



Annual Report 2017

Office of Police Oversight

City of Boise



OFFICE OF POLICE OVERSIGHT

DIRECTOR: Natalie Camacho Mendoza

April 1, 2018

The Honorable David H. Bieter
Mayor

And

Honorable Members of the Boise City Council
Boise City Hall
150 N. Capitol Blvd.
Boise, Idaho 83702

Dear Mr. Mayor and Council Members:

The Office of Police Oversight is pleased to submit, pursuant to chapter 2, section 2-22-04(H) of the Boise City Code, its 2017 Annual Report.

I am happy to answer any questions you may have at your convenience.

Sincerely,

Natalie Camacho Mendoza
Director, Office of Police Oversight

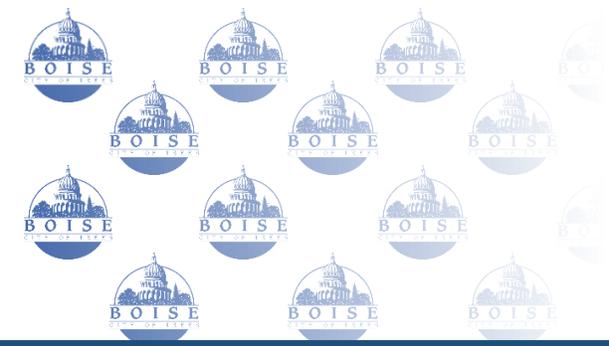
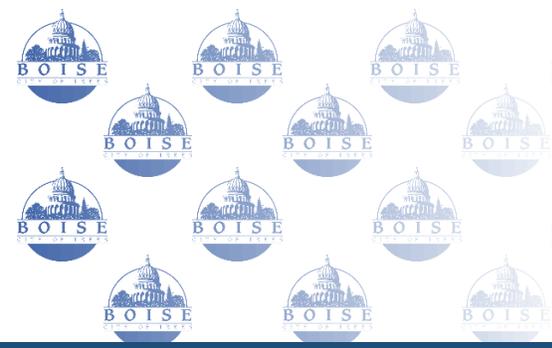


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The Police are the most visible manifestation of government authority responsible for public security. They are given unparalleled and special powers in the furtherance of their duties, including the power to detain and to use force. Consequently, the exercise of police power requires that it should be used responsibly and accountability is an inherent aspect of professional policing.

-Civilian Oversight of Policing, United Nations Office on Drugs and Crime-

Administratively, the OPO works with the City Attorney's Office for the processing of public records requests, produces semi-annual and annual reports, collaborates with the Office of Community Engagement on the OPO website design, is responsible for publishing and reformatting the OPO website, completing citizen oversight professional surveys to assist with research in the profession, investigates and attends industry trainings, conducts in-house training, and participates in City of Boise employee trainings.

Introduction

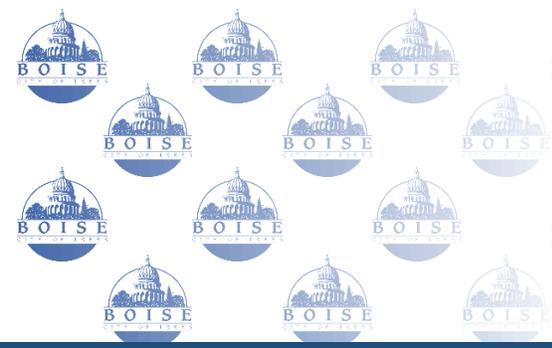
Through passage of Boise City Ordinance §2-22, The City of Boise established the Office of Police Oversight.

This 2017 Annual Report contains data on the cases the OPO has opened from January through December, 2017. Additionally, it provides a summary of OIA audits completed, projects undertaken and plans for the future.

The Office of Police Oversight (OPO) conducts independent investigations into allegations of misconduct by Police Officers and employees of the Boise Police Department (BPD). In addition, the OPO conducts separate investigations of Critical Incidents, receives Appeals of BPD Office of Internal Affairs (OIA) findings, audits OIA investigations, evaluates and makes recommendations on policy and conducts Community Outreach as defined by Boise City Ordinance. The OPO is invited to attend and present at community events, and before various forums including civics groups and in academic venues. The OPO also provides recommendations to BPD on operations, management, human resources, training and culture change.

Summary

In 2017, the OPO continued reorganization efforts of the office with job creation, work load redistribution, creating, developing and improving systems, clearing backlog, and improving and creating a more functional work space. The OPO continued to evaluate internal processes and governing documents to ensure compliance and / or recognize the changes needed due to the part-time nature of the staff and the addition of technology. The OPO continued efforts



in relationship building with BPD leadership and other City departments.

The OPO continued to cultivate an operational understanding with the BPD in the areas of Front and Back-End Oversight, OIA Operations, Department Philosophy & Culture, Training, Accountability, Community Stewardship, Leadership Development and Succession Planning, Recruiting, Hiring Process, Employee Retention, Officer Wellness and many other issues. The OPO developed strategies, action items and proposed communication for carrying out the vision of the BPD as defined by leadership with recommendations from the OPO. The Director also participated in the recruitment process reaching out to communities of color to support the BPD in their efforts to build diversity within the Department.

The OPO supports the City's mission in making Boise the "Most Livable City in the Country" by providing effectual and contributive oversight of BPD using the following methods:

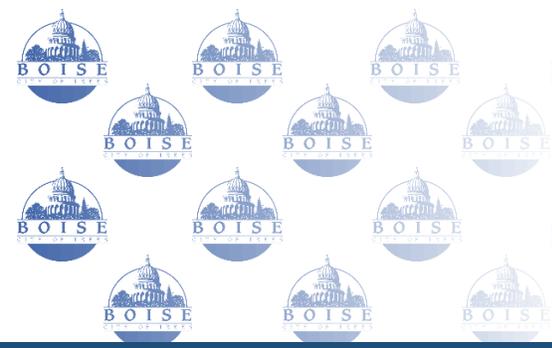
- Conducting independent investigations of: Critical Incidents, Reports of misconduct by the police and OPO initiated reviews.
- Auditing BPD OIA investigations to ensure that they are complete, thorough, fair and objective.
- Providing recommendations for policy, procedure, training, and management to the BPD.
- Collaborative meetings with community members.
- Meaningful and purposeful conferences with key BPD leadership on a regular basis.
- Answering questions of community members.
- Regularly bi-monthly meeting with the Mayor with reports on the status of the OPO operations, feedback and recommendations regarding the BPD and to provide information and / or recommendations on community relations.

Definitions & Terminology

Investigation and Case Classifications

The criteria the OPO uses to classify cases opened depend on the nature of the investigation. This promotes uniformity, efficiency and impartiality. The following are the definitions of the case types opened by the OPO in 2017:

- *Appeals*: Cases brought to the attention of the OPO by a community member who disputes or appeals the final disposition of a complaint they have filed with the BPD.
- *Commendations*: Cases of praise or compliment of a Boise Police officer or employee brought to the OPO by a community member. Commendations may also be initiated by the OPO.

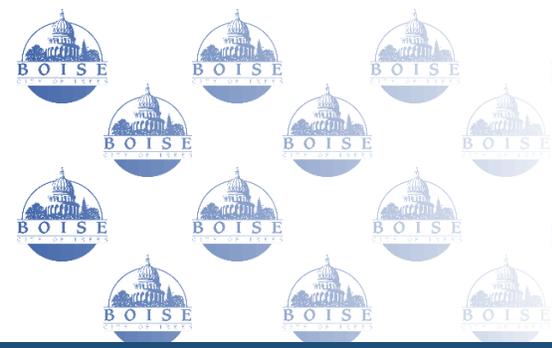


- **Complaints:** Cases having been opened by the OPO after a preliminary investigation has found evidence that a BPD officer or employee has violated policy & procedure or law. These investigations include taking formal statement of Officers, which for Sergeants and rank and file Officers, will trigger their right to representation by their Union Representative or Union Counsel.
- **Critical Incidents:** Are cases opened by the OPO of any action by a BPD officer or employee that caused injury leading to admission to a hospital or that caused the death of an another person. In compliance with Boise City Code 2-22-04 (H), the OPO conducts an independent administrative investigation, which also includes; on scene review and participation in a walk-through of the scene, review of the Critical Incident Task Force (CITF) findings, the taking of statements from the primary Officer(s), Employees and witnesses, and/or gathering of additional information if needed.
- **Inquiries:** Cases opened by the OPO for any other incident or situation involving the BPD or any of its employees where the OPO, through its investigation and / or alternative dispute resolution practice, can resolve and / or answer the Complaining Parties' concerns. At times, these Inquiries will be sent back to Supervising Officers, through

the OIA, for their review and / or investigation to answer the Complaining Parties' concerns. This is called a Rapid Resolution Inquiry (RRI). This helps with training of BPD leadership as well as holding officers accountable. Upon completion of an RRI, the OIA reports back to the OPO. An *Inquiry* may be upgraded at the discretion of the Director to a *Complaint* if, following a pre-investigation, facts warrant such an action.

- **Informations Only:** Are cases opened into any matter whatsoever including referrals to other law enforcement jurisdictions, regulatory agencies, ombudsman offices, and for matters still in pre-investigation stages, not yet classified or reaching the level of an *Inquiry* or *Complaint*. The OPO continues to refine its data collection methods to ensure that all the work conducted by the OPO is captured including interactions with the public by phone, walk-ins and online.





Findings

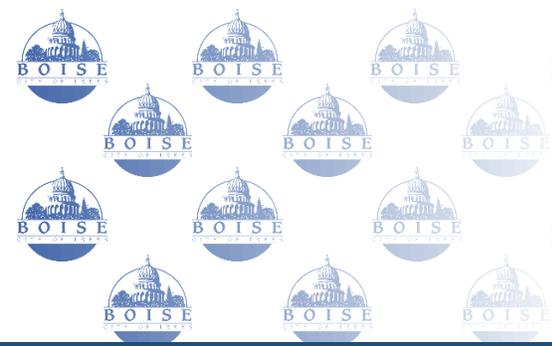
Findings are the conclusions drawn as a result of an investigation into an issue or incident reviewed by the OPO.

The OPO may issue a finding for any investigation opened by the OPO. Findings are categorized as follows:

- *Sustained*: After having been investigated, the evidence revealed that a specific act or omission was committed by the police officer or police employee in violation of policy or procedure. Or, an allegation was proven to have occurred.
- *Not Sustained*: After having been investigated, there was insufficient evidence to clearly prove or disprove that a police officer or police employee committed a specific act or omission in violation of policy or procedure.
- *Exonerated*: A specific act or omission of the police officer or employee was justified, lawful, and proper. This finding may also be used when an act or omission was not proper or justified, but resulted from a lack of City policy or employee training.
- *Unfounded*: After having been investigated the evidence revealed that a specific act or omission was not committed by the police officer or employee.
- *No Finding*: After investigation it is determined 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 further commentary or clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the employee involved.





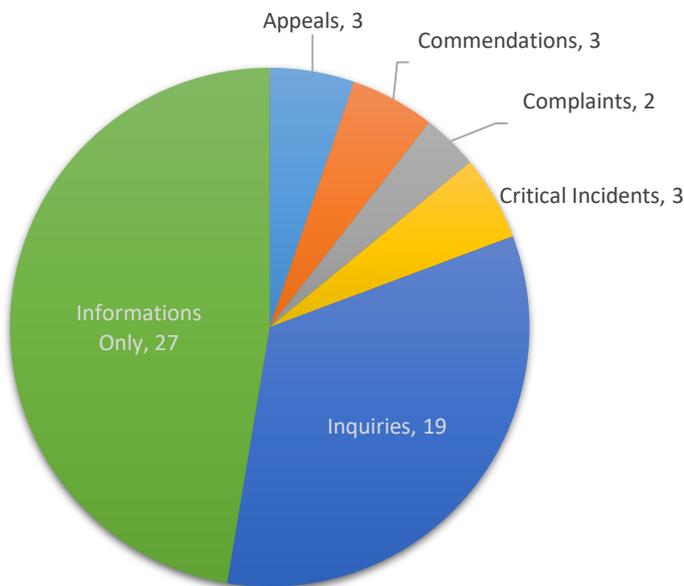
2017 OPO Figures & Cases

Cases Opened

The following represents the total number of cases opened by the OPO for the period between January 1 and December 31, 2017.

The OPO opened a total of 57 cases in 2017. The following is a breakdown of those cases:

- Appeals: 3
- Commendations: 3
- Complaints: 2
- Critical Incidents: 3
- Informations Only: 27
- Inquiries: 19



Cases Closed

The OPO issued findings and/or closed 19 of the 57 cases in 2017. 38 remain open.

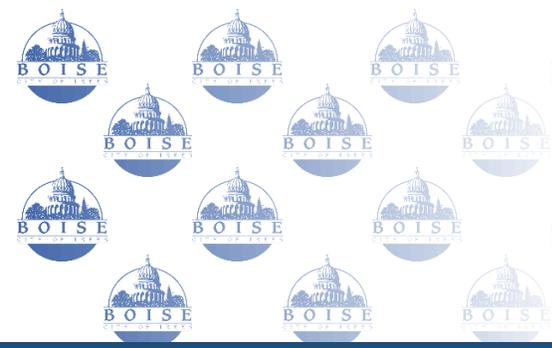
2017 closed case dispositions:

- Closed (Not Specified): 3
- Closed (No Action): 6
- Closed (Resolved): 2
- Closed (Withdrawn): 1
- Closed (Unfounded): 2
- Closed (Exonerated): 1
- Denied (Jurisdiction): 3
- Denied (Timeliness): 1

Historical Analysis and Trends

The total number of cases handled by the OPO in 2017 was 57, up two cases from the previous year. The Inquiry/Information Only case type is, the most prevalent type of case opened by the OPO and former OMB (Ombudsman.)

	2011	2012	2013	2014	2015	2016	2017
Complaints	16	13	8	6	4	11	2
Inquiries	78	72	50	35	23	20	19
Appeals	2	2	2	6	2	0	3
Commendations	8	1	2	2	2	1	3
Critical Incidents	1	4	2	0	4	5	3
Info Only/Other	N/A	N/A	N/A	N/A	21	18	27
Total Cases	105	92	64	49	56	55	57



Trends

Notably, over the last three years there have been 12 critical incidents. That is more than the previous 7 years, combined.¹ At this time, the OPO does not believe that the increase over the past three years indicates a critical defect in BPD leadership, training or based on any bias. With each incident, the BPD reviews the CITF findings to critique the Department as does the OPO to determine whether improvements are necessary.

The predominant issues reported to the OPO in 2017 involved:

- Officer demeanor
- Officer performance and / or their handling of incidents
- Allegations of racial profiling
- Concerns involving the conduct of Neighborhood Contact Officers (NCO's within the Community Outreach Division.)

2017 OIA Audits

The OPO audited 52 of the Citizen Complaints investigated by the BPD and 13% of all other cases in 2017.

The BPD OIA opened 635 cases in 2017. 57 were Citizen Complaint cases. This was an increase over the previous year by 57 total cases.

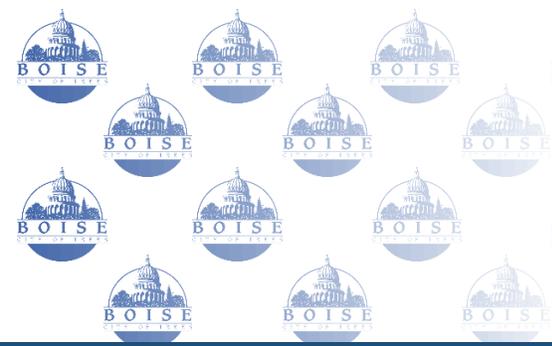
¹ 2008 through 2014, there were a total of 11 *Critical Incidents* involving BPD officers.

2017 Audits of BPD OIA Cases		
	Complaints	Other
BPD Opened	57	578
OPO Audited	52	74
% Completed	91%	13%

The OPO Audit of the BPD OIA for 2017 was clean. Meaning, the OPO did not find serious defects in the investigations conducted by the OIA. Only minor administrative issues were identified involving timeliness and notices. In 2016, the OPO made recommendations to the BPD OIA to update their policies and procedures to capture the OIA current practices. The OIA did update their procedures accordingly.

Note: 5 Citizen complaint cases were not audited due to a difference in classification between when the cases were opened and audits were assigned. These cases were re-classified as *Complaints* at a later date and therefore, were not flagged for audit. For example: one case was not listed within the OIA database as a *Citizen Complaint* at the time the audit was assigned in April. It was classified as an *Inquiry* and therefore, it was not audited. It was re-classified as a *Citizen Complaint* on April 6th, one day after audits were assigned.²

² OIA17-0276 Classified as an *Inquiry* when audits were assigned to investigators on 4/5. Therefore, the case was not flagged for audit by the OPO.



Treasure Valley NAACP Freedom Fund Banquet (Left to right) BPD Chief William Bones, President of Treasure Valley NAACP, Charles Taylor, Former US Attorney Wendy Olson, Former Mayor of the City of Pocatello, Dr. Les Purce and Treasure Valley NAACP Branch Member, Lauren Branch

OPO Staff

Investigators: Ken Bennett
 Mark Senteno
 Cliff Ohler

Analyst: Chris Koons

Director: Natalie Camacho Mendoza

The term "oversight" refers to the ongoing monitoring of police activities with a view toward holding each police service accountable for the services it provides, the policies it operates under, and the conduct of its members.

-Civilian Oversight of Policing, United Nations Office on Drugs and Crime-

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³ Photos provided with permission of the Treasure Valley NAACP, and provided by Natalie Camacho Mendoza including the

photograph of a piece owned by Natalie Camacho Mendoza depicting the work of local Latino artist Bobby Gaytan.



City of Boise Office of Police Oversight

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