



# CITY OF BOISE

## Office of Police Oversight

### 2017 Mid-Year Report

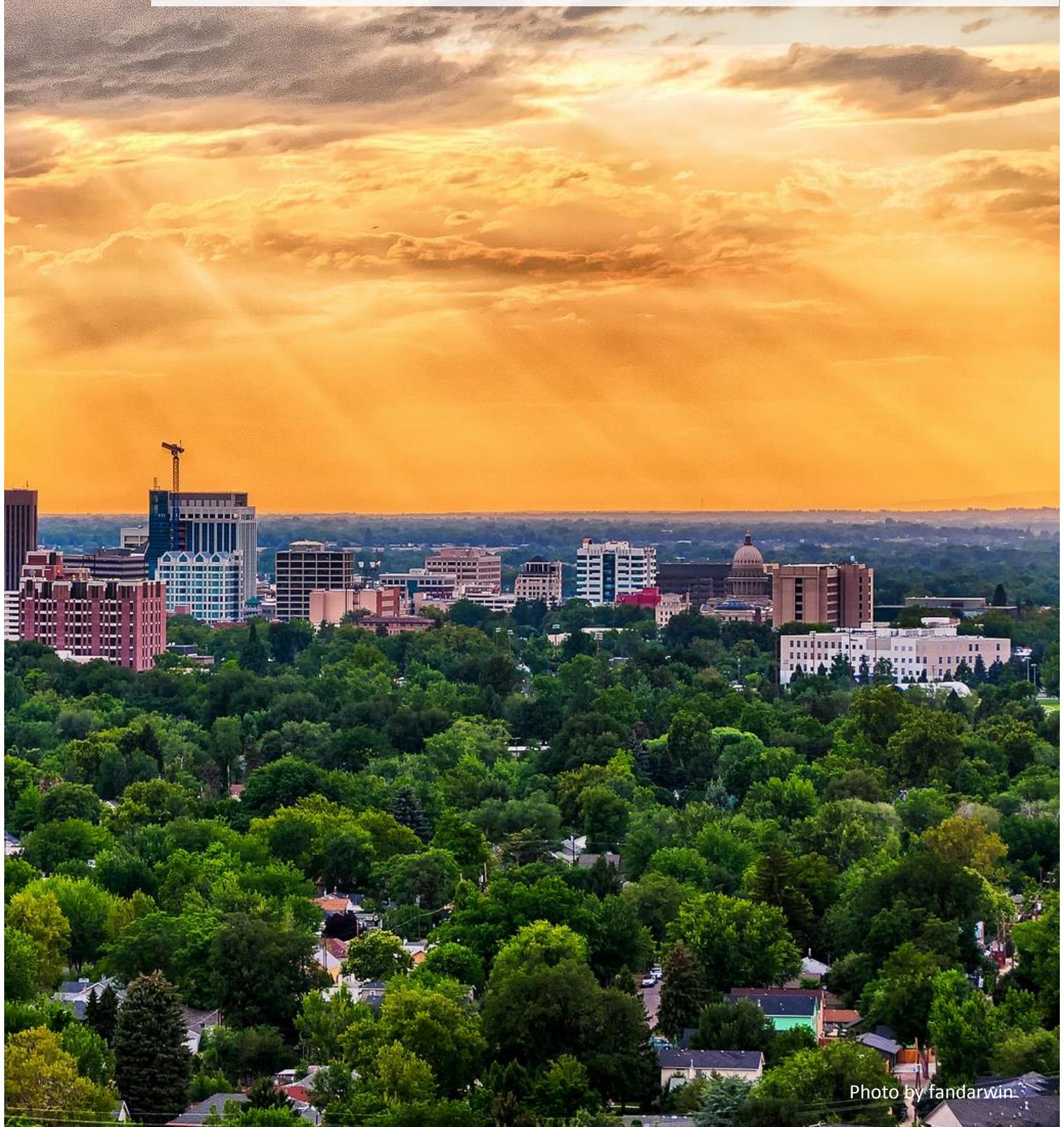


Photo by fandarwin

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## Introduction

The Office of Police Oversight (OPO) is mandated by Boise City Code 2-22-04 (G) and City Regulation 1.06a (XIII) to submit a semi-annual report to the City Clerk for transmittal to the City Council. The information contained in this mid-year report is for period beginning January 1<sup>st</sup>, 2017 through June 1<sup>st</sup>, 2017.

The mid-year report reflects the cases that the OPO has opened. Additionally, the report describes the activity within the OPO so far for 2017.

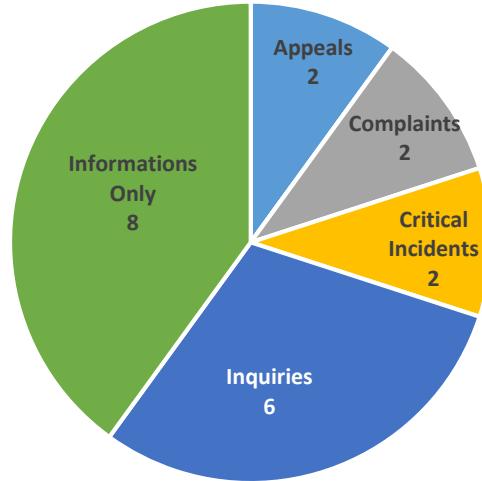
## Numbers

The numbers illustrated below reflect the number of cases that have been opened by the OPO and OIA so far for 2017.

### **2017 OPO Cases (January - June, 2017)**

As of June 1<sup>st</sup>, the OPO has opened 20 cases in 2017. The following is a breakdown of the numbers:

**2 Appeals**  
**2 Critical Incidents**  
**2 Complaints**  
**8 Informations Only\***  
**6 Inquiries**



\*The OPO may open an *Information Only* case for a variety of reasons. All grievances received by the OPO will first be opened as an *Information Only* case until a review of the case has been completed and a determination is made by the director to re-classify it as either an *Inquiry* or a *Complaint*.

**Of the 20 cases opened, OPO closed 6, 14 remain open and are currently being investigated.**



## Issues reported

### Appeals (2):

2 Disagreement with OIA Findings

### Complaints (2):

1 Officer's Duty Requirements

1 Unbiased Policing

### Information Only (8):

2 Related to Service Quality

3 No Investigation Opened (Jurisdiction or Timeliness)

1 Open (Unclassified Grievance)

1 Related to Report Accuracy

1 Grievance with Procedures

### Inquiries (6):

2 Related to Service Quality

3 Related to Police Department Actions

1 Related to Officer's Actions

When reviewing, the issues associated with the OPO cases so far for 2017, Inquiries regarding Police Department Actions and Service Quality have been the most represented. It's important to note that a case opened by the OPO may not be a *Complaint* even though the complaining party is reporting a grievance. A *Complaint* would be an investigation opened into an officer's actions that if found to be true, would constitute a violation of law, city regulation or department policy & procedure.

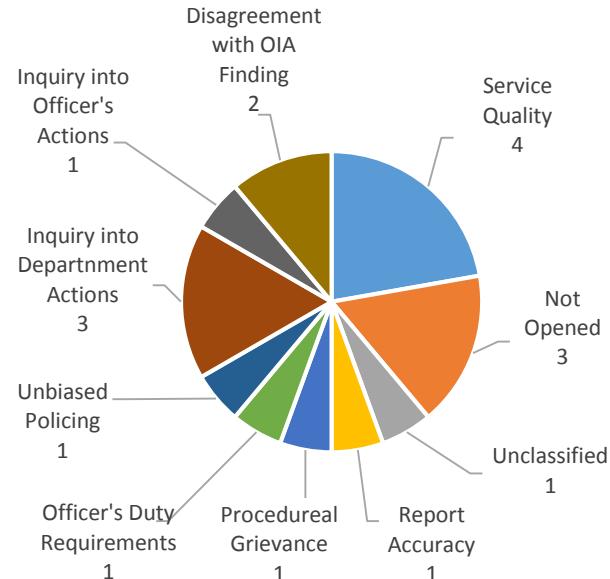
The OPO continues to close matters and address newer matters coming into the office via walk-in, phone call and via the website. The OPO is also reviewing and establishing the process of taking and managing complaints coming to the office from complainants incarcerated in state and county facilities.

The office continues to receive calls requiring referrals due to the fact the matters are outside our jurisdiction or are calls concerning other matters that do not involve the City of Boise or the BPD.

## Critical Incidents

The OPO begins their investigation of a critical incident following the completion of the Critical Incident Task Force (CITF). The OPO investigations run independently but concurrently with the Boise Police Department Office of Internal Affairs and following an independent prosecutorial review for potential criminal activity.

The OPO assigned investigators conduct an independent investigation completing a draft of their findings including the citation of all relevant Policy and Procedures applicable to the conduct of the Officer involved in the incident. The investigation always includes a review of the conduct of BPD's handling of the scene and interaction with the involved officers. Upon completion of the investigation,



the Director reviews and analyzes the investigator's report and completes the final findings reviewing evidence from all records as needed and analyzing BPD Policy and Procedures to complete the findings.

For the first half of 2017, the BPD had 2 critical incidents in the form of officer involved shootings. The OPO was on scene for all incidents and OPO investigations have begun following the completion of the CITF reports. Currently, the OPO is completing findings on 2 investigations and has open investigations of 4 additional Critical Incidents. Some critical incidents that occurred in 2016 had open CITF investigations continuing into 2017, but as of June 2017, all have been completed. However, in some instances the prosecutorial reviews have not yet been completed.

## **Audits**

In accordance with Boise City Code 2-22-04 (B) and Boise City Regulation 1.06a (X) the OPO conducted audits of the investigations conducted by BPD OIA. The OPO conducts its audits on a quarterly basis to ensure that audits are completed throughout the year and that they are of completed investigations.

### **New Audit Procedures**

In January of this year, the OPO completed a *Report of Audits Completed* for 2016. In that report, the OPO outlined new procedures for completing audits along with an example of the auditing tool that the auditors will use going forward. The changes reflect the need for a more uniform system of auditing BPD OIA investigations while remaining compliant with the governing statutes and regulations of the city. Furthermore, the new audit procedures offer more meaningful and constructive feedback to the BPD for their use in improvement strategies. As a result of the issues identified in our 2016 audits, the BPD OIA updated some of their processes for internal investigations.

The OPO assigns audits to all investigators with our current Temporary Administrative Specialist overseeing the assignment of the BPD OIA files to be audited, monitoring the numbers to ensure the OPO meets their obligations and maintains proficient knowledge of the processes of the BPD OIA. The Director has also assigned audits in matters that have come to her attention and are matters involving topics that are of a serious nature. The Director reviews all audit findings.

The OPO conducts audits of **all Complaint** investigations, including those initiated from within the department itself and 10% of all others.

### **Audit Numbers**

The OPO completed 30 audits from the first quarter of 2017. The flowing is a breakdown of the audits:

- 12 Citizen Complaint Investigations
- 4 A.I.R. Investigations (Administrative Internal Review)
- 3 Use of Force Investigations
- 3 Vehicle Accident Investigations
- 2 Inquiry Investigations
- 1 Department Initiated Investigation
- 1 Eluding Without Pursuit Investigation
- 1 Firearm Discharge Investigation



- 1 Information Only Investigation
- 1 SOG After Action Review Investigation
- 1 Taser Red Dot - Compliance Gained Investigation

## Audit Results

The audit measures four criteria; whether the internal investigation followed BPD department *Policy & Procedure*, whether the investigation was *Complete*, whether the investigation was *Thorough* and whether the investigation was *Fair & Objective*.

Completed audits for the first quarter of 2017, identified only two issues.

- One investigation was completed outside the 30-day time limit allowed for Complaint investigations.
- One investigation case file did not contain a notification of investigation findings to the complaining party.

These two issues were relatively minor in nature and are related to *Policy & Procedure*.

## Public Records Requests

The OPO staff continues to work closely with the City Attorney's Office to respond to requests for records for various purposes including academics conducting research. Staff also fields phone calls from academics and other citizen oversight organization from across the country requesting information about process, procedures, governance, authority powers and training.

## Operations Overview

### **Communications:**

The OPO collaborated with the City of Boise Community Engagement office to insert questions pertaining to BPD and police oversight in a city-wide survey to obtain information about community knowledge of citizen oversight of the BPD and the kind of priorities those living in Boise may have as it pertains to police services and services from the OPO.

The OPO has a website that has been reviewed, analyzed and changes are being made to make the website more user friendly and helpful. After a change in staffing, the OPO plans to assign responsibility for the website publishing to two staff members. More permanent changes will be made over time.

The OPO continues to be available to attend community meetings. Staff spends time providing information about the OPO process and jurisdiction to individuals and representatives of organizations contacting our office directly. We thank Boise State Criminal Justice Department for the invitations to speak to students. In addition, we thank the civic groups for their interest and support of the OPO.



The OPO also fields phone calls from other citizen oversight organizations across the country to answer questions about the City of Boise OPO model.

The Director recently became a member of the Police Executive Research Forum (PERF) to receive daily clippings of news of police related matters from around the US and at time pertaining to law enforcement outside the US. The Director also has access to newsletters and activities relating to all matters pertaining to law enforcement including information on community policing, training, best practices, policy, leadership development, justice department investigations, updates on DOJ agreements, recruitment and hiring practices to name a few. The OPO also remains a member of the National Association of Citizen Oversight of Law Enforcement (NACOLE) enabling the Director to have access to trainings, conferences and research materials.

## BPD/OPO Meetings

In agreement with the BPD OIA, the OPO Administrative Specialist interacts with the BPD OIA Sr. Administrative Specialist on a quarterly basis to ensure clear communications to improve access to OIA records and investigations, identify any IT challenges, build relationships to ensure clear and direct communications are maintained between the offices and to educate one another on changes in systems or operations, especially as they pertain to ensuring valid and accurate audits. In addition, the OPO and BPD OIA have agreed to bi-annual staff meetings to build relationships, improve staff communications, and strengthen working relationships to help investigations and audits run smoothly and timely. With changes in staffing and job duties, the OPO realized more staff communication with the BPD OIA would help the OPO improve meeting their time deadlines as they pertain to Critical Incidents and the receipt of CITF reports. Understanding one another's challenges and processes will improve both organizations work output.

In 2016, the Director held monthly meetings with the Chief of Police and the Captain assigned to oversee the Office of Internal Affairs. This continued into 2017 and will throughout the year. The meetings provide a space for dialogue between the OPO and BPD wherein matters of importance are discussed involving specific issues, cases, policy, audits, national trends, alternative dispute resolutions, customer service, community outreach and policing, law enforcement relevant legislation and studies, officer wellness, organizational culture, change and department organization, IT challenges, recruitment strategies, hiring, retention, leadership development, accountability, disciplinary processes, promotions, succession planning, Command training and rank and filing training, OIA operations, integrating civilian employees into law enforcement, CITF operations and reports, bias policing, development of and implementation of implicit bias training, diversity, inclusion and equity, experts and resources to implement ideas. The meetings continue to be fruitful for both the BPD and the OPO.

The Director continues to have an open invitation to attend and participate in BPD Command Meetings, BPD Police Academy classes, Officer trainings, shift briefings, policy review and various shift ride-a-longs. The Director randomly attends as time permits.

## TRAINING



The Director has participated in continuing legal education courses in criminal justice including an update on use of force case law. The Director will participate in an audit training sponsored by the Association of Governmental Auditors and hosted by the Los Angeles Police Department. The training will cover several areas but the OPO is looking for best practices in the areas of use of force, body worn cameras, biased policing and shooting requirements. The Director will also be implementing training on file management and involving investigators in in-house substantive training on auditing, investigation techniques and police practices. Investigators are continuing to engage in strengthening report writing skills. As a city department Director, the Director must also participate in various management trainings including but not limited to cyber security, security of sensitive information and employee safety.

## **STAFFING**

The OPO was fortunate to have retained two of our investigators during the transition and recently welcomed a new investigator in May 2017. All three investigators are on call and mostly work remotely. The Director could not be happier with these experienced public servants willing to do the work of the OPO 24 / 7.

### **Ken Bennett**

Ken is an investigator for the OPO and an independent auditor for corrections, a DOJ Certified PREA auditor and a trained auditor by the National Center for Correctional Health Care. Ken audits private and state operated jails, detention centers for adults and juveniles, ICE facilities and is authorized to audit federal correctional facilities. Ken served as the Deputy Warden of Security for the Idaho State Correctional Center before becoming an investigator with the OPO. He also has a background as Deputy Warden of Operations for the Idaho Maximum Security Institution, District Manager for Idaho State Probation and Parole and Warden of the South Idaho Correctional Institution. Ken's experience includes sharing oversight of the Idaho acute mental health facility at the Idaho Maximum Security Institution and managed and had oversight of the building and creation of a new Community Work Center. Ken has years of developing good relationships with community organizations and stakeholder. Ken grew up in Idaho, holds a BS in Criminal Justice and completed mediation training.

### **Mark Senteno**

Mark served as the Deputy Chief / Fire Marshall of the Boise Fire Department before becoming an investigator with the OPO. His career with the Boise Fire Department included experience as the Division Chief / Assistant Fire Marshall and an accomplished rise through the ranks with time spent as a Captain / Fire Inspector. Mark has taken part in several specialty team memberships including Technical Rescue Team, Hazardous Material Team, Dive Rescue Team and Airport Rescue. He completed numerous Professional training courses including Fire Inspector and Fire Investigator. His experience includes 11 years of management and supervision experience, assisted with fire investigations to determine fire origin and cause, managed and supervised the plan review, process, code enforcement and fire investigations, implemented division and department policies, responsible



for personnel evaluations and discipline, adjusting grievances and incident reports. Mark also acted as a Public Information Officer for the Boise Fire Dept. Mark grew up in Southern California with family roots in California and Mexico.

### **Cliff Ohler**

Cliff joins our team after 12 years with the Fontana Police Department (FPD), Fontana, CA. While at FPD, Cliff had experience as a Corporal assigned to the Gang Unit and Narcotics. He qualified as a gang expert to testify in San Bernardino, Los Angeles and Riverside County Courts. He also worked patrol where he conducted training and field supervision duties. His experience includes his work as a Corporal in the Detective Investigation Division where he conducted investigation into financial crimes, crimes against persons, robberies and homicide. In that role, he interacted with other agencies including drug interdiction, probation and parole, welfare and social services. Cliff was also a defensive tactics instructor, and was part of the Special Weapons Team where he was Scout for entry team responsible for planning tactical operations and assignment of personnel upon deployment. He was also responsible for training tactics / shooting firearms for department personnel. Prior to joining the Fontana Police Department, Cliff served 4 years with the Los Angeles Police Department where he worked in Patrol, Detectives Crimes Against Persons Unit and foot beat in Watts Community Housing Development. Cliff holds a Bachelor's Degree in Criminal Justice and an Associate Degree in Administration of Justice. He has lived in Idaho for two years.

The OPO has also retained the Sr. Administrative Assistant who has helped with the reorganization of the department and manage intake. **Chris Koons** worked in the Public Safety Department and Law Enforcement Training Program of the College of Southern Idaho before joining the City of Boise Office of Police Oversight. He also has a background in loss prevention management and worked as a deputy with the Twin Falls County Sheriff's Department and Canyon County Sheriff's Department. His experience includes conducting law enforcement operations for the campus, assisted in the administration of the Law Enforcement Training program, developed training plans in accordance with Idaho POST standards for peace officer certification and as a Sheriff Deputy, performed patrol operations, detention, transport and security operations for the court, marine patrol operations, FTO, Shift Supervisor and Senior Deputy duties. Chris holds Associate Degrees in Criminal Justice, Law Enforcement and Liberal Arts. He also holds a Technical Certificate in Law Enforcement, is a CSI Law Enforcement Training Program graduate, completed Idaho POST Academy for Basic Detention Academy and Kaminsky & Associates FTO Training Program. Chris is currently completing his bachelor degree in criminal justice.

