

# Boise Police Department Office of Internal Affairs



**Annual Statistical Report  
January 1, 2017 – December 31, 2017**

## **Introduction**

The Office of Internal Affairs (OIA) is established within the Professional Development and 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. Two Civilian Investigators and one Administrative Specialist comprise the staff of this office. 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 IAPro 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, 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, notice of claims and assigns them to staff for follow-up when required. Additionally, OIA manages and tracks the Department's discipline process 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 (civilian) 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 civilian 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 classified in one of two categories. Class II complaints include allegations of inadequate service, discourtesy, and minor performance issues, improper procedure and other less serious and non-criminal conduct. Class I complaints are more serious and include allegations such as excessive force,

violations of criminal law, breach of civil rights, bias policing, patterns of similar Class II complaints and other more serious allegations.

OIA also classifies some citizen concerns as *citizen inquiries*. In a citizen inquiry, a citizen has raised a question or complaint regarding department policy or procedure, rather than an allegation of misconduct.

### Department Initiated Complaints

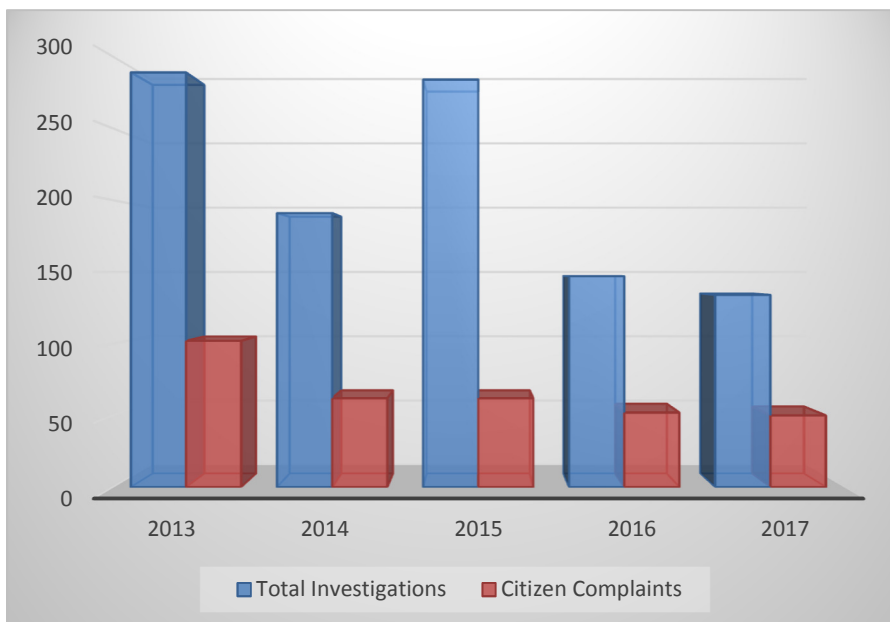
If a complaint is initiated by BPD supervisors or brought to supervisory attention by any BPD employee, it is classified as a department initiated complaint.

### Comparison of the Number of Investigations by Year

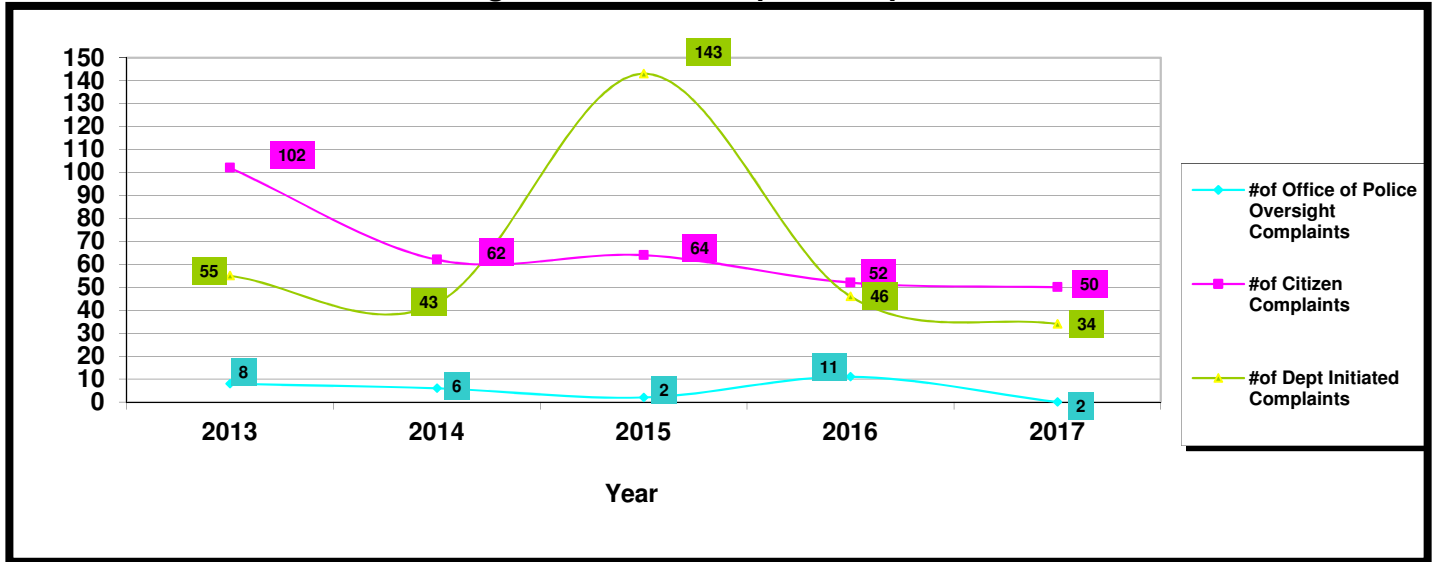
	2013	2014	2015	2016	2017
Citizen Complaints - Class I	23	22	26	20	18
Citizen Complaints - Class II	79	40	36	32	32
Citizen Inquiries- includes OPO referral inquiries	132	86	79	49	50
Departmentally Initiated - Class I	10	10	87	23	11
Departmentally Initiated - Class II	45	33	56	23	23
Total Investigations	289	191	284	147	134

\*There was a decrease in Department-Initiated class I complaints in 2017 for Duty Performance, while class II Duty Performance increased.

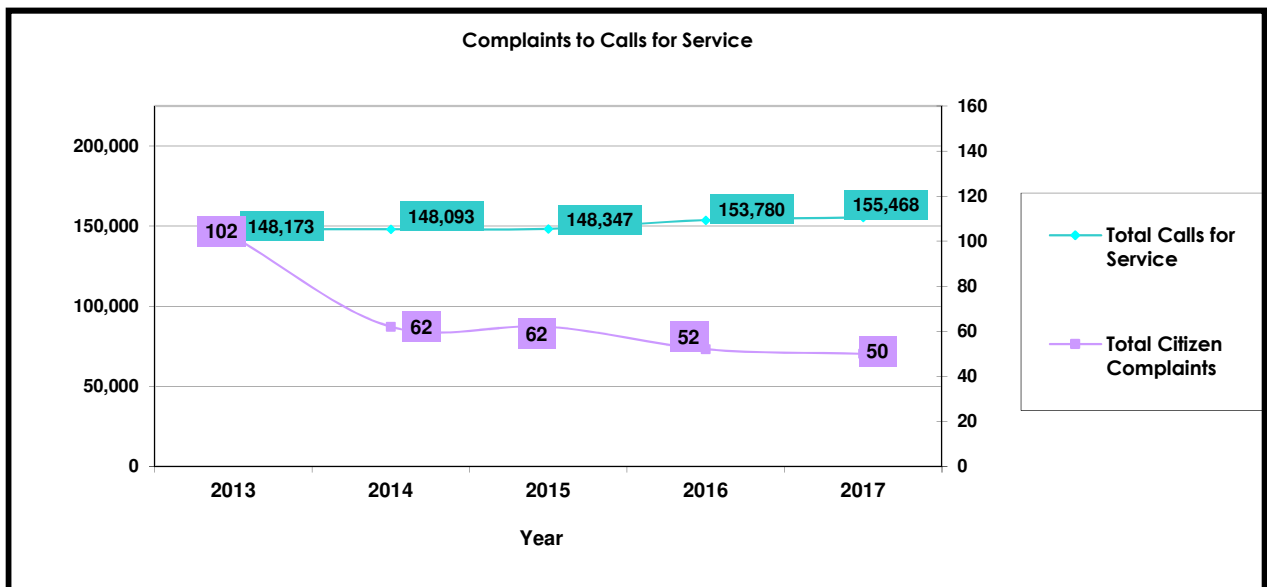
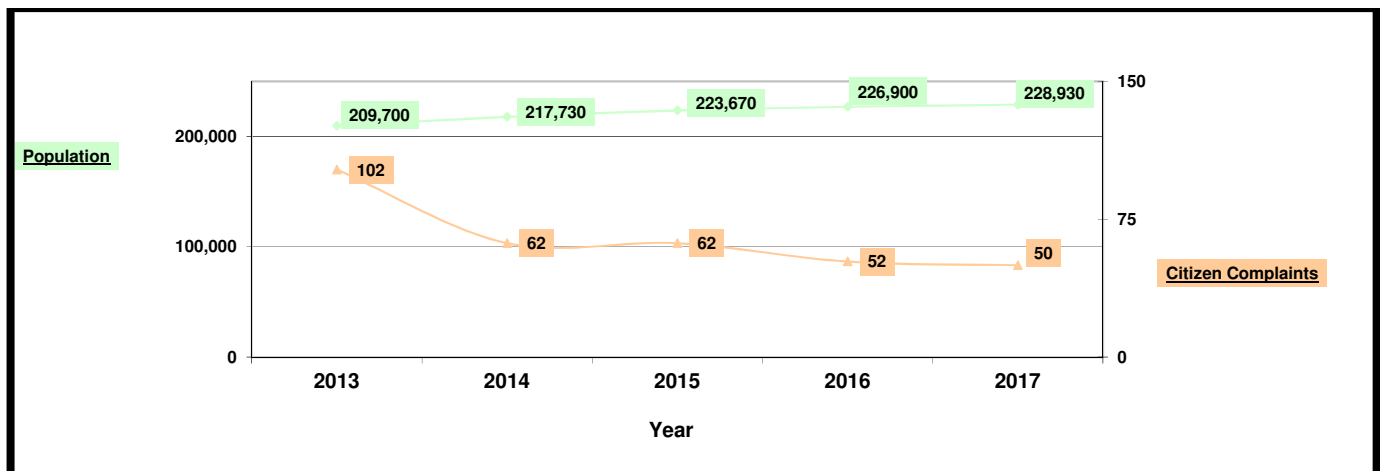
\*Use of Force remains the top complaint for Class I Citizen Complaints, however there was a slight increase since the prior year.



## BPD Citizen/Department Initiated Complaints (includes) Office of Police Oversight's Citizen Complaints by Year



## Boise Population / Total Complaints 2013 – 2017



## Classification of Complaints

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 Class I Complaints	Citizen Class II Complaints	Dept. Init. Class I Complaints	Dept. Init. Class II Complaints
Conduct Unbecoming	1	0	1	0
Constitutional Rights Violation	0	0	0	0
Criminal Conduct	1	0	1	0
Demeanor / Rudeness	0	18	0	2
Driving Violations	0	4	0	2
Duty Performance	3	10	7	16
Use of Force	13	0	1	0
Failure to Tape Record	0	0	0	0
Workplace Harassment	0	0	1	0
Total	18	32	11	20

## Allegations and Findings

*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 2017 cases.

### Findings from Allegations During 2017

	Citizen Class I Complaints	Citizen Class II Complaints	Dept. Initiated Class I Complaints	Dept. Initiated Class II Complaints
Exonerated	18	11	2	3
Not Sustained	3	2	2	1
Sustained	5	8	17	22
Unfounded	23	21	0	1
No Finding	0	0	0	0
<b>Total</b>	<b>49</b>	<b>42</b>	<b>21</b>	<b>27</b>

### Distribution of Sustained Findings During 2017

	Citizen Class I Complaints	Citizen Class II Complaints	Dept. Init. Class I Complaints	Dept. Init. Class II Complaints
Conduct Unbecoming	0	0	3	0
Criminal Conduct	0	0	0	0
Constitutional Rights Violation	0	0	0	0
Demeanor/Rudeness	0	3	0	3
Driving Violations	0	2	0	1
Duty Performance	2	3	12	16
Failure to Report	0	0	0	0
Failure to Take Action	0	0	0	0
Failure to Tape Record	0	0	0	2
Use of Force	3	0	1	0
Workplace Harassment	0	0	1	0
<b>Total</b>	<b>5</b>	<b>8</b>	<b>17</b>	<b>22</b>

As can be seen from examining the sustained findings from Class I citizen complaints, some violations such as rudeness and failure to record are listed as sustained findings but are not Class I violations of policy. In such cases, the citizen complained of a more serious violation, which caused the complaint to receive the Class I classification. However, the citizen also raised these less serious issues or they were uncovered during the investigation. Therefore, all sustained findings reached in a Class I citizen complaint are not necessarily serious violations of policy.

## Critical Incidents

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 Oversight conducts an administrative investigation and the Critical Incident Task Force, which is comprised of five area law enforcement agencies, conducts a criminal investigation.

During 2017, the Boise Police Department experienced three officer-involved critical incidents.

On January 24, 2017, multiple local law enforcement agencies were involved in an area search for a male suspect who had earlier this date fired a weapon at a deputy. The suspect fled from his vehicle on foot and later entered an occupied private residence. The residents were successfully evacuated. Officers surrounded the residence and used a camera to observe the suspect who was reportedly armed with a handgun. The suspect attempted to back out of the garage and driveway in a stolen vehicle belonging to the resident of the home. Officers used an armored vehicle to pin the suspect's vehicle as they engaged the suspect in gunfire. The suspect was fatally wounded. The CITF (Critical Incident Task Force) has conducted a criminal investigation. The Twin Falls County Prosecuting Attorney determined the actions of the officers who fired upon the suspect were justified and not illegal. The Boise Police Department Office of Internal Affairs also conducted a review of the criminal investigation and concluded the use of lethal force was justified based on the totality of the circumstances and facts presented.

On March 18, 2017, officers were dispatched to the Boise Foothills reference a reported assault with a deadly weapon. The suspect threatened several persons in the area and ultimately shot a victim's dog. Officer's received information the suspect had fired at least six rounds and reports were coming in that the suspect was shooting at people and dogs on the trail. Officers ultimately located the suspect who appeared to be hiding in the bushes. The officers heard the suspect firing rounds from his location. The suspect failed to comply with officers' clear, concise verbal commands. The suspect ultimately extended his arms out in a shooting position and fired rounds directly at officers. The officers returned fire, fatally wounding the suspect. The CITF (Critical Incident Task Force) conducted a criminal investigation. The CITF Investigation was reviewed by the Blaine County Prosecutor who determined the actions of the officers involved in this shooting incident were justified. The Boise Police Department's Office of Internal Affairs conducted an administrative investigation into the incident and found the officers' actions to be justified, lawful and proper.

On September 18, 2017, Boise Police Officers responded to a suspicious subject call at a local restaurant on Fairview Avenue. As officers approached the subject inside the restaurant; the subject fled on foot southbound on Maple Grove. The subject then ran to the southeast corner of another business. During the foot chase officers identified themselves and told the subject to stop. At some point, the subject stopped and retrieved a handgun from a backpack he was carrying. One officer clearly observed the subject manipulate the firearm by hitting the bottom of the magazine and pulling the slide of the gun back. The subject continued to flee on foot and ultimately ended

up in the lot near another business. The subject started to walk south towards one of the officers. That officer drew down on the subject and gave him verbal commands. The officer then lost sight of the subject when the subject ducked down behind a vehicle. The subject then emerged from between some vehicles. Officers gave the subject repeated commands to drop the gun. One officer heard the subject make a statement to the effect of 'not being taken.' The subject began pacing back and forth and held the gun close to his body near his waist. The suspect then turned back towards the direction from where he had emerged, and officers fired their weapons; striking the subject. Officers approached the subject and rendered first aid. The subject was transported to the hospital for medical treatment. The CITF (Critical Incident Task Force) has conducted a criminal investigation into the incident. This case is still under review and a decision has not yet been returned from the Prosecuting Attorney. The Boise Police Department Office of Internal Affairs has not yet completed their investigation into this incident.

### Uses of Force

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. Use of force categories are explained in greater detail in Appendix B of this report.

Types of Force Used	Number for 2017	Number for 2016	Number for 2015
Hard Empty Hand Control	23	30	29
Common Peroneal Strike	3	3	9
Suprascapular Nerve Motor Point	1	4	4
OC Spray	2	3	0
VNR Vascular Neck Restraint	33	28	27
Baton	0	2	2
Taser®	26	21	16
Taser Drive Stun	5	2	7
Taser Red Dot	4	3	6
Firearm	3	5	2
K-9	5	4	10
Soft Empty Hand	*180	114	105
PIT	*7	*	*
Total	292	219	217



The types used for any incident will be listed under the force used; an officer may have used several types during one incident. There was an increase in the reportable use of force incidents for 2017 (129; 2017 versus 112; 2016).

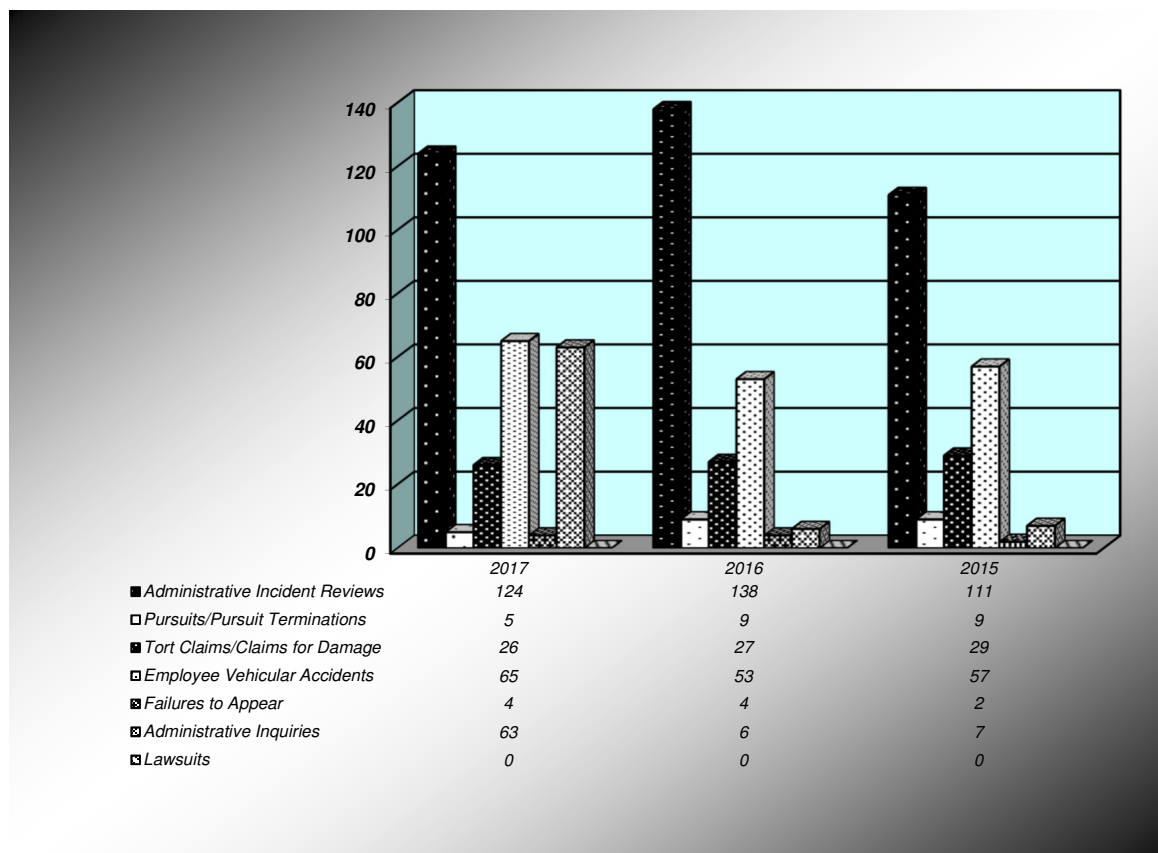
**\*Soft Empty Hand use increase:**

The increase for soft empty hand use, was attributed by the increased number of involved officers per each use of force incident. However, the injuries to citizens slightly decreased from the previous year. Soft empty hand uses of force that do not involve complaints or injuries are documented in conjunction with the report writing system.

**\*PIT** – This type of force used was implemented in late 2016. In order to capture an entire year of data, this is the first-year stats are available.

**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.



## **Appendix A**

### **Classification of Findings**

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 or acts complained of did not occur. This finding also applies when individual officer(s) or employee(s) named were 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; or 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 officer(s) or employee(s) involved.

## **Appendix B**

### **Use of Force Categories**

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, punches and (VNR) Vascular Neck Restraints.

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. It is considered an Intermediate Weapon as the potential for injury is higher than either Soft or Hard Empty Hand Control.

Vascular Neck Restraint – 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. There are 3 levels of application, with the levels moving from level 1 through level 3, depending on the level of resistance by the subject.

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. It 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. It is considered an intermediate Weapon as the potential for injury is higher than either Soft or Hard Empty Hand Control.

K-9 Deployment- The deployment of a Police Service Dog / K9 for the purpose of locating and / or apprehending a suspect is considered an Intermediate Weapon as the potential for injury is higher than either Soft or Hard Empty Hand Control Techniques.

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.