



CITY OF BOISE  
Office of Police Oversight



2019 Annual Report

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## About the Office of Police Oversight

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The City of Boise established its police oversight body in 1996 after community and city leaders determined the need for an independent body to investigate officer involved shootings and other allegations of officer misconduct, appeals of internal investigations of citizen complaints as well as audit the Boise Police Department's (BPD) Office of Internal Affairs' (OIA) investigations. The office operated as the *Office of the Community Ombudsman* from 1997 through 2015. Today the office has been re-named the Office of Police Oversight (OPO) to clarify the purpose of the office and avoid confusion between this office and other community *Ombudsmen*. The office continues to conduct independent audits and investigations into allegations of misconduct, officer involved shootings and other Critical Incidents.

The office is headed by Director, Natalie Camacho Mendoza who oversees a staff consisting of an analyst and three on-call investigators. In addition to conducting independent investigations, and audits, the OPO also provides Front-End oversight of the BPD. Front-End oversight refers to prevention work, projects completed with BPD to address internal issues, review and/or make recommendations on policy and procedures. The City of Boise Office of Police Oversight is the only law enforcement citizen oversight body in the State of Idaho. Though, in Indian Country, the Shoshone-Bannock Tribe established a Citizen Review Board to address police misconduct. The OPO is a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE), the Association of Local Government Auditors (ALGA) and the Director is a member of the Police Executive Research Forum (PERF).

## Oversight in Boise

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The OPO operates entirely with part-time and on-call staff. The mission of the OPO is to promote public confidence, professionalism and accountability of the Boise Police Department. We accomplish this through regular and on-going discussions with department personnel, including the Office of Internal Affairs (OIA) and the Chief of Police on matters of community/relational policing. The staff also interacts with the community. The Director has established relationships with communities, key leaders and advocates in the community. These key people make referrals and advocate to the OPO on behalf of their communities. They also are key in providing intelligence to the staff about community concerns. The Director has relationships with nonprofits, civic groups, policymakers, for-profit businesses, legal community, higher education, governmental agencies, and other law enforcement organizations. The Director has established relationships in the law enforcement community locally and nationally that are practicing 21<sup>st</sup> Century Policing including community and relational policing. The Director has a history of advocacy and therefore has knowledge of recommendations and concerns of advocacy groups locally and nationally who have identified criminal justice reform and community policing as a priority.

*"The mission of the OPO is to promote the public confidence, professionalism and accountability of the Boise Police Department"*

Our oversight philosophy includes a mutli-level approach that includes Front and Back-End oversight. Back-End oversight includes our independent investigations of allegations of misconduct, officer involved shootings and other critical incidents. Our Front-End oversight is the prevention work. The OPO assists BPD to develop a positive, supportive, transparent, accountable, equitable, inclusive and diverse culture. Front-End oversight aims to help BPD be its best, the better the culture the better morale. We provide input to BPD to maintain their current successful policing effectiveness and community/relational policing. The OPO's input is given to inspire BPD to exceed community expectations and support their employees to reach excellent performance. The thought is that when BPD is at its best at all levels in all aspects, the number of misconduct complaints go down. Front-End work includes regular audits of internal investigations of the OIA, along with consulting on department philosophies, culture, officer training, accountability, leadership development, officer retention,

community stewardship, community relationship building, recruitment, hiring practices, and officer wellness.

### Operational Summary

The OPO recently relocated to a new workspace within the City Hall complex to accommodate the space utilization efforts of the Human Resources department. This move resulted in a new space for the OPO to welcome the public. The OPO has a south facing entrance on N. 6th Street. The OPO now has its own space for interviews with workspace to accommodate staff.

The move better accommodates our ability to meet with the public for walk-in meetings. In our previous location, meeting with people was often encumbering on the Human Resources staff as meeting rooms previously scheduled for use were taken by our brief meetings. The public can now meet with the OPO in our new space without disrupting other department operations in our dedicated meeting room.

### Complaints, Investigations and Appeals

The OPO accepts complaints regarding the BPD via on-line reporting, telephone, mail and in-person. Upon receiving a complaint, the matter is assigned to an investigator who typically performs a preliminary review of the circumstances surrounding the reported incident for the purposes of classifying the complaint. Most cases are initially classified as *Inquiries*. During this time, the OPO may seek additional information from the complainant and will collect all of the necessary materials, such as officer body-worn camera footage, department reports and witness statements surrounding an incident. Many of the complaints received by the OPO can be resolved through this process. If the preliminary review reveals officer behavior that may be a violation of department or city policy, the matter may be upgraded from an *Inquiry* to a *Complaint*. Complaint investigations involve formal interview of the officer(s) involved in an incident. The Director has discretion to open files on issues brought to her attention via various sources. These are Director generated investigations.

Persons who are not satisfied with the outcome of an investigation completed by BPD OIA may file an *Appeal* with the OPO. In such cases, the OPO investigates the original complaint and the handling of the investigation at all levels of the chain of command. In all cases, the Director evaluates the evidence

Total OMB & OPO Cases by Year							
	2013	2014	2015	2016	2017	2018	2019
COMPLAINTS	8	6	4	11	2	2	0
INQUIRIES	50	35	23	20	19	27	11
APPEALS	2	6	2	0	3	0	2
COMMENDATIONS	2	2	2	1	3	1	0
CRITICAL INCIDENTS	2	0	4	5	3	2	1
INFO ONLY/OTHER	N/A	N/A	21	18	27	28	33
<b>TOTAL CASES</b>	<b>64</b>	<b>49</b>	<b>56</b>	<b>55</b>	<b>57</b>	<b>60</b>	<b>47</b>

discovered through the investigation to issue a finding and communicate findings to the Chief of Police for review. The Director will also respond to the complaining party.

Other investigations include *Critical Incidents* that involve an action by one or more officers or employees of the BPD that meet certain criteria as defined by Boise City Code. In such cases, the OPO will be notified by the BPD that an incident has occurred and the OPO will often respond to the scene of the incident as needed for our investigative purposes.

In 2019, the OPO opened a total of 47 investigations from incidents reported to the office. The OPO opened 2 Appeals, 1 Critical Incident, 11 Information Only cases and 33 Inquiries. 28 of these cases were closed 19 remain open and are currently being investigated and/or have been suspended pending the outcome of criminal proceedings involving the underlying incident and complaining party or awaiting Critical Incident Task Force (CITF) investigations to be completed.

	Opened	Closed
Appeals	2	0
Commendations	0	0
Complaints	0	0
Critical Incidents	1	0
Informations Only	11	9
Inquiries	33	19
<b>Total</b>	<b>47</b>	<b>28</b>

### Investigation Findings

At the conclusion of an investigation opened by the OPO, an investigation finding may be issued by the Director. For a complete explanation of findings and their descriptions, please refer to the appendix section of this report. The OPO issued 1 *Exoneration*, 2 *Unfounded* and 1 *No Finding* to investigations completed in 2019. The remaining cases were closed as not requiring any further action or resulted in the matter being withdrawn by the complainant.

CASE TYPE	SUSTAINED	NOT SUSTAINED	EXONERATED	UNFOUNDED	NO FINDING	CLOSED/NO FURTHER ACTION OR WITHDRAWN
APPEALS	0	0	0	0	0	0
COMMENDATIONS	0	0	0	0	0	0
COMPLAINTS	0	0	0	0	0	0
CRITICAL INCIDENTS	0	0	0	0	0	0
INFORMATION ONLY	0	0	0	0	0	9
INQUIRIES	0	0	1	2	1	15

### Trends & Reported Issues

The OPO is receptive to all issues brought to the office and a significant portion of work is performed meeting the needs of people who simply are seeking information. Some contacts fall outside the City of Boise OPO jurisdiction. For customer service purposes, the staff tries to make appropriate referrals. Many of the issues brought to the OPO pertain to matters that can be addressed through answering questions on procedures of the criminal justice system and policing and do not reach a formal opening

of a case file. At times, individuals will contact the OPO after already filing a complaint with the BPD OIA. When that occurs, the OPO will not open a case file. We inform the complaining party that they may return to the OPO if they are unsatisfied with the decision rendered by the BPD OIA. If they choose to do so, the OPO will consider that an *Appeal* from the BPD decision to the OPO.

Of the matters handled by the OPO in 2019, (where a formal case file was opened) the predominant issue pertained to grievances with the procedures or processes used by officers or the department in handling a given situation. *Procedural Grievances* encompass a wide range of citizen complaints that 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. An example may be when a citizen complains that an officer did not cite the opposing driver during a traffic collision investigation.

<i>Issue Type</i>	<b>#</b>	<b>%</b>
Not Applicable	11	25
Simple Concern	2	5
Department Operations	1	2
Officer Conduct	7	16
Procedural Grievance	16	36
Service Delivery	7	16
<b>Total</b>	<b>44</b>	<b>100</b>

These cases encompass 36% of all matters opened by the OPO this year.

Other issues brought to the OPO resulting in the opening of a formal case file were: Issues with service delivery (16%), officer conduct (16%), department operations (2%) and simple concerns (5%). The remaining 25% of cases opened by the OPO pertained to other informational type cases. These were matters brought by citizens that, after some investigation, it was discovered the issue fell outside of the OPO’s jurisdiction, such as a complaint with the actions of an officer of an adjacent agency.

None of the cases opened (and closed) by the OPO in 2019 resulted in upgrading to a formal *Complaint*.

## **Audits**

*“A fundamental oversight function of the OPO is the systematic monitoring and review of the internal investigations conducted by the BPD... to ensure that they are complete, thorough, fair & objective.”*

A fundamental oversight function of the OPO is the systematic monitoring and review of the internal investigations conducted by the BPD. The purpose of these reviews (audits) is to ensure that the internal investigations are conducted within the policies and procedures governing such investigations and that they are *complete, thorough, fair and objective*.

Our reviews 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.

The OPO conducts an audit of *all Citizen Complaints* received by the department, including those brought by the department itself, and 10% of all other case types. On-going audits for 2019 include the review of 175 internal investigation case files. A separate comprehensive report is compiled annually by the OPO describing the audits conducted, with any and all issues discovered during the audits. This report is published near the first quarter of the year after all audits have been completed. The audits for 2019 are currently underway to allow case files opened later in the year to be completed.

## **Director Activities and OPO Community Outreach** ---

Earlier this year the City began a search for its new Chief of Police. The Director provided input to the Human Resources department regarding the nation-wide recruitment, including providing advice on recruiting materials, desired skill set and policing philosophy of candidates.

The Director gave the keynote speech to the Treasure Valley NAACP Martin Luther King Jr. commemoration dinner. Over the summer the Director met with Command Staff and Lieutenants to discuss leadership development, BPD priorities and thoughts about future leadership in the Department. The experience was educational and an opportunity to develop professional relationships within the Department.

The Director conducted regular meetings with relevant stakeholders within the City to ensure that the OPO is apprised of BPD actions relating to front and back-end oversight. The Director attended seminars on topics such as Law and Police Misconduct, and Employment Law relating to terminations and discipline, police use of force, Taser use, deadly force and body worn cameras, police encounters and Supreme Court Rulings.

The Director was invited to speak to a panel of Idaho State Legislators for a learning session held to begin understanding the concept of police oversight. The Director has had several meetings with the Native American Community of Boise leadership wherein several discussions were held about providing input and feed back to the BPD.

The Director met with the BPD Officer assigned to develop relationships with the Latino Community and meets regularly with leaders in the African American Community. Further relationships have been developed and the OPO hopes to expand their relationships in more communities and deepen our relationships with those already part of our friendship network.

The Director assisted BPD with their communications with the members of their Diversity Subcommittee to the Chief's Advisory Committee.

## Appendix

### OPO Case Classification & Methodology

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

#### Complaint Investigations

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. 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 accordingly.

#### 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. In such cases, the OPO will investigate 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.

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.

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 complaining party directly and 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 action as previously described.

4. *Information Only* cases are cases opened for any contact with OPO, including referrals to other law enforcement jurisdictions, regulatory agencies, senior care 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 assigned 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**

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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:

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.



CITY OF BOISE  
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123 N. 6<sup>th</sup> Street  
Boise, Idaho 83701

Telephone: (208) 972-8380  
Email: [bpdoversight@cityofboise.org](mailto:bpdoversight@cityofboise.org)

[www.cityofboise.org](http://www.cityofboise.org)