



CITY OF BOISE
Office of Police Oversight



2018 Annual Report

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Introduction

The Office of Police Oversight (OPO) performs oversight over the Boise Police Department (BPD) through authority established by Boise City Code Chapter 10. The OPO is tasked with conducting independent investigations of officer involved shootings and other Critical Incidents as well as, allegations of misconduct. Additionally, the OPO conducts regular reviews of the BPD Office of Internal Affairs (OIA) investigations to ensure that they are handled within the policies and procedures for such investigations and that they are complete, thorough, objective and fair.

In accordance with Boise City Code 2-10-4(G) the OPO completes an annual report of operations that includes a statistical analysis of complaints received, analysis of trends and patterns and any recommendations if appropriate. This report includes OPO complaints and investigations opened from January 1, 2018 through December 31st, 2018.

Operational Summary

The OPO operates with a part-time Director and Analyst with three on-call investigators.

In 2018, the OPO continued on-going discussions with BPD Office of Internal Affairs and the Chief of Police on matters of community/relationship policing & interest. Our work continued to focused on the area of; Front and Back-End Oversight. Back end oversight involves our investigations into allegations of misconduct. Front-End Oversight including audits of OIA Operations, consulting on Department Philosophies & Culture, Training, Accountability, Community Stewardship, Leadership Development, Succession Planning, Recruitment & Hiring Processes, Employee Retention and Officer Wellness. The Director continued to support and consult with the OIA's effort to train BPD Officers to become proficient Implicit Bias trainers and their process for training all BPD employees in Implicit Bias. In addition, the Director has worked with OIA and the Chief of Police educating and collaborating on developing the process to draft and implement the BPD Diversity, Equity and Inclusion Statement. The Director continues to assist with the recruitment efforts to increase the diverse makeup of the BPD and support the Command Staff's efforts to build relationships with Communities of Color and ensure access to BPD from all who live, work and play in the City of Boise.

OPO staff take complaints via online, phone and from walk-ins. As a result, the OPO Staff must be prepared to meet the complaining parties who may be angry, in a crisis moment or experiencing emotional, mental or physical challenges. In some cases, they are fearful to be filing a complaint. Our team is very aware of the need for patience, to be able to listen and use appropriate de-escalation techniques. It is important for our team to continuously educate ourselves on resources in the community to make appropriate referrals as needed.

The OPO staff is constantly looking for opportunities for training and have regular meetings to share expertise and discuss challenges and ways to improve our operations. In 2018, the OPO became a member of the Association of Local Governmental Auditors (ALGA) an organization for governmental auditors, but that have on occasion teamed with law enforcement to provide workshops, tools and networking opportunities for organizations charged with auditing of police department operations, policies and trainings. ALGA also gives our team access to valuable training including their efforts to develop tools to audit implicit bias and DEI practices. They also have provided helpful trainings on auditing of police SRO policies and practices as well as police use of force. In addition, the OPO has access to the City Attorney's Office to provide us with the same training information provided to BPD to make sure the OPO staff is familiar with the trainings received by BPD. The Director continues to participate in ride-a-longs with officers during different

shifts for education purposes. The Director will audit BPD Academy courses when time permits. The Director is a member of the Police Executive Research Forum (PERF) receiving daily information about law enforcement practices, issues and operations across the country and the world. This provides access to research on policing, trends in policing and police executive trainings. BPD Command Staff have provided the Director with information on police trainings that they believe the OPO would find helpful. The OPO Supports the City's mission in *making Boise the most livable city in the country* by providing effectual and contributive oversight of the BPD through;

- Conducting independent investigations of: Critical Incidents and reports of misconduct involving Boise's Police Officers and/or employees.
- Reviewing BPD OIA investigations to ensure that they are complete, thorough, fair and objective.
- Providing recommendations for policy, procedure, training, and management to the BPD.
- Conducting collaborative meetings with community members.
- Meaningful and purposeful interactions with key BPD leadership on a regular basis.
- Answering questions from the community.
- The Director meets monthly with the City Human Resources Director to ensure that OPO recommendations and consulting work with BPD on front end oversight, in particularly in the areas of recruitment, hiring, retention, succession planning, leadership development, implicit bias, DEI and culture development, are in compliance with the overall City Values and Mission.
- Hold quarterly meetings, and on an as needed basis, with the Mayor providing reports on the status of the OPO operations, feedback and recommendations regarding the BPD and to provide information and/or recommendations about community/relationship policing.

In September, OPO Director, Natalie Camacho Mendoza was temporarily re-assigned to the serve as the Interim City Attorney for the City of Boise during a transitional period to allow the City to recruit and hire a permanent City Attorney. In her absence, day-to-day operations of the OPO office were headed by OPO Investigator Cliff Ohler and continued through to the following year.

The Director continued to conduct community relations. She communicated with members of various segments of the community and joined with a City Attorney to present on behalf of the OPO to the University of Idaho College of Law Criminal Procedures class on Police Training.

As the Interim City Attorney, and as part of the City Management Team, the Director continued her education about the BPD's role, accountability to the City, budgeting and plans for the growth of the City. The experience gave the Director a 360-degree view of the BPD Operations and Responsibilities.

OPO Case Classification Methodology

The OPO opens investigations into matters dependent upon certain criteria. The following describes the terminology and processes used in the handling of OPO investigations.

Investigation of Complaints

1. Allegations of misconduct and grievances of police action(s) brought to the OPO by the public are initially reviewed for classification purposes and examined to ensure they fall within the jurisdiction of the OPO. These cases are initially classified as *Inquiries*. If the initial review finds no activity meeting the criteria of a *Complaint* as defined below, the investigation will be closed and the person bringing the matter to the OPO will be notified of the decision, along with an explanation of the rationale for reaching the decision.
2. A *Complaint* is an allegation(s) of police misconduct that, if found to be true through a preponderance of the evidence, is in violation of the policies and procedures of the BPD, City of Boise and/or law.¹ If during the initial review, it is determined that the actions of the BPD officer or employee meet the criteria above, the case will be upgraded to a *Complaint* and investigated.

Other Investigations

1. An *Appeal* is an investigation into a matter previously investigated by the BPD OIA where a person disputes or, disagrees with the findings or outcome of the internal investigation.² In such cases, the OPO will conduct an investigation of the original incident giving rise to the OIA investigation, along with a review of the OIA investigation itself to ensure that it was completed in accordance with BPD policy & procedure and that it was complete, thorough, objective & fair.
2. A *Critical Incident* is an incident or event involving an officer or employee of the BPD as a principal, victim, witness or custodial employee, as defined below;
 - Use of Deadly Force (excluding animals).
 - Use of force or any other police or law enforcement action that results in the death of one or more persons, or serious bodily injury requiring hospital admission.
 - Vehicle pursuits, roadblocks, or intercepts resulting in the death of one or more persons, or serious bodily injury requiring hospital admission.
 - Vehicular collisions resulting in the death of one or more persons, or serious bodily injury requiring hospital admission that occurred while a police officer of police personnel was operating a city vehicle (either on-duty or off-duty) or a private vehicle while on-duty.³

In such incidents, the OPO may open a separate, independent investigation into the incident and reach independent finding(s).

3. An *Inquiry* is an investigation 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 process, can resolve and/or answer the concerns of a citizen.

¹ Defined by Boise City Regulation 1.06a (II)(D).

² Defined by Boise City Regulation 1.06a (II)(A).

³ Defined by Boise City Code 2-10-04 (H).

At times, these *Inquiries* will be sent back to BPD supervising officers, through the OIA, for their review and/or investigation to answer the citizen's concerns. In such cases, this is called a Rapid Resolution Inquiry (RRI). 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 an initial review, facts warrant such an action as previously described.

4. *Information Only* are cases opened for any contact with OPO, 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*. These cases are typically generated for the purpose of recording community contact, time allocation, collecting information on matters wherein the CP does not want to file a complaint but wishes to have their voices and concerns heard by OPO and/or BPD, incident/workload tracking, feedback on OPO's community engagement, and identifying communication, marketing and branding opportunities for improvement.
5. *Commendations* are case classifications for the praise or compliment of a BPD officer or employee brought to the OPO by a community member or initiated by the OPO.

Investigation Findings

Findings are the resolution/disposition of a case, resulting from an investigation into an issue or incident reviewed by the OPO.

The OPO Director may issue a finding for any investigation opened by the OPO. Findings are categorized as follows:⁴

1. *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 in violation of policy or procedure.
2. *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.
3. *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.
4. *Unfounded*: After having been investigated, the evidence revealed that a specific act or omission was not committed by the police officer or employee.
5. *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.

⁴ Defined by Boise City Regulation 1.06a (VI)(E).

2018 OPO Cases

In 2018 the OPO opened a total of sixty (60) investigation cases. The following is an illustrated breakdown of the case types:

Appeals	0
Commendations	1
Complaints	2
Critical Incidents	2
Information Only	28
Inquiries	27

Table 1: 2018 OPO Case Types

The predominant issues raised in grievances brought to the OPO pertained to:

- Procedural Grievance⁵
- Service Quality⁶

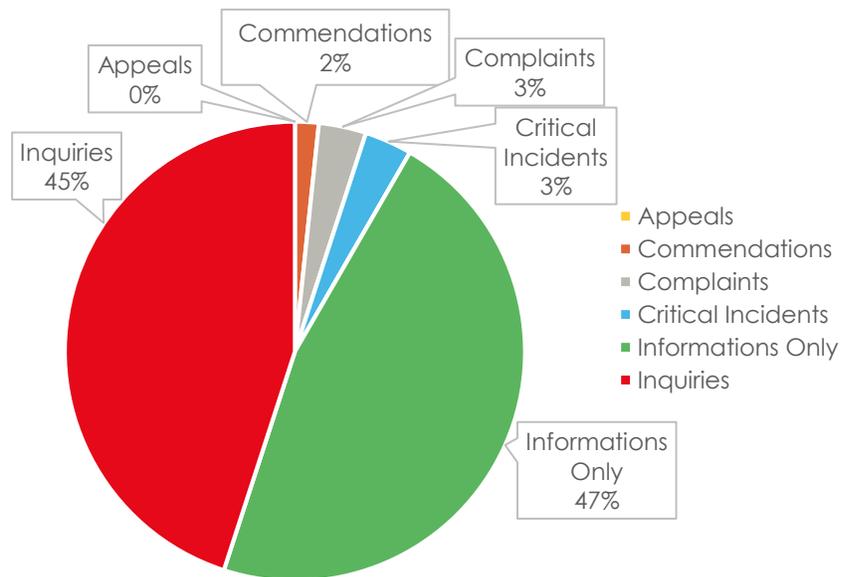
The OPO received only two complaints pertaining to violations of policy. One was withdrawn by the complainant, the other was sustained. All other grievances received by the OPO, that resulted in a case being opened, investigated and closed, were found not to have occurred, found not to be violations of policy or procedure, were justified or were withdrawn.

The OPO opened 60 investigation cases and closed 45. Fifteen (15) cases remain open, are currently being investigated or have been suspended pending the outcome of criminal proceedings and/or CITF investigations.

The following is a breakdown of the findings/dispositions for each case type closed by the OPO in 2018:

Case Type	Sustained	Not Sustained	Exonerated	Unfounded	No Finding	Closed or Not Accepted
Appeals	0	0	0	0	0	0
Commendations	N/A	N/A	N/A	N/A	N/A	1
Complaints	1	0	0	0	1	0
Critical Incidents	0	0	0	0	0	0
Information Only	0	0	0	1	0	21
Inquires	0	3	2	4	0	11

Table 2: 2018 OPO Case Dispositions



⁵ Procedural Grievances pertain to disagreements with the action(s) of an officer or employee by one or more persons that do not amount to a violation of department policy. Example: The disagreement with an officer towing a vehicle.

⁶ Service Quality pertains to grievances with the level of service or performance of an officer or an employee by one or more persons that do not amount to a violation of policy. Example: Officer response times taking too long.

Trends & Patterns

OPO Complaints & Inquiries

In 2018, the OPO opened 60 total cases, an increase from the previous year of three total cases.

There was not a significant change in the complaints handled by the OPO from the previous year.

Total OMB & OPO Cases By Year							
	2012	2013	2014	2015	2016	2017	2018
Complaints	13	8	6	4	11	2	2
Inquiries	72	50	35	23	20	19	27
Appeals	2	2	6	2	0	3	0
Commendations	1	2	2	2	1	3	1
Critical Incidents	4	2	0	4	5	3	2
Info Only/Other	N/A	N/A	N/A	21	18	27	28
Total Cases	92	64	49	56	55	57	60

Table 3: OPO Total Cases by Year

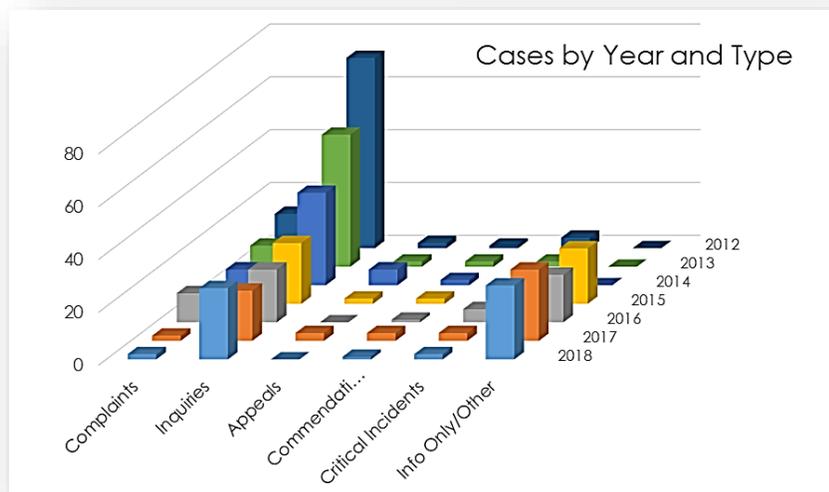


Table 4: OPO Cases by Year and Type

As previously mentioned, the predominant issues brought to the OPO in 2018 involved grievances with the manner in which a BPD officer or employee handled a situation and/or, grievances with the quality of service provided by an officer or employee of the department. Neither of these categories

specifically qualify as violations of policy or procedure. Examples of such instances may include grievances with officers not enforcing parking in a particular area. Or, a grievance over an officer's response time to a call for service. Though, many of these cases are found not to be violations of policy or procedure, they provide context for discussions with the BPD over their handling of certain situations.

A notable example includes a concern brought by a citizen over how the BPD handles crimes involving transgender victims. The citizen was concerned if the BPD honors the wishes of the victim in using their preferred gender identity in communications with the media or, in press releases. BPD does not have a specific policy governing such scenarios. However, in discussions with the BPD, the OPO was able to address the citizen's concerns, informing them that BPD's philosophy in such cases is to honor the wishes of the victim by using their preferred gender identity in any press releases or communications when possible.

2018 OIA Audits

As part of the overall accountability strategy, the OPO provides oversight of the Boise Police Department (BPD) through regular systematic monitoring and review of the Internal Investigations of the BPD OIA. Our reviews (Audits), of OIA case files ensure that not only, BPD officers and employees are being held accountable for department policy and procedure violations, they ensure that the procedural justice measures in place are effective and fair to all stakeholders, including the officers and employees themselves. Through this approach, the goal is to enhance professionalism within the BPD.

Results of the Audits

Of the 591 cases opened by the OIA, the OPO flagged and audited a total of 207 case files. The OPO identified a total of six (6) instances of deficiency within six (6) OIA internal investigation case files. The following figure represents the areas of deficiency:

Policy & Procedure	6
Completeness	0
Thoroughness	0
Objectivity & Fairness	0

Table 5: OIA Case Deficiencies

Within the category of **Policy & Procedure**, the following issues were identified:

- 1 case file was missing documents associated with discipline (Discipline Order) despite discipline having been issued to the subject officer as required by BPD Policy 12.037 *Discipline Order*. (OIA17-0630)
- 5 case files indicated that the investigations took longer than the 30-day time limit mandated by BPD Policy 12.021 *Investigative Procedures and Class I and Class II Investigations*, respectively. (OIA18-0011, OIA18-0060, OIA18-0291, OIA18-0306, OIA18-0393)

A full description of the auditing process and issues identified is available in a separate report of audits completed.



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