street. The calling party reported someone trespassing and squatting in an enclosed area of the property. Two officers arrived at the location and walked down an alley looking for the subject.

As they approached the subject in an enclosed area, they announced themselves as Boise Police Officers. The subject was asked by officers to show his hands. The subject produced what appeared to be a handgun, pointing it towards the officers. Officers gave commands to drop the gun and were forced to fire their weapons due to what they believed was an immediate threat to their lives. Officers began life-saving measures and requested medics to the scene; however, the subject was pronounced deceased at a local hospital. The Critical Incident Task Force (CITF) investigated the incident, which will be reviewed by a prosecuting attorney. The Boise Police Office of Internal Affairs investigation is still pending. The Office of Police Accountability will be conducting an independent review of the incident.

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## SUMMARY FOUR

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On the evening of October 2, 2021, Boise Police Officers were dispatched to a call of a No Contact Order violation in the area of W. Royal Blvd. near the riverbank. The female victim in the matter was on the phone with dispatch to report the violation. The female began screaming for help while the suspect threatened the female, stating he would kill her before officers arrived. A BPD Officer arrived and located both subjects.

The officer observed the male subject on top of the female, actively choking her; her cries for help becoming fainter and her face turning red and purple. The officer did not have time to wait for an assist officer to arrive and he chose to apply a Lateral Vascular Neck Restraint without applying any compression. This maneuver was effective at removing the suspect from off of the female. The Critical Incident Task Force was not activated, as it didn't rise to the level of meeting the criteria for activation and was reviewed internally by the Office of Internal Affairs.

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## SUMMARY FIVE

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On the afternoon of October 25, 2021, Boise Police Officers responded to a shooting at the

Boise Towne Square Mall with early reports that at least one person was shot. As the investigation progressed, multiple victims were located. Officers confronted an individual matching the suspect's description, just outside the mall area.

An exchange of gunfire between the suspect and a Boise Police Officer is being investigated by the Critical Incident Task Force (CITF) and will be reviewed by a prosecuting attorney. The Boise Police Office of Internal Affairs will also conduct an internal investigation into the incident. The Office of Police Accountability will conduct a separate investigation into the incident as well.

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## SUMMARY SIX

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On the evening of October 27, 2021, Ada County dispatch received information about a suicidal subject threatening to jump off an overpass or building. Officers working in the downtown area had previous contacts with the subject, and were also aware of his criminal history. Officers began their search of overpasses and the downtown area to perform a welfare check on the subject. About 25 minutes later, Boise Police Officers located the subject in the area of Capitol and Myrtle. When officers attempted to contact the subject, they perceived a threat and fired their weapons.

Officers immediately began life-saving measures and called for medical assistance. The subject was transported with life-threatening injuries and passed away from those injuries several days later. The Critical Incident Task Force (CITF) conducted a criminal investigation into the incident which was reviewed by a prosecuting attorney who found the officer's conduct to be lawful. The Boise Police Office of Internal Affairs investigation is ongoing. The Office of Police Accountability will also conduct a separate investigation into the incident.

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## USE OF FORCE

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In any incident requiring the use of force, officers may employ a variety of techniques in an attempt to control the situation. The department conducts a review of an officer's use of force whenever any of the following occurs:

- The subject is injured or complains of injury.
- A hard-empty hand technique is used (see Appendix B).
- A vascular neck restraint (VNR) is used.
- Intermediate weapons are used (includes baton, flashlight, less lethal flex round, OC spray, K-9, and Taser®).
- Firearms are discharged.

A separate use of force report is completed for each subject upon whom the force is used; therefore, more than one use of force report may be generated from the same incident. These reviews of an officer's use of force are reflected in the table below. For tracking purposes, OIA categorizes use of force by the highest level of force used upon a subject. Thus, of the incidents listed, more than one type of force may have been deployed on a subject due to a lower level of force not being effective. Therefore, an officer may have used several types of force during one single incident. Use of force categories are explained in greater detail in Appendix B of this report.

**\*Soft Empty Hand uses of force** are only recorded in our Internal Affairs database when they involve injuries, complaints of injuries or when in conjunction with an actual reportable use of force. Otherwise, soft empty hand incidents which do not involve complaints or injuries, are documented in the report writing system and are separate from what is reported to Internal Affairs. The **76 instances of Soft Empty Hand use listed below** are considered a reportable use of force as described above.

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## LVNR

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In June 2020, BPD put out a news release regarding placing a moratorium on the use of the Lateral Vascular Neck Restraint, or "LVNR" technique, which is considered to be a type of force. In order to study the matter further, seek input and be responsive to community input, the Boise Police Department suspended the use of this technique, except in extreme cases (where deadly force would be justified).

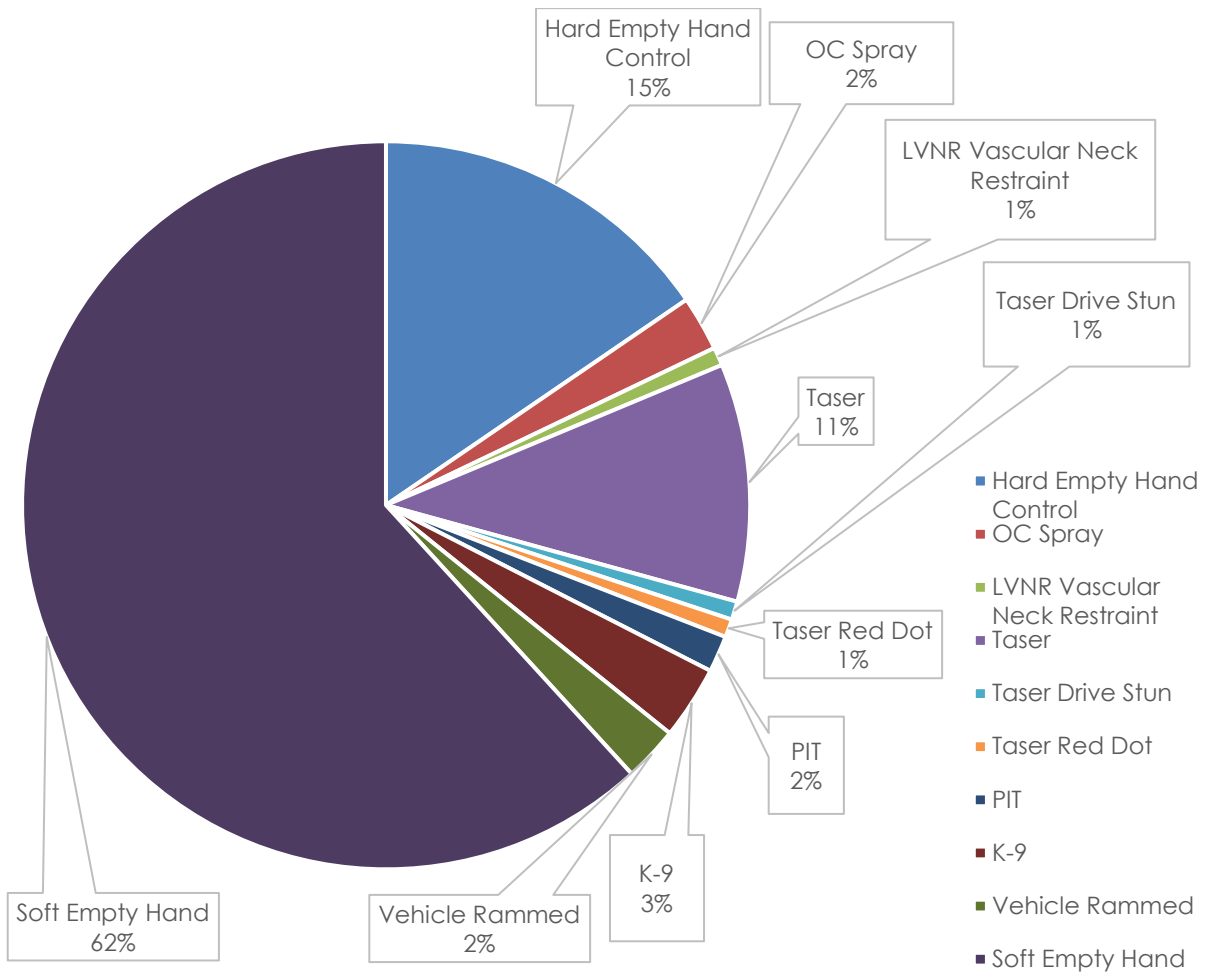
When Chief Ryan Lee assumed his position on July 1, 2020, he concurred with this decision and continued the moratorium on its use. Efforts are continually being made to assess events nationally related to vascular restraints in order to align BPD policy with Best Practices and to be responsive to what the community expects of us at this time.

The LVNR data below reflects an internal CITF investigation that was found to be an extreme case where the use of LVNR was justified.

## USE OF FORCE (CONTINUED)

The following is an illustrated breakdown of the types of force used involving 129 officers:

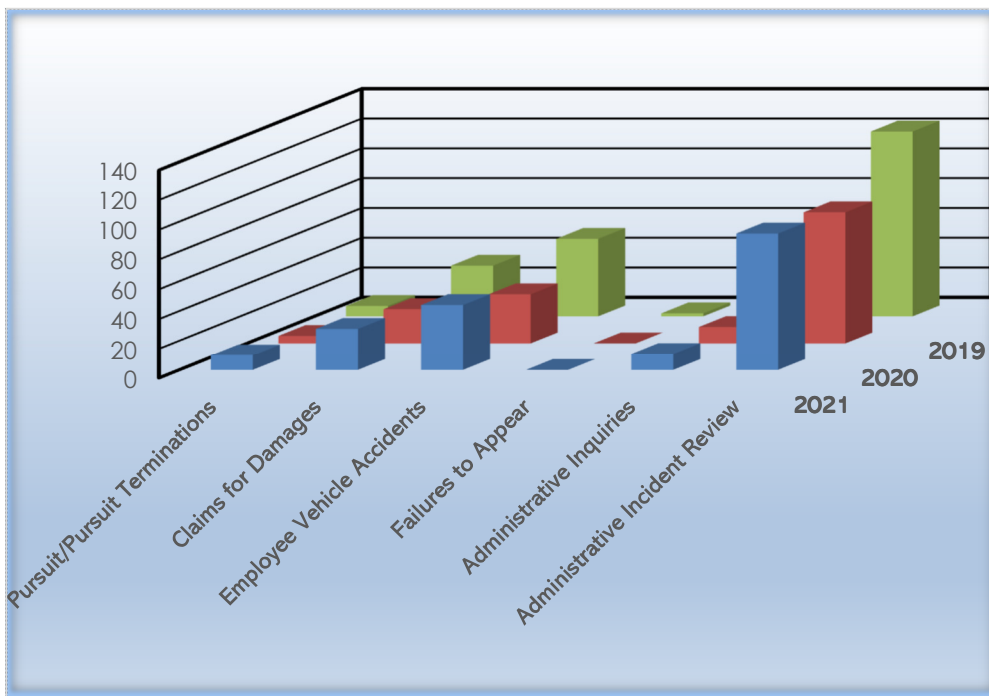
<b>Hard Empty Hand</b>	<b>19</b>
<b>OC Spray</b>	<b>3</b>
<b>LVNR Vascular Neck Restraint</b>	<b>1</b>
<b>Taser</b>	<b>13</b>
<b>Taser Drive Stun</b>	<b>1</b>
<b>Taser Red Dot</b>	<b>1</b>
<b>PIT</b>	<b>2</b>
<b>K-9</b>	<b>4</b>
<b>Vehicle Rammed</b>	<b>3</b>
<b>Soft Empty Hand</b>	<b>*76</b>



## OTHER INFORMATION TRACKED BY OIA

In addition to Complaints and Department Initiated Investigations, the Office of Internal Affairs also tracks other reported activities, which bear on the performance of the Police Department. These activities include administrative reports and legal claims and are listed below and tracked for three years.

Total Other Data Tracked by Year			
	2021	2020	2019
Pursuit/Pursuit Terminations	10	5	7
Claims for Damages	28	23	32
Employee Vehicle Accidents	44	33	52
Failures to Appear	0	0	2
Administrative Inquiries	11	11	21
Administrative Incident Review	92	88	124



✓ There was an increase in Employee Vehicle Accidents.

✓ Nine claims were filed for damage sustained from officers forcing entry related to medical, welfare checks and warrant services.

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## CLASSIFICATION OF FINDINGS (APPENDIX A)

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The Boise Police Policy Manual specifies the following definitions for required findings in internal investigations:

EXONERATED - The acts, which provided the basis for the complaint or allegation did occur, but were justified, lawful, and proper. This finding also may be used when the acts complained of did occur and were not proper or justified but resulted from a lack of policy or training.

NOT SUSTAINED - The investigation failed to discover sufficient evidence to clearly prove or disprove the allegations made.

SUSTAINED - The investigation disclosed sufficient evidence to clearly prove the allegation(s) made.

UNFOUNDED - The investigation conclusively proved that the act complained of did not occur. This finding also applies when the employee named was not involved in the act or in acts which may have occurred.

NO FINDING - The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation, the complainant wishes to withdraw the complaint, or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the employee involved.

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## USE OF FORCE CATEGORIES (APPENDIX B)

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Soft Empty Hand Control - Soft empty hand control techniques are designed to control passive or defensive resistance. They are used when verbal commands aren't effective and there is noncompliance with lawful orders. While soft empty hand control techniques may inflict pain to gain control, they generally will not cause any form of bruising or injury to a subject. By definition soft empty hand control has little or no potential for injury.

Hard Empty Hand Control – Techniques which have a higher potential for injury than soft empty hand control techniques. This includes open hand strikes, kicks and punches.

Common Peroneal - This is a Motor Nerve Point and a target zone for knee strikes or a straight punch. This can cause muscular dysfunction (Charley horse) and pain compliance. Strikes to the Common Peroneal are considered Hard Empty Hand control.

Suprascapular Nerve Motor Point – This target area is at the top of the shoulder blade / scapula. It is used to cause muscular dysfunction. Strikes to the Suprascapular are considered Hard Empty Hand Control.

OC Spray - Oleoresin Capsicum aerosol spray, also, known as “pepper spray” is used for defensive and higher levels of resistance and is considered an Intermediate Weapon.

Impact Weapon Strikes - A strike to any part of the body using an impact weapon. This may include a side handle baton, expandable

baton, or improvised impact weapon. This is considered an Intermediate Weapon.

Conducted Energy Weapon- (CEW) more commonly referred to as a Taser: A CEW can either be used in “dart” or “drive stun” mode. The darts are deployed from the CEW with the intention of causing neuromuscular incapacitation. The “drive stun” is deployment against a body part typically causing pain compliance. This is considered an intermediate Weapon.

K-9 Deployment- The deployment of a Police Service Dog / K9 for the purpose of locating and / or apprehending a suspect is considered and Intermediate Weapon.

Lethal Force – Lethal Force is used when the officer believes his or her life or the life of another person is in danger of death or serious bodily injury.

Pursuit Intervention Technique/ Tactic – P.I.T. can be used prior to or during a pursuit to stop a vehicular pursuit. This technique/tactic disrupts the forward momentum of the subject's vehicle.

Vascular Neck Restraint (LVNR) – The Vascular Neck Restraint is considered a Hard-Empty Hand Control Technique and is designed for higher levels of resistance. The application puts pressure on the sides of the neck and is only used in extreme cases where deadly force would be justified).