



OFFICE OF POLICE OVERSIGHT

DIRECTOR: Natalie Camacho Mendoza

Office of Police Oversight Inquiry Synopsis

OPOINF16-0032

Date: **September 21, 2016**

Disposition: **EXONERATED**

Inquiry:

A Boise resident contacted the Office of Police Oversight (OPO) regarding the recovery of a vehicle, as well as, the cost of towing, storage and damages to a vehicle after an arrest. The resident requested that the Boise Police Department (BPD) pay for the damage done to the vehicle, and for the cost to have the vehicle towed and recovered from the impound lot.

Resolution:

The OPO assigned an investigator to review all documentation related to the resident's concerns. The OPO investigator found that the resident's vehicle had been used in a felony crime whereby, officers from multiple agencies initiated a traffic stop of the vehicle. All but one of the vehicle's occupants complied with commands to exit the vehicle when instructed. The remaining occupant refused officer instructions and at one point, fired a handgun at officers. This required the use of the BPD Special Operations Unit (SOU) armored vehicle to apprehend the occupant. Damage occurred to the driver's side door of the vehicle during the operation that lasted several hours. BPD was able to eventually arrest the individual inside the car and subsequently, towed the car to an impound lot for evidentiary purposes.

The OPO interviewed the resident, reviewed crime scene photographs, dispatch records, BPD documentation of the encounter and reviewed BPD policies regarding Use of Force, Pursuit Intervention Techniques (PIT), and Evidence Seizures.

In this situation, the OPO found that BPD used a reasonable amount of force to subdue the suspect, and that the SOU's use of an armored vehicle was warranted to protect officers from the armed subject.

The OPO found that BPD was authorized to tow the vehicle to a secure location for evidence processing because it was used in the commission of a crime. Furthermore, the investigation found that the damage sustained to the vehicle occurred as BPD SOU officers used their armored vehicle to disrupt the actions of the armed uncompliant occupant who may have been attempting to start the vehicle.

Upon completion of the investigation, the OPO found that the BPD officer's actions were appropriate and necessary in subduing the suspect without the use of deadly force that likely may have resulted in loss of life. The OPO found that BPD's actions were within department policy and procedures. Therefore, the OPO issued a finding of **Exonerated** for the actions of the officers and closed the file.

